

Individual 1

Title	First Name	Last Name	Position
Mrs.	Douglas	Sanderson	Vice-Chair
Ministry / Public Body		Ontario Public Service Status	
Human Rights Tribunal of Ontario		Former?	

The first problem I had with a public servant in Ontario did not seem like a major concern initially. In the Case Assessment Direction for the human rights complaint versus the Ministry of Education, where I was assisted by the Human Rights Support Center of Ontario, Vice Chair Douglas Sanderson, who describes himself as an Opaskwayak Cree, a first nation, used that exact language to describe me. I asked a contact who is a lawyer if Sanderson was calling me a liar and the lawyer agreed. I am sensitive to attacks on my character. I do not think it is normal for a court official to make pronouncements without evidence.

The ministry complaint was launched after I pulled my initial complaint against Dufferin Peel Catholic District School Board. My wife had a position 11 km closer to our home go away in a cluster of convenient circumstances. The school board/ministry complaint was part of a strategy I developed to demonstrate the persistence of indigenous racism in Ontario's schools. It was common for most of the girls on my daughter's school hockey team constantly wore their Mississauga Chiefs hockey team's paraphernalia at school events.

Eventually, my efforts did lead to many teams changing their name, but I believe that the continued use of that clothing at school events created a hostile environment for my daughters, and for me when parents at their game began to wear their Chiefs jackets constantly. There were a couple of times when my daughters were attacked for my position on mascots by their classmate. And since my wife lost her position within the school board 11 km closer to home, Sanderson's attack made us worried about retaliation. He had no evidence of me not being indigenous. Yet without proof, he alluded to obvious nature of me lying. I was surprised at the wording and the attack, without asking for evidence. In his mind, I was a liar about being indigenous and proof had to be provided to him beyond my status card, so I could be offended by mascots.

The fear of further retaliation was real. I had not worked since I signed a deal in 2012 with Horizon Utilities, now Alectra, in the OHRT over a Newfie joke and the retaliation caused by filing a HRTO complaint. That harassment led me to resign my position in 2010 rather than risk biting on the bait of constant exclusion that I would expect that all HRTO complainants are subject to once the complaint is sent to the respondent. When DPCDSB stopped her position, we were appalled and fearful. We could not have both of our careers ended. The 11km closer was important, she was diagnosed with PP MS and she had to use a can to walk around. She was having difficulty driving and her right foot control disappeared. We were worried her career would be threatened by my activism. You meet the nicest people on the activism path.

Before becoming involved in mascots, I had been told when asking about employment at Ontario Power Generation, that my former employer had said not very positive things about me, but the female executive would not say more. I attended Stakeholder relations meetings quarterly with the Ontario Power Authority and then the Independent Electricity System Operator to try and learn what people

were saying. Handcuffed by the NDA, I was not allowed to mention my time at Horizon or bad mouth them.

Doors would not open for me. By 2015 when I started the Mississauga process, I had asked almost every utility for assistance or partnership on my energy efficiency video series. I was being turned down by former contacts constantly, if they ever returned calls, they would assign my file to a junior contact. I would send them information and samples about my video series and they were turned down constantly. In most cases, the video series was dismissed without the contacts ever looking at the videos, a trackable feature on Vimeo or YouTube. I came to realize my career ended the day I signed the deal in the HRTO. So we were frightened to file against DPCDSB after this first setback, and have another parent end their working life through involvement with the HRTO. Luckily, we had experience with the HRTO, we knew that Human Rights promises are just that, and Paula had to keep her job because she would never get another job because of her disability. Why do you think we stayed in this wretched place.

By the time I saw the member of the Opaskwayak Cree, a first nation, member's attack in the Case Assessment direction, another avenue for attack became clear. The NDA, the retribution against my wife, and now a HRTO Vice Chair calling me a liar, the only reason to use my HRTO knowledge on the mascot case was the hope of understanding how my career was ended, and hopefully get one back.

Individual 2

Title	First Name	Last Name	Position
Mrs.	Renu	Mandhane	Commissioner
Ministry / Public Body		Ontario Public Service Status	
Human Rights Commissioner of Ontario		Former	

Before the ALCS of 2016 Mandhane made news when she revealed that her research revealed that the harm of mascots was real. I had asked in a Huffington Post editorial that she speak to other indigenous to learn their perceptions on mascots and when she made news before the 2016 ALCS I thought that was it. When the hearing started, testimony on mascots by indigenous groups was still sought out. This left me confused.

Once the harm was identified why did a survey continue. Mandhane was posting her interview subjects online, including her meeting with Stacey Laforme. Laforme, who told me at a meeting with Carolyn Bennett, Chrystia Freeland and Indigenous leaders that I was temporarily included with, that he used my case on mascots to gain land acknowledgements. Laforme had appeared in the Toronto Star with the Mississauga Chiefs. He was elected by 300 people. It was troubling that he was allowed he spoke for all indigenous.

Before the hearing process was over, I saw a reporter's tweet covering a panel featuring Mandhane and Sylvia Maracle, Chief Executive Officer of the Indigenous Friendship Centres and advisor to the HRCO on Indigenous issues. In the exchange, Mandhane stated her work on mascots causing harm for indigenous people. Maracle, a psychology professor at the University of Toronto, and aware of her professions report on the harm on mascots, told Mandhane that mascots are not important to most indigenous people and Mandhane appeared to back off. The interaction is mentioned in Systemic Injustice.

<https://www.youtube.com/watch?v=HM0cIeDRvK>

Maracle while a long-time leader in the Indigenous community, did not have the right like Laforme did not, to speak for more than her own opinion on mascots. The harm of mascots is the effect on people in the community, and they meet every criterion for what the HRCO had once listed as things on ought to realize is unwelcome. One person cannot give permission for another person to be discriminated against, at least one would think. Once Mandhane saw the harm how could she let others' opinions dissuade her from the legal definition of discrimination.

Individual 3

Title	First Name	Last Name	Position
Mr.	Ken	Bhattachargee	Vice-Chair
Ministry / Public Body		Ontario Public Service Status	
Human Rights Tribunal of Ontario		Former	

During a December 2017 hearing for the increasingly drawn out HRCO process vs Mississauga, I was asked to take the stand. I was barred from speaking to the press by Bhattachargee in December 2016. I had to be silent as Coaches Corner's Cherry decided to wear the Charliston Chiefs jersey for the first time and be quiet as it emboldened mascot supporters to take shots at me. I think the captain on my daughte's hockey team started wearing his Blackhawk's jacket and hat to every game after.

Around the same time, I did write an op-ed in the Huffington Post into the harm that the Supplemental Agreement was doing to the people who make up Qalipu. The discriminatory points system has divided families, created hostility amongst people who finally coming to terms with their heritage, and not being ashamed of the heritage. For this, the Vice Chair thought to grill me on the stand for disobeying his decree.

Bhattachargee starting question me by stating there a people who pretend to be Black, and Joseph Boyden, then he began to question my card. I produced it and then he began to ask me to identify myself by my grandparents. I was befuddled. I was not aware of the practice amongst our band where most like my Great Grandmother would admonish children, grandchildren and great grandchildren to never admit they were native or eskimo, they kill Indians on Sundays. She was harkening back to the cultural trauma of the elimination of the Beothuk who were gone 50 years before she was born near Battle Harbour, Labrador in 1879. A trauma that would lead her to argue with her husband about who was more native, with the loser being pure blood.

After 5 or 10 minutes of defending myself, the embarrassment made it feel so much longer, I told Bhattachargee he did not have the fucking right to vet my status in the HRCO. It was decided by the federal government and above his paygrade. In the closing argument we had to submit various evidence to prove to the HRCO that we were approved by Indigenous affairs. Canada what a country. I had to prove I was not a liar. The evaluation of the HRCO hinged on the perceived dishonesty of the respondent and not of the indisputed actions of Mississauga that created the hostile environment. Basically the HRCO took it upon itself to vet the documentation that my family provided to the Indigenous Services Canada.

Worse, looking back on the experience, it was clear that Bhattachargee was getting coached by others on how to tell I was Indigenous. Identifying yourself by your grandfathers is a Haudenosaunee practice not shared by the Qalipu. I was not aware of this Haudenosaunee practice until a member posted on twitter this is how we tell if someone is native, and you do not do it this way, you are a pretentious. Which is not only untrue is stereotype reinforcing. Not all Indigenous people are the same, and to have a vice chair of the HRCO attempt to test according to prejudiced logic was demeaning to me, and an embarrassment to the HRCO and Ontario.

After that, it was known the Vice Chair's time was up with the HRCO in March 2018. The case was slow played with delay after delay forcing the conclusion of the trial a month before the end of his term. In the closing arguments I was asked questions again by the HRCO who had stayed silent as the Vice-Chair disgraced the HRCO, and by their silence, they the HRCO.

In March 2018, I posted a paper on Academia on my thoughts on the process, and how the HRCO was part of the culture of oppression. I did not publicize it, but I knew I was going to lose and needed to put something up to argue the sour grapes accusation if I only spoke after.

https://www.academia.edu/36447742/Reconciliation_Indigenous_Genocide_and_The_Elimination_Factor

In May 2018, the HRCO was attending Rights Con. They were posting about it on Twitter. I looked at the sponsors and low and behold Ford was a sponsor with equal billing as Ontario. Ford on that very day was highlighted as the official Truck of the Washington Football team on their website. So, while judging a case on the discriminatory nature of mascots, the HRCO was rubbing shoulders with on of their biggest financial allies. I posted my frustration on Twitter in response to their RightsCon tweet, RightsCon seems to be a very appropriate name, and the case with Mississauga was thrown out that day.

After Bhattachargee's feeble attempt to haul me over the coals, this was a second reactionary act by the HRCO, which in my experience, realizing their futility and incompetence, attempt to evaluate the eligibility of the respondent for the human rights known to be denied by the application. With the wisdom of Solomon Grundy, they seek to act as gatekeeper to whom is entitled to the full rights of citizenship. I am not.

Once the case was thrown out, I knew I was screwed. Was I to be Christa Carled? Every effort from that point was to unwind my position with the HRCO. I would settle on any terms but had to play somewhat nice as I was being helped by the HRCO in a breach case. I found out on November 15, 2017 how my career was ended in the HRCO and just finished a breach of settlement file the night before Bhattachargee went on the attack.

Before the April 2012 settlement, Horizon Utilities submitted an audit of only my programs to find financial irregularities in only the programs I ran to the OEB. I had not thought to look for retaliation in semi public regulatory filings as I never thought the position of Ethics commissioner existed in Ontario.

Using information from the standard, and only form of audits of conservation programs from the Ontario Provincial Power Authority, Horizon asserted there were financial irregularities in the program I ran for precisely the period I worked at Horizon in October 2011. They did not file that report with the HRCO. I was never named but in a closed industry, it would be obvious to the utility executives who are typically the only ones who view these reports, precisely who their target was. When I signed the settlement, I was unaware of the semi-public attack in the OEB report and sealed my fate by agreeing to the predatory terms of the HRCO NDA.

Individual 4

Title	First Name	Last Name	Position
Mrs.	Jamie	McInnis	Lawyer
Ministry / Public Body		Ontario Public Service Status	
Ontario Human Rights Legal Support Center		Current	

During the settlement discussion with Dufferin Peel District School Board, I was represented by Jamie McInnis of the HRLSC. I did and still maintain considerable animosity against DPCDSB for their refusal to protect my daughters from mascot supporters, the indignity of having to attend school and go to school events with paraphernalia that according to educational theory is known to create an unsafe and exclusionary environment, and for punishing my wife for my activism.

When we finally came to a deal, it was time to sign. The HRTO and HRLSC demanded an NDA to seal the deal. Having been punished already by an NDA in the Horizon case where the HRLSC represented me, with the HRLSC having known that I had not been given another employment opportunity since that agreement. The HRLSC knew that the without information concealed from the HRTO at the settlement, partnered with the Horizon NDA prevented me from discussing or countering any false narrative that was in told in a very closed industry concerning my resignation. It had silenced my HRTO complaint. They knew I only filed the second complaint against DPCDSB because I had to deal with the school when the kids whose parents were defending the mascots starting venting on my daughters. McInnis was aware that I had a palpable fear of signing another NDA and then expose myself to further retaliation as the case was swept away.

It was in the middle of the #MeToo movement when people were coming forward with the emotional harm caused by NDAs that do more than affect women. They are a corporate tool of retaliation and intimidation, and planned objective and strategy tool on corporate clients forced into any Human Rights process. McInnis me informed that she had discussed my reluctance to sign with her boss, and that they decided that I was only seeking attention, not protection, by not signing an NDA. I was called a liar for the third time by the HRTO. The compromise was there was an NDA signed, with certain terms left out, but the essence of the deal was allowed to be publicized.

After being insulted by the McInnis and her HRLSC boss who called my work attention seeking, not that of a father trying to help and protect his disabled wife, and protect his family from the danger of another NDA, I gave very firm, permanent, informal and colloquial directions for anyone at the HRLSC to use if they think I did not have a legitimate fear of NDAs. Suddenly, my breach case against Horizon was no longer winnable, and the HRLSC decided to no longer represent me in the filing. Aren't you proud of our Ontario's just us system. I consider this to be a third instance of retaliation by the HRTO for not giving them the respect that they believed it was their duty to withhold from me.

In practice, they evidently believe they grant eligibility to those who receive Human Rights. They are more than just an independent and informed arbiter on exclusionary and discriminatory practices.

Individual 5

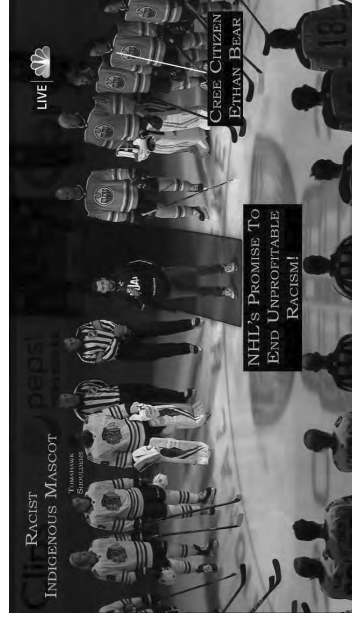
Title	First Name	Last Name	Position
Mrs.	Renu	Mandhane	Commissioner
Ministry / Public Body		Ontario Public Service Status	
Human Rights Commissioner of Ontario		Former	

Reeling from the first case being thrown out in 2018 vs Mississauga, with my HRCO lawyer stepping away from any subsequent hearings with Mississauga, with the HRLSC walking out on me in my personal breach case, I was determined to get away from the HRTO and was willing to take any deal. I agreed to the deal in November 2018 knowing the probable outcome of the deal. There were



4 parties appointed to consult on what I could be offended by. The first two parties appointed were Peel Aboriginal and the Mississauga of the New Credit, which were essentially the same body. Stacey Laforme had come out in support of the Mississauga Chiefs and he was not offended by mascots. The affiliated Six Nations band used the Blackhawks logo for their team. He was okay with my kids being subjected to harassment by mascot teams. Yet when I showed him in early 2018 the logo of the Mississauga Golf and Country Club, home of the Credit Mission, Ryerson's first Indian school using a logo that only affected his people, he had it changed. He is thrilled at his ability to speak for all Indigenous people in Canada though his election was only supported by 300 of the 1.6M Indigenous people in Canada yet is protective against discrimination when it affects him.

