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July 6, 2022

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Ms. Nancy Marconi
Registrar
Ontario Energy Board
Suite 2700, 2300 Yonge Street
P.O. Box 2319
Toronto, ON M4P 1E4

Dear Ms. Marconi:

RE: EB-2022-0028- EPCOR Electricity Distribution Ontario Inc., Cost of Service Application – Response to Intervenor Applications

The Notice of Application, issued June 13, 2022 by the Ontario Energy Board (OEB), outlined that anyone wishing to be an intervenor must register to be an intervenor by July 4, 2022. EPCOR Electricity Distribution Ontario Inc. (EPCOR) is confirming that it has reviewed intervention requests from School Energy Coalition (“SEC”) dated June 29, 2022 and Small Business Utility Alliance (“SBUA”), dated July 4, 2022.

EPCOR has no objections to the intervenor request filed by SEC.

However, for the reasons set out below, EPCOR requests that the OEB deny SUBA’s request for intervenor status. Rule 22.02 of the OEB Rules of Practice and Procedure sets out the test that an applicant must meet in order to be granted intervenor status. That provision reads as follows:

22.02 The person applying for intervenor status must satisfy the OEB that he or she has a substantial interest and intends to participate actively and responsibly in the proceeding by submitting evidence, argument or interrogatories, or by cross examining a witness.

Therefore, the person applying for intervenor status bears the burden of establishing that it has a substantial interest in the proceeding and intends to participate actively and responsibly.

SUBA’s intervenor application states in part that, “SBUA’s members located, for example, in the Cities of Toronto and Ottawa, the Counties of Chatham-Kent, Wellington, Muskoka, Brant, Suffolk, and Norfolk, and the Niagara Falls area. In anticipation of its potential intervention in this case, SBUA has begun engagement efforts vis-à-vis small businesses in the Collingwood, Stayner, Creemore and Thornbury.”

We respectfully submit that SBUA has not established that it has a substantial interest in this proceeding because it appears they currently do not represent small business interests who are served by EPCOR. The OEB has previously stated that it is important to ensure that the time and resources allocated to a rate case are as time and cost efficient as possible. In order to ensure that happens, EPCOR submits that the membership of representative organizations who seek intervenor status are an important factor to consider in determining whether or not there is a "substantial interest". SBUA should at a minimum be expected to (a) represent a constituency that is directly impacted by the application and (b) be able to show there is an effective means to obtain instruction and direction from representatives of that constituency.

As SBUA does not represent customers currently served by EPCOR, they do not meet the test for intervenor status and therefore should not be allowed to intervene.

Yours truly,

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