

IN THE MATTER OF the Ontario Energy Board Act, 1998,
S.O. 1998, c.O.15, Sch. B;

AND IN THE MATTER OF an Application by PowerStream
Inc. and Barrie Hydro Distribution Inc. under Section
86(1)(c) of the Act for an Order approving their merger
effective December 31, 2008, and related relief.

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 utilities to the intervenor's members, of which electricity and natural gas are the major components, is currently in excess of \$400 million, and has increased rapidly over the last ten 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

4. The School Energy Coalition is intervening:
 - a. To review all aspects of the applicant's proposal;

- b. To review the impact on ratepayers of all proposed terms and conditions of the transaction and any related relief;
 - c. To review the impact on ratepayers of the Applicant's request for allocation of all benefits of the merger to the shareholders for a period of five years after adjusting rates for the merging entities for the year preceding the transaction in one case, and for the year following the transaction in the other case;
 - d. To review the interaction between this application and the application for approval set out in EB-2008-0244; and
 - e. Generally to 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 PowerStream's evidence as the record continues to develop, and will advise parties of any further areas of interest/concern prior to any alternative dispute resolution conference, or if applicable, thereafter.

The Intervenor's Intended Participation

6. The School Energy Coalition intends to participate actively in the interrogatory, issues scoping and settlement discussions phases of this proceeding in respect of the issues of concern to its members. The School Energy Coalition's participation in the balance of the proceeding will be dependent on the outcome of these pre-hearing phases. The School Energy Coalition may thereafter continue to be active in the case, undertaking cross-examination focused on areas of concern to its members, leading evidence if appropriate on those areas, and filing argument thereon.

Counsel/Representative

7. 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:

SHIBLEY RIGHTON LLP
Barristers and Solicitors
250 University Avenue, Suite 700
Toronto, Ontario, M5H 3E5

Attn: Tanya Watson
Phone: 416 214-5261
Fax: 416 214-5461
Email: tanya.watson@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 proceeding. The School Energy Coalition has been found to be eligible for costs in numerous proceedings before the Board, including previous rate cases for many electricity distributors and MAAD applications for regulated entities.

Respectfully submitted on behalf of the School Energy Coalition this 14th day of November, 2008.

SHIBLEY RIGHTON LLP

Per: _____

Jay Shepherd