



October 12, 2022

VIA RESS

Ontario Energy Board
P.O. Box 2319,
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4
Attention: Registrar

Dear Ms. Marconi,

**Re: Elexicon Energy Inc. ("Elexicon")
2023 Distribution Rate Application
Board File No.: EB-2022-0024**

We are counsel to the Distributed Resource Coalition ("**DRC**"). Please find attached DRC's Notice of Intervention and request for cost eligibility in the above-noted proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Vollmer".

DT Vollmer

c. Cynthia Chan, Elexicon
John Vellone, Borden Ladner Gervais LLP
Wilf Steimle, Electric Vehicle Society
Cara Clairman, Plug'n Drive
All Other Parties

Encl.

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c. 15, Sched. B, as amended (the “**Act**”);

AND IN THE MATTER OF an Application by Elexicon
Energy Inc. (“**Elexicon**”) to the Ontario Energy Board for an
Order or Orders approving or fixing just and reasonable
rates and other service charges for the distribution of
electricity for Elexicon as of January 1, 2023.

EB-2022-0024

NOTICE OF INTERVENTION

OF

DISTRIBUTED RESOURCE COALITION

(DRC)

October 12, 2022

A. Late Application for Intervenor Status

1. The Distributed Resource Coalition (“**DRC**”) hereby requests that the Board approve DRC’s late application for intervenor status and cost eligibility in the matter of the application of Elexicon Energy Inc. (“**Elexicon**” or the “**Applicant**”) for various orders approving or fixing just and reasonable rates and other service charges for the distribution of electricity for Elexicon as of January 1, 2023 as set out in Elexicon’s application filed July 27, 2022 (the “**Application**”). This notice of intervention is filed pursuant to Rule 22 of the Board’s *Rules of Practice and Procedure*.
2. DRC’s intervention would be focused on the portions of the Application relating to Elexicon’s request for incremental funding for its Whitby Smart Grid Project and its Sustainable Brooklin Project. Both projects involve questions relating to electric vehicles, distributed energy resources, and electrification generally. These are all issues that reside at the core of DRC’s mandate as an organization, and they are all issues in respect of which DRC offers significant expertise.
3. DRC did not apply for intervenor status by the date set by the Board as (i) DRC only became aware of the Application on October 4 and (ii) the Thanksgiving long weekend resulted in an unfortunate delay in finalizing instructions to file this notice of intervention.
4. DRC is conscious of the Board’s current deadlines for submissions and does not wish to delay the proceeding more than necessary. Accordingly, DRC respectfully proposes to forego the entitlement to submit its own written interrogatories, which it understands were due September 29. Under this proposal, DRC would join the proceeding as a normal participant for all procedural events commencing from the time the Board grants DRC’s intervention status.
5. DRC respectfully submits that granting DRC intervenor status will not prejudice the Applicant or other intervenors nor will it disadvantage any of the parties.

B. DRC and Its Interest in the Proceeding

Distributed Resource Coalition

6. DRC is a group of electricity customers and consumers, consisting of end-use residential customers, non-profit organizations, and owners’ associations. DRC’s members are directly

affected by and interested in: (i) optimizing existing energy assets; (ii) efficiently facilitating the integration of existing and innovative distributed energy resources (“**DERs**”), including electric vehicles (“**EVs**”), to achieve customer and grid solutions; and (iii) providing input on direct customer needs and local distribution company opportunities relating to EVs. DRC’s members for this proceeding include, subject to further update, the Electric Vehicle Society (“**EVS**”) and Plug’n Drive (“**PnD**”).

7. EVS represents over 1,000 end-use, largely residential, individual EV electricity customers. EVS has 12 local chapters of electricity rate-paying customers in Ontario, many of whom live in Elexicon’s service territory. EVS’s mandate is to consolidate, represent and advocate for the interests of its members on matters related to DERs, transactive energy, innovation and electrification of transportation. EVS is governed to ensure that individual ratepayers are informed, consulted, and can independently raise their needs and preferences on matters of direct and substantial interest with the leaders of their local EVS chapters, and all such needs and preferences are communicated to and through the President of EVS. Those customer needs and preferences are aggregated and conveyed to jointly formulate DRC positions through the President of EVS through regular DRC teleconference meetings where decisions are recorded and confirmed. In this manner, DRC reflects the public interest in electrified transportation DER matters; it does not assume or suppose it. Further information on EVS, its more than 1,000 individual residential rate-paying members, and its programs and activities may be found on its website at www.evsociety.ca.
8. PnD is the authoritative convener of current and future EV customers and acts to provide access to facts and information to electricity and EV customers on electricity and electric mobility issues and choices. PnD works with each and all of electricity/EV customers, vehicle manufacturers, governments, and utilities to ensure that all are afforded the best available information in order to make fact-based plans and choices. PnD regularly surveys, and/or collects aggregated information from, the thousands of rate-paying customers that come to it through its programs and activities, website (www.plugndrive.ca, through which further detailed information on its programs and activities may be found), and/or Discovery Centre with their questions, needs, and preferences related to electrified transportation DERs. Those customer needs and preferences are aggregated and conveyed to jointly formulate DRC positions through the President and CEO of PnD through regular DRC teleconference meetings where decisions are recorded and confirmed.