The third party was Indigenous friendship centers whose executive officer was Sylvia Maracle who had told Renu Mandhane that mascots were not important to all Indigenous people, and to ignore the psychological assessment of the APA. The fourth was the Indigenous sport association or something of Ontario, and my kids were denied participation in the Little NHL for multiple years even when the Little NHL was run by the Indigenous children's lawyer who now sits on the board of hockey Canada. Within 4 months of the settlement, the first Cree language broadcast of an NHL game was on APTN, it was celebrated with hometown hockey with Six Nations, and featured the NHL Blackhawks.



The national Indigenous hockey championship, supported by the NHL, was named the Fred Saskatchewan tournament. Saskatchewan was justifiably proud of the accomplishment of making the NHL, it was a considerable achievement to be the 3rd or 4th Indigenous NHL player. He proudly wore a Blackhawks logo on his chest whenever he appeared in public and was a great partner for the Blackhawks. However, he could not give permission for the NHL to discriminate against all Indigenous people. He was also considerably less deserving of the honor of the National tournament being named for him as he was proceeded into the league by first Indigenous Hockey Hall of Fame member George Armstrong, who played 118 games in the NHL for each of Saskatchewan's 11 games. The NHL, by working with the APTN for the Cree Broadcast, and supporting the Indigenous hockey tournament, were following the Daniel Snyder playbook of using money to buy support for their racism.

The surprising thing about the who issue is the Mandhane knew the positions of these groups on mascots. She was aware of the harm of mascots and produced a report, first with my name on its front page, now with my work wiped from it, on the harm of mascots. They do not deserve credit for the strategy on challenging the funding on mascots but for the malfeasance on appointing third parties to decide the limits of my human rights.

WOULD REASONABLY TO BE KNOWN TO BE UNWELCOME:

- ✓ racial epithets, slurs or jokes
- ✓ being subjected to racial name calling or nicknames
- ✓ racial cartoons or graffiti
- ✓ comments ridiculing individuals because of race-related characteristics, etc.
- ✓ singling out an individual for teasing or jokes related to race, ancestry, place of origin or ethnic origin
- ✓ being subjected to inappropriate references to racist organizations
- ✓ circulating racially offensive jokes, pictures or cartoons by e-mail or having a racially offensive screensaver.

As Commissioner of the HRCO she had to be aware of the HRCO's position on what people ought to realize as unwelcome, yet she presided over the HRCO signing onto the abdication of the law allowing others to decide what could be considered offensive in Ontario. She unwittingly disenfranchised me and shortly afterward she was appointed to a judgeship. The HRCO lawyers were surprised I was tearful when I signed the deal. I felt pressured to agree to the deal that I knew signed away my rights. It was unbelievable that they did not understand their incompetence on this issue. A complete failing of the protection of the charter of rights and freedoms that are guaranteed to each and every Canadian.

As a note, I was not influenced by the TRC on Residential Schools. Unlike other Indigenous or people of Indigenous descent in Canada, Qalipu avoided Residential Schools because Joey Smallwood denied our

existence at Confederation. Newfoundland racism protected us from Canadian racist practices. It was wrong and once again uninformed of the HRCO to assume of my influence in their post on mascots. I used the TRC report in my response on mascots to inform them. Their assumption that the TRC was precedent to my objection was evidence of their stereotypical belief that all Indigenous are the same. My annoyance was triggered by the University of Notre Dame hosting a game and selling tickets on the Washington Football Stadium and website. But it does explain their belief that all Indigenous are the same, and one small group gets to speak for all. That is why are a barrier to human rights.

https://www.ohrc.on.ca/en/news_centre/ohrc-settlement-addresses-harmful-impact-stereotypes-indigenous-youth

Individual 6

Title	First Name	Last Name	Position
Mrs.	Josee	Bouchard	Vice-Chair
Ministry / Public Body	Ontario Public Service Status		
Human Rights Tribunal of Ontario			
Former?			

I did not have a chance in the HRCO breach hearing on Alectra. Abandoned by the HRLSC I was unable to find counsel and left aimless before the hearing. I do not think I was able to prepare an adequate case as I did not have any faith in the process. I was up against one of the best lawyers in Canada. I was surprised that though I had found non-disclosed OEB reports filed before the HRCO hearing, when I supposedly protected from retaliation, that I was at a considerable disadvantage. I have no doubt that the HRLSC severing our relationship prior to the hearing had a great bearing on the harsh reaction I faced in the hearing.

The witness for Alectra argued that their individual audit of conservation programs was normal course of business. The witness said it was provoked after a request of the Vulnerable Energy Consumers Coalition who requested a review of the programs. They presented the letter of request at the hearing and it was not in the files provided before the hearing. It was not on the OEB website or included as part of Horizon's 2011 OEB filing.

When I got the chance to question the witness I asked if she could give one other example of when they filed an audit of their conservation programs. I mentioned that in their filing they only gave examples of provincial audits that were done once every couple of years when programs changed to assess the provincial success of the programs. I asked why I could not find another audit done by an individual utility company filed in the years around Horizon's unique filing. I asked if she had followed an example or if she could cite another example. At this point the respondent lawyer said I was badgering the witness and the Bouchard found it wrong that I would badger such a credible witness.

<https://www.canlii.org/en/on/onhrt/doc/2019/2019hrt0254/2019hrt0254.html>

It was a nightmare situation. The respondent who did not disclose the unique audit was taken at their word by a vice chair who was clearly not impressed with me. I guess open season on my integrity was declared in the HRCO. Was it my standing up for myself versus Bhattachargee for questioning my card on the stand, or my rebuke of the HRLSC for calling me a liar, probably. It appears that I was considered difficult for not tolerating the discretion of the SITO officers to calling me a liar without proof. An apology

for doing so have never been considered. It was a farce. I lost all respect for the Ontario legal just us system, because clearly I am not the us.

The hearing started off peculiarly too as Bouchard said that it was HRTO policy to not allow the taping of the hearing. Having failed numerous times trying to get the HRTO and CHRT to declare the humanity of indigenous people by identifying mascots as discriminatory, participants were given the option to tape the proceedings. Now, suddenly, it was never done. I taped it anyway and I have the recording. I believe that I began the recording before Bouchard made her pronouncement, and it may still be valid in an organization where laws and procedures can change at any time. What a tangled web you weave....

The screenshot shows the top navigation bar of the Human Rights Legal Support Centre (HRLSC) website. It includes links for 'FAQS', 'HOW-TO GUIDES', 'ABOUT US', 'HUMAN RIGHTS STORIES', 'CONTACT HRLSC', and 'SHARE'. Below the navigation is a search bar with 'English | Français' and a 'Search' button. A prominent banner reads: 'Enforcing Your Tribunal Order or Settlement' with the subtext 'Common Legal Terms Your Right to Accommodation Human Rights in Ontario'. Below the banner is a large black box with white text: 'Laws and Procedures are subject to change without notice!' followed by the text 'law and procedures under the Human Rights Code and at the Human Rights Tribunal of Ontario are subject to change without notice.'

Individual 7

Title	First Name	Last Name	Position
Unknown	Unknown	Unknown	Executive
Ministry / Public Body	Ontario Public Service Status		
Ontario Energy Board	Unknown		

Another fun fact, when I got someone who worked at the OEB to state that energy audits were lead by the province. They were not done by individual utilities. They were not normal course of business. I filed a retaliation complaint against Alectra with the HRTO in November 2019, one year to the day I contacted the HRLSC upon finding the OEB report that has permanently damaged my professional prospects. I took so long to look since I thought the HRTO actually protected people from retaliation, and because filing false financial documents disqualifies people from filing future reports. I had thought the attack was done to my carry in a closed environment, thinking the NDA was excluding from the industry. I did not think it part of a larger strategy to discredit me, and seemingly used as a strategy to dissuade any futures complainants from exercising their rights.

When the VECC letter was given as justification for Horizon for filing its individual audit for its conservation programs I was surprised. I was shocked to see it allowed in the hearing in January 2019 without it being disclosed. I could not find it on the OEB website when it was cited as the reason. When I prepared the retaliation claim, I was further shocked to see the letter appeared on the OEB website dated to October 2011 when it was not there previously. It was another example of troubling behavior by a provincial department. More troubling was the knowledge that Alectra was formed in 2014 by the merger of Powerstream, Enersource and Horizon. The CEO of the OEB was the former CEO of Alectra. My Spockian eyebrow is spasms in the raised position.

Individual 8

Title	First Name	Last Name	Position
Ministry / Public Body	Unknown	Unknown	Manager
Ontario Human Rights Legal Support Center	Ontario Public Service Status		
	Former?		

When I filed the retaliation claim with the HRTO vs Horizon I was hopeful that I may get some part of my career back. The HRLSC even asked to represent me in the retaliation hearing. But I have been abandoned by the HRLSC before. They called me a liar. They gaslighted me on my fear of the process and NDAs. I reiterated my very firm, permanent, informal and colloquial directions for anyone at the HRLSC to use if they think I did not have a legitimate fear of NDAs. I am not Charlie Brown. I will not try and kick the football a second time after you pull it away once. I refused their help. I do not think the credibly represent their capabilities or their intent. I was surprised that when the retaliation was dismissed on a technicality and never sent to Alectra after being accepted and assigned a case number, that they did not investigate or report the evidence of perjury that I provided.

Individual 9

Title	First Name	Last Name	Position
Ministry / Public Body	Unknown	Unknown	Registrar
Human Rights Tribunal of Ontario	Ontario Public Service Status		
	Former?		

The retaliation claim was dismissed in the HRTO as laws and procedures changed without notice. The claim was accepted and never sent to the respondent. Upon appeal I was told by a former PC MPP newly appointed to the HRTO that this was normal, not unusual at all. The HRTO is a problem. It is a barrier to human rights. It intensified and participated in my exclusion in Ontario and in the economy. From Sanderson to the end, the body has attacked my character and took the position that I was dishonest as the retaliation for participating in the process, for believing in the system, worsened. I do not vote any longer. I do not watch Canadian news. I do not watch hockey. I would advise that using the HRTO is the ultimate career limiting move, a process that never has the will, the capability, nor temerity to stand for

the rights they are charged to protect. It is why I represent the illusion of social justice with penrose steps, an illusion of forward progress without actually going anywhere.



Individual 10

Title	First Name	Last Name	Position
Ministry / Public Body	Multiple	Multiple	Adjudicator
Ontario College of Teachers		Ontario Public Service Status	
		Unknown	

I filed with the College of Teachers in 2019 rather than a breach with the HRTO vs DPDCDSB because I no longer trusted the HRTO, HRCO or HRLSC. I had to hold my daughter out for 1/3 of the season in 2018 after the agreement with DPDCDSB in the HRTO. DPDCDSB was my wife's employer and we could not avenues to address the failure to honor the agreement. I try not to speak to any teacher from the board though once I was teacher with them. They knowingly treated my children differently because of their ethnicity. I have zero respect for all those who refused to provide a safe and accepting environment for them.

When I went to see a game in the 2019-2020 season, I saw a Gonzaga teacher offload the kid's Chiefs bag from the school bus. I was enraged. The cost of the agreement with DPDCDSB was the ability to recover my career in the HRTO process when the HRLSC reneged on representing me. I reached out to a Black parent on the Gonzaga team hoping for understanding but my disgust was a greater harm than the harm of the teachers who failed to provide a safe and accepting environment for my child. Or the parents who left my daughter at games for an hour at multiple games during the season, never once offering her a ride home. The adjudicators of the College of Teachers stated that a side deal was struck so kids who can pay \$5000/yr for their girls to play hockey can avoid a \$50 expense for my daughter to be included in school. So Mandhane et al disenfranchised me by allowing 3rd parties to decide what I should be offered by, the College of Teachers disenfranchised my daughter and decided it was okay that she

not be provided a safe an accepting school. By coincidence???, the parish priest at Gonzaga was suspended for promoting the positive aspects of Residential schools.

Watch Systemic Injustice. <https://www.youtube.com/watch?v=HM0cJ6EDrVk>
<https://beyondgreenconsulting.com/10-years-ostracized/> - It is 11 now.

A note. I have had 3 settlements in the HRTO.

- 1) With Horizon, and it was signed without the disclosure of a unique utility conducted audit of the programs I ran for precisely the time I was there.
- 2) I signed a deal with DPDCDSB and it was not honored. Fun stuff, when I mocked DPDCDSB after seeing their defense of their failure of honoring the agreement or providing a safe and accepting school was during Covid in 2020. The next day there was reorganization at the board. My wife who struggled to get into school to teach online, driving 35 minutes each way to sit at her computer to work and waiting to drive home, was called on the way into work and told to not report to her school near Chinguacousy and Bovaird but to report to a school near Bramalea hospital. Nice. She could barely walk and they were sending her another 10 km away from our house. They sent a disabled high risk immunodeficient work to the highest infection rate postal code of the country 30 km from her home to work online. And why do we have Catholic education. It is bad enough Notre Dame still runs residential school, but Catholic decency is a fairytale also! <https://ace.nd.edu/programs/alsn>

- 3) I signed a deal with the City of Mississauga and their actions following the agreement are in Systemic Injustice. When the Pointer shared an email sent by Mississauga staff I was not that surprised. But the anonymous source feared for his job if went on record with Mississauga's noncompliance with the deal. The HRTO's effectiveness at protecting workers who use the services it advertises is well known. I am not brave. I am glibble. I believed the promises of the Charter would be honored. When you enter the justice system you are evaluated according to status. Certain characteristics are weights that tip the scales of justice in your favor, others are balloons that take justice away.



- 4) Just a note, I left a Ph.D program in 2023 at the University of Windsor as a professor kept justifying old sociological fairy tales that Indigenous Cultures are primitive and savage. It is a real problem for me. I find it offensive that certain culture are demeaned in polite company and other must not be.

https://www.academia.edu/93501786/Growing_Good_Canadians

So looking back on the actions of Ontario Public Servants I actually expect no action from this recounting of fact. Resources will be used to come up with an acceptable reason why it is okay:

- 1) To accuse a respondent of lying without having proof
- 2) To take a survey on the applicability of human rights
- 3) To questioning a government certified document that verifies my indigenous heritage in the HRTO,
- 4) To gaslighting a HRLSC client, trying to force them to sign and NDA, and then abandoning them because he can't really fear NDAs, he is only seeking attention
- 5) To the HRCO signing a deal that disenfranchised me
- 6) To making up you mind on an outcome without considering the evidence
- 7) To updating historical documents after the fact, at least when searching on variations around VECC and Horizon yielded not responses in January 2019
- 8) To a report of perjury not being investigated to the OPP or RCMP by the HRLSC
- 9) To refusing to consider the evidence of a misrepresentation on the stand
- 10) To OCT overruling a deal in the HRTO

I have appealed to Victims Rights in Canada without success. Reached out to the CHRT without response. A 2018 complain to the LSO over the hidden documents was accepted but no decision returned. I have no expectation that you will seek out people to vet whether it was normal course of business for utilities to audit provincial conservation programs. I have no doubt that you change policy that see clients abandoned in the HRTO by deliberate underfunding to diminish the HRTOs ability to provide quick resolutions to hearings or protect respondents.

