

## **ONTARIO ENERGY BOARD**

**IN THE MATTER OF** an Application Distributor Owned Generation

**EB-2009-0411**

### **NOTICE OF INTENTION TO COMMENT AND APPLICATION FOR COST ELIGIBILITY**

**BY**

**THE COUNCIL OF CANADIANS**

1. The Council of Canadians (the “Council”) herein;
  - i) serves notice of its intention to comment on proposed amendments to DSC and ARC codes; and applies for
  - ii) a determination that it is eligible for a cost award in this matter.

#### **Membership, Interest in the Proceeding and the Grounds for Intervention**

2. The Council was founded in 1985 and incorporated as a federal not-for-profit organization on August 11, 1986. It has members in every province and territory – more than 26,000 reside in Ontario and many participate in the 17 local chapters of the Council active in Ontario.<sup>1</sup> The Council is primarily sustained by volunteer energy and financial contributions from its members.
3. Since its inception, much of the Council’s work has focused on the eroding capacity of governments to perform effectively as regulators, service providers (including energy services) and stewards of natural resources, including energy and water.
4. Of particular concern is the encroachment of trade agreements<sup>2</sup> into areas of domestic policy and law that had never before been the subject of international trade rules. Much of this framework on ‘trade’ law is now in place, but proposals to expand these rules are now being advanced in various venues, including under the Agreement on Internal Trade.

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<sup>1</sup> Council Chapters are located in Brant-Haldimand-Norfolk, Brockville, Cambridge, Chatham-Kent, Grey-Bruce, Guelph, Hamilton, Kingston, London, Niagara Region, Northumberland County, Ottawa, Peel Region, Peterborough-Kawarthas, Thunder Bay, Toronto and Windsor.

<sup>2</sup> These agreements are both international - for example, those negotiated under the auspices of the World Trade Organization - and domestic, as in the case of the Agreement on Internal Trade.

5. In this new context the challenges of electricity system planning and regulation take on a new dimension. This requires planners and regulators to be informed of the constraints imposed by trade, services, investment and procurement agreements so that potential pitfalls can be avoided, and to preserve future policy and regulatory options.
6. The Council has established a leadership role in promoting the strengthening of sovereign and democratic control of energy. To this end, the Council has commissioned and published numerous research studies and reports, and convened many community, national and international seminars, conferences and meetings to facilitate informed discussion and debate about these issues.<sup>3</sup>
7. A primary commitment of the Council is the promotion of a “made in Canada” energy security strategy that is consistent with meeting climate change and other environmental imperatives. For Ontario, effective public control of the electricity system is paramount if these goals are to be realized..
8. For these reasons the Council and its members have a substantial interest in these proceedings, which has two dimensions. First, the Council of Canadians represents the direct interests of its members and energy consumers with respect to prices and the adequacy, reliability and quality of electricity service. Second, the Council of Canadians also represents the public interest, and primarily represents the interests of its members and other Canadians who share a commitment to the management of natural resources, including energy resources, and to the delivery of services, including energy services, in a manner that respects Canadian sovereignty,
9. If granted intervener status and deemed eligible to apply for costs, the Council will work with other intervenors to avoid overlap and duplication of evidence, cross examination or argument. That being said, as identified here, the Council’s interests in this proceeding are likely to be distinct from the primary concerns that will shape the participation of other interveners.
10. The Council is without the resources needed to participate in this proceedings if it is deemed ineligible to seek a cost award.

### **Contact Information**

Steven Shrybman  
SACK GOLDBLATT MITCHELL LLP  
  
30 Metcalfe Street

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<sup>3</sup> See for example the information available on the Council’s web site at [www.canadians.org](http://www.canadians.org).

Suite 500  
Ottawa, Ontario  
K1P 5L4

Tel: (613) 482-2456  
Fax: (613) 235-3041  
E-mail: [stevenshrybman@sgmlaw.com](mailto:stevenshrybman@sgmlaw.com)

Respectfully submitted on behalf of the Council of Canadians

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Steven Shrybman  
SACK GOLDBLATT MITCHELL, LLP  
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