

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 notice of proposal by the Ontario Energy Board to amend the Distribution System Code and the Affiliate Relationships Code for Electricity Distributors with respect to qualifying facilities.

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 almost \$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 and Intervenor's Intended Participation

4. SEC's intended participation will focus on the following issues:
 - (a) The implications of the various ways in which distributors can participate in the development of qualifying facilities;
 - (b) The unique affiliate relationship issues that may result in the case of these facilities;
 - (c) The implications of the proposed code amendments on schools as both ratepayers and potential generation partners with utilities; 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 provide submissions on the proposal as requested by the Board. SEC also intends to participate in any other parts of the process that the Board should order.

Counsel/Representative

6. 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:

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

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

- (b) School Energy Coalition's counsel:

JAY SHEPHERD PROFESSIONAL CORPORATION
120 Eglinton Avenue East, Suite 500

Toronto, Ontario, M4P 1E2

Attn: Jay Shepherd

Phone: 416 804-2767

Email: jay.shepherd@canadianenergylawyers.com

Costs

7. 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 the Natural Gas Forum, 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.
8. 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 in 2004 ensured that all representatives of the interests of schools participate jointly in OEB proceedings.
9. 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 16th day of December 2009.

Jay Shepherd
Counsel for the School Energy Coalition