

Elson Advocacy

January 27, 2025

Nancy Marconi
Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, Ontario M4P 1E4
registrar@oeb.ca

Dear Ms. Marconi

**Re: 2026-2030 DSM Plan Application – Intervenor Status Request
Response of Small Business Utility Alliance to Enbridge Gas Inc.**

I am writing on behalf of the proposed intervenor, Small Business Utility Alliance (SBUA). This letter constitutes SBUA's response to the objections raised by Enbridge Gas Inc. in their letter dated January 21, 2025.

SBUA respectfully submits that Enbridge's requests regarding its participation in the upcoming DSM proceedings are invalid and should be rejected. SBUA's voice is critical to ensuring that any approved DSM plan adequately serves small business customers and achieves cost-efficient energy savings. The arguments raised in the applicant's letter are red herrings and a distraction from the important considerations in this DSM proceeding.

Contributions to the OEB

SBUA has been accepted as an intervenor in four previous OEB proceedings.¹ In its earliest intervention requests, the Alliance provided the Board with extensive background on its membership, activities and mandate.² This included a copy of SBUA's Constitution, which identifies its main object: "to advocate for the broader interests of the small business community as a whole and not the specific or direct financial interests of individual small businesses or the members of our alliance."³

This mandate has guided its interventions in two previous proceedings,⁴ most notably, Enbridge's 2022-2027 DSM Plan application (EB-2021-0002). In that case, SBUA's submissions and expert evidence impacted the Board's decision on two critical issues:

¹ EB-2021-0002 ([link](#)); EB-2022-0028 ([link](#)); EB-2022-0043 ([link](#)); EB-2022-0067 ([link](#)).

² See enclosed letters dated October 21, 2021, July 12, 2022 and July 20, 2022.

³ See enclosed First Amended Constitution and Governing Rules of Small Business Utility Alliance, Art II.

⁴ See for example: EB-2021-0002 Exhibit L.SBUA.1 ([link](#)); SBUA Expert Presentation ([Link](#)); EB-2022-0028 SBUA Submissions ([link](#)).

- Commercial program offerings
- Cost avoidance calculations

Regarding the commercial program offerings, the Board's final decision stated:

However, the OEB is of the view that for the next DSM plan, Enbridge Gas should give further consideration to additional opportunities for the program offerings to evolve and reflect practical realities, including those faced by small businesses *as highlighted by SBUA* and discuss with the SAG [emphasis added].⁵

Enbridge now proposes a new specific MicroBusiness Offering as part of its 2024 Commercial Plan. It is hard to see how this is not, in large part, a result of SBUA's intervention and focus on the needs of small and micro businesses in the last DSM hearing – including retail and food service enterprises.⁶

Similarly, the OEB's previous DSM Decision and Order accepted concerns addressed by SBUA's experts regarding avoided cost calculations:

The OEB is satisfied that for the upcoming DSM plan period of 2023 to 2025, that it is reasonable to use the avoided costs proposed by Enbridge Gas. However, *the OEB is mindful that in the near-term, it is likely that greater emphasis will be placed on fuel switching and electrification* [emphasis added]. Therefore, it is important to continually ensure that customers have choice on various energy options. In order to allow for as accurate a comparison as possible, it is important that the most relevant avoided costs are being used in the calculation of cost-effectiveness, particularly between electricity and natural gas options.⁷

This is important for small businesses and for all customer classes. The new DSM plan explicitly speaks to this issue.

Since the filing of its previous DSM Plan (EB-2021-0002), Enbridge Gas has consulted with the IESO and has updated its approach to quantifying electricity impacts to more closely align with Enbridge Gas's understanding of the IESO's methodology.⁸

These examples are illustrative of SBUA's meaningful and constructive participation in the previous DSM proceedings, as well as its potential role in the present case.

⁵ EB-2021-002 Decision and Order at p. 37 ([link](#)).

⁶ EB-2024-0198, Exhibit E, Tab 4, Sch. 7, at pp. 1-7 ([link](#)).

⁷ EB-2021-002 Decision and Order at p. 84 ([link](#)).

⁸ EB-2024-0198, Exhibit D, Tab 9, Sch. 1, at p. 1 ([link](#)).

