

ONTARIO ENERGY BOARD

IN THE MATTER OF an application by Kitchener-Wilmot Hydro Inc. and Waterloo North Hydro Inc. for leave for Merged Holdco to acquire control of Kitchener Power Corp. and Waterloo North Hydro Holding Corporation pursuant to section 86(2)(b) of the *Ontario Energy Board Act, 1998*;

AND IN THE MATTER OF an application by Kitchener-Wilmot Hydro Inc. and Waterloo North Hydro Inc. for leave to amalgamate to form LDC MergeCo made pursuant to section 86(1)(c) of the *Ontario Energy Board Act, 1998*;

AND IN THE MATTER OF an application by Kitchener-Wilmot Hydro Inc. and Waterloo North Hydro Inc. for leave for LDC MergeCo to track costs to the existing regulatory and deferral and variance accounts (“DVAs”) currently approved by the Board for each service area and to seek disposition of their balances at a future date;

AND IN THE MATTER OF an application by Kitchener-Wilmot Hydro Inc. and Waterloo North Hydro Inc. for leave for LDC MergeCo to track the grossed-up PILs impact of the variance between the unsmoothed accelerated depreciation approach agreed to by Waterloo North Hydro Inc. in its 2021 Cost of Service Settlement Proposal (EB-2020-0059), and the effective PILs impact of the phase-out/elimination of the accelerated CCA anticipated to begin after 2023 and until LDC MergeCo’s rebasing.

NOTICE OF INTERVENTION

OF THE

SCHOOL ENERGY COALITION

1. The School Energy Coalition (“SEC”) applies for intervenor status in this proceeding.
2. SEC is a frequent intervenor in Board proceedings. Our current Annual Filing can be found on the Board’s website, here:

<https://www.rds.oeb.ca/CMWebDrawer/Record/737250/File/document>

3. The School Energy Coalition intends to apply for recovery of its costs reasonably incurred in the course of its intervention in this matter. SEC has participated in many past natural gas and electricity proceedings in Ontario, including consultations, rate cases, and other processes and hearings, and has been found eligible to be paid its reasonably incurred costs in all of those proceedings.

Issues to be Addressed

4. SEC's intended participation will include the following:
 - a. The impact of the proposed transactions on the ratepayers of both utilities, in both the short and long term, including application of the "no harm" test, and whether the proposed rates going forward are just and reasonable;
 - b. The consistency of the proposed transactions, including proposed conditions and related activities, with the Board's policies and guidelines, including recent decisions of the Board in other cases;
 - c. Proposal for to track the grossed-up PILs impact of the variance between the unsmoothed accelerated depreciation approach agreed to by Waterloo North Hydro Inc. in its 2021 Cost of Service Settlement Proposal (EB-2020-0059), and the effective PILs impact of the phase-out/elimination of the accelerated CCA anticipated to begin after 2023 and until LDC MergeCo's rebasing;
 - d. If the applicant is granted, in full or in part, what conditions should the Board approve; and
 - e. Generally, to represent the interests of school boards and their students in this process.

The Intervenor's Intended Participation

5. SEC intends to participate in any pre-hearing procedures, including interrogatories or technical conferences, and settlement conferences. SEC also intends to participate in any oral hearings of this matter, and in written or oral submissions, as well as any other parts of the process that the Board should order. While SEC does not currently intend to file evidence in this proceeding, it reserves its right to do so depending on the responses to interrogatories and any other discovery processes ordered by the Board.

Nature of Hearing Requested

6. Until interrogatories have been answered, we believe it is premature to assess whether a written or an oral hearing is more appropriate in this proceeding.

Counsel/Representative

7. SEC requests that a copy of all documents filed with the Board by each party to this proceeding be served on the intervenor, and on the intervenor's counsel, as follows:
 - a. School Energy Coalition: (electronic copies only)

ONTARIO EDUCATION SERVICES CORPORATION
c/o Ontario Public School Boards Association
439 University Avenue, 18th Floor
Toronto, ON
M5G 1Y8

Attn: Ted Doherty, Executive Director
Phone: 416-340-2540
Fax: 416-340-7571
Email: SEC@oesc-cseo.org

b. SEC's counsel: (electronic copies only)

SHEPHERD RUBENSTEIN PROFESSIONAL CORPORATION
2200 Yonge Street, Suite 1302
Toronto, Ontario, M4S 2C6

Attn: Mark Rubenstein
Phone: 647-483-0113
Fax: 416-438-3305
Email: mark@shepherdrubenstein.com

With an electronic copy to:

Attn: Fred Zheng
Phone: 647-483-0114
Email: fred@shepherdrubenstein.com

Respectfully, submitted on behalf of the School Energy Coalition this February 23, 2022.

Mark Rubenstein
Counsel for the School Energy Coalition