



**SHIBLEY RIGHTON LLP**  
Barristers and Solicitors

John De Vellis  
Direct Line 416-214-5232  
Direct Fax 416-214-5432  
john.devellis@shibleyrighton.com

RECEIVED

DEC 03 2009

ONTARIO ENERGY BD

TORONTO OFFICE:  
250 University Avenue, Suite 700, Toronto, Ontario, M5H 3E5  
Main 416 214-5200 Toll free 1-877-214-5200  
Facsimile 416 214-5400

WINDSOR OFFICE:  
2510 Ouellette Avenue, Suite 301, Windsor, Ontario, N8X 1L4  
Main 519 969-9844 Toll free 1-866-422-7988  
Facsimile 519 969-8045  
www.shibleyrighton.com

Please reply to the TORONTO OFFICE

December 3, 2009

File No. 2090567

**BY COURIER**

3/12/09  
Ontario Energy Board  
2300 Yonge Street 27th Floor  
Toronto, Ontario M4P 1E4

**Attention: Kirsten Walli, Board Secretary**

Dear Ms. Walli:

**Re: North Bay Hydro Distribution Limited EB-2009-0270**

Please find enclosed a copy of the Notice Of 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

EB-2009-0270

OEB BOARD SECRETARY	
File No:	Sub File: 4
Panel	GK, DC
Licensing	Neil m.
Other	
00/04	



**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 Norht Bay Hydro Distribution Limited for an Order or Orders approving just and reasonable rates and other service charges for the distribution of electricity, effective May 1, 2010.

**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 almost \$500 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 all aspects of the Applicant's revenue requirement, load forecast, cost allocation and rate design.

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

5. 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 any 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. SEC will coordinate with other rate payer groups to minimize costs.

### **Nature of Hearing Requested**

6. Until interrogatories have been answered, we believe it is premature to assess whether a written or an oral hearing is more appropriate in this proceeding..

### **Counsel/Representative**

7. The School Energy Coalition requests that an electronic copy of all documents filed with the Board by each party to this proceeding be served on the SEC, and on the SEC'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: Wayne McNally, SEC Co-ordinator

Phone: 416 340-2540

Fax: 416 340-7571

Email: wmcnally@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

**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 2<sup>nd</sup> day of December 2009.

**SHIBLEY RIGHTON LLP**



\_\_\_\_\_  
John De Vellis