I am sharing with the HR commissions in Canada to see if there is an agreement on the purity of government behavior, but I realize most likely that most will only use it to improve their tactics in silencing dissent.

For those who ever questioned NDAs the stress is palpable. I applied to a PhD at U of T. I had two support letters on mascots from all the first nations chiefs I reached out to in Canada. One was strong and one was quite weak. Having been unemployed for 6 years at that point, 11 years now, I submitted them to U of T as the only reference letters I had to get in. The program then emailed one of the letter writers who promptly wrote U of T denying our relationship. I tried to contact the person to say that I submitted the letter as the only support I had, but I could not explain to the person why I had to use those letters without revealing how I had my career ended in the HRTO. I pulled my application and never pursued it again since the NDA leaves you in a position where people can attack, and you cannot defend yourself without exposing yourself to a legal process that gives no evidence of fairness or impartiality.

After losing to Alectra in 2019, I had an interview with Hydro One. The person was the former legal counsel and now in conservation. Curious. I was supposed to meet with two people, and it was changed to just the former legal counsel at Hydro One. Sensing a trap, I performed terribly at the interview. I was just called a liar by multiple officers of the HRTO, the damage inflicted by the HRTO is worse than the underlying issues that caused the complaint.

NDAs are court sanctioned harassment. They are used to bully and demonize those who stand up. They are an unequal relationship that gives unlimited power to the party with the means to destroy and curtail any complaint.

Using NDAs to hide misconduct must be made illegal.

Besides most of the cases in the HRTO are for show anyways. The harm of the behaviour is known, and charade is played out that does not decide the law but the eligibility of the respondent for the human rights they were denied. It is cheaper to make code compliance a report, with company compliance monitored annually. Failure to comply must be met with higher insurance rates, rates that would be diminished with a commitment to training and future compliance.

No one is listening. No one will. No one should trust the system that falsely preaches protection from harassment and discrimination. It you have no human rights? if the institutions designed to guarantee them are too timid to protect them? do you have human rights? Is Canada a democracy?



Social Justice Tribunals Ontario

Providing fair and accessible dispute resolution
Human Rights Tribunal of Ontario
655 Bay Street, 14th Floor
Toronto ON M7A 2A3
Tel.: 416-326-1312 or 1-866-598-0322
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Tribunaux de justice sociale Ontario

Pour une justice accessible et équitable
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HUMAN RIGHTS TRIBUNAL OF ONTARIO



July 12, 2017

Brad G. Gallant
6343 Alderwood Trail
Mississauga, ON L5N 6X1
Via mail and e-mail: bradgallant@rogers.com

Brad Gallant

Applicant

-and-

Emily Bala
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Her Majesty the Queen in Right of Ontario as represented by the Ministry of Education

Respondent

CASE ASSESSMENT DIRECTION

Re: Brad Gallant v. Her Majesty the Queen in Right of Ontario as represented by the Ministry of Education

HRTO File Number: 2016-24184-1

Adjudicator: Douglas Sanderson
Date: July 12, 2017
File Number: 2016-24184-1

Please find enclosed a Case Assessment Direction of the Tribunal in this matter, dated July 12, 2017.

Child and Family Services Review Board
Custody Review Board
Human Rights Tribunal of Ontario
Landlord and Tenant Board Ontario
Special Education (English) Tribunal Ontario
Special Education (French) Tribunal Ontario
Social Benefits Tribunal

Commission de révision des services à l'enfance et à la famille
Commission de révision des placements sous garde
Tribunal des droits de la personne de l'Ontario
Commission de la location immobilière
Tribunal de l'enfance en difficulté de l'Ontario (anglais)
Tribunal de l'enfance en difficulté de l'Ontario (français)
Tribunal de l'aide sociale

[1] This Application alleges discrimination with respect to goods, services and facilities and contrary to the *Human Rights Code*, R.S.O. 1990, c. H.19, as amended (the "Code")

[2] Having reviewed the file, the Tribunal has decided to hold a preliminary hearing to determine whether this Application should be dismissed, in whole or in part, on the basis that:

- a. There is no reasonable prospect that the Application or part of the Application will succeed.

IS THERE NO REASONABLE PROSPECT THAT THE APPLICATION OR PART OF THE APPLICATION WILL SUCCEED?

[3] The Tribunal does not have the power to deal with or remedy general allegations of unfairness. The Tribunal only has the power to deal with discrimination, harassment or reprisal that is prohibited by the *Code*. Discrimination in the legal sense requires proof that the respondent's adverse treatment of the applicant is based, at least in part, on the applicant's ancestry, race or other prohibited ground under the *Code*. In other words, the prohibited ground must be connected to the adverse treatment.

[4] Where it appears that all or part of an application may have no reasonable prospect of success the Tribunal may determine it is appropriate to hold a "summary hearing" on that issue. The summary hearing gives the applicant an opportunity to more fully explain the allegations contained in the Application and to hear argument from the parties before the Tribunal makes its decision about whether all or part of the Application has no reasonable prospect of success.

[5] Rule 19A of the Tribunal's Rules of Procedure sets out specific guidelines for this type of preliminary hearing and it is important because the procedures for a summary hearing are slightly different than other types of preliminary hearing issues. Most importantly, the parties are not expected to submit documents or call witnesses to testify for the purpose of a summary hearing.

[6] Unlike other preliminary matters, which are determined on a "balance of probabilities", the test the Tribunal applies at a summary hearing is whether an application has "no reasonable prospect of success." If, after examining the allegations and hearing the parties' submissions, the Tribunal determines that an application has no reasonable prospect of success, it will be dismissed. If the Tribunal does not dismiss an application, it will continue in the Tribunal's process. In some cases, the Tribunal may find that only part of the application will move ahead, while part of it is dismissed.

[7] There are a number of reasons why the Tribunal may decide to hold a summary hearing. In this case the Tribunal has decided to hold a summary hearing because the issue the applicant is raising does not appear to fall under the *Code*. The focus of this inquiry is on the legal basis for the applicant's claim and whether or not there is any reasonable prospect the allegations may amount to a *Code* violation.

[8] The applicant describes himself as a Qaiipu Mi'kmaq, a First Nation. The applicant alleges that the use of indigenous symbols, names and mascots in schools, e.g. with respect to sports teams, is discriminatory. The applicant seeks an order requiring the equal enforcement of the *Accepting Schools Act, 2012* in all school boards in Ontario with a view to eliminating the use of indigenous symbols, names and mascots in all schools in Ontario. The applicant indicates in his Application that his children are students in the Dufferin-Peel Catholic District School Board.

[9] In this case, the issues for summary hearing are (1) whether the applicant has standing under section 34(1) to raise issues relating to school boards other than the Dufferin-Peel Catholic District School Board and (2) whether the applicant has any reasonable prospect of success of attaching liability to the Crown in right of Ontario in relation to his allegations of continuing discrimination by individual school boards across the province. See for example, *R.C. v. Ontario (Education)*, 2014 HRTO 999.

NEXT STEPS AND DIRECTIONS

[10] The Registrar will schedule a half-day hearing by conference call. The parties will receive a notice of hearing, setting out the time, date and telephone numbers for the preliminary hearing. Although scheduled for a half-day, not all preliminary hearings a half-day to complete. It will be up to the Vice-chair to determine the length of the hearing and how the hearing is conducted.

For the Summary Hearing


[11] The summary hearing process is described in Rule 19A of the Tribunal's Rules of Procedure as well as the Tribunal's Practice Direction on Summary Hearing Requests available on the Tribunal's website at <http://www.sjto.gov.on.ca/hrtol/>.

[12] No witnesses will be called during the summary hearing but the Tribunal will hear the parties' arguments about whether all or part of the Application should be dismissed because it has no reasonable chance of success. The applicant will generally proceed first during this summary hearing and the parties must be prepared to address the issues discussed above.

[13] The parties shall deliver to each other and file with the Tribunal copies of any further documents or cases they intend to rely upon for this portion of the hearing no later than 35 days after the date of this Case Assessment Direction.

[14] I am not seized.

Dated at Toronto, this 12th day of July, 2017.



Douglas Sanderson
Vice-Chair

Horizon / Alectra Utilities Request for Reprisal/ Reconsideration

APPLICATION FOR REPRISAL / RECONSIDERATION

1. I, Brad Gallant, wish to seek reconsideration of the decision file number 2019-31011-S, Gallant vs Alectra Utilities Commission and intend to seek damages for retaliation by Horizon, predecessor to Alectra, for its actions after I filed the complaint versus Horizon in February 2010. These damages can be awarded as part of a reconsideration procedure for the breach claim I filed in December 2017 and denied in February 2019. Or a reprisal claim.

2. This filing is beyond the one year timeline from discovery in 2017 but I had to await the breach hearing process to conclude.

3. I intend to challenge each point of the Analysis and Decision of Adjudicator Josée Bouchard.

4. The first part of Bouchard's analysis and decision is that the code does not contain successor employer provisions that allow statutory liability to flow through to a successor corporation, such as are found in the Employment Standards Act, 2000, S.O. 2000, c. 41 or Labour Relations Act, 1995, S.O. 1995, c. 1, Sch. A. In Great Atlantic & Pacific Co. of Canada v. Ontario (Human Rights Commission) (1993) 1993 CanLII 8616 (ON SC), 13 O.R.(3d) 824, the Divisional Court held that, in the absence of a successor employer provision in the Code, this Tribunal has no jurisdiction to add a successor employer as a party to a proceeding under the Code.

5. This ruling was made in 1993 and predates the successor provisions in the Employment Standards Act or Labour Relations Act. It has been cited in cases like Barter v. Bata, 2010 HRTO 325 (CanLII).

6. The Great Atlantic court states that The Human Rights Code contains no successor rights provision similar to s. 63 of the Labour Relations Act, R.S.O. 1990, c. L.2, and s. 13 of the Employment Standards Act, R.S.O. 1990, c. E.14. The board had no statutory authority and no jurisdiction to add A & P as a party.

7. Based upon this analysis, the Great Atlantic Court decision has been used to deny successor rights provisions of human rights obligations under Human Rights code.

8. As a counter argument I would remind the court of its own provisions of Appendix B - Human Rights Workplace Which Laws. Under Labour relations code, Appendix B of the code stated in 2008, that the substantive rights and obligations of the Code are deemed to be, or taken to be, part of each collective agreement that an arbitrator has jurisdiction over. So from any period of 2008, that any HRTO obligation of collective agreements are taken to be part of any labour relations, and successor rights provisions are also part of the act, then successor rights for Human Rights Code obligations must extend to the predecessor corporation.

9. Unlike Bata in Barter vs BATA, Horizon or it successor, Alectra nor its predecessor Horizon, did not undergo Companies' Creditors Arrangement Act (CCA) reorganization to restructure its debts and obligations.

10. In fact, Alectra is the successor corporation of Horizon, carrying of substantially all the core business lines of operation of the predecessor corporation, and as its obligations under the Labour Relations Act extend to the successor corporation, and the Human Rights Code is part of each collective agreement, then successor rights to the code extend from Horizon to Alectra.

Sham Transaction

11. Since the Human Rights Code is embedded in each and every collective agreement subject to the Labour Relations Act, and Alectra is subject to the provisions under the code, then I was not under the obligation to prove that the merger of the Utilities to form the Alectra Corporation from its predecessor Horizon was a sham transaction. As Horizon was a predecessor to Alectra, and therefore under the provisions of Appendix B of the Human Rights Code as embedded it is union contracts governed by the Labour Relations Acts of 1995, I was not under obligation to prove that it was a sham transaction.

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APPLICATION FOR REPRISAL / RECONSIDERATION 2

Part of Normal Business Activities

12. Horizon's defense to the submission of the OEB report prior to the original hearing was identifying it as a normal course of business.

13. As much as I desired to question Eileen Campbell on the nature of the normal course of business, the adjudicator, Bouchard, limited my questioning on the nature of the normal course of business.

14. I was not aware of an October 2011 OEB report filed by Horizon stating that they found significant misreporting of energy savings for the Electricity Retrofit and Incentive Program (ERIP) for the exact period I was employed there. The OEB reports are public but technical, typically viewed primarily by utility executives. I made the mistake thinking that Horizon would file the report while I was under protection from retaliation under the guise of the HRTO, and willfully create an undisclosed material liability. I only discovered the report on November 15, 2017. At the advice of the Human Rights Legal Resource Center, I filed a breach complaint December 10, 2017.

15. Horizon did not disclose this report as part of their HRTO filings in February 2012, 4 months late. The audit dealt specifically with the performance of the program that I ran as an employee. That report has been damaging to my career, eliminating employment opportunities from 2013, when an existing contract expired, to the present.

16. Their "audit", while not providing proof of other programs compliance, nor sound reasoning why the audit was undertaken, nor proof that VECC requested it be undertaken as stated in the 2019 breach hearing by VP Eileen Campbell at the time of the breach hearing, no mention of VECC or Vulnerable Energy Consumer Coalition in OEB report. I was unable to find the letter from VECC until November 9, 2017. It was submitted, and requested intervention after the OEB report on 11/7/11.

17. Interestingly, Horizon provided information on the intervention on their October 12, 2011 filing, before the intervention request was made public. Further, VECC requested to intervene in the Horizon OEB filing before to ensure vulnerable energy consumers were being billed appropriately. No mention was made of the request to audit Conservation and Demand Management Programs.

18. The "audit" also found no errors in their reporting on other programs, especially those residential programs that address vulnerable energy consumers, but found no errors, "except for ERIP", a program designed to help commercial and industrial customers. The audit was done on their own, not done in accordance with provincial audit typically lead by the OPA, now IESO, who reports as a group to the OEB.

19. In Appendix B, Appendix C, & Appendix D Horizon gives evidence of reporting on Conservation of Demand Management (CDM) Programs. Each report did an analysis of all programs. In Appendix B, Horizon presents a third party audit on all programs prior to my employment at Horizon in 2008. In Appendices C & D, lead by the OPA, Horizon was given evidence of provincial performance of all programs. In Appendix D, a comparison of Horizon's CDM performance.

20. The decision and facts that are undisputed by Adjudicator Bouchard are not undisputed. I commenced employment with Horizon in July 2008. I filed the original complaint in February 2010. The Newfie joke that precipitated the original complaint happened in October 2009, and only after it was disregarded as a sign I needed to take a joke did I complain.

21. Further, the positive reference letter provided by Ms. Campbell, from the corporation who harassed me until I resigned after filing the HRTO complaint is not highly valued. That reference letter was signed on March 24, 2012 before the hearing. Even though, per the side settlements with Brian Cook, the adjudicator in the hearing, it was under active negotiation during the March 26, 2012.