Substantial Interest in 2026-2030 DSM Proceedings

The Applicant asserts that SBUA does not have a substantial interest in the proceeding, in part because it did not attend Enbridge’s 2024 DSM stakeholder consultation events.⁹ Respectfully, this does not reflect the OEB’s intervention scheme and objectives as set out in Rule 22 of the OEB Rules of Practice and Procedure, the internal SBUA practices, or the recent Report Back to the Minister on Intervenors and Regulatory Efficiency.¹⁰

The latter document stated that:

The OEB is an adjudicative tribunal founded on a quasi-judicial adversarial model. Therefore, external participation in OEB adjudicative proceedings, including those by regular intervenors, is an important part of how the OEB hears applications and makes its decisions. While OEB staff represent and advocate in the broad public interest, persons with a “substantial interest” in an application are also entitled to participate.¹¹

As you know, the Board has defined a party with substantial interest as including a person “primarily represent[ing] the direct interests of consumers.”¹²

SBUA has consistently shown itself to be an organization dedicated to representing and amplifying the interests of small and micro business ratepayers in OEB proceedings. This remains true of the current DSM application, in which SBUA’s constituency has a direct interest in ensuring that an approved plan:

- realizes the highest level of cost-effectiveness;
- achieves significant energy savings; and
- offers meaningful opportunities for small and micro business participation.

At the time of the DSM pre-consultations, SBUA was experiencing a change in counsel, such that it did not have dedicated resources to participate in such events.¹³ However, SBUA ensured representation of small business perspectives through the individual participation of one of SBUA’s previous and proposed experts (Francis Wyatt), who sat on the DSM Stakeholder Advisory Group (SAG). Although Mr. Wyatt was not technically representing SBUA at the SAG, he is knowledgeable about the key aspects of preparing DSM programming that works for small businesses. As such, SBUA assumed that through his individual participation in the early planning process, this perspective would have been represented. Further, SBUA intended from the outset to leverage Mr. Wyatt’s experience on the SAG and formally engage him as its expert for this proceeding.

Once SBUA retained new counsel in fall, 2024, it began planning for its intended direct participation in the current DSM application.

⁹ Enbridge letter, dated January 21, 2025.

¹⁰ OEB Report Back to the Minister, Intervenors and Regulatory Efficiency, September 27, 2024 ([link](#)).

¹¹ Ibid at p. 2.

¹² OEB Rules of Practice and Procedure, Rule 22.02.

¹³ SBUA had to withdraw from its request to intervene in EB-2024-0063 during this period ([link](#)).

A decision that the pre-hearing consultation process was a prerequisite to establishing substantial interest in this DSM proceeding would undermine the accessibility of public hearings to those impacted. This is especially important in the case of small and micro businesses, which are under-represented in regulatory proceedings¹⁴ but make up a substantial proportion of the commercial ratepayer class.¹⁵

Anticipated Evidence

SBUA's intervention will provide the Board with relevant and important evidence regarding the needs of small and micro business ratepayers, as well as methodological best practices for ensuring cost effectiveness and natural gas savings.

In particular, it is anticipated that SBUA will proffer expert evidence on the following issues (subject to the OEB's determination on an Issues List):

- Gaps in commercial customer offerings, such as those operating in non-formerly residential facilities
- Level of small business energy savings targets in scorecard design
- New-build commercial offerings

In so doing SBUA will assist the Board in determining whether Enbridge has met the expectations set out in its previous DSM Decision and Order, including the directive to "give further consideration to additional opportunities for the program offerings to evolve and reflect practical realities, including those faced by small businesses."¹⁶ The Board will benefit from inclusion of the small business intervenor that motivated the direction in order to determine whether Enbridge adequately considered DSM programming for this customer group.

As appropriate, SBUA will collaborate with other intervenors to ensure efficiency in the interrogatory, evidence and submissions phases. SBUA's counsel and proposed expert have significant knowledge of the proceedings to date and will participate in a way that supports the OEB's stated objectives of "protecting the interests of consumers, promoting cost-effectiveness and facilitating the maintenance of a financially viable sector."¹⁷

Distinct Commercial Interest

If SBUA's request to intervene is accepted, Enbridge has asked that the Board combine its participation with that of the Coalition of Concerned Manufacturers and Businesses of Canada (CCMBC) and Canadian Manufacturers & Exporters (CME).

¹⁴ EGI's has recognized that this segment is underserved in its own application materials. See: EB-2024-0198, Exhibit D, Tab 3, Sch 1 at p. 11; Exhibit C, Tab 1, Sch 5, Att 5 at p. 16.

¹⁵ Small commercial customers represent 45% of total consumption in that class. EB-2024-0198, EGI Application, Exhibit C, Tab 1, Sch 5, Att 5 at p. 4.

¹⁶ EB-2021-002 Decision and Order at p. 37 ([link](#)).

¹⁷ OEB Intervention Process Guidance Document, p. 1 ([link](#)).

