

# CONSUMERS COUNCIL OF CANADA

September 2, 2008

Marika Hare  
Ontario Energy Board  
Suite 2701  
2300 Yonge Street  
Toronto ON M4P 1E4

Dear Ms Hare:

RE: EB-2008-0150

As you know, the Consumers Council of Canada ("Council") has taken the position that the Ontario Energy Board ("Board") needs to decide what we describe as a "threshold" issue, namely whether the Board, and through it the utilities, or the government provide programs for low-income consumers. It is the Council's position that the Board should decide that threshold issue before deciding how such programs might be implemented.

The Council's concern is that the list of issues and questions for discussion at the stakeholder conference, which forms Appendix "A" to the Board's letter of August 11, 2008, does not posit that threshold question, or at least does not posit it clearly, and so does not allow parties to make submissions on it. The Council believes that the threshold issue should be clearly framed, so that parties may make submissions on it. Accordingly, the Council submits that the first issue to be considered at the stakeholder conference should be whether the Board should implement policies, programs or other measures, or require utilities to do so, designed to assist low-income energy consumers.

Ideally, the threshold issue would be disposed of before consideration of the implementation issues. Were the Board to do so, parties might be spared the time, effort and expense required to respond to the implementation issues. However, we understand that the Board may be reluctant to engage in a two-stage process, whereby it decides the threshold issue before it considers the balance of the issues. Although a two-stage process is preferable, the Council does not believe that a two-stage process is absolutely required. The Board can consider the threshold issue at the same time as it considers the balance of the issues. What we think is essential is that the Board's first decision should be on the threshold issue, regardless of whether that first decision is issued at the same time as the decision on the implementation issues, or whether it is issued before a decision on the implementation issues.

The Council also thinks it important that other parties provide their views on whether the Board should consider the threshold issue and, if so, what the terms of that threshold issue should be. To that end, we are copying this letter to all of the parties in the proceeding.

Yours truly,  
Consumers Council of Canada



Joan Huzar  
Chair, Energy Committee

cc: Don Mercer  
cc: Robert Warren  
cc: Julie Girvan  
cc: All Parties in EB-2008-0150