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APPLICATION FOR REPRISAL / RECONSIDERATION 3

22. The Sealine report in Appendix B demonstrates that Horizon did not have errors in their CDM offerings prior to my employment commencement in [July 2008](#). That is why it is presented. The error in the undisputed statement of facts makes this unclear.
23. There was no indication of any errors with any of the programs highlighted by the OPA in Appendix C or Appendix D. No indication was given as to why Horizon felt it necessary to audit programs, or that there were specific errors with the ERIP programs.
24. In [Appendix E](#), Horizon presented an evaluation of the ERIP program that I ran by Burnam Energy, the independent Engineer hired by Horizon to evaluate energy incentive applications and who provided technical advice on OPA savings calculations and [investment amounts to Horizon](#).
25. In [Appendix F](#), Horizon presented an evaluation of the ERIP program that I ran by Finn Projects, the independent Engineer hired by Horizon to evaluate energy incentive applications and who provided technical advice on OPA savings calculations for the period up to the Fall of 2008, just after I joined Horizon.
26. In [Appendix C](#), Horizon was informed by the OPA (Ontario Power Authority) that should it need assistance in calculating the Lost Revenue Adjustment Mechanism (LRAM), the nature of this report in its entirety, they were to contact the Ontario Energy Board (OEB) Directly. Instead Horizon sought advice from Burnam Energy and Finn Projects for the Calculation of the LRAM changes. No evidence was given that they sought advice from the OEB on the recalculation of these amounts.
27. In the hearing on January 2019, Horizon's witness stated that they were requested to Audit their CDM programs by the Vulnerable Energy Consumers Coalition (VECC) who intervened in their case. The letter from the VECC was provided by to the OEB in [November 2011](#). It was not provided into evidence and during the telephone case conference it was not produced when I requested.
28. It seems that in October 2011 Horizon provided evidence to VECC's intervention before it was requested in November 2011.
29. In [Appendix B](#), [Appendix C](#), and [Appendix D](#), Horizon gave examples of energy audits of Conservation and Demand Management Programs. Each audit was of all programs, and did not limit itself to a single program.
30. The Audits in [Appendix C](#) and [Appendix D](#) were performed and lead by OPA. After the receiving the judgement, and after I was finally able to speak about my employment with Horizon, I asked Allan Fogwill, a former manager with OEB and he said it was peculiar that Horizon performed an Audit individually, rather defer to the lead of the OPA. This corroborates the nature of the OPA communications in [Appendix C](#) and [Appendix D](#).
31. As such, since this was an independent audit, requested by an intervenor, rather than being lead by the OPA, since it provided only information about a single CDM program rather than present an evaluation of all programs, this OEB filing was not part of the normal course of business for Horizon. It was a unique audit, done by a single utility outside of the regular course of Business.

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APPLICATION FOR REPRISAL / RECONSIDERATION 4

Why it is Retaliation

32. The OEB report is retaliatory for several reasons
33. It identifies errors only in the program ran by me for the period I worked at Horizon
34. It concerned errors only in the program I managed and was not disclosed as part of Horizons documents in the February 15, 2012 Filing to the HRTO. The document was therefore, unknown to me until 11/15/2017. I would not have settled had I know about this document.
35. It was done out of sync with other audits of Conservation & Demand Programs, emphasizing its irregularity. Comment from [Allan Fogwill - here](#).
36. In total, Electricity Retrofit Incentive Program or ERIP is mentioned 57 times in Horizon's 2011 submission, (pg 15-16, 101-165 or [here](#))
37. In the "Lost Revenue Adjustment Mechanism ("LRAM") amounts related to CDM activity," section on (pg 101-165) Horizon specifically state that all were correct "Except for ERIP", they mention this on pg 105 of the OEB report, [3 times here](#).
38. Horizon shows an audit of all programs 2005 - 2007 by SeeLine Group in Appendix B of the LRAM report (p.32 of the OEB filing, or [here](#))
39. Horizon prepared for defending OEB filing in their original documents provided late to HRTO in February 2012.
40. They provided information on normal course of business in original supporting documents.
41. They were ready to defend OEB filing should it have been discovered. Yet they did not provide the documents in a timely fashion for me to consider the content of their documents or the reason they were filing them.
41. I had already left the company due to harassment from the point they became aware of my complain to the HRTO. They initially tried to prevent me from resigning, wrote me up for expressing my frustration as a reason for resigning, and then posted it to my personnel file after I resigned. Another major problem is that Burnam Energy Report ([link](#)) reported that they reconciled with OPA assumptions and measures.
42. Well original numbers were based on Burnam numbers, which were assigned a dollar value ERIP incentive level and calculation of kW saved. [Letters](#)
43. The project approval flow chart looked like this:
 44. Client Submits project >
 45. I gave to Burnman to pre-approve before construction >
 46. Project completed >
 47. Invoices & proof of completion submitted >
 48. I gave to Burnam >
 49. Burnam Energy vetted, quantifying energy savings & incentive amount >
 50. I handed documentation to Brian Smith & Eileen Campbell to review Burnam's advice >
 51. With approval submitted to OPA >
 52. OPA reviewed documentation before paying, paid based of Burnam Energy's advice >
 53. Number paid reported to OPA as energy savings based on Burnam's expertise in OPA energy savings assumptions.

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APPLICATION FOR REPRISAL / RECONSIDERATION 5

54. The fact that Burnam's number were different from Horizon numbers is not plausible
55. The fact over-reporting errors could then be discovered, by Energy firm who determined the original numbers, and there not be a project by project analysis of where the original Energy evaluator was at fault is irregular.
56. If errors with the numbers originally calculated by Burnam were found to be faulty by Burnam, should not have Burnam offered an apology.
57. The fact that Horizon shows this as a typical report while finding only errors in my program for precisely my employment period, engages a third party to intervene for an Irregular OEB report, and made efforts to limit my ability to find and respond to the OEB report as part of the original HRTO hearing in 2012 than this demonstrates the intent to retaliate.
58. Section 8 of the Code protects people from reprisal or threats of reprisal. A reprisal is an action, or threat, that is intended as retaliation for claiming or enforcing a right under the Code.
59. This series of action is a textbook definition of reprisal.

The Duty to Discover

60. The OEB document was not supplied by Horizon in their filings for the Original hearing. It was purposely not disclosed in their filing of documents on February 15, 2012.
61. The argument that Horizon outlined while not providing the document in their filings was that it was normal course of business.
62. The previous sections demonstrates why the OEB filing identified as retaliatory was not a normal course of business.
63. Horizon made attempts to limit my time for discovery of the OEB report by submitting their documents 3 months and 27 days after I supplied my documents on October 19, 2011.
64. My request to delay the hearing to allow time to consider the ramifications of the documents was denied by HRTO.
65. Horizon continued to provide documents to the HRTO concerning the hearing as late as March 16, 2012, further muddying the waters for discovery and it was accepted by the HRTO.
66. The intent of Horizon in providing the documents late appears to be to secure their version of events. To construct a scenario where it could be believed that I was fired due to misreporting of ERIP energy savings and incentives. That scenario would align with their firing of me after I resigned.
67. The HRTO denied my request for further time to consider and prepare for Horizon's arguments in the trial. And influenced my decision to settle.
68. If I were given adequate time to study and understand Horizon's positions, I would have been better able to present a defense versus Horizon, and defend myself against what can be construed as retaliation with an intent to deceive.

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APPLICATION FOR REPRISAL / RECONSIDERATION 6

Request for Damages due to Retaliation

69. I intend on relying on documents submitted as part of the original 2010 complaint and documents submitted in the 2017 breach of settlement procedure, including Horizon's submission in 2012 and the 2011 OEB reports.
70. As Alectra, as Predecessor to Horizon, is responsible to successor obligations to employee under the Labour Relations Act, and as the provisions of the code are deemed to be part of every single collective agreement entered into in Ontario after 2008, I submit that Alectra is successor to Horizon. I am not responsible for proving the Horizon - Powerstream merger to form Alectra as a sham transaction.
71. As the OEB report not disclosed was not a normal course of business, even though Horizon sought to represent it as such, and since the OEB report discussed in the document and attached, is done to demonstrate errors in programs run solely by me for the exact period that I was employed by Horizon, then I submit that this OEB was intended as retaliatory against me for filing a complaint with the HRTO.
72. Since this retaliation has contributed to a period of prolonged unemployment and unknowingly to me, poisoned my economic ability to participate in a highly co-ordinated and collaborative utility industry, I am seeking recovery of wages from the period since the day I resigned, and pension contributions for the period since my acceptance in the Horizon pension plan as my pensions have been cashed in to make up for the loss of income. The recovery of loss income of \$2,332,213.
73. I would request that future income losses and future pension contributions be replaced as the prolonged period of unemployment cause by what I consider malicious retaliation to my career for filing a claim with the HRTO. The recovery for the alteration of potential income earnings and the loss of pension contributions to be \$950,045
74. I request that these damages be recovered as general damages and Horizon be further penalized for emotional harm to myself, my 3 children and my wife caused by the reprisals in response to my exercising my rights to file a human rights complaint. The amount of \$35,000/yr over 10 years or \$350,000 per person.

Salary		Future Salary		Pension		Total		Banking Charges		Personal Weighted Average Cost of Capital		Overs Return Rate		PV Multiplier		PV		
Year	2009	2010	2011	2010	2011	2010	2011	2009	2010	2011	2009	2010	2011	2009	2010	2011	2009	2010
12/1/09	\$ 2,583	\$ 2,601	\$ 2,619	\$ 216	\$ 216	\$ 216	\$ 216	\$ 883	\$ 883	\$ 883	\$ 1,341	\$ 1,341	\$ 1,341	2.68	\$ 5,199	\$ 5,199	\$ 5,199	
1/1/10	\$ 2,601	\$ 2,619	\$ 2,637	\$ 224	\$ 224	\$ 224	\$ 224	\$ 897	\$ 897	\$ 897	\$ 1,341	\$ 1,341	\$ 1,341	2.68	\$ 5,309	\$ 5,309	\$ 5,309	
2/1/10	\$ 2,619	\$ 2,637	\$ 2,655	\$ 232	\$ 232	\$ 232	\$ 232	\$ 911	\$ 911	\$ 911	\$ 1,341	\$ 1,341	\$ 1,341	2.68	\$ 5,420	\$ 5,420	\$ 5,420	
3/1/10	\$ 2,637	\$ 2,655	\$ 2,673	\$ 240	\$ 240	\$ 240	\$ 240	\$ 925	\$ 925	\$ 925	\$ 1,341	\$ 1,341	\$ 1,341	2.68	\$ 5,531	\$ 5,531	\$ 5,531	
4/1/10	\$ 2,655	\$ 2,673	\$ 2,691	\$ 248	\$ 248	\$ 248	\$ 248	\$ 939	\$ 939	\$ 939	\$ 1,341	\$ 1,341	\$ 1,341	2.68	\$ 5,642	\$ 5,642	\$ 5,642	
5/1/10	\$ 2,673	\$ 2,691	\$ 2,709	\$ 256	\$ 256	\$ 256	\$ 256	\$ 953	\$ 953	\$ 953	\$ 1,341	\$ 1,341	\$ 1,341	2.68	\$ 5,753	\$ 5,753	\$ 5,753	
6/1/10	\$ 2,691	\$ 2,709	\$ 2,727	\$ 264	\$ 264	\$ 264	\$ 264	\$ 967	\$ 967	\$ 967	\$ 1,341	\$ 1,341	\$ 1,341	2.68	\$ 5,864	\$ 5,864	\$ 5,864	
7/1/10	\$ 2,709	\$ 2,727	\$ 2,745	\$ 272	\$ 272	\$ 272	\$ 272	\$ 981	\$ 981	\$ 981	\$ 1,341	\$ 1,341	\$ 1,341	2.68	\$ 5,975	\$ 5,975	\$ 5,975	
8/1/10	\$ 2,727	\$ 2,745	\$ 2,763	\$ 280	\$ 280	\$ 280	\$ 280	\$ 995	\$ 995	\$ 995	\$ 1,341	\$ 1,341	\$ 1,341	2.68	\$ 6,086	\$ 6,086	\$ 6,086	
9/1/10	\$ 2,745	\$ 2,763	\$ 2,781	\$ 288	\$ 288	\$ 288	\$ 288	\$ 1,009	\$ 1,009	\$ 1,009	\$ 1,341	\$ 1,341	\$ 1,341	2.68	\$ 6,197	\$ 6,197	\$ 6,197	
10/1/10	\$ 2,763	\$ 2,781	\$ 2,799	\$ 296	\$ 296	\$ 296	\$ 296	\$ 1,023	\$ 1,023	\$ 1,023	\$ 1,341	\$ 1,341	\$ 1,341	2.68	\$ 6,308	\$ 6,308	\$ 6,308	
11/1/10	\$ 2,781	\$ 2,799	\$ 2,817	\$ 304	\$ 304	\$ 304	\$ 304	\$ 1,037	\$ 1,037	\$ 1,037	\$ 1,341	\$ 1,341	\$ 1,341	2.68	\$ 6,419	\$ 6,419	\$ 6,419	
12/1/10	\$ 2,799	\$ 2,817	\$ 2,835	\$ 312	\$ 312	\$ 312	\$ 312	\$ 1,051	\$ 1,051	\$ 1,051	\$ 1,341	\$ 1,341	\$ 1,341	2.68	\$ 6,530	\$ 6,530	\$ 6,530	
1/1/11	\$ 2,817	\$ 2,835	\$ 2,853	\$ 320	\$ 320	\$ 320	\$ 320	\$ 1,065	\$ 1,065	\$ 1,065	\$ 1,341	\$ 1,341	\$ 1,341	2.68	\$ 6,641	\$ 6,641	\$ 6,641	
2/1/11	\$ 2,835	\$ 2,853	\$ 2,871	\$ 328	\$ 328	\$ 328	\$ 328	\$ 1,079	\$ 1,079	\$ 1,079	\$ 1,341	\$ 1,341	\$ 1,341	2.68	\$ 6,752	\$ 6,752	\$ 6,752	
3/1/11	\$ 2,853	\$ 2,871	\$ 2,889	\$ 336	\$ 336	\$ 336	\$ 336	\$ 1,093	\$ 1,093	\$ 1,093	\$ 1,341	\$ 1,341	\$ 1,341	2.68	\$ 6,863	\$ 6,863	\$ 6,863	
4/1/11	\$ 2,871	\$ 2,889	\$ 2,907	\$ 344	\$ 344	\$ 344	\$ 344	\$ 1,107	\$ 1,107	\$ 1,107	\$ 1,341	\$ 1,341	\$ 1,341	2.68	\$ 6,974	\$ 6,974	\$ 6,974	
5/1/11	\$ 2,889	\$ 2,907	\$ 2,925	\$ 352	\$ 352	\$ 352	\$ 352	\$ 1,121	\$ 1,121	\$ 1,121	\$ 1,341	\$ 1,341	\$ 1,341	2.68	\$ 7,085	\$ 7,085	\$ 7,085	
6/1/11	\$ 2,907	\$ 2,925	\$ 2,943	\$ 360	\$ 360	\$ 360	\$ 360	\$ 1,135	\$ 1,135	\$ 1,135	\$ 1,341	\$ 1,341	\$ 1,341	2.68	\$ 7,196	\$ 7,196	\$ 7,196	
7/1/11	\$ 2,925	\$ 2,943	\$ 2,961	\$ 368	\$ 368	\$ 368	\$ 368	\$ 1,149	\$ 1,149	\$ 1,149	\$ 1,341	\$ 1,341	\$ 1,341	2.68	\$ 7,307	\$ 7,307	\$ 7,307	