This request fundamentally misapprehends the distinct interests represented by SBUA. While all three organizations advocate for members of the commercial ratepayer class, their financial, operational and utility-use profiles differ significantly.

CME's stated objective in participating in OEB proceedings is "to improve the business climate for manufacturers", while the CCMBC explains its role as advocating for policies "that are conducive to manufacturing and business retention and safeguarding job growth in Canada."¹⁸ While CME's website states that 85% of its membership is made up of small-to-medium size enterprises, that segment is defined as having 500 employees or less.¹⁹

The vast majority of SBUA's members are retail and food establishments employing less than 20 people.²⁰ Their energy use, spending and priorities diverge significantly from those of the manufacturers and other commercial actors represented by CME and CCMBC. This is reflected in Enbridge's own proposed microbusiness offering.

If the OEB orders SBUA to combine its intervention with CME and CCMBC, there is a significant risk that the unique needs and positions of this important and underserved commercial ratepayer group will be drowned out or muted.

SBUA recognizes the OEB's responsibility to ensure efficiency and cost-effectiveness in utility applications. However, the Board has clearly stated that it should not take place at the cost of allowing all relevant voices to be heard.

Efforts to find efficiencies in the adjudicative process must be balanced with the OEB's obligation to ensure procedural fairness and the right to be heard. Failure to find this balance correctly heightens the risk of appeal or judicial review, which can add time and cost to all parties to resolve matters within the OEB's jurisdiction.²¹

SBUA is a party with substantial interest in the DSM proceeding, offering information, evidence and a distinct perspective that is relevant to the Board's determinations.

For the reasons outlined above, the proposed intervenors ask the Board to reject the Applicant's objections and approve their participation in EB-2024-0198.

Yours truly,



Kate Siemiatycki

Cc: Patrick McMahon, patrick.mcmahon@enbridge.com

¹⁸ CCMBC and CME Annual Filings of Frequent Intervenors (2024).

¹⁹ CME, "We're Hiring: Manufacturing Workforce Survey Report", 2019 ([Link](#)).

²⁰ See Membership List provided in the letter dated July 20, 2022.

²¹ Report Back to the Minister, Intervenors and Regulatory Efficiency, September 27, 2024 at p. 3.

October 21, 2021

Christine Long
Registrar and OEB Secretary
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4
Registrar@oeb.ca

**Re: Small Business Utility Alliance (SBUA) – Additional Supporting Information
– Multi Year Demand Side Management Plan (2022-2027) EB-2021-0002**

Dear Ms. Long:

This letter is in response to your letter dated October 19, 2021 requesting additional information about Small Business Utility Alliance (SBUA), an intervenor in the above-referenced proceeding.

This is SBUA's first intervention at the Ontario Energy Board (OEB). On May 14, 2021, SBUA sent an email letter to OEB requesting intervenor status and included general background on the organization. On June 21, 2021, OEB granted this request and approved SBUA as an intervenor eligible to apply for an award for costs. Procedural Order No. 1, p. 2.

SBUA welcomes this opportunity to provide additional background on the organization and its interest in this proceeding,¹ and responds to the OEB Letter as follows:

I. Organization, Mandate, and Objects

Small Business Utility Alliance is an unincorporated organization consisting of a group of small businesses ratepayers in Ontario, Canada, with members located across various geographic areas, including in the Cities of Toronto and Ottawa, the Counties of Chatham-Kent, Wellington, Muskoka, Brant, Suffolk, and Norfolk, and the Niagara area. The specific purpose of the organization is to represent, protect, and promote the interests of small businesses as utility customers of electric, natural gas, water, and telecommunications services before administrative

¹ SBUA did not provide frequent intervenor information with its initial appearance on May 14 because the organization is engaging in its first intervention at OEB. *See* Rule 22.03(b) of OEB's Rules of Practice and Procedure (a "frequent intervenor" must submit at least annually "its mandate and objectives, membership, if any, the constituency represented, [and] the types of programs or activities carried out...").

and regulatory bodies on utility and energy matters. Exhibit A (Constitution and Governing Rules of Small Business Utility Alliance), Art. II (Objects).

The organization's core mission is to ensure fair and reasonable energy costs for small business ratepayers, promote utility programs that help small businesses, support Ontario's progressive energy and climate change plans, and expand the options for small businesses to participate in clean energy, distributed energy, demand response, and other utility initiatives. *Id.*, Art. III (Mission); *see also* Section 3.03(a) of OEB's Practice Direction on Cost Awards (intervenor must "primarily represent[] the direct interests of consumers (e.g. ratepayers) in relation to regulated services.").

