

September 8, 2017

VIA RESS AND COURIER

Ms. Kirsten Walli
ONTARIO ENERGY BOARD
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Dear Ms. Walli:

Re: EB-2017-0069: Oshawa PUC Networks Inc. (OPUCN) Application for Mid-Term Update.

Objection to Application for Intervenor Status by Chris Capredoni and/or Capredoni Enterprises Ltd.

We write as counsel to OPUCN.

It has come to our clients' attention, through review of the OEB's webpage for this matter, that an application for intervenor status and cost eligibility has been filed by Chris Capredoni, President of Capredoni Enterprises Ltd. (While it is not clear to us whether the intervention request is on behalf of Mr. Capredoni, his company, or both, for simplicity we will generally refer to the applicant(s) for intervenor status as Capredoni).

As provided for by rule 22.07 of the Board's *Rules of Practice and Procedure (OEB Rules)* the applicants object to the granting of intervenor status to Capredoni.

Basis for Granting of Intervenor Status

The granting of intervenor status is governed by rule 22 of the *OEB Rules*. The general test for intervenor qualification is that the party seeking status satisfies the Board that he or she has **"a substantial interest in the proceeding"**.

In seeking to satisfy the Board of its “*substantial interest*”, the applicant for intervenor status must provide a description of:

- (a) the intervenor and, as applicable, its membership;
- (b) the interest of the intervenor in the proceeding; and
- (c) the grounds for the intervention.

Capredoni has not provided any of the required information.

Information Provided by Capredoni

Capredoni’s August 31st letter to the Board states that he is seeking intervenor status;

- (a) on behalf of his own small business; and
- (b) as representative/advocate for other small business owners in the Greater Niagara Chamber of Commerce and Ontario Chamber of Commerce.

In respect of Mr. Capredoni’s “*own small business*”- Capredoni Enterprises Ltd. – little information has been provided in Capredoni’s August 31st letter to the Board. The corporate address for the business is in Binbrook, Ontario, which is located south of Hamilton, between Brantford and St. Catharines. OPUCN’s service territory is located on the opposite side of the Greater Toronto Area. Capredoni is not a customer of the applicant.

A quick google search reveals that Capredoni Enterprises Ltd. is listed on a Greater Niagara Chamber of Commerce (GNCC) member directory web page as a “*professional services business*”. The nature of this business is described as follows:

Provide bookkeeping, accounting and consulting services. Represent small businesses at the Ontario Energy Board (OEB).

Attached to this letter is a printout of the portion of the GNCC web page reflecting this information.

In justification of his intervention request, Capredoni states:

Any application presented to the OEB may have a negative impact on rate payers, (rates and services provided), and in particular the demographic I am part of and advocate for, small business owners. I have identified application EB-2017-0212 and its outcome of particular interest to my membership/demographic.

The outcome of OPUCN's application will have no impact on Capredoni, as he is not a customer of OPUCN. In respect of "*the demographic*" which Capredoni asserts he is a part of and advocates for, no evidence or information has been provided to particularize or substantiate;

- (a) membership/constituency represented;
- (b) types of programs or activities engaged in to carry out such a mandate; or
- (c) the basis of appointment, authorization or manner of obtaining instructions.

Further, no particulars are provided to indicate what "*particular interest*" Capredoni has in the proposed rate decrease by OPUCN.

We further note that the Greater Oshawa Chamber of Commerce was an intervenor in OPUCN's 2015 Custom Incentive Rate application, and which has been served with the current application and supporting evidence. To the extent that OPUCN's small business customers require representation in this proceeding, there is a local chamber of commerce already engaged on their behalf.

Conclusion

While we have not conducted a comprehensive search, we are aware that Capredoni has recently sought intervenor status in;

- EB-2017-0024 (Alectra Utilities' Application for Distribution Rates and Other Changes);
- EB-2017-0212 (Engtegrus/St. Thomas MAAD application); and
- EB-2017-0259 (Hydro One's application for leave to sell certain distribution assets to Bell Canada).

Each such intervention request has been put forward on exactly the same formulation as the request for intervention in this proceeding. None of the other intervention requests provide any further information on the basis upon which Capredoni might qualify for intervenor status before this Board in any one of these disparate applications.

In respect of eligibility to claim costs;

- (a) Capredoni is not, and does not represent, ratepayers in the service territory of the applicant.

- (b) Capredoni has not identified an interest or policy perspective relevant to the Board's mandate and the current proceeding in respect of which he can demonstrate an authorization or qualification for representation.

Accordingly, leaving aside the question of intervenor status, neither Mr. Capredoni nor his company would be eligible to apply for a cost award pursuant to the Board's *Practice Direction on Cost Awards*.

We respectfully request that the Board reject Capredoni's request for intervenor status and cost award eligibility.

Yours truly,



Ian A. Mondrow

- c: P. Martin (OPUCN)
W. McNally (SEC)
M. Rubenstein (Jay Shepherd Professional Corporation)
J. Shepherd (Jay Shepherd Professional Corporation)
J. Girvan (CCC)
C. Khoo (VECC)
M. Garner (VECC)
B. Harper (VECC)
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About Us

Provide bookkeeping, accounting and consulting services. Represent small businesses at the Ontario Energy Board (OEB).

Our People

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