



Ontario Power Authority

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September 22, 2006

BY E-MAIL ONLY

Mr. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, Ontario
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Dear Ms. Walli:

**Re: Review of the Ontario Power Authority's
Integrated Power System Plan and Procurement Processes
Cost Eligibility - EB-2006-0207**

The Ontario Power Authority ("OPA") received requests for cost awards from the following participants in this proceeding:

1. Association of Major Power Consumers in Ontario (AMPCO);
2. Energy Probe Research Foundation (Energy Probe);
3. Green Energy Coalition (GEC);
4. Northwatch;
5. Pollution Probe;
6. Power Workers' Union (PWU);
7. Provincial Council of Women of Ontario (PCWO);
8. School Energy Coalition (SEC); and
9. Vulnerable Energy Consumers Coalition (VECC).

The Board's letter of September 1st indicates that the costs to be awarded will be recovered from the OPA, and that the OPA is provided an opportunity to object to any request for cost award eligibility. Further, that eligibility for costs will be determined by the Board according to its *Practice Direction on Cost Awards*.

The OPA has no objection to any of the requests above, and is familiar with the participants, with the exception of the PCWO. The Board's *Practice Direction on Cost Awards* provides at section 3.03 that a party is eligible to apply for a cost award where the party:

- a) primarily represents the direct interests of consumers (e.g. ratepayers) in relation to regulated services;
- b) primarily represents a public interest relevant to the Board's mandate; or
- c) is a person with an interest in land that is affected by the process.

There is no information in the PCWO's letter to assist the Board in determining that the PCWO is eligible. The PCWO provides no background with respect to the 18 member groups it represents. Section 3.02 of the Boards *Practice Direction on Cost Awards* states that "The burden of establishing eligibility for a cost award is on the party applying for a cost award."

The PCWO has not met this burden and so the Board should, in our submission, find it to be ineligible for funding in the current consultation process. Such a finding should be without prejudice to the Board's determination of whether or not the PCWO should be eligible for funding in the IPSP proceeding.

Yours truly,



Michael Lyle
General Counsel

Att.

cc: Gracia Janes – PCWO jrjanes@sympatico.ca (by e-mail)
Milica Kovacevich, President PCWO (by e-mail)