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BACKGROUND

75. I am still pursuing this case 10 years after the original incident
76. On 10/30/09, my manager at Horizon Utilities, Brian Smith told a Stupid Newfie Joke to open a team meeting
77. I told him to stop, it would be inappropriate to do to other groups, he said he did not care.
78. Our relationship was broken, I attempted to repair it by telling him after I committed to his team the next month, to not do it again. He agreed verbally but he immediately began to retaliate.
79. My sign on bonus was delayed in December
80. My performance bonus was delayed in February 2010.
81. I was told about the delay in my bonus as I was walking in the bathroom by the managers office. His door was open. Another employee was in the room, I was embarrassed and got angry, this was the second time my bonus pay was being arbitrarily affected since I spoke to Brian Smith about the Newfie Joke.
82. HR was called, I told the female HR person that my relationship with Smith had been affected by the Newfie Joke, she told me to take a joke
83. With no support within Horizon, I filed a HRTO application, I did not see any recourse to maintain my employment. I did not want to have to quit my job because I was discriminated against at work.
84. I attended a HR seminar delivered by Lauren Benardi on HRTO issues in late March 2010. The seminar opened with a real life scenario exactly like mine, a boss opened a meeting with a Newfie joke and was fired. Benardi, a paid representative speaking on behalf of Horizon Utilities, said that this was the level of respect demanded by Horizon Utilities. I sat in the seminar and was embarrassed, feeling worried what would happen when Horizon received my complaint.
85. Horizon received my complaint in April 2010. I became persona non grata at Horizon.
86. My probationary experience was extended in May without reason.
87. On May 28, in my performance review, I was told that I was exceeding the performance metric set for the year but my probationary period was extended.
88. My vacation period from July 19- July 31 was approved that day.
89. On July 15, 2010, I received notification from the HRTO in the mail that I had to respond to Horizon's filing by July 19, 2010.
90. The filing was made on May 28, 2010, the same day as my probationary period was extended
91. I spent my first 3 days of my vacation responding to Horizon's response where they attacked my logic and my job performance. I came back from my vacation increasingly angry. The timing of events wasn't coincidental, it seemed planned by a thorough knowledge of HRTO processes.
92. After Horizon Utilities received my response things at Horizon turned for the worse.

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BACKGROUND 2

93. Mr. Smith began looking for excuses to write me up. Mr. Smith put a performance letter on file on September 17, 2010 for trivial performance issues including me not providing accurate information to the OPA.
94. I tried to resign September 17, 2010 to Henry Winter of HR but Henry Winter refused to accept my resignation.
95. Mr. Winter tried to write me up when I said I could not longer function while being harassed for saying it was pushing me to my limits. He then reappeared at my office trying to get me to repeat it with a witness for him.
96. I left, I resigned in an email to Eileen Campbell September 21, 2010 with 6 weeks Notice.
97. Henry Winter added a note to my file, attacking my admission that I was finding it difficult to withstand the harassment and retaliation I faced after my Human Rights Complaint was made known to Horizon, after I resigned.
98. Horizon fired me on September 24, 2010, though in her January 2019 testimony, Eileen Campbell disagreed with the characterization where they asked me to hand in all materials and to remove my materials from the building immediately. I have had no Contact with Horizon from after return of technology.
99. I submitted my documents into the HRTO as required by October 19, 2011.
100. Horizon did not provide documents until February 15, 2012.
101. I complained to HRTO that there was not enough time to go over materials, and complaint was overruled.
102. I settled with Horizon on March 26, 2012, it was a settlement influenced by the information put in front of me.

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LETTER OF RESIGNATION

GB
Gallant, Brad <brad.gallant@horizon.ca>
FW: Availability



Sent: Tuesday, September 21, 2010 1:58 PM
To: Campbell, Eileen
Subject: RE: Availability

Eileen

For your consideration. I need to do this today. I have work to do and this is important for me to get this done now.

Regards,

Brad Gallant, B.A., B.Ed., MBA
Manager, Commercial CDM
Horizon Utilities
55 John Street North,
Hamilton, ON L8R 3M8
Cell / Office - 905-741-2047
Fax - 905-522-6228
brad.gallant@horizonutilities.com

September 21, 2010

Attn: Eileen Campbell

Eileen

Please accept this letter as six weeks' notice to the end of my employment with Horizon Utilities. My resignation will be effective November 2, 2010 with November 1, 2010 being my last day. The six weeks will allow me to close up the existing ERIP applications, help Horizon complete its Green Energy Act planning, and allow me time to look for other employment.

I do not enjoy working here anymore. I believe that Horizon has been retaliating against me for filing the Human Rights Complaint in February and have made it very difficult to continue to work in this position. I believe that the harassment prevents me from performing at the standard that I demand from myself. I have to leave as I no longer feel capable of not responding to the harassment in a professional manner.

However, I do feel a great deal of responsibility to ensure that the customer's that I have worked with continue to receive a high level of customer service. I am particularly interested in ensuring a smooth transition for customers working on large projects, like the City and US Steel, get through the process at Horizon. Thank you for the opportunity to work at Horizon Utilities and I feel that I have gained valuable experience that will assist me in the future.

Regards

Brad Gallant

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HENRY WINTER'S RESPONSE TO MY RESIGNATION 2 HRS LATER VIA EMAIL, NOT IN PERSON

From: Gallant, Brad
To: Winter, Henry
Sent: Tue Sep 21 16:18:13 2010
Subject: Re: Record Of Discussion

I've already given notice to Eileen and informed other parties. Sent from my BlackBerry, please excuse my BlackBerry brevity

From: Winter, Henry
To: Gallant, Brad
Sent: Tue Sep 21 15:51:45 2010
Subject: Record Of Discussion
Hello Brad,

Further to our discussion on 17 September, 2010 at 12:16pm. Please find attached herewith the follow-up and record of our discussion with respect to your feelings of anger.

Sincerely
Henry

Henry Winter
Manager, Employee Relations
Horizon Utilities Corporation
Office: 905-317-4712
Cell: 905-730-6720
e-mail: henry.winter@horizonutilities.com



BY HAND
PRIVATE & CONFIDENTIAL

September 21, 2010
Brad Gallant
6343 Alderwood Trail
Mississauga ON
L5N 6X1



Dear Brad,

This letter will serve as a record of our discussion on September 17, 2010 with respect to the comments that you made in regards to your feelings of anger. Although you stated and retracted the comments they are regardless inappropriate and unacceptable.

On September 17, 2010 you stated the following:

- ... I feel angry in coming to work and I am unhappy. I feel like I am being setup for failure and some days I feel that I can actually hit Brian

It is understood that any workplace issues can be frustrating at times, however with your experience and training, specifically the Sensitivity training that you received this year, you know that comments like these are inappropriate. You are a Manager and are required to be an example to your staff. You are also required to address the issues and the respect, at all times and I encourage you to comprehend the implications of how to address and resolve these issues. As a result of these comments I have no alternative but to formally record and place the comments on your file. I have additionally notified your supervisor as such.

As the Manager, Employee Relations I expect that you will be able to effect these recommendations. Should you require any assistance or clarification in doing so, please contact me immediately.

A copy of this letter will be placed in your personnel file and should incidents of this nature continue to occur, disciplinary action will be taken up to and including termination.

Yours truly,

Henry Winter
Manager, Employee Relations

cc: Personnel File
cc: Eileen Campbell
cc: Brad Smith

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**HORIZON TRIED TO FIRE ME IN PERSON,
SENSING A TRAP I DID NOT ATTEND LAST MEETING IN BOARDROOM
WITH HR VP.**

BRIAN SMITH WAS HOPING TO FIRE ME IN PERSON.

From: Smith, Brian [mailto:brian.smith@horizonutilities.com]
Sent: September-23-10 4:11 PM
To: Brad Gallant
Cc: Winters, Henry; Richards, Marjorie; Campbell, Eileen
Subject: Brad Gallant - Resignation Transition

Brad,

Despite my numerous attempts to arrange a meeting with yourself, you have not shown a willingness to make yourself available to meet with me. I was hoping to hand deliver the attached letter in response to your letter of resignation dated September 21, 2010. However, you have left me no choice but to deliver this message via email and also by registered courier.

In addition to the attached letter I hereby advise you of the following next steps:

1. You are required to return all property of Horizon Utilities Corporation to 55 John Street Security staff by 12:00 pm Friday September 24, 2010. This list of property includes but is not limited to the following:
 - Laptop computer including the case
 - BlackBerry and accessories
 - Wireless Internet Radio Stick
 - USB Memory Sticks
 - Customer paper or electronic data files
 - Company identification, security pass and keys
 - Any other intellectual property or electronic information and devices

2. You must declare in writing any other Horizon property that is in your possession or in the possession of customers at the time you deliver the above items to the Security Desk.

I would trust the above is in order.

Sincerely,

Brian A. Smith C.E.T.
Chief Conservation Officer
Horizon Utilities Corporation
55 John Street North
Hamilton, ON, L8R3M8
Ph: 905.521.4901

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THE ONTARIO ENERGY BOARD (OEB) REPORT

Horizon Utilities wishes to bring one matter to the attention of the OEB. As discussed above, this Application has three components: an IRM adjustment to Horizon Utilities' electricity rates, a request for a rate rider to address distribution revenues lost as a result of successful Conservation and Demand Management activities (the "LRAM Rider"), and a request for a PILS-related rider.

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Lost Revenue Adjustment Mechanism ("LRAM") Claim

26 On March 28, 2008, the OEB released the Guidelines for Electricity Distributor Conservation and Demand Management ("CDM") (EB-2008-0037). Horizon Utilities is including in this Application under Tab 7, a filing for an LRAM claim related to CDM activities per the Guidelines for CDM.

27 The LRAM claim being submitted relates to CDM programs that contributed to \$1,608,274 in lost revenue for the rate years 2008 – 2010. This claim is based on CDM savings that continue to be realized from 3rd Tranche programs implemented in the period 2005 – 2007 and OPA programs implemented in the period 2007 – 2010. Horizon Utilities used the March 2011 OPA Measures and Assumptions list to verify its CDM savings from 3rd Tranche programs as per the See Line Report found in Tab 7, Appendix B. For the OPA programs, Horizon Utilities used the verified net CDM savings found in the OPA Final Reports in Tab 7, Appendices C and D.

28 In its total claim, Horizon Utilities has included an amount of \$258,190 based on specific identified net CDM results for the ERIP program. This amount differs from the OPA methodology for determining 2008-2010 ERIP program savings, which is based on allocating to each distributor a proportion of Province wide reported gross domestic savings. The use of a specific allocation methodology results in a more accurate assignment of CDM results to a distributor. In Horizon Utilities' case, this specific assignment of CDM results has been verified by independent third parties. Verification letters from Burma Energy and Finn Projects are provided in Tab 7, Appendices E and F, respectively.

29. Horizon Utilities has used the 2011 OEB approved (EB-2010-0131) billing determinants by customer class to determine the volumeetric charge based rate riders as shown in Table 6 below.

In its July 7th Decision on Horizon Utilities' 2011 Cost of Service Distribution Rate Application, the OEB approved the realignment of Horizon Utilities' rate year with its fiscal year, so that commencing in 2012, Horizon Utilities' distribution rates will be effective on January 1st. Horizon Utilities believes that the OEB's intention in the current proceeding is to have a 2012 rate order issued for January 1st implementation that addresses the IRM adjustment, and the LRAM and PILs components. However, in the event that matters arise in relation to the LRAM and PILs components of this Application that create a risk that the January 1st implementation date cannot be met, Horizon Utilities respectfully requests that the OEB issue an Order establishing new distribution rates based on the IRM process for implementation January 1, 2012, and address those components of the Application that deal with the LRAM and PILs riders, separately. In this way, the OEB can provide for an IRM-related mechanistic rate adjustment that corresponds to the newly-established rate year, and the LRAM and PILs riders for 2012 can be calculated in such a way as to recover or credit the full year's amount over a shorter period.

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Table 6 – Calculation of Rate Riders for LRAM Recovery

Class	Total 2008 LRAM + Carrying Charges	Total 2009 LRAM + Carrying Charges	Total 2010 LRAM + Carrying Charges	OEB Approved Load Forecast - 2011 EDR Units (B)	LRAM -12 Months Amounts (A/B)
Residential	\$ 122,903	\$ 451,535	\$ 606,771	1,530,076,985 kWh	\$ 0.0007
GS - 50 kW	\$ 7,773	\$ 70,852	\$ 107,442	2,709	\$ 188,773
GS 50 to 4,999 kW	\$ 16,632	\$ 112,522	\$ 167,641	4,305	\$ 300,400
Commercial - 1000 kW	\$ 9,622	\$ 1,129	\$ 1,143	1,625	\$ 1,000
Commercial - 1000 kW	\$ 61,526	\$ 442,573	\$ 750,329	23,042	\$ 1,626,274
Total					

30. The success of Horizon Utilities' CDM program has resulted in lower volumes and accordingly recovery of the LRAM amounts is based on volumetric billing determinates.

31. In the July 7, 2011 Decision of the OEB on Horizon Utilities' 2011 Electricity Distribution Rate ("EDR") Application (EB-2010-0131), the OEB approved the realignment of Horizon Utilities' rate year with its fiscal year, so that commencing in 2012, Horizon Utilities' distribution rates will be effective on January 1. Horizon Utilities believes that the Board's intention in the current proceeding is to have a 2012 rate order issued for January 1 implementation on that address the IRM adjustment, the LRAM and the PILs component. However, in the event that matters arise in relation to the LRAM and PILs components of this Application that create a risk that the January 1 implementation date cannot be met, Horizon Utilities respectfully requests that the OEB issue an Order establishing new distribution rates based on the IRM process for implementation January 1, 2012, and address those components of the Application that deal with the LRAM and the PILs components separately. In this way, the OEB can provide for an IRM-related mechanistic rate adjustment that corresponds to the newly-established rate year, and the LRAM Rider and PILs component for 2012 can be calculated in such a way as to recover or credit the full year's amounts over a shorter period.

LOST REVENUE ADJUSTMENT MECHANISM ("LRAM") AMOUNTS RELATED TO CDM ACTIVITY

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Introduction

1. Horizon Utilities is including in its 2012 EDR Application this request for approval and recovery of lost revenue in 2008-2010 which reflects the persistence of 3rd Tranche and OFA programs (excluding Demand Response) from 2005-2008 and new OFA-CDM programs for the years 2009 and 2010.
2. Horizon Utilities seeks authorization for the recovery of the LRAM amounts by way of volumetric rate riders effective for the 2012 rate year over a period of 12 months commencing January 1, 2012. The total LRAM amount sought for recovery is \$1,608,274 which is comprised of an LRAM principal amount of \$1,567,559 as of December 31, 2010 and carrying charges of \$40,715 up to December 31, 2011.