II. Vision Statement and Theory of Change

The organization was formed because small businesses have been historically underrepresented in utility matters, despite being an important customer group for utility companies and vital segment of the economy. Small business ratepayers help fund utility programs and should be encouraged to participate in the regulatory process that sets up these programs as an important stakeholder group. Small business ratepayers also have unique needs and concerns. The interests of small business customers often diverge from residential ratepayers and larger businesses on utility and energy matters, including related to rate design, revenue allocation, cost allocations between customer classes, and the designs and expenditures for utility programs. Despite the importance of this class of customers in OEB proceedings, because they usually cannot afford their own representation, most small businesses are unable to participate.

SBUA aims to address this problem by providing a mechanism and increasing the capacity for small business ratepayers to shape regulatory decisions and make their voices heard. In this process, SBUA also can hold the regulatory authorities and utilities accountable to this important ratepayer class and ensure equitable utility costs, rate design, and allocation of utility resources.

III. Membership, Constituency, and Programs

The alliance has over 50 small business members from Ontario, Canada; however, SBUA's Constitution directs its advocacy to matters that benefit the *community* of small business

ratepayers as a whole. Exhibit A, Art. II (Objects). SBUA, therefore, does not represent the direct financial interests of any individual small business or member. If SBUA prevails in its advocacy related to utility programs, costs or otherwise, the benefits to small businesses will be dispersed across all ratepayers in the relative classes. A list of our members is attached as Exhibit B.

SBUA has a charitable purpose with any profits and assets being used solely to advance the organizations objects. Exhibit A, Art. III (Nonprofit Clause). No profits or assets belong to members.

The types of programs and activities that SBUA carries out consist primarily of outreach and education of small business, whereby SBUA seeks a two-way exchange of information about utility issues and opportunities for small businesses as a community to benefit from a voice in regulatory utility proceedings. In addition, SBUA has engaged in research and volunteer projects with University of Toronto students, and the organization has spent significant time and resources securing a litigation and expert team to participate on SBUA's behalf in the OEB proceedings.

Contact Persons

The organization's governing body consists of a steering committee to make decisions and advisory members to assist. *Id.*, Art. IV (Governing Body). Current steering committee members and advisors include:

- Kayli Callen, co-owner of Yoga Nomads, Guelph, Ontario. Ms. Callen's yoga business runs classes at numerous venues and collaborates with local small businesses to curate yoga events.
- Lindsay Evans, owner of Niner Domestic Designs, Kingston, Ontario. Ms. Evans owns and operates her own small business of Niner Domestic Designs.
- Denny Vervae, co-owner of Red Barn Brewing Co., Blenheim, Ontario. Mr. Vervae is the co-owner of Red Barn Brewing Co., a family-owned and operated craft brewery situated on third-generation farmland in Blenheim, Ontario.
- Christina Parker, advisor, non-profit sector. Ms. Parker works in a Business Administration role for Autism Canada. Before entering the non-profit sector, she worked in the Hospitality Industry with various restaurants, including small businesses.

In accordance with Rule 22.03 of the OEB Rules of Practice and Procedure, the following individuals have been authorized through SBUA's steering committee as the two primary contacts and representatives in OEB proceedings:

Myriam Seers, Counsel
Savoie Laporte LLP
2 Grange Place
Toronto, ON M5T 1Z5
416-886-7154
myriam.seers@savoielaporte.com

Britt Marra, Project Manager
24 Valifor Pl.
Toronto, ON M4J 4Z7
437-800-2166
brittmarra@gmail.com

SBUA also has engaged experts Francis Wyatt and Theo Love at Green Energy Economics Groups and attorneys James Birkelund and Daniel Ebady. The client is mindful of the need to allocate professional time judiciously and will avoid unnecessary duplication between these professionals.

SBUA appreciates the opportunity to provide additional information about the organization and its mission. The constituency SBUA represents is directly affected by this OEB proceeding, and SBUA has assembled a litigation team with the experience and expertise to meaningfully participate and help OEB in its review and final decision(s) in this docket. *See* Rule 22.02 of OEB Rules of Practice and Procedure (intervenors must demonstrate a substantial interest in the proceeding and intent to participate actively and responsibly).

Please contact counsel Myriam Seers or the undersigned if additional information is required.

Yours truly,



Britt K. Marra
Project Manager
On behalf of Small Business Utility Alliance

EXHIBIT A

FIRST AMENDED CONSTITUTION AND GOVERNING RULES OF SMALL BUSINESS UTILITY ALLIANCE

ARTICLE I NAME

The name of the unincorporated organization is *Small Business Utility Alliance*.

