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SEP 22 2008

**ONTARIO ENERGY BOARD**

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Please reply to the TORONTO OFFICE

September 19, 2008

**BY COURIER**

24/08  
Ontario Energy Board  
2300 Yonge Street 27th Floor  
Toronto, Ontario M4P 1E4

**Attention: Kirsten Walli, Board Secretary**

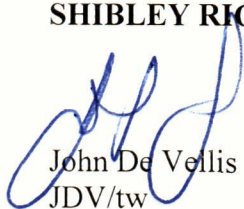
Dear Ms. Walli:

**Re: Canadian Niagara Power Inc. - Eastern Ontario Power EB-2008-0222**

Please find enclosed a copy of the Notice Intervention of the School Energy Coalition in respect of the above-captioned matter. An electronic copy has already been sent to the parties.

Yours very truly

**SHIBLEY RIGHTON LLP**

  
John De Vellis  
JDV/tw  
Enclosure

cc: Mr. D. Bradbury, Canadian Niagara Power Inc. - Eastern Ontario Power ( email only)

File No. 2080634  
**EB-2008-0222**

| OEB BOARD SECRETARY |                    |
|---------------------|--------------------|
| File No:            | Sub-File: <b>4</b> |
| Panel               | <b>KQ, PV</b>      |
| Licensing           | <b>Lee H.</b>      |
| Other               |                    |
|                     |                    |
| 0004                | <b>TRIM</b>        |

**IN THE MATTER** of the *Ontario Energy Board Act 1998*,  
Schedule B to the *Energy Competition Act*, 1998, S.O. 1998, c.15;

AND IN THE MATTER OF an Application by Canadian Niagara Power  
Inc. – Eastern Ontario Power for an Order or Orders approving just and  
reasonable rates and other service charges for the distribution of  
electricity, effective.

**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 \$370 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.

#### **Issues to be Addressed and Intervenor's Intended Participation**

4. SEC's intended participation will focus on the following issues:
  - a. review and assess the Applicant's overall revenue deficiency/sufficiency, and the rates proposed by the utility for its 2009 test year as a result;
  - b. review the cost allocations and rate design as they impact on school boards and other ratepayers; and
  - c. generally represent the interests of the school boards and their students in this proceeding in all major aspects of the application.
5. The foregoing summary is intended to be illustrative but not exhaustive. The School Energy Coalition will continue to review the Applicant's evidence as the balance of the pre-filing herein is completed and the record continues to develop, and will advise parties of any further areas of interest/concern prior to the alternative dispute resolution conference, or if applicable, thereafter.

#### **The Intervenor's Intended Participation**

6. SEC is interested in all aspects of the Application, but has limited resources and so has to prioritize its activities. Therefore, after filing its Notice of Intervention, SEC will assess the extent to which its involvement would add value, in light of the size and complexity of the Application, and the planned activities of other intervenors. The scope of our involvement in this Application may thus evolve into a largely passive role, or that of lead intervenor, or some point in between. SEC's intention is to be fully active in only a few of the 2009 cost of service applications before the Board.

#### **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, 18<sup>th</sup> 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**

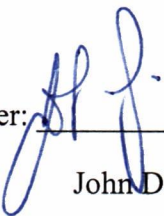
8. The School Energy Coalition intends to apply for recovery of its costs reasonably incurred in the course of its intervention in this matter. The School Energy Coalition has participated in many past natural gas and electricity proceedings in Ontario, including the Natural Gas Forum, consultations, 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. The School Energy Coalition 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 19<sup>th</sup> day of September, 2008.

**SHIBLEY RIGHTON LLP**

Per:  \_\_\_\_\_  
John De Vellis