3. In the July 7, 2011 Decision on Horizon Utilities' 2011 Cost of Service Distribution Rate Application, the OEB approved the realignment of Horizon Utilities' rate year with its fiscal year, so that commencing in 2012, Horizon Utilities' distribution rates will be effective on January 1st. Horizon Utilities believes that the Board's intention in the current proceeding is to have a 2012 rate order issued for January 1st implementation that addresses the IRM adjustment, the LRAM Rider and the PILs component. However, in the event that matters arise in relation to the LRAM and PILs components of this Application that create a risk that the January 1st implementation date cannot be met, Horizon Utilities respectfully requests that the OEB issue an Order establishing new distribution rates based on the IRM process for implementation on January 1, 2012, and address those components of the Application that deal with the LRAM Rider and the PILs component, separately. In this way, the OEB can provide for an IRM-related mechanistic rate adjustment that corresponds to the newly-established rate year, and the LRAM Rider and PILs component for 2012 can be calculated in such a way as to recover or credit the full year's amounts over a shorter period.

4. For customers with consumption of 800kWh per month, the impact of the LRAM proposals set out in this application would result in a distribution charge increase of 2.15% or \$0.56 per month, which corresponds to a total bill increase of 0.52%.

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5. The following Appendices provide supporting detail to the LRAM claim outlined in this Exhibit:

- Appendix A: Detail LRAM Claim for Each Year by Program and Class: 2008-2010
- Appendix B: SeeLine Group Ltd. Report
- Appendix C: 2005-2009 Final OPA CDM Results
- Appendix D: OPA 2010 Final CDM Program Results
- Appendix E: Burman Energy Letter: Validation of Results
- Appendix F: Firm Projects Letter: Validation of Results
- Appendix G: ERIP Program Calculation Comparison

Case for LRAM Relief

6. Consequences of CDM activities:
The successful implementation of CDM activities had the desired effect of increasing conservation savings, and reducing demand and usage in Horizon Utilities' service territory. However, this also reduced the revenues of Horizon Utilities. This application is intended to identify the benefits created and the lost revenues that resulted from CDM programs in Horizon Utilities' service territory.
7. LRAM Relief Requested:
Horizon Utilities' requested LRAM relief is composed of calendar year savings resulting from initiatives summarized as follows:

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Table 1 – LRAM Filing Historical Reference

Programs	Program Year	LRAM Recovery - Year Filled			
		2007	2008	2009	2010
3rd Tranche	2005	x	x	x	x
3rd Tranche including some OPA	2006	x	x	x	x
3rd Tranche	2007	x	x	x	x
OPA Cool and Hot Savings Rebate	2006				
All OPA including DR-1 claim	2007	x			
All OPA excluding DR-1 claim	2007				
All OPA excluding claims for DR	2008				
All OPA excluding claims for DR	2009				
All OPA excluding claims for DR	2010				

x – Application EB-2009-0132 w/ 2012 EDR Application (EB-2011-0172)

8. Horizon Utilities is requesting the recovery of LRAM amounts related to the entire load reductions, net of free rider quantities. Horizon Utilities did not include the impact of CDM in its approved 2008 load forecast. The total LRAM claim amount sought is as follows:

Table 2 – Amount of LRAM Claim

Year for which LRAM claimed	Principal	Carrying Charges	Total
2006	148,895	2,964	151,859
2009	817,851	5,311	823,162
2010	720,843	8,357	729,200
2011	-	23,043	23,043
Total Claim	1,567,589	46,715	1,614,304

9. The calculations of the claim amounts based on the CDM savings calculations for 3rd Tranche programs from 2005 – 2007 and OPA programs from 2006 – 2010 are attached in Tab 7, Appendix A. The calculated CDM savings are supported by the SeeLine Group Ltd. report found in Tab 7, Appendix B, and the 2006-2009

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Final OPA-CDM Results report in Tab 7, Appendix C and the OPA 2010 Final CDM Program Results report in Appendix D.

10. The total LRAM claim of \$1,608,274 includes an amount of \$258,130 based on Horizon Utilities' specific net CDM results for the Electricity Retrofit Incentive Program ("ERIP"). This amount differs from the OPA methodology based on determining 2008 – 2010 ERIP program CDM savings, which is based on allocating to each LDC a proportion of Province wide reported gross demand savings. This difference, the supporting rationale and verification are further discussed in paragraph 24, below.

Adherence to Guidelines and OEB Decisions

11. Horizon Utilities has conformed to the guidelines, OEB decisions, applicable rules and regulations, to ensure the validity of this application. In addition, Horizon Utilities retained an independent third party, SeeLine Group Ltd., to calculate and verify CDM savings from 3rd Tranche programs.

12. The authorization to file an application seeking recovery of the LRAM amount is found in the OEB's Guidelines for Electricity Distribution or Conservation and Demand Management ("CDM Guidelines" - EB-2008-0037). The most recent OPA Measures and Assumptions List issued in March 2011 was used in calculating CDM savings for 3rd Tranche program applicable measures. CDM savings claimed for OPA programs are based on the net CDM savings reported in the 2006-2009 Final OPA CDM Results (Tab 7, Appendix C) and the OPA 2010 Final CDM Program Results (Tab 7, Appendix D), except for the ERIP 2008-2010 programs.

13. LRAM amounts are recoverable on a retroactive basis in accordance with the CDM Guidelines. As mentioned above, Horizon Utilities used the inputs and assumptions for various CDM measures as listed in the March 2011 OPA Measures and Assumptions List for its 3rd Tranche programs, and has used OPA verified savings for OPA sponsored CDM Programs except for the ERIP program 2008 – 2010. This approach, except for Horizon Utilities' specific calculation of

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ERIP program results, consistent with the LRAM application with the LRAM applications of other distributors, including Burlington Hydro Inc. (EB-2008-0259), Oshawa PUC Networks Inc. (EB-2009-0240) and COLLUS Power Corp. (EB-2010-0076), all of which were subsequently approved by the OEB.

- The most recent OEB-approved load quantities are those approved in Horizon Utilities' 2011 EDR Application (EB-2010-0131). Horizon Utilities has used those quantities for the calculation of the class rate riders.
- Carrying costs: The CDM Guidelines and the OEB's decision in Horizon Utilities' previous LRAM Application (EB-2008-0192) indicate that carrying costs should be included in the amounts sought for recovery in an LRAM application.

Rate Implementation and Bill Impacts: Horizon Utilities has used the 2011 Board approved (EB-2011-0131) billing determinants by customer class to determine the volumetric charge based rate riders in the 2012 IRAM Rate Generator Model.

Previous DEB Approved LRAM Recovery

Horizon Utilities' previous application for the recovery of LRAM (EB-2008-0192) was filed for the rate years 2007 and 2008. The claim was for the following CDM programs and implementation periods:

- CDM Programs funded under 3rd Tranche for 2005 – 2007
- CDM Programs funded by the OPA and implemented in 2007

LRAM Calculation Methodology and Results

ALRAM accounts for variances between actual CDM results and the corresponding quantities used to set rates. For the 2008 to 2010 rate years, no forecast or other adjustments for the effects of CDM programs were made to the load quantities used to calculate the rates. Therefore, the entire actual load reduction net of free rider ship achieved by the eligible CDM programs is subject to LRAM treatment.

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As stated in the OEB's CDM Guidelines, the LRAM "is designed to compensate a distributor only for into-revenue lost revenues associated with CDM activities undertaken by the distributor within its licensed service area." Thus, the LRAM amount should be calculated on the basis of the variances between the distribution volumes lost from CDM activities and the load forecasts that are used in setting rates. The LRAM was calculated by multiplying the net energy savings, kW or kWh, for each program by a weighted volumetric distribution change developed from OEB approved rates for the applicable rate class on a year by year basis.

The LRAM amounts to be recovered have been adjusted for free riders as defined in the CDM Guidelines. LRAM is based on net kWh or kW after deducting for free riders. The amount for free riders varies depending on the CDM program. The table below sets out the LRAM amounts by class.

Table 3 - Summary of 2008, 2009 and 2010 LRAM Amounts by Class

No.	Rate Class	Amounts by CDM Program Year			2008 Adjusted Load Reductions
		2008	2009	2010	
Allocations					
1	Residential	\$ 126,009	\$ 441,298	\$ 506,752	\$ 6,066,055
2	Small Business	\$ 11,327	\$ 115,989	\$ 132,610	\$ 1,607,524
3	Medium Business	\$ 13,327	\$ 115,989	\$ 132,610	\$ 1,607,524
4	Large Business (5,000 kW)	\$ 8,312	\$ 5,385	\$ 6,024	\$ 73,248
5	Large Business (5,000 kW)	\$ 148,900	\$ 517,031	\$ 592,742	\$ 7,114,200
6	Transmission				
7	Transmission				
	Grand Total				

Lost revenue amounts corresponding to the load reductions by class were calculated for each rate year using the weighted average for the applicable variable distribution rates. The load reductions were adjusted for free riders, as per the CDM Guidelines (EB-2008-0037).

Horizon Utilities proposes that the rate rider amounts for the LRAM be recovered through a variable rate rider for each class. Details of the LRAM Claim for each year by Program and Class are provided in Appendix A.

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23. To determine CDM savings for 3rd Tranche programs, Horizon Utilities has used the SeeLine Group Ltd. calculations which are based on the OPA's latest Measures and Assumptions List issued in March 2011. Horizon Utilities used the OPA verified CDM savings for OPA programs 2006-2010 except for the 2008-2010 ERIP program. For Horizon Utilities specific 2008-2010 results, the OPA net aggregate to gross ratio was applied to calculate the net CDM savings.

24. In its total claim, Horizon Utilities has included an amount of \$256,190 based on specific identified net CDM results for the ERIP program. This amount differs from the OPA methodology for determining 2008-2010 ERIP program savings, which is based on allocating to each LDC a proportion of Pro vince wide reported gross domestic savings. Horizon Utilities engaged the services of Burman Energy and Finn Projects to independently verify the savings for the respective ERIP programs assigned. Verification letters from Burman Energy and Finn Projects are provided in Tab 7 Appendixes E and F, respectively. The reconciliation of Horizon Utilities' specific results for ERIP versus the OPA results can be found in Tab 7, Appendix G.

Verification and Evaluation of Results

25. Horizon Utilities retained an independent third party, SeeLine Group Ltd., to review CDM results and calculate the LRAM impact of 3rd Tranche programs. SeeLine Group Ltd. provides energy related solutions for utilities, government, and non-government organizations in the form of research, studies, conceptualization of conservation initiatives, marketing, program management and evaluation analysis.

26. All 3rd Tranche program CDM claims have been verified by SeeLine Group Ltd. The LRAM claim in this Application that SeeLine Group Ltd. reviewed found that Horizon Utilities' approach and calculation were accurate and consistent with the OEB CDM Guidelines. The SeeLine Group Ltd. analysis of work performed is provided in Tab 7, Appendix B.

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27. The OPA 2006 – 2009 Final Results report in Tab 7, Appendix C and the OPA 2010 Final Results report in Appendix D are the source of the CDM savings used Carrying Costs

28. Table 4 below provides the carrying cost rates and calculations used by Horizon Utilities. Carrying costs are calculated to December 31, 2011.

Table 4 – LRAM Carrying Costs

LRAM Carrying Charge	2006	2007	2008	2009	2010	2011
Subtotal of all LRAM values	146,953	146,953	146,953	146,953	146,953	146,953
LRAM Carrying Rate	146,953	146,953	146,953	146,953	146,953	146,953
Bill of Materials (BOM)	146,953	146,953	146,953	146,953	146,953	146,953
LRAM Adjusted Expenses Charge ¹	64,452	64,452	64,452	64,452	64,452	64,452
Horizon Utility Support ²	1,000	1,000	1,000	1,000	1,000	1,000
Annual Carrying Charge	81,501	81,501	81,501	81,501	81,501	81,501
Committed capacity (MW) (2006-11)	11	11	11	11	11	11
Total Bill of Materials Carrying Charge	152,278	152,278	152,278	152,278	152,278	152,278
LRAM	152,278	152,278	152,278	152,278	152,278	152,278

Notes:
1. LRAM adjusted expenses charge is determined by adding the average volume of flow year to CDM of the capacity with a long-term flow year.
2. The interest rates used are OEB rates that are applicable for a year for annual average rates in dollars.

Quarter	2006	2007	2008	2009	2010	2011
Quarter 1	4.15%	2.45%	0.55%	0.55%	1.57%	1.47%
Quarter 2	4.05%	1.07%	0.55%	0.55%	1.47%	1.47%
Quarter 3	3.15%	3.53%	0.60%	0.60%	1.47%	1.47%
Quarter 4	2.45%	0.55%	2.20%	2.20%	1.47%	1.47%
Annual Average	3.90%	1.40%	0.80%	0.80%	1.47%	1.47%

Rate Implementation and Bill Impacts

29. Horizon Utilities proposes that the total lost revenue for each class be allocated to that class for recovery through a class-specific 2012 rate rider. Horizon Utilities also proposes that the class-specific rate riders be expressed as amount per kWh or per kW as applicable, and be applied to the variable distribution rate component for each class.

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30. This approach most closely matches program eligibility and potential for benefits to customers in each class with the corresponding program costs, and is administratively the most simple.
31. Horizon Utilities submits that the total LRAM in the amount of \$1,608,274 is material to Horizon Utilities' operations and therefore Horizon Utilities proposes that the LRAM amounts be recovered through rate riders effective for the 2012 rate year commencing January 1, 2012 and expiring December 31, 2012 as illustrated in Table 5 below.

Table 5 - Proposed LRAM Rate Riders for the Period Jan 1 to Dec 31, 2012

Line No.	Rate Class	Total LRAM - Proposed Charge	Existing Charge only	LRAM Total (Existing 2011 + Proposed)	OSB approved 2011 EDR Billing Unit	LRAM Rate Proposed (2012)
1	General Service	1,157,800	1,157,800	2,315,600	1,157,800	2.00¢/kWh
2	50-80 kW	1,779	1,779	3,558	1,779	0.005¢/kWh
3	100-500 kW	11,822	11,822	23,644	11,822	0.002¢/kWh
4	Large Motor	5,222	5,222	10,444	5,222	0.002¢/kWh
5	Small Motor	10,000	10,000	20,000	10,000	0.002¢/kWh
6	Total	11,822	11,822	23,644	11,822	

*The amount in Column 6, computed as (1) LRAM + Existing charges for the year 2008-2010, and (2) Existing charges only on the beginning balance for the year 2011.

32. Table 6 below provides a summary of LRAM-related bill impacts. All comparisons are made against existing approved 2011 Horizon Utilities' distribution rates, and for the purposes of the total bill comparison, using the commodity and transmission rates in place at the time of this Application. The impact of the LRAM proposals set out in this Application would result in a distribution charge increase for Residential Class customers with a consumption of 800 kWh per month of 2.11% or \$0.56 per month, which corresponds to a total bill increase of 0.43%. For the General Service less than 50 kW customer class the D distribution bill impact is an increase 1.75% or \$0.80 per month, which corresponds to a total bill impact of 0.32%.