ARTICLE II OBJECTS

The specific purpose of the organization is to represent, protect, and promote the interests of small businesses as utility customers of electric, natural gas, water, and telecommunications services before administrative and regulatory bodies on utility and energy matters. The purpose of this unincorporated organization generally will be to carry on other activities associated with the aforementioned goals as allowed by law. The organization's object is to advocate for the broader interests of the small business community as a whole and not the specific or direct financial interests of individual small businesses or the members of our alliance.

ARTICLE III MISSION

The core of the organization's mission is to ensure fair and reasonable energy costs for small businesses, promote utility programs that help small businesses, support Canada's and its provinces' progressive energy and climate change policies, and expand the options for small businesses to participate in clean energy, distributed energy, demand response, and other utility initiatives.

ARTICLE III NONPROFIT CLAUSE

The organization will be operated without purpose of gain for its members, and that any profits or other assets of the organization will be used solely to promote its objectives.

ARTICLE IV GOVERNING BODY

The structure of the organization's governing body will be comprised of selected individuals who will serve on a Steering Committee to make decisions. The Steering Committee may delegate certain tasks and decision-making authority to a manager or legal counsel for purposes of regulatory advocacy or otherwise. The organization and Steering Committee may use advisors to assist in decision-making. The organization may replace its Steering Committee members by a vote of its organizational members or by appointment by existing Steering Committee members.

ARTICLE V
MEMBERSHIP AND CONSTITUENCY

The organization seeks and welcomes members that are small businesses interested in utility and energy matters. The organization also may accept members that are nonprofits or larger entities with a mission or interest in small business utility concerns. A member may resign at any time with or without cause.

ARTICLE VI
EFFECTIVE DATE

This First Amended Constitution shall be effective as of December 1, 2020.

EXHIBIT B

Small Business Utility Alliance
Membership List

Business Member	Location of Business
Annex Common Sort	444 Bloor St. West Toronto, ON M5S 1X8
Avling Kitchen & Brewery	1042 Queen St. East Toronto, ON M4M 1K4
Barhavven iTan Studio	3191 Strandherd Road Ottawa, ON K2J 5N1
Bloom Beauty	469 Manor Rd. East, 2nd Floor Toronto, ON M4S 1T3
B-Side- Sweet Pete's Bicycle Shop	517 Bloor Street West Toronto, ON M5S 1Y4
BSIDE Beauty	1148 Queen Street East, Toronto, ON M4M 1L2
Caledonia Jewellery	52 Argyle St. N Downtown Caledonia, ON N3W1B9
CiCi's Pizza & Wings	1618 Queen Street West, Toronto, ON M6R 1A8
Common Sort	760 Queen Street E, Toronto, ON M4M 1H7
Crafty Coyote	511 Bloor St. W Toronto, ON M5S 1Y4
The Crepe House	2012 Park St. Port Dover, ON N0A 1N0
Dresden Vision	733 Queen St. East Toronto, ON M4M 1H1

Business Member	Location of Business
Eastside Social	1008 Queen St East Toronto, ON M4M 1K1
Elbers Refinishing	777 Queen St East #4, Toronto, ON M4M 1H5
Elchi Chai Shop	130 Harbord St. Toronto, ON M5S 1G8
Elgin iTan Studio	190 MacLaren St. – 2 nd floor Ottawa, ON K2P 0L4
Estiatorio Volos	133 Richmond St. West Toronto, ON M5H 2K1
Fat City Blues	890 College St. Toronto, ON M6H 1A3
The Federal	1438 Dundas St W, Toronto, ON M6J 1Y6
Firkin on Danforth	2057-B Danforth Ave. Toronto, Ontario M4C 1J8
Florcita's Classic Latin Food	79 Icomm Dr. Brantford, ON N3S 7N9
Gold Standard	385 Roncesvalles Ave Toronto, ON M6R 2N1
Goldie Living Interior Design	Niagara Falls, ON goldieliving.com
The Great Vine	36 Main St. East Huntsville, ON P1H 2C8
Hill Studio	639 Queen St E 2nd Floor, Toronto, ON M4M 1G4

