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ONTARIO ENERGY BOARD

Please reply to the TORONTO OFFICE

BY EMAIL and COURIER

November 6, 2007
Our File No. 2070060

EN
NOV 7 10 7
Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
M4P 1E4

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: Horizon Utilities Corporation EB-2007-0697

We are the solicitors for the School Energy Coalition. On behalf of our client, we submit the enclosed Notice of Intervention with respect to Ontario Energy Board EB-2007-0697. Please feel free to call our office with any questions or concerns.

Yours very truly,
SHIBLEY RIGHTON LLP

Jay Shepherd

encl.

cc: Cameron McKenzie, Horizon Utilities Corporation (email only)
Mark Rodger, Borden Ladner Gervais LLP (email only)

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 Horizon Utilities Corporation. for an Order or Orders approving just and reasonable rates and other service charges for the distribution of electricity, effective May 1, 2008.

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 2008 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. 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.

Nature of Hearing Requested

7. Given the volume of the Applicant's written pre-filed evidence and the issues raised therein, SEC believes that an oral hearing may be necessary for some or all issues in this proceeding.

Counsel/Representative

8. 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: Jay Shepherd

Phone: 416 214-5224 Fax: 416 214-5424

Email: jay.shepherd@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

9. 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.
10. 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.

11. 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 6th day of November, 2007.

SHIBLEY RIGHTON LLP

Per: 

Jay Shepherd