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Barristers and Solicitors

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SEP 24 2008

ONTARIO ENERGY BOARD

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Please reply to the TORONTO OFFICE

September 24, 2008

File No. 2080642

BY COURIER

Ontario Energy Board
2300 Yonge Street 27th Floor
Toronto, Ontario M4P 1E4

Attention: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: Enbridge Gas Distribution Inc. EB-2008-0271

Please find enclosed two hard copies of School Energy Coalition's Notice of Intervention in respect of the above mentioned matter.

Yours very truly

SHIBLEY RIGHTON LLP

John De Vellis
JDV/tw
Enclosure

cc: Mr. N. Ryckman, Enbridge Gas Distribution Inc. (email only)

EB-2008-0271

OEB BOARD SECRETARY	
File No.	Sub File 4
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IN THE MATTER OF the Ontario Energy Board
Act 1998, S.O. 1998, c. 15, (Schedule B);

AND IN THE MATTER OF an application by
Enbridge Gas Distribution Inc. for an order or
orders approving the balances and clearance of
certain Demand Side Management Variance
Accounts into rates, as at July 1, 2009

NOTICE OF INTERVENTION
OF THE
SCHOOL ENERGY COALITION

1. The School Energy Coalition applies for intervenor status in this proceeding.

General Interest of the Intervenor

2. The School Energy Coalition is a coalition established to represent the interests of all Ontario publicly-funded schools in matters relating to energy regulation, policy, and management. It is made up all seven of the major school-related organizations, representing all of the school boards, and all levels of school management, and through them representing the approximately 5000 schools and about 2 million students in Ontario. The primary goal of these organizations is to promote and enhance public education for the benefit of all students and citizens of Ontario.
3. The intervenor's members have a significant interest in the activities of regulated utilities and their affiliates in the province, due to the severe financial implications those activities have on school boards, their students and the people of the province of Ontario. Utility costs are one of the most significant cost pressures facing school boards. The cost of energy services to the intervenor's members is currently in excess of \$360 million, and has increased rapidly over the last five years. To produce balanced budgets in the face of ever increasing utility costs, school boards have repeatedly been forced to cut essential programs and services to the detriment of the students and the public of the province of Ontario.
4. A significant number of schools and students are in the applicant's franchise area. The school boards in the applicant's area are among the applicant's largest customers.

Issues to be Addressed

5. The School Energy Coalition is intervening to assess the reasonableness of the amount recorded in the Demand Side Management Variance Account and whether the balance should be charged to ratepayers, in whole or in part. In the event any costs are to be charged to ratepayers, SEC would also like to explore how the costs should be allocated among rate classes.

The Intervenor's Intended Participation

6. The School Energy Coalition intends to participate in any pre-hearing procedures, including interrogatories or technical conferences, and settlement conferences. SEC also intends to participate in the oral hearing of this matter, and in written or oral submissions, as well as any other parts of the process that the Board should order.

Counsel/Representative

7. The School Energy Coalition requests that a copy of all documents filed with the Board by each party to this proceeding be served on the Applicant, and on the Applicant's counsel and case manager as follows:

- (a) School Energy Coalition:

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

Attn: Bob Williams, Co-ordinator
Phone: 416 340-2540
Fax: 416 340-7571
Email: bwilliams@opsba.org

- (b) School Energy Coalition's counsel:

SHIBLEY RIGHTON LLP
Barristers and Solicitors
250 University Avenue, Suite 700
Toronto, Ontario, M5H 3E5

Attn: John De Vellis
Phone: 416 214-5232
Fax: 416 214-5432
Email: john.devellis@shibleyrighton.com

(c) School Energy Coalition's case manager/consultant

INSTITUTIONAL ENERGY ANALYSIS, INC.

250 University Avenue, Suite 700
Toronto, Ontario, M5H 3E5

Attn: Rachel Chen, Principal Consultant
Phone: 416 214-5218
Fax: 416 214-5418
Email: rachel.chen@ieai.ca

Costs

8. The School Energy Coalition intends to apply for recovery of its costs reasonably incurred in the course of its intervention in this proceeding. The School Energy Coalition has participated in many past natural gas and electricity proceedings in Ontario, including the Natural Gas Forum, 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.
9. The School Energy Coalition is eligible for a cost award because it "primarily represents the interests of consumers (e.g. ratepayers) in relation to regulated services". School boards are one of the largest groups of non-industrial energy consumers in the province, and their energy costs have a direct impact on the education of millions of Ontario children. The formation of the School Energy Coalition ensured that all representatives of the interests of schools participated jointly in OEB proceedings.
10. School Energy is not ineligible by reason of any of the criteria contained in section 3.05 of the Practice Direction on Cost Awards.

Respectfully submitted on behalf of the School Energy Coalition this 24th day of September, 2008.

SHIBLEY RIGHTON LLP

Per: 

John De Vellis