Business Member	Location of Business
House of Cheese & Deli	4335 Strandherd Dr Unit 106 Nepean, ON K2J 6E5
JUSTB Salon	1150 Queen Street East, Toronto, ON M4N 1L2
Kanata iTan Studio	474 Hazeldean Road Kanata, ON K2L 5E5
LAN Vietnamese Restaurant	755 Queen Street East Toronto, ON M4M 1H3
Little Anthonys	121 Richmond St W Toronto, ON M5H 2K1
Mad Radish	34 Highbury Park Dr Unit 2, Nepean, ON K2J 5C6
Mashi Moosh	1840 Danforth Avenue Toronto, Ontario M4C 1H8
Manotick Barbershop	5545 Manotick Main St Manotick, ON K4M 1B3
Merival iTan Studio	1867 Merivale Road Ottawa, ON K2G 1E3
NatNatNails	Toronto, ON natnatnails.business.site
Noce	875 Queen St W Toronto, ON M6J 1G5
Nutrition House	80 West Beaver Creek Rd #12, Richmond Hill, ON L4B 1H3
Orlean iTan Studio	900 Watters Rd. Orléans, ON K4A 0B4

Business Member	Location of Business
Papa Ceo Pizza	654 Spadina Ave. Toronto, ON M5S 2H7
Parkdale Common Sort	1414 Queen St. W Toronto, ON M6K 1L9
Penny Lane Dermal Solutions	138 Grand River St N Paris, ON N3L 2M5
Red Barn Brewing Co.	20466 Lagoon Road Blenheim, ON N0P 1A0
Ristorante Aria	25 York St. Toronto, ON M5J 2V5
Small Town Food Co.	1263 Queen St W Toronto, ON M6K 1L5
Sweet Pete's Bicycle Shop	1204 Bloor Street West Toronto, ON M6H 1N2
Taj Bistro	140 Dunlop St E Barrie, ON L4M 6H9
Terra Plants and Flowers	1142 Clapp Ln Unit B Manotick, ON K4M 1A6
Tia Mart Studio	3560 Strandherd Dr Nepean, ON K2J 5L4
TM Sidewalk Café	1344 Danforth Ave Toronto, ON M4J 1M9
Trish's Gluten Free Bakery	229 Main St. Port Dover, ON N0A 1N0
Yoga Nomads	160 Grove St. Guelph, ON N1E 2W7



12 July 2022

Ms. Nancy Marconi
Registrar
Ontario Energy Board
2300 Yonge Street, Suite 2700
P.O. Box 2319
Toronto, ON M4P 1E4

Dear Ms. Marconi,

Re: EB-2022-0028 — EPCOR Electricity Distribution Ontario Inc., Cost of Service Application — Objection to Intervenor Request by SBUA

OVERVIEW

On 4 July 2022, Small Business Utility Alliance (SBUA) applied for intervenor status in the above matter. EPCOR has asked that the Ontario Energy Board (OEB) deny this request, arguing that SBUA has not met the burden under Rule 22.02 of the OEB Rules of Practice and Procedure, which reads:

22.02 The person applying for intervenor status must satisfy the OEB that he or she has a substantial interest and intends to participate actively and responsibly in the proceeding by submitting evidence, argument or interrogatories, or by cross-examining a witness.

SBUA respectfully submits that EPCOR has misunderstood SBUA's mandate — asserting that SBUA "[does] not represent small business interests who are served by EPCOR" — and has erroneously concluded that SBUA does not have a substantial interest in this proceeding.

SUBSTANTIAL INTERESTS REPRESENTED BY SBUA

SBUA's mandate is "to represent, protect, and promote the interests of small businesses as utility customers of electric, natural gas, water, and telecommunications services before administrative and regulatory bodies on utility and energy matters" throughout Ontario.¹

Whether EPCOR serves specific members of SBUA — members who may join or leave at any time — is immaterial. SBUA need not have local businesses as members to demonstrate its substantial interest in the proceeding. Indeed, the OEB has not required other regular intervenors to prove that they have individual members who are customers of the applicant

¹ Appendix A, "First Amended Constitution and Governing Rules of Small Business Utility Alliance" (effective 1 December 2020), Art. II (emphasis added).

utility. It is enough for prospective intervenors to show that they represent a broader constituency (*i.e.*, small businesses in Ontario) which has an interest in the proceeding.

In fact, such a limitation on the scope of SBUA's mandate would contradict its purpose. The SBUA Constitution specifically provides that "[t]he organization's object is to advocate for the broader interests of the small business community as a whole and not the specific or direct financial interests of individual small businesses or the members of our alliance".² If SBUA were to intervene only when the direct financial interests of its members were affected — *i.e.*, only when its members included clients of the utility company in question — SBUA would violate its own governing documents and fail in its mission to represent the interests of the Ontario small business community more broadly.

Unless EPCOR takes the position that it does not serve small businesses — a position which we do not understand EPCOR to be taking — the reality is that SBUA most definitely represents "a constituency that is directly impacted by the application".³

EFFECTIVE REPRESENTATION OF THAT CONSTITUENCY

As to EPCOR's concern that there must be "an effective means to obtain instruction and direction from representatives of that constituency",⁴ SBUA's regular activities primarily consist of outreach and education initiatives which provide a two-way flow of information to and from small businesses in Ontario.

