

2007-04-12

Ms Kirsten Walli
Board Secretary
Ontario Energy Board
Suite 2700, 2300 Yonge Street,
Toronto, ON M4P 1E4

and by email: boardsec@oeb.gov.on.ca

Dear Ms. Walli:

Re: Board file EB-2007-0031, Electricity Distribution Rate Design Review

FRC Canada represents the Low Income Energy Network (“LIEN”) in matters before the Ontario Energy Board (the “OEB or the “Board”). Further to the Board's letter of March 30, 2007, initiating a review of Electricity Distribution Rate Design (Board file: EB-2007-0031), LIEN hereby expresses its interest and its intent to participate in the consultation and review.

It is LIEN’s intention to have its consultants review staff's Discussion Paper and make written comments thereon. LIEN also requests a finding of eligibility for costs and, in support of that, is providing the information identified in Appendix A of the Board's letter of March 30, 2007 under the heading "Cost Award Eligibility".

LIEN, its interest in the process and its grounds for its participation (Rules 23.02 and 23.03(a))

LIEN is a coalition of more than 60 member organizations from across Ontario including: energy, public health, legal, tenant housing, education and social and community organizations. LIEN is directed by a Steering Committee, made up of representatives from Advocacy Centre for Tenants Ontario, Canadian Environmental Law Association, Centre for Equal Rights in Accommodation, Income Security Advocacy Centre, Share the Warmth, Toronto Disaster Relief Committee, and Toronto Environmental Alliance. As an umbrella organization, LIEN offers the opportunity for one entity to represent the similar interests of many organizations that have come together under LIEN. A description of its organization in greater detail can be found on its web site (www.lowincomeenergy.ca) and in previous submissions to the Board. LIEN has been a recognized intervenor in other consultative processes and proceedings before the Board, in particular the consultative and review of Electricity Distribution Cost Allocation, several major rates cases, and proceedings concerning the issue of conservation and demand management (“CDM”).

LIEN’s mission statement is itself a statement of its interest in all aspects of pricing for energy utilities, and in CDM/DSM, whether for electricity or for gas:

“The Low-Income Energy Network aims to ensure universal access to adequate, affordable energy as a basic necessity, while minimizing the impacts on health and on the local and global environment of meeting the essential energy and conservation needs of all Ontarians. LIEN promotes programs and policies which tackle the problems of energy poverty and homelessness,

reduce Ontario's contribution to smog and climate change, and promote a healthy economy through the more efficient use of energy, a transition to renewable sources of energy, education, and consumer protection.”

That is, LIEN seeks to ensure universal access to adequate levels of affordable energy to meet basic needs. In doing so, LIEN also seeks to minimize impacts on health and the environment that result from seeking to meet such energy requirement. LIEN advocates and supports programs and policies that address poverty and homelessness, that reduce environmental degradation and climate change, and that promote a healthy economy through energy efficiency, through transition to renewable sources of energy, through education, and through consumer protection. A major thrust of LIEN's mission is also to promote demand management and conservation of energy.

Together with the interest of its numerous individual members and supporting organizations, in our view, LIEN has a clear and significant interest in and, hence, within the meaning of Rule 23.02, a substantial interest in the Board's review of Electricity Distribution Rate Design and, in particular, in the issues and questions raised in the discussion paper of Board staff (i.e. in the matters to be addressed in EB-2007-0031). In LIEN's view, its grounds for participating, referenced in the same Rule, are to advance its views, to protect its interests and where possible to bring knowledge and experience to the making of better decisions by the Board, in this case the adoption of a better policy framework for electricity distribution rate design.

In summary then, a description of LIEN's organization, its interests and its grounds for participation are set out above, in greater detail on its web site (www.lowincomeenergy.ca), and in previous submissions to the Board. LIEN has been a recognized intervenor in numerous other processes and proceedings before the Board.

LIEN intends to participate actively and responsibly in the review process by making written comments on the staff's discussion paper, and to raise questions, offer suggestions, and make further submissions as may become appropriate (ref. Rules 23.02 and 23.03(b)).

*Intention to seek an award of costs and request for finding of cost award eligibility
(ref. Rule 23.03(d) and Practice Direction on Cost Awards, Sections 3 and 4)*

As a participant in this process/proceeding LIEN would have no other financial support to participate were it not for an award of costs. LIEN benefits from some donated time of its representatives and some time of staff from member organizations. In addition, its outside consultants accept to work for a lower hourly rate than they would when working for for-profit entities. Nonetheless, LIEN has no financial resources to support its participation in this process. Therefore, LIEN intends to apply for an award of costs (ref. Rule 23.03(d)). LIEN asks for an early determination by the Board of its eligibility to claim an award of costs.

While recognizing that under the Board's Practice Direction on Cost Awards, Section 3, the Board has considerable discretion as to which parties may be eligible for an award of costs, LIEN notes that it is not one of the parties excluded in Section 3. LIEN intends to communicate and, where possible, co-ordinate its efforts with any others having similar interests. LIEN would welcome other interested participants that may wish to join with LIEN. LIEN, in its view, meets the stated criteria for eligibility.

LIEN's representative, request for process documentation, and contact information (ref. Rule 23-03(f))

In this proceeding, I, Malcolm Jackson, would be LIEN's representative, both as its agent and its consultant. I would be assisted by one or more staff and associates who will be identified for the Board in due course. A summary of my experience and other qualifications is provided as an attachment to

this letter, together with a similar summary for Ms. Judy Simon of IndEco whose advice and input we intend to seek.

LIEN requests that copies of written materials in electronic form in respect of this process/proceeding be sent to Malcolm.Jackson@sympatico.ca and to jSimon@indec.com, and that paper copies of all written materials be sent to:

FRC Canada
194 Berkeley Street
Toronto, ON M5A 2X4
Attn: Malcolm Jackson
Note to courier: "NO SIGNATURE REQUIRED"

Other contact information (ref. Rule 23.03(f)) is:

Email: Malcolm.Jackson@sympatico.ca
Voice: 416-365-3195 (office) or, if urgent, 416-524-0439 (mobile)
Fax: 416-365-3023

Thank you for consideration of LIEN's statement of intention to participate and its request in respect of costs.

Respectfully,

ORIGINAL SIGNED

Malcolm Jackson

MJ/hs Ref.: 1_EB-2007-0031, LIEN Intervention, 2007-04-12 (Original Signed).doc

Attachments (2)