

Elson Advocacy

November 13, 2024

BY RESS

Ms. Nancy Marconi

Registrar

Ontario Energy Board

2300 Yonge Street, Suite 2700, P.O. Box 2319

Toronto, Ontario M4P 1E4

Dear Ms. Marconi:

**Re: Advancing Performance-based Regulation
EB-2024-0129**

We are writing on behalf of Environmental Defence to request participant status and costs eligibility in the above matter.

Nature of Interest in the Review

Environmental Defence seeks participant status and costs eligibility as a leading environmental organization that represents both the public interest in environmental protection and the interests of consumers whose energy bills can be reduced through measures that benefit the environment and lower energy bills.

Environmental Defence has been granted intervenor status, participant status, and costs eligibility in over 60 proceedings before the Ontario Energy Board over the past decade. Environmental Defence's energy consultant, Jack Gibbons, has approximately 40 years of experience with Ontario energy regulation and Ontario Energy Board matters. Environmental Defence's energy counsel, Kent Elson, has approximately 15 years of experience with Ontario Energy Board matters. Environmental Defence is well-positioned to positively contribute to this review.

Environmental Defence wishes to review the jurisdictional report and other materials in this consultation, comment on those materials, and put forward concrete recommendations with respect to performance-based regulation. Environmental Defence is particularly interested in utility remuneration models that would better align the interests of customers and utilities in the face of the energy transition. For electric utilities, this would include models that provide appropriate incentives to implement cost-effective alternatives to capital investments using O&M funding that does not earn a return under standard approaches. Environmental Defence's counsel participated in the previous utility remuneration consultation and the framework for energy innovation consultation and is we

Il placed to provide a helpful contribution to this proceeding.

Relief re Participant Request Deadline

Environmental Defence requests that this participant request be accepted despite the deadline having passed. This would not prejudice any of the parties or cause delay as we are still at a very early stage in this proceeding and the deadline passed only three business days ago.

Grounds for Eligibility and Need for Funding

Environmental Defence is eligible for an award of costs under section 3.03(a) and (b) of the Practice Direction on Costs Awards as it represents “an interest or policy perspective relevant to the Board’s Mandate,” including environmental protection, and the “direct interest of consumers” whose energy bills can be reduced through measures such as appropriate rate design, integrated resource planning, and reduced transmission losses.

Environmental Defence has no funding to participate in this process without an award of costs eligibility.

Further Details Regarding Environmental Defence

Environmental Defence is a frequent intervener. Its frequent intervener form may be found at the following link: <https://www.rds.oeb.ca/CMWebDrawer/Record/804452/File/document>.

Requests for Evidence and Addresses of Representative

Environmental Defence requests that electronic copies of the pre-filed materials and all other documents in the proceeding be delivered to the following consultant and counsel:

Electronic copies to:

Jack Gibbons
Ontario Clean Air Alliance
160 John Street, Suite 300
Toronto, Ontario M5V 2E5
Tel: (416) 260-2080 ext. 2
E-mail: jack@cleanairalliance.org

Electronic copies to:

Elson Advocacy

Kent Elson
Amanda Montgomery
1062 College Street, Lower Suite

Toronto, Ontario M6H 1A9
Tel: (416) 906-7305
Fax: (416) 763-5435
E-mail: kent@elsonadvocacy.ca/amanda@elsonadvocacy.ca

We also request that the above individuals be listed on the participants' list under Environmental Defence.

Address of Environmental Defence

Environmental Defence's full name and address is:

Environmental Defence Canada Inc.
33 Cecil Street, 1st Floor
Toronto, Ontario M5T 1N1
Tel: (416) 323-9521
Fax: (416) 323-9301

However, please send correspondence and any other materials to both Jack Gibbons and to counsel as the authorized representatives.

Service on other Parties

Environmental Defence requests the Board's directions as to whether this letter should be served on any other parties.

Please do not hesitate to contact me if anything further is required.

Yours truly,



Kent Elson