Indeed, SBUA has already reached out to over 40 small businesses in EPCOR's territory, including in Collingwood, Creemore, and Stayner, Ontario. If granted intervenor status, SBUA intends to continue conducting direct consultations with local businesses in the affected area, as well as with local chambers of commerce and business improvement associations, in order to ensure that the positions SBUA takes in the proceeding are tailored not only to concerns common to all small businesses in Ontario, but also to specific local concerns.

INTERESTS OF JUSTICE

EPCOR correctly notes the importance of efficiency in proceedings before the OEB. That is precisely why a non-profit, public interest organization like SBUA is well-suited to intervene on behalf of the broader community of small businesses — a community which is historically underrepresented in utility matters, and has been made particularly vulnerable by the events of the last 2.5 years.

SBUA also notes that it is the only intervenor to appear in OEB proceedings which represents and serves the interests and needs of small businesses in particular. This is in contrast to many other regular intervenors, whose constituencies overlap.

Moreover, SBUA has proved, through its interventions in other proceedings to date, that it conducts its interventions in an efficient manner which avoids duplication with positions asserted by other intervenors and is narrowly focused on protecting and promoting the interests of small businesses in Ontario.

² *Ibid* (emphasis added).

³ Letter from Daniela O'Callaghan to Nancy Marconi (6 July 2022) at p. 2.

⁴ *Ibid*.

Thus, as SBUA has a substantial interest in the proceeding by virtue of its province-wide constituency, as it intends to participate actively and responsibly (a point which EPCOR does not contest), and as it serves the interests of fairness and efficiency, SBUA should be allowed to intervene in this case.

Yours truly,

A handwritten signature in black ink that reads "Ryan Pistorius". The signature is fluid and cursive, with the first name "Ryan" and last name "Pistorius" clearly legible.

Ryan Pistorius

CC: Myriam Seers, Savoie Laporte LLP
Sebastián Melo, Savoie Laporte LLP
James Birkelund, Energy and Environmental Law Group
Britt Marra, Small Business Utility Alliance

APPENDIX A

FIRST AMENDED CONSTITUTION AND GOVERNING RULES OF SMALL BUSINESS UTILITY ALLIANCE

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ARTICLE VI
EFFECTIVE DATE

This First Amended Constitution shall be effective as of December 1, 2020.



**Savoie
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20 July 2022

Ms. Nancy Marconi
Registrar
Ontario Energy Board
2300 Yonge Street, Suite 2700
P.O. Box 2319
Toronto, ON M4P 1E4

Dear Ms. Marconi,

**Re: EB-2022-0028 — EPCOR Electricity Distribution Ontario Inc., Cost of
Service Application — Additional Information re: Procedural Order No. 1**

In Procedural Order No. 1, the Ontario Energy Board found that, in the context of the present case, “persons having a substantial interest in this proceeding” means “ratepayers located in [EPCOR’s] service area”. As a result, the Board required SBUA to provide more information on its membership and its representation of small business interests in EPCOR Electricity Distribution Ontario’s service area.

Membership in SBUA is currently open to any small business in Ontario at no cost. Since our letter of 12 July, four small businesses in Collingwood and one in Thornbury have joined SBUA (Robinson’s Paint & Wallpaper, Prestige Gifts, Heavenly Café, and Summit Social House in Collingwood, and The Georgian Artisan Shop in Thornbury). SBUA continues its outreach efforts with businesses in EPCOR’s service area, and so this number may increase. You can find the current membership list attached to this letter as Appendix A.

We have also been informed that both the Blue Mountains Chamber of Commerce and Thornbury BIA are interested in SBUA and will be voting, at their next board meetings, on whether to become SBUA members.

Outreach to local businesses is thus accomplished both directly (to members) and indirectly (via local business associations). This feedback is incorporated and considered by SBUA in preparing submissions before the Board, to ensure that the interests of small businesses are represented. While utility rate increases are normal, ensuring that small businesses have a voice at the table — alongside residential customers and large, influential corporations — is important to ensure that rates and services are fair and consider the interests of all Ontarians.

Please let us know if there is any other information you require in making your decision, and thank you for the opportunity to explain SBUA’s advocacy efforts further.

Yours truly,

A handwritten signature in black ink that reads "Ryan Pistorius". The signature is fluid and cursive, with a long, sweeping underline.