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Table 6 - Monthly Bill Impacts

Customer Class	Billing Unit	Average Monthly Volume	Distribution Charges			Variation			Total Bill Change		
			2011 LRAM	2012 LRAM	%	\$	%	\$	%		
General Service	1,000 kWh	2,000	\$ 2,421.24	\$ 2,483.26	2.6%	\$ 62.02	2.6%	\$ 62.02	\$ 117,207.5	117,207.5	100.0%
General Service	800 kWh	500	\$ 2,101.31	\$ 2,165.03	3.1%	\$ 63.72	3.1%	\$ 63.72	\$ 250,808.8	\$ 250,808.8	100.0%

33. Horizon Utilities submits that the rate impacts arising from recovery of the LRAM over the 12 month period proposed are minimal and do not warrant mitigation by way of an extended period of recovery. Horizon Utilities views the impacts as reasonable given the necessity of the CDM activities. Recovery of LRAM is being requested within the context of Horizon Utilities' 2012 EDR IRM application for which the overall bill impacts are a net decrease across all customer classes. The overall customer bill impacts by rate class, which incorporates the LRAM recovery, can be found in Tab.2, Table 8 of this Application.
34. In order to ensure that neither Horizon Utilities' ratepayers nor share holder is disadvantaged through the recovery of the LRAM, Horizon Utilities proposes that the recovery of the approved LRAM amount be tracked in a variance account for disposition at a date to be determined.

Conclusion

35. Horizon Utilities has successfully effected power savings and efficiency in line with the objectives of the OPA. This has had an adverse impact on revenue and LRAM relief was designed to address such a situation. Precedence of providing relief under similar conditions is well established in Horizon Utilities' experience in previous years and in the documented experience of other distributors.
36. Horizon Utilities has adhered to the guidelines, complied with all filing requirements, relied on rulings provided by the OPA and third party confirmation of calculations to ensure all established parameters are met. The figures are accurately represented and this request for approval is reasonable and justified.

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APPENDICES

Appendix A	Detail LRAM Claim for each year by Program and Class (i) 2008-2010 Summary (ii) 2008 (iii) 2009 (iv) 2010
Appendix B:	See Line Group Ltd. Report
Appendix C:	2006-2009 Final OPA CDM Results
Appendix D:	OPA 2010 Final CDM Program Results
Appendix E:	Burman Energy Letter re: Validation of Results
Appendix F:	Finn Projects Letter re: Validation of Results
Appendix G:	ERIP Program Calculation Comparison

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Appendix A

Detail LRAM Claim for Each Year by Program and Class

Summary: 2008-2010
Year 2008
Year 2009
Year 2010

Laying out the effects of the conservation programs on Energy Consumption for years 2008 – 2010.

These were the years Brad Gallant was active as a manager of the Electricity Retrofit Incentive Program (ERIP) for Horizon.

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Appendix A - 1

Horizon Utilities Corporation
Lost Revenue Adjustment Mechanism
Breakdown of Lost Revenues for the Period January 1, 2009 to December 31, 2010

Line No.	Rate Class	LRAM 2006-2010 TOTALS	
		2008	2010 Total
All Programs			
1	Residential	\$ 120,505	\$ 300,752
2	GS <50 kW	\$ 7,621	\$ 184,052
3	GS 50-4,999 kW	\$ 13,327	\$ 165,650
4	Large Users >5,000 kW	\$ 5,512	\$ 18,149
5	Unmetered Scattered Load	\$ -	\$ 1,722
6	Grand Total	\$ 148,965	\$ 780,942
Breakdown of Totals by Source of Funding			
OPA-Funded Programs			
9	Residential	\$ 278,165	\$ 328,571
10	GS <50 kW	\$ 70,286	\$ 106,166
11	GS 50-4,999 kW	\$ 97,987	\$ 151,740
12	Large Users >5,000 kW	\$ 5,985	\$ 6,652
13	Unmetered Scattered Load	\$ -	\$ -
14	Total for OPA-Funded Programs	\$ 449,403	\$ 593,129
Third Tranche-Funded Programs			
15	Residential	\$ 172,181	\$ 172,181
16	GS <50 kW	\$ -	\$ -
17	GS 50-4,999 kW	\$ 13,910	\$ 13,910
18	Large Users >5,000 kW	\$ -	\$ -
19	Unmetered Scattered Load	\$ 1,715	\$ 1,722
20	Total for Third Tranche-Funded Programs	\$ 188,248	\$ 187,813
21	Grand Total	\$ 637,651	\$ 780,942

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Horizon Utilities Corporation
Lost Revenue Adjustment Mechanism
Breakdown of Lost Revenues for the Period January 1 to December 31, 2008

Line No.	Rate Class	Amounts by CDM Program Year		
		2006	2007	2008 Total
All Programs				
1	Residential	\$ -	\$ 120,505	\$ 120,505
2	GS <50 kW	\$ -	\$ 7,621	\$ 7,621
3	GS 50-4,999 kW	\$ -	\$ 13,327	\$ 13,327
4	Large Users >5,000 kW	\$ -	\$ 5,512	\$ 5,512
5	Unmetered Scattered Load	\$ -	\$ -	\$ -
6	Grand Total	\$ -	\$ 148,965	\$ 148,965
Breakdown of Totals by Source of Funding				
OPA-Funded Programs				
9	Residential	\$ -	\$ 120,505	\$ 120,505
10	GS <50 kW	\$ -	\$ 7,621	\$ 7,621
11	GS 50-4,999 kW	\$ -	\$ 13,327	\$ 13,327
12	Large Users >5,000 kW	\$ -	\$ 5,512	\$ 5,512
13	Total for OPA-Funded Programs	\$ -	\$ 148,965	\$ 148,965
Third Tranche-Funded Programs				
14	Residential	\$ -	\$ -	\$ -
15	GS <50 kW	\$ -	\$ -	\$ -
16	GS 50-4,999 kW	\$ -	\$ -	\$ -
17	Large Users >5,000 kW	\$ -	\$ -	\$ -
18	Unmetered Scattered Load	\$ -	\$ -	\$ -
19	Total for Third Tranche-Funded Programs	\$ -	\$ -	\$ -
20	Grand Total	\$ -	\$ 148,965	\$ 148,965

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Horizon Utilities Corporation
Loss Revenue Adjustment Mechanism
Loss Voluntary and Revenues for 2008 CDM Program Year

Line No.	Rate Class	2008 Loss Voluntary Carried Over to Year (1)		Distribution Rates (2)		Loss Revenues	
		(A) (kW)	(B) (kW)	(C) (kW)	(D) (kW)	(E)	(F)
		(A) (kW)	(B) (kW)	(C) (kW)	(D) (kW)	(E) (kW)	(F) (kW)
						(E) x (D) x (C)	(F) x (D) x (C)
							+ (B) x (D)
2008 Loss Voluntary Carried Over to Year (1)							
1	OPA-Funded Programs						
2	Residential	1,694,566	417				\$ 21,664
3	Summer Saver/Qualifies	1,704,332	107				\$ 22,909
4	OPA Reference Return Program	4,796,303	262				\$ 62,991
5	Reliant (EAC) Program	944,002	599				\$ 12,469
6	Cost Savings Return	40,460	2,023				\$ 531
7	Peak/cover	9,175,514	3,488	\$ (0.011)			\$ 120,505
8	Subtotal for Residential Class						
9	GS <50 kW	1,083,597	150	\$ 0.0070			\$ 7,621
10	Power Savings Effic	1,083,597	150				\$ 7,621
11	Subtotal for GS <50 kW						
12	GS 50-4,999 kW	15,310	18				\$ 359
13	High Performance New Construction						
14	Electricity Rebate Incentive Program	756					\$ 14,968
15	Subtotal for GS 50-4,999 kW						
16	GS >5,000 kW	15,310	774				\$ 15,327
17	Electricity Rebate Incentive Program						\$ 0.9891
18	Subtotal for GS >5,000 kW						
19	Total for OPA-Funded Programs						\$ 5,312
Total							
		10,274,331	4,876				\$ 148,965
		10,274,331	4,876				\$ 148,965

NOTES:
 (1) The 2008 lost volumes are carried over to 2009 and 2010 at their fully effective levels as presented in the independent third party report.
 (2) 2008 ERIP OPA Final Report has not distinguished between GS 50-4,999 kW and Large Users, weighted average has been applied in calculation. Each of the distribution rates used to calculate lost revenues in 2008 is a four twelfths ("4/12") and eight twelfths ("8/12") blend of the 2008 rates.

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Horizon Utilities Corporation
Loss Revenue Adjustment Mechanism
Breakdown of Lost Revenues for the Period January 1 to December 31, 2009

Line No.	Rate Class	January 1 to December 31, 2009					2009 Total Lost
		2005 (A)	2006 (B)	2007 (C)	2008 (D)	2009 (E)	
All Programs							
1	Residential	\$ 90,927	\$ 148,348	\$ 96,431	\$ 103,144	\$ 68,927	\$ 447,788
2	GS <50 kW				\$ 7,873	\$ 62,992	\$ 70,266
3	GS 50-4,999 kW		\$ 498	\$ 13,659	\$ 16,815	\$ 80,617	\$ 111,888
4	Large Users >5,000 kW				\$ 5,799	\$ 246	\$ 5,988
5	Financed/Scattered Load		\$ 2,715				\$ 2,715
6							
7	Grand Total	\$ 90,927	\$ 150,380	\$ 110,090	\$ 133,971	\$ 212,182	\$ 657,651
Breakdown of Totals by Source of Funding							
OPA-Funded Programs							
9	Residential		\$ 7,218	\$ 95,879	\$ 100,144	\$ 68,927	\$ 272,168
10	GS <50 kW				\$ 7,873	\$ 62,992	\$ 70,266
11	GS 50-4,999 kW			\$ 556	\$ 16,815	\$ 80,617	\$ 97,987
12	Large Users >5,000 kW				\$ 3,789	\$ 246	\$ 5,988
13	Total for OPA-Funded Programs		\$ 7,218	\$ 96,431	\$ 133,971	\$ 212,182	\$ 449,401
Total Tranche-Funded Programs							
14	GS <50 kW	\$ 90,927	\$ 141,170	\$ 556			\$ 172,633
15	GS 50-4,999 kW						
16	GS 50-4,999 kW			\$ 13,659			\$ 13,901
17	Large Users >5,000 kW						
18	Financed/Scattered Load						
19	Total for Tranche-Funded Programs	\$ 90,927	\$ 143,361	\$ 13,659			\$ 188,248
20	Grand Total	\$ 90,927	\$ 150,380	\$ 110,090	\$ 133,971	\$ 212,182	\$ 657,651

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Horizon Utilities Corporation
Breakdown of Lost Revenues for the Period January 1 to December 31, 2009
Lost Volumes and Revenues for 2009 CDM Program Year

Line No.	Funding Mechanism/Program/Rate Class	2009 Lost Volumes		2009		(e) = (a) x (c) + (b) x (d)	2009 (\$)
		(a)	(b)	(c)	(d)		
1	Third Tranche-Funded Programs						
2	Residential						
3	Gold Water Wash Program	63,083	4			\$	863
4	Call to Action	664,370	14			\$	5,916
5	Reseller (ERCC) Program	142,882	6			\$	1,832
6	Energy Audit and Support	1,757,911	29			\$	22,376
7	Social Housing	2,428,846	82	\$ 0.0127			30,927
8	Subtotal for Residential Class						
9	GS <50 KW						
10	Subtotal for GS <50 KW Class						
11	GS \$0-499 KW					\$ 1.8109	
12	Subtotal for GS \$0-499 KW						
13	GS \$0-4,999 KW						
14	Subtotal for GS \$0-4,999 KW						
15	Large Users > \$,000 KW						
	Subtotal for Large Users > \$,000 KW						
	Total for Third Tranche-Funded Programs	2,428,846	82				30,927
	Total	2,428,846	82				30,927

Notes:
(1) 2009 lost volumes are carried over to 2008, 2009 and 2010 at their fully effective level as presented in the independent third party report.
(2) Each of the distribution rates used to calculate lost revenues in 2009 is a four-twelfths (.4127) and eight-twelfths (.6712) blend of the 2009 rates.

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Horizon Utilities Corporation
Breakdown of Lost Revenues for the Period January 1 to December 31, 2009
Lost Volumes and Revenues for 2009 CDM Program Year

Line No.	Funding Mechanism/Program/Rate Class	2009 Lost Volumes Carried		2009		(e) = (a) x (c) + (b) x (d)	2009 (\$)
		(a)	(b)	(c)	(d)		
1	OPFA-Funded Programs						
2	Residential						
3	Cost & Hot Savings Rebate	566,895	525			\$	7,218
4	Subtotal for Residential Class	566,895	525				7,218
5	Subtotal for Residential Class					\$ 0.0127	
6	Subtotal for Residential Class						
7	Total for OPFA-Funded Programs	566,895	525				7,218
8	Third Tranche-Funded Programs						
9	Residential						
10	LED Light Exchange	12,855				\$	160
11	Community Events	1,717,008	64			\$	21,120
12	Energy Audit and Support	311,924	16			\$	4,481
13	Energy Audit and Support	63,146	3			\$	807
14	Environment of Hamilton	578,515	20			\$	7,267
15	Smart Pk.	272,885	10			\$	2,838
16	TAPS	485,002	41			\$	6,176
17	7,144,297	252				\$	90,971
18	Reseller (ERCC) Program	179,631	7			\$	2,287
19	Residential DR Load Control	308,932	23			\$	3,934
20	Social Housing	11,085,013	436	\$ 0.0127			141,149
21	Subtotal for Residential Class						
22	Subtotal for Residential Class						
23	Unmetered Scattered Load	114,812	13	\$ 0.0149			1,715
24	Subtotal for GS Unmetered Scattered Load						
25	GS \$0-4,999 KW					\$ 1.8109	498
26	Power Wise	157,037	23				498
27	Subtotal for GS \$0-4,999 KW						
	Total for Third Tranche-Funded Programs	11,356,862	472				143,361
	Total	11,923,756	997				150,580

Notes:
(1) 2006 lost volumes are carried over to 2008, 2009 and 2010 at their fully effective level as presented in the independent third party report.
(2) Each of the distribution rates used to calculate lost revenues in 2009 is a four-twelfths (.4127) and eight-twelfths (.6712) blend of the 2009 rates.

