



Jay Shepherd

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BY EMAIL and RESS

March 15, 2013
Our File No. 20120397

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
M4P 1E4

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2012-0397 – Encouraging Distributor Efficiency

We are counsel for the School Energy Coalition. We are writing this letter to request cost eligibility in this proceeding, and to ask the Board to accept this request although late.

Because SEC participated in the survey, and was asked by the Board to attend the February 27th meeting, we mistakenly believed that our cost eligibility was being deemed, as the Board often does. This was our own mistake, as the Board's February 11th letter is quite clear. We simply missed the reference, and assumed incorrectly. We apologize for that error.

We have therefore attached a Notice of Intervention in compliance with the Board's Practice Direction on Cost Awards, and ask that the Board accept this late filing and grant cost eligibility to SEC for this proceeding.

All of which is respectfully submitted.

Yours very truly,
JAY SHEPHERD P. C.

Jay Shepherd

cc: Wayne McNally, SEC (email)
Paul Gasparatto, Brian Hewson, OEB (email)

IN THE MATTER OF the *Ontario Energy Board Act 1998*,
Schedule B to the *Energy Competition Act, 1998*, S.O. 1998, c.15;

AND IN THE MATTER OF a consultation by the Ontario Energy Board into
methods of improving the efficiency of electricity distributors;

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 energy services to the intervenor's members is currently more than \$500 million, and has increased rapidly over the last five 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. SEC's intended participation will focus on the following issues:
 - (a) Economies of scope and scale;

- (b) Proposals arising out of the Navigant survey, suggestions by participants, and recommendations of Board Staff;
- (c) Other opportunities to improve distributor efficiency; and
- (d) Generally to represent the interests of school boards and their students in this process.

The Intervenor's Intended Participation

- 5. The School Energy Coalition intends to participate in any stakeholder meetings, conferences or workshops, including any working groups if applicable. SEC also intends to participate in any hearing of this matter, and in written or oral submissions, as well as any other parts of the process that the Board should order.

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, as follows:

- (a) School Energy Coalition: (electronic copies only)

ONTARIO EDUCATION SERVICES CORPORATION
c/o Ontario Public School Boards Association
439 University Avenue, 18th Floor
Toronto, ON
M5G 1Y8

Attn: Wayne McNally, SEC Coordinator
Phone: 416 340-2540
Fax: 416 340-7571
Email: wmcnally@opsba.org

- (b) School Energy Coalition's counsel: (both electronic and paper copies)

JAY SHEPHERD PROFESSIONAL CORPORATION
2300 Yonge Street, Suite 806
P.O. Box 2305
Toronto, Ontario, M4P 1E4

Attn: Jay Shepherd
Phone: 416-483-3300
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Fax: 416-483-3305
Email: jay.shepherd@canadianenergylawyers.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 matter. The School Energy Coalition has participated in many past natural gas and electricity proceedings in Ontario, including consultations, rate cases, and other processes and hearings, and has been found eligible to be paid its reasonably incurred costs in all of those proceedings.
9. The School Energy Coalition is eligible for a cost award because it “primarily represents the interests of consumers (e.g. ratepayers) in relation to regulated services”. School boards are one of the largest groups of non-industrial energy consumers in the province, and their energy costs have a direct impact on the education of millions of Ontario children. The formation of the School Energy Coalition ensured that all representatives of the interests of schools participated jointly in OEB proceedings.
10. The School Energy Coalition is not ineligible by reason of any of the criteria contained in section 3.05 of the Practice Direction on Cost Awards.

Respectfully submitted on behalf of the School Energy Coalition this 14th day of March 2013.

Jay Shepherd
Counsel for School Energy Coalition