Ryan Pistorius

CC: Myriam Seers, Savoie Laporte LLP
Sebastián Melo, Savoie Laporte LLP
James Birkelund, Energy and Environmental Law Group
Britt Marra, Small Business Utility Alliance

APPENDIX A: SBUA MEMBERSHIP AS OF 20 JULY 2022

BUSINESS	ADDRESS
Heavenly Café	10 Keith Avenue, Collingwood , ON L9Y 0W5
Prestige Gifts	774 Hurontario St., Collingwood , ON, L9Y 0G6
Robinson's Paint & Wallpaper	129 Hurontario St., Collingwood , ON L9Y 2L9
Summit Social House	246 Hurontario St, Unit A, Collingwood , ON L9Y 2M3
The Georgian Artisan Shop	5 Bruce St S, Thornbury , ON N0H 2P0
BSIDE Beauty	1148 Queen Street East, Toronto , ON
Caledonia Jewellery	52 Argyle St N Downtown Caledonia , ON
Carling iTan Studio	1667 Carling Ave Ottawa , ON K2A 1C4
CiCi's Pizza & Wings	1618 Queen Street West, Toronto , ON
Common Sort	760 Queen Street E, Toronto , ON
Crafty Coyote	511 Bloor St W, Toronto , ON M5S 1Y4
The Crepe House	2012 Park St., Port Dover , ON N0A 1N0
Dresden Vision	733 Queen St E, Toronto , ON M4M 1H1
Eastside Social	1008 Queen St East, Toronto , ON M4M 1K1
Elbers Refinishing	777 Queen St E #4, Toronto , ON M4M 1H5
Elchi Chai Shop	130 Harbord St, Toronto , ON M5S 1G8
Elgin iTan Studio	190 Maclaren St. – 2 nd floor Ottawa , ON
Estiatorio Volos	133 Richmond St W, Toronto , ON

Fat City Blues	890 College St, Toronto , ON
The Federal	1438 Dundas St W, Toronto , ON M6J 1Y6
Firkin on Danforth	2057-B Danforth Ave. Toronto , Ontario M4C 1J8
Florcita's Classic Latin Food	79 Icomm Dr, Brantford , ON N3S 7N9
Gold Standard	385 Roncesvalles Ave, Toronto , ON M6R 2N1
Goldie Living Interior Design	Niagara Falls , ON goldieliving.com
The Great Vine	36 Main St. East Huntsville , ON P1H 2C8
Hill Studio	639 Queen St E 2nd Floor, Toronto , ON M4M 1G4
House of Cheese & Deli	4335 Strandherd Dr Unit 106 Nepean , ON K2J 6E5
JUSTB Salon	1150 Queen Street East, Toronto , ON
Kanata iTan Studio	474 Hazeldean Road Kanata , ON K2L 5E5
LAN Vietnamese Restaurant	755 Queen Street East Toronto , ON
Little Anthonys	121 Richmond St W, Toronto , ON
Mad Radish	34 Highbury Park Dr Unit 2, Nepean , ON K2J 5C6
Mashi Moosh	1840 Danforth Avenue Toronto , Ontario M4C 1H8
Manotick Barbershop	5545 Manotick Main St Manotick , ON K4M 1B3
Merival iTan Studio	1867 Merivale Road Ottawa , ON K2G 1E3
NatNatNails	Toronto , ON
Noce	875 Queen St W, Toronto , ON

Nutrition House	80 West Beaver Creek Rd #12, Richmond Hill , ON L4B 1H3
Orlean iTan Studio	900 Watters Rd Orléans , ON K4A 0B4
Papa Ceo Pizza	654 Spadina Ave., Toronto , ON M5S 2H7
Parkdale Common Sort	1414 Queen St W, Toronto , ON M6K 1L9
Penny Lane Dermal Solutions	138 Grand River St N Paris , ON N3L 2M5
Red Barn Brewing Co.	20466 Lagoon Road, Blenheim , ON
Ristorante Aria	25 York St, Toronto , ON M5J 2V5
Small Town Food Co.	1263 Queen St W, Toronto , ON M6K 1L5
Sweet Pete's Bicycle Shop	1204 Bloor Street West Toronto , ON M6H 1N2
Taj Bistro	140 Dunlop St E Barrie , ON L4M 6H9
Taj Bistro	151 Larch Street Sudbury , ON P3E 1C3
Terra Plants and Flowers	1142 Clapp Ln Unit B Manotick , ON K4M 1A6
Tia Mart Studio	3560 Strandherd Dr Nepean , ON K2J 5L4
Trish's Gluten Free Bakery	229 Main Street Port Dover , ON (519) 583-2800
Yoga Nomads	160 Grove St, Guelph , ON N1E 2W7