

# Elson Advocacy

**BY RESS**

May 26, 2025

**Nancy Marconi**

Registrar  
Ontario Energy Board  
2300 Yonge Street, 27<sup>th</sup> floor, P.O. Box 2319  
Toronto, Ontario M4P 1E4  
registrar@oeb.ca

Dear Ms. Marconi:

**Re: EB-2025-0083 – Proposed Amendments to the Distribution System Code  
Regarding a Margin on Payment Incentive Mechanism for the Use of Third-  
Party Distributed Energy Resources as Non-Wires Solutions**

We are writing on behalf of Environmental Defence to request cost award eligibility in relation to providing comments in the above proceeding.

## **Nature of Interest**

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 lower both costs and environmental impacts, including Distributed Energy Resources. Environmental Defence has a long-standing interest and expertise in DERs and was an active participant in the Framework for Energy Innovation process (EB-2021-0118).

## **Grounds for Eligibility and Need for Funding**

Environmental Defence has been granted intervenor status, participant status, and costs eligibility in many proceedings before the Ontario Energy Board. 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 increased distributed energy resources, energy efficiency, demand response, innovation, and other similar such means.

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

## **Counsel and Consultant**

Environmental Defence's energy consultant is Jack Gibbons. Mr. Gibbons has over 35 years of experience with Ontario energy regulation and Ontario Energy Board matters.

Environmental Defence's legal counsel is Kent Elson. Mr. Elson has over ten years of experience acting in Ontario Energy Board matters.

Environmental Defence's consultant and counsel have a long track record of providing highly relevant, responsible, and non-duplicative representation in Ontario Energy Board proceedings.

## **Further Detailed Regarding Environmental Defence**

### *A. Mandate and Objectives of Environmental Defence*

Environmental Defence has been working since 1984 to protect Canadians' environment and human health. Environmental Defence's mandate and objective is to challenge, and inspire change in government, business and people to ensure a greener, healthier and prosperous life for all. Its vision is to create a world Canadians are proud to pass on to their children.

### *B. Membership and Constituency*

Environmental Defence is supported by many thousands of donors across the province and country. It sees its constituency as Canadians who are concerned about the environment and the legacy that we will pass on to our children.

### *C. Types of Programs and Activities that Environmental Defence Carries Out*

Environmental Defence has been highly successful in its public interest advocacy on energy issues. Environmental Defence's environmental work, on issues ranging from toxic chemicals to clean beaches, has led to concrete improvements in the lives of Canadians. For example, the dangerous chemical Bisphenol A ("BPA") is now banned in baby bottles in Canada due to concerns first raised by Environmental Defence in 2007. For many years, Environmental Defence has participated in the federal government's Chemicals Management Plan.

Environmental Defence is also the coordinator of Blue Flag Canada, which certifies beaches so that Ontario families can enjoy this public resource. It also co-founded Blue Green Canada with the United Steelworkers, which promotes green energy initiatives that have positive employment and economic impacts.

Environmental Defence also publishes reports and guides in the area of energy conservation, efficiency, and policy. For example, it has created an interactive online tool to help energy consumers reduce their bills through energy efficiency initiatives. Some further publications include:

- *Building an Ontario Green Jobs Strategy*
- *Ontario's Electricity System, a Backgrounder*

- *Canada's Methane Gas Problem: Why strong regulations can reduce pollution, protect health, and save money*
- *Powering up efficiency to get the conservation framework right*
- *The \$2 Billion Question - How Can Ontario Reinvest Cap-and-Trade Proceeds to Meet its Climate Challenge and Grow the Economy?*
- *What to Look for in the Canadian Energy Strategy*
- *Backgrounder - Coal and Renewable Energy in Ontario*
- *Building Ontario's Green Economy: A Road Map*
- *Ontario Feed-In Tariff: 2011 Review*
- *The Global Clean Energy Jobs Race: Ontario's Opportunity*
- *Blowing Smoke: Correcting Anti-Wind Myths in Ontario*
- *Faces of Transformation: Jobs, economic renewal and cleaner air from Year*
- *One of Ontario's Green Energy Act*
- *Falling Behind: Canada's Lost Clean Energy Jobs*
- *Greening Canada's Building: Report Card*

These and other reports can be found at <http://environmentaldefence.ca/reports/>.

### **Requests for Materials and Addresses of Representative**

Environmental Defence requests that electronic copies of the draft hearing plan and any other documents for the conference 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](mailto:jack@cleanairalliance.org)

Electronic copies to:

**Kent Elson**

**Amanda Montgomery**

Elson Advocacy  
 1062 College Street, Lower Suite  
 Toronto, Ontario M6H 1A9  
 Tel: (416) 906-7305 / 647-250-7338  
 Fax: (416) 763-5435  
 E-mail: [kent@elsonadvocacy.ca](mailto:kent@elsonadvocacy.ca) / [amanda@elsonadvocacy.ca](mailto: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, 1<sup>st</sup> 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

Yours truly,

A handwritten signature in cursive script, appearing to read "Amanda Montgomery".

Amanda Montgomery