

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, Suite 2700  
Toronto, Ontario  
M4P 1E4

June 14, 2010

Re. Board File Number: EB-2010-0059  
Transmission Project Development Planning

Dear Ms. Walli,

I am writing to provide comments on the Board's Decision on Cost Eligibility issued May 21, 2010 in the above noted consultation.

I recognize that these comments are being filed outside the timing guidelines set out in the Board's letter of April 19, 2010 with respect to the process for the above noted consultation. I would request the Board's indulgence with respect to including these comments in the record notwithstanding receiving this submission late on the grounds that the key statement I am commenting on only became part of the record at the conclusion of the public comment period.

The matter at issue has a direct bearing on the integrity of the information provided to the Board in submissions it has received which appeared to have formed the basis for a decision with respect to costs.

#### **The Matter At Issue**

In its undated submission, presumably filed on or about June 1, 2010 to the OEB in the above noted consultation, the Ontario Sustainable Energy Alliance (OSEA) made the following claim:

"We represent the consumer interests that demanded the GEA in the first place and it is our mandate to continue to play a role in promoting generation and transmission systems planning processes that recognize the economic, social and environmental factors that contribute to sustainability and the GEA as a whole."

This claim follows on similar claims contained with the letter of May 3, 2010 from the law firm Willms & Shier on behalf of OSEA. Specifically:

"(OSEA) is a province-wide, non-profit organization representing more than 150 members including individuals and non-profit/community organizations that advocate for a variety of interest groups such as ratepayers"...

"members seeking a level playing field"...

"OSEA's primary concern, in this proceeding, is to represent the consumer interests of its membership who will require the services of transmitters to connect their project"...

"OSEA does not have funds of its own to allocate towards its meaningful participation in this matter."

Contrary to these statements, I will demonstrate that OSEA is a front organization for two Ontario government ministries including the MEI, two funding arms of the Province's agencies or Crowns Corporations and the city of Toronto's funding arm aimed at the "green" sector.

The information upon which the Board based its cost eligibility decision with respect to OSEA is therefore false and misleading. Since the information used by the Board in its decision is false and misleading, the decision cannot be correct and must be reversed.

### **How This Matter Came Before the Board**

On April 19, 2010 the Board published a Board Staff Discussion Paper on transmission planning, a participation guide, and an appendix of case studies on how this matter is handled in other jurisdictions.

OSEA filed an argument on cost eligibility on May 3, 2010 and comments on the Discussion Paper on or about June 1, 2010.

### **Who is OSEA?**

There is clear and compelling evidence that OSEA is a front organization for Governments at two levels. OSEA reports to have received monies from me as a taxpayer in this province through the Government agencies and Government-controlled organizations listed as found on the "Funding Organizations" page of the OSEA public web site. OSEA identifies six sources of funds, one of which is the private Oak Foundation. The other five are Government agencies or Government-controlled organizations:

- Ontario Ministry of Agriculture, Food and Rural Affairs
- Ontario Trillium Foundation
- The Ontario Community Power Fund
- Toronto Atmospheric Fund
- Ontario Ministry of Energy and Infrastructure

The two Government ministries listed here will be well known to the Board. The Ontario Trillium Foundation is an agency of the Government of Ontario, with a mandate to disburse some of the proceeds of legalized gambling. The Community Power Fund is a granting agency created by the Ontario government to promote its energy agenda and OSEA on its website page:

[http://www.ontariosea.org/Page.asp?PageID=122&ContentID=2353&SiteNodeID=203&BL\\_ExpandID=88](http://www.ontariosea.org/Page.asp?PageID=122&ContentID=2353&SiteNodeID=203&BL_ExpandID=88)

claim certain responsibility for lobbying the Government of Ontario to create this fund. The Toronto Atmospheric Fund is an agency of the City of Toronto municipal government and supported by the taxpayers of Toronto and is also an "Associate" member of OSEA.

Even a cursory survey of the public positions taken by OSEA contradicts the view that it represents any bonafide ratepayer interest or that its members are seeking a level playing field with respect to energy development in Ontario. Instead, it seeks to promote non-competitive, uneconomic procurement of certain forms of power generation, clearly taking its guidance directly from the Governments agencies. Spokespeople for OSEA claim to speak for the public interest, but in fact they represent Government interests and the interests of parties (their associate members) who will directly benefit from their lobbying efforts. Their associate members include associations such as CanWEA, CUSW, CanSIA and numerous foreign manufacturers such as Enercon, REpower, Schuco, etc. along with many foreign owned green energy developers such as Main Street Power Company and Mainstream Renewable Power. Many of these same companies are members of other associations (eg: CanWEA, CanSIA, etc.) who also act as interveners and therefore already receive support from them. By paying costs for OSEA the OEB doubles up! As an example, in this matter CanWEA has applied for costs! Ultimately all of these funds are paid by the taxpayers/ratepayers of Ontario and every attempt should be made to avoid duplication. While I don't object to OSEA acting as an intervener I do object to their receiving costs!

OSEA's web site does not include an audited financial statement or any other type of financial disclosure for the organization.

**Relief Requested**

OSEA obtained a favourable ruling from the Board in its May 21, 2010 Decision on Cost Eligibility under false and misleading information from OSEA. It is therefore necessary for the Board to reverse the elements of its Decision on Cost Eligibility that allowed OSEA to absorb an even greater quantum of public funds than it has already.

**Filing of These Comments**

Three (3) paper copies of this filing have been sent under separate cover to the Board Secretary. I specifically request that this letter be posted to the Board's web portal and have followed the "e-filing services" guidelines on the Board's web site.

Yours truly,

Parker Gallant