DRC's Interest in the Proceeding

9. DRC has a direct and substantial interest in the proceeding in that its members are directly affected by the rates, services, activities, attempts to support innovation, and investments being proposed in the Application. In particular, DRC anticipates that its intervention will focus on testing evidence and providing argument with respect to the following issues where its members maintain an active and ongoing interest:
 - (a) proposed ICM funding for the Whitby Smart Grid;
 - (b) proposed funding for Elexicon's Sustainable Brooklin Project and the support provided to residential developers seeking to include DER enabling features such as rough-ins for solar panels, battery storage, and EVs; and
 - (c) Elexicon's requested exemptions from the Distribution System Code to facilitate innovation and allowing Elexicon to (i) potentially defer or avoid material capital investments in the future, (ii) resolve issues of fairness, and (iii) support federal, provincial and regional goals to reduce GHG emissions and mitigation climate change.
10. DRC is currently an active, Board-approved intervenor in Hydro One Network Inc.'s 2023-2027 joint distribution and transmission rate application (EB-2021-0110). DRC was an active intervenor in Alectra's electricity distribution rate proceeding (EB-2019-0018), which included a 10-year distribution system plan. DRC was an active intervenor in the recent Toronto Hydro custom incentive rate proceeding (EB-2018-0165), providing the Board with expert evidence on the impact of electrified mobility on the matters at issue in order to inform its decision-making and set just and reasonable rates for a five-year time period. Further, DRC is an active participant in cost of service rate proceedings of Burlington Hydro Inc. (EB-2020-0007), Oshawa Power and Utilities' (EB-2020-0048), Niagara Peninsula Energy Inc. (EB-2020-0040), and Halton Hills Hydro Inc. (EB-2020-0026), as well as Hydro Ottawa's custom incentive rate proceeding (EB-2019-0261), and the Board's Utility Remuneration and Responding to DERs consultation (EB-2018-0287 / EB-2018-0288).
11. DRC hopes to provide the Board with the currently absent, unique perspective of EV residential customers, as well as DER- and EV-related non-profit organizations, owners,

and developers, each of which may be materially affected by the outcome of this proceeding.

C. Nature and Scope of DRC's Intended Participation

12. DRC intends to be an active participant in this proceeding and will act responsibly to coordinate with other intervenors where common issues may arise and be otherwise addressed. DRC otherwise intends to participate actively in order to test evidence in accordance with the stipulated processes and timelines, participate fully, and provide argument should the Board's procedures provide for same. It reserves the right to adduce evidence should the Board's procedures provide for same.

D. Costs

13. DRC is, in accordance with s. 3.03(a) of the Board's *Practice Direction on Cost Awards* (the "**Practice Direction**"), eligible to seek an award of costs as DRC is a party that primarily represents the direct interests of consumers (residential customers) in relation to services that are regulated by the Board. DRC is also eligible to seek an award of costs in accordance with s. 3.03(b) of the Practice Direction, as DRC represents organizations that have a policy interest in electricity conservation and demand management, implementation of a smart grid in Ontario, promotion of the use of electricity from renewable energy sources, each of which are components of the Board's mandate and relevant to the proceeding. The Board has granted DRC cost eligibility in several Board proceedings, including each of the proceedings referred to above in paragraph 8.
14. DRC therefore requests cost eligibility in this proceeding as its comments will serve an important and unique interest and policy perspective relevant to the Board's mandate, which has heretofore not been represented or heard.

E. DRC's Representatives

15. DRC hereby requests that further communications with respect to this proceeding be sent to the following:

Electric Vehicle Society
265 Crawford Street
Orillia, ON L3V 1J9

Attention: Wilf Steimle
Telephone: 905-841-8163
Email: Wilf.Steimle@EVSociety.ca

AND TO

Plug'n Drive

1126 Finch Avenue West, Unit 1
North York, ON M3J 3J6

Attention: Cara Clairman
Telephone: 647-717-6941
Email: cara@plugndrive.ca

AND TO ITS COUNSEL

Resilient LLP

Bay Adelaide Centre
333 Bay Street, Suite 625
Toronto, ON M5H 2R2

Attention: Lisa (Elisabeth) DeMarco
Telephone: 647-991-1190
Facsimile: 1-888-734-9459
Email: lisa@resilientllp.com

Attention: Nicholas Daube
Tel: 416-768-8341
Facsimile: 1-888-734-9459
Email: nicholas@resilientllp.com

ALL OF WHICH IS RESPECTFULLY
SUBMITTED THIS
12th day of October, 2022.



Lisa (Elisabeth) DeMarco
Resilient LLP
Counsel for DRC