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Horizon Utilities Corporation
Breakdown of Lost Revenues for the Period January 1 to December 31, 2009
Lost Volumes and Revenues for 2007 CDM Program Year

Line No.	Funding Mechanism/Program/Rate Class	2007 Lost Volumes Carried Over to Year (1)		Distribution Rate (2)	Lost Revenues	
		(AW)	(BW)		(AW)	(B)
		(a)	(b)	(c)	(d)	(e) = (a) x (c) + (b) x (d)
OPA-Funded Programs						
1	Residential					
2	Summer Savings	203,893	237			\$ 2,596
3	OPA Refrigerator Retirement Program	510,892	63			\$ 6,504
4	Residential (ERC) Program	3,241,218	186			\$ 66,738
5	Cool & Hot Savings Rebate	885,173	591			\$ 11,271
6	Affordable Housing Pilot	193,042	6			\$ 2,458
7	Social Housing Pilot	482,258	57			\$ 6,141
8	Energy Efficiency Assistance for Homes Plus	13,087	1			\$ 167
9	Peak-Saver	612				\$ -
10	Subtotal for Residential Class	7,259,441	1,218	\$ 0.0127		\$ 95,872
11	GS 50-4,999 kW					\$ -
12	Electricity Incentive Program	71,071	26	\$ 1.8109		\$ 356
13	Subtotal for OPA-Funded Programs	3,600,516	1,862			\$ 96,431
Third Tranche-Funded Programs						
14	Residential					
15	CH, Distribution	43,690	1			\$ 556
16	Residential DR Load Control					\$ -
17	Subtotal for Residential Class	43,690	1	\$ 0.0127		\$ 556
18	Unmetered Scattered Load					\$ -
19	LED Traffic Lights					\$ -
20	Subtotal for Unmetered Scattered Load					\$ -
21	GS 50-4,999 kW					\$ -
22	Power Wise	3,122,035	617			\$ 13,403
23	Subtotal for GS 50-4,999 kW	3,122,035	617	\$ 1.8109		\$ 13,403
24	Subtotal for Third Tranche-Funded Programs	3,165,725	618			\$ 13,959
25	Total	107,665,241	2,480			\$ 110,990

Notes:
(1) 2007 lost volumes are carried over to 2008, 2009 and 2010 at their fully effective level as presented in the independent third party report.
(2) Each of the distribution rates used to calculate lost revenues in 2009 is a four-twelfths (.4127) and eight-twelfths (.6812) blend of the 2009 rates.

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Horizon Utilities Corporation
Breakdown of Lost Revenues for the Period January 1 to December 31, 2009
Lost Volumes and Revenues for 2008 CDM Program Year

Line No.	Funding Mechanism/Program/Rate Class	Lost Volumes (1)		Distribution Rate (2)	Lost Revenues	
		(AW)	(BW)		(AW)	(B)
		(a)	(b)	(c)	(d)	(e) = (a) x (c) + (b) x (d)
OPA-Funded Programs						
1	Residential					
2	Summer Savings	893,244	239			\$ 7,579
3	OPA Refrigerator Retirement Program	1,744,372	187			\$ 22,211
4	Residential (ERC) Program	4,775,440	250			\$ 60,807
5	Cool Savings Rebate	944,852	599			\$ 12,031
6	Peak-Saver	40,660	2,023			\$ 515
7	Subtotal for Residential Class	8,108,568	3,298	\$ 0.0127		\$ 103,144
8	GS <50 kW					\$ -
9	Power Savings Blitz	1,083,307	190	\$ 0.0073		\$ 7,873
10	Subtotal for GS <50 kW	1,083,307	190			\$ 7,873
11	GS 50-4,999 kW					\$ -
12	High Performance New Construction	15,310	18			\$ 394
13	Electricity Incentive Program					\$ -
14	Subtotal for GS 50-4,999 kW	15,310	18	\$ 1.8109		\$ 16,420
15	GS >5,000 kW					\$ -
16	Electricity Incentive Program					\$ -
17	Subtotal for GS >5,000 kW					\$ -
18	Total for OPA-Funded Programs	9,199,165	4,686			\$ 57,939
19	Total	9,199,165	4,686			\$ 57,939

Notes:
(1) 2008 lost volumes are carried over to 2008, 2009 and 2010 at their fully effective level as presented in the independent third party report.
(2) 2008 ERIP OPA Final report has not distinguished between GS 50-4,999 and Large Users. Weighted average has been applied in calculation.
(3) Each of the distribution rates used to calculate lost revenues in 2009 is a four-twelfths (.4127) and eight-twelfths (.6812) blend of the 2009 rates.

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Hertzog Utilities Corporation
Breakdown of Lost Revenues for the Period January 1 to December 31, 2009
Lost Volumes and Revenues for 2009 CDM Program Year

Line No.	Funding Mechanism Program/Rate Base Class	Lost Volumes ^(a)		Distribution Rate ^(b)		Lost Revenues	
		2009 (kWh)	(b) (kWh)	2009 (\$/kWh)	(d) (\$/kWh)	2009 (\$)	(f) = (b) x (d) (\$)
1	OPA-Funded Programs						
2	Residential						
3	Summer Sweepsakes	2,223,776	332			\$ 28,316	\$ -
4	OPA Refrigerator Retirement Program	2,022,999	205			\$ 25,759	\$ -
5	Rebate (ERC) Program	1,163,839	766			\$ 14,814	\$ -
6	Cool Savings Rebate	3,033	1,651			\$ 39	\$ -
7	PeakSaver	3,413,126	2,955	\$ 0.0127		\$ 69,927	\$ -
8	Subtotal for Residential Class						
9	CR <50kW	8,596,070	2,201	\$ 0.0073		\$ 62,392	\$ -
10	Power Save High BHz	8,596,070	2,201			\$ 62,392	\$ -
11	Subtotal for CR <50kW						
12	GS 50-4,999 kW	416,324	181			\$ 1,988	\$ -
13	High Performance New Construction						
14	Electricity Rebate Incentive Program	15,527	1,527	\$ 1.8109		\$ 27,649	\$ -
15	Subtotal for GS 50-4,999 kW						
16	CR >5,000 kW	416,324	3,710			\$ 80,617	\$ -
17	Electricity Rebate Incentive Program						
18	Subtotal for CR >5,000 kW						
19	Total for OPA-Funded Programs	14,415,922	6,885			\$ 212,182	\$ -
	Total	14,415,922	8,835			\$ 212,182	\$ -

Notes:

- (a) 2009 lost volumes are carried over to 2010 if their fully effective (e.d) as presented in the independent third party report
- (b) 2009 ERIP OPA final report has not distinguished between GS 50-4,999 and Large Users, weighted average has been applied in calculation
- (c) Each of the distribution rates used to calculate lost revenues in 2009 is a four-weighted (1/4 (2) and eight-weighted (1/8) (2) blend of the 2009 rates

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Hertzog Utilities Corporation
Loss Revenue Adjustment Mechanism
Breakdown of Lost Revenues for the Period January 1 to December 31, 2010

Line No.	Rate Class	January 1 to December 31, 2010						2010 Total Lost Revenues
		2009 ^(a)	2009 ^(b)	2009 ^(c)	2010 ^(d)	2010 ^(e)	2010 ^(f)	
1	All Programs	\$ 30,846	\$ 1,417,979	\$ 96,179	\$ 102,874	\$ 67,681	\$ 55,192	\$ 590,752
2	Residential	\$ -	\$ -	\$ -	\$ 7,524	\$ 62,678	\$ 36,263	\$ 106,166
3	GS <50kW	\$ -	\$ 498	\$ 13,968	\$ 16,631	\$ 16,670	\$ 5,082	\$ 163,669
4	GS 50-4,999 kW	\$ -	\$ -	\$ -	\$ 3,716	\$ 245	\$ 691	\$ 6,662
5	Large Users >5,000 kW	\$ -	\$ 1,722	\$ -	\$ -	\$ -	\$ -	\$ 1,722
6	Unassigned Suspend Load	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
7	Grand Total	\$ 30,846	\$ 1,930,199	\$ 110,147	\$ 132,246	\$ 211,275	\$ 146,229	\$ 798,942
8	Breakdown of Total by Source of Funding							
9	OPA-Funded Programs							
10	Residential	\$ -	\$ 7,200	\$ 95,624	\$ 102,874	\$ 67,681	\$ 55,192	\$ 334,571
11	GS <50kW	\$ -	\$ -	\$ -	\$ 7,224	\$ 62,678	\$ 36,263	\$ 106,166
12	GS 50-4,999 kW	\$ -	\$ -	\$ 556	\$ 16,631	\$ 16,670	\$ 5,082	\$ 151,740
13	Large Users >5,000 kW	\$ -	\$ -	\$ -	\$ 3,716	\$ 245	\$ 691	\$ 6,662
14	Total for OPA-Funded Programs	\$ -	\$ 7,200	\$ 96,480	\$ 132,246	\$ 211,275	\$ 146,229	\$ 591,139
15	Third-Party-Funded Programs							
16	Residential	\$ 30,846	\$ 143,780	\$ 555	\$ -	\$ -	\$ -	\$ 172,181
17	GS <50kW	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
18	GS 50-4,999 kW	\$ -	\$ 469	\$ 13,412	\$ -	\$ -	\$ -	\$ 14,910
19	Large Users >5,000 kW	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
20	Unassigned Suspend Load	\$ -	\$ 1,722	\$ -	\$ -	\$ -	\$ -	\$ 1,722
21	Total for Third-Party-Funded Programs	\$ 30,846	\$ 145,900	\$ 1,665	\$ -	\$ -	\$ -	\$ 187,810
	Grand Total	\$ 30,846	\$ 1,930,199	\$ 110,147	\$ 132,246	\$ 211,275	\$ 146,229	\$ 798,942

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Appendix A-11

Horizon Utilities Corporation
Breakdown of Lost Revenues for the Period January 1 to December 31, 2010
Lost Volumes and Revenues for 2005 CDM Program Year

Line No.	Fundmg. Mechanism/Program/Rate Class	2005 Lost Volumes Carried Over to Year ⁽¹⁾		Distribution Rates ⁽²⁾		2010 (b) = (a) x (c) (c) = (b) / (a)
		2010 (a) (kWh)	2010 (b) (kW)	2010 ⁽³⁾ (c) (\$/kWh)	2010 (d) (\$/kW)	
Third Tranche-Funded Programs						
Residential						
1	Cool Water Wash Program					\$ 801
2	Call to Action	61,883	4			\$ 6,900
3	Rebate (ERC) Program	464,570	14			\$ 1,827
4	Energy Audit and Support	143,882	6			\$ 23,348
5	Special Housing	1,237,311	59			\$ 31,826
6	Subtotal for Residential Class	2,428,346	93		\$ 0.0127	
7	GS <50 kW					\$ 0.0073
8	Subtotal for GS <50 kW Class					
9	GS 50-4,999 kW					
10	Subtotal for GS 50-4,999 kW					
11	Large Users >5,000 kW					
12	Subtotal for Large Users >5,000 kW					
13	Subtotal for Third Tranche-Funded Programs	2,428,346	93			\$ 31,826
14	Total	2,428,346	93			\$ 31,826

Notes:
(1) 2005 lost volumes are carried over to 2008, 2009 and 2010 at their fully effective level as presented in the independent third party report.
(2) Each of the distribution rates used to calculate lost revenues in 2010 is a four-twelfths (4/12th) and eight-twelfths (8/12th) blend of the 2010 rates.

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Horizon Utilities Corporation
Breakdown of Lost Revenues for the Period January 1 to December 31, 2010
Lost Volumes and Revenues for 2006 CDM Program Year

Line No.	Fundmg. Mechanism/Program/Rate Class	2006 Lost Volumes Carried Over to Year ⁽¹⁾		Distribution Rates ⁽²⁾		2010 (b) = (a) x (c) (c) = (b) / (a)
		2010 (a) (kWh)	2010 (b) (kW)	2010 ⁽³⁾ (c) (\$/kWh)	2010 (d) (\$/kW)	
OPA-Funded Programs						
Residential						
1	Cool & Hot Savings Rebate	566,895	523			\$ 7,200
2	Subtotal for Residential Class	566,895	523		\$ 0.0127	\$ 7,200
3	Total for OPA-Funded Programs	566,895	523			\$ 7,200
Third Tranche-Funded Programs						
Residential						
4	LED Light Exchange	12,555				\$ 159
5	Community Events	1,237,908	64			\$ 22,071
6	Conservation Champs	351,024	16			\$ 4,469
7	Etobicoke	63,346	3			\$ 804
8	Erinmont-Hamilton	578,533	20			\$ 7,347
9	Smart Pak	222,885	10			\$ 2,451
10	TAPS	485,002	41			\$ 6,160
11	Rebate (ERC) Program	7,144,297	282			\$ 90,733
12	Residential DR Load Control					\$ -
13	Residential Energy Audit	579,631	7			\$ 2,281
14	Special Housing	288,978	23			\$ 4,929
15	Subtotal for Residential Class	11,085,013	436		\$ 0.0127	\$ 140,796
16	Subtotal for GS Unmetered Scattered Load	114,813	13		\$ 0.0150	\$ 1,722
17	GS 50-4,999 kW					\$ 1,8121
18	Power Wise	157,057	23			\$ 498
19	Subtotal for GS 50-4,999 kW	157,057	23			\$ 498
20	Total for Third Tranche-Funded Programs	11,256,883	472			\$ 143,000
21	Total	11,256,883	472			\$ 143,000

Notes:
(1) 2006 lost volumes are carried over to 2008, 2009 and 2010 at their fully effective level as presented in the independent third party report.
(2) Each of the distribution rates used to calculate lost revenues in 2010 is a four-twelfths (4/12th) and eight-twelfths (8/12th) blend of the 2010 rates.

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Horizon Utilities Corporation
Breakdown of Lost Revenues for the Period January 1 to December 31, 2010
Lost Volumes and Revenues for 2009 CDM Program Year

Line No.	Existing Mechanism Program/Rate Class	2009 Lost Volumes Carried Over to Year ⁽¹⁾		Distribution Rates ⁽²⁾ 2010 (\$/kWh)	Lost Revenues 2010 (\$)
		(kWh)	(kW)		
		(a)	(b)	(c)	(d) = (a) x (c) + (b) x (d)
OPA-Funded Programs					
1	Residential				
2	Summer Sweeps/rolls				
3	OPA Refrigerator Retirement Program	2,223,776	332		\$ 28,242
4	Refrigerator (RKC) Program	1,938,996	201		\$ 24,625
5	Cool Savings Rebate	1,163,379	766		\$ 14,775
6	Peak Saver	3,033	1,651		\$ 39
7	Subtotal for Residential Class	5,329,185	2,951	\$ 0.0127	\$ 67,681
8	CS <=50 kW				
9	Power Savings Rate	8,386,070	2,201	\$ 0.0073	\$ 62,678
10	Subtotal for CS <=50 kW	8,386,070	2,201		\$ 62,678
11	CS 50-4,999 kW				
12	High Performance New Construction	416,324	183		\$ 3,971
13	Electricity Retrofit Incentive Program	3,327		\$ 1,8121	\$ 76,690
14	Subtotal for CS 50-4,999 kW	416,324	3,710		\$ 80,670
15	CS >=5,000 kW				
16	Electricity Retrofit Incentive Program		20	\$ 1,0258	\$ 245
17	Subtotal for CS >=5,000 kW		20		\$ 245
18					
19	Total for OPA-Funded Programs	14,331,579	8,882		\$ 211,275
20	Total	14,331,579	8,882		\$ 311,275

Notes:
⁽¹⁾ 2009 lost volumes are carried over to 2010 at their fully effective level as presented in the independent third party report.
⁽²⁾ 2009 ERIP OPA Final report has not distinguished between CS 50-4,999 and Large Users. weighted average has been applied in calculation.
⁽³⁾ Each of the distribution rates used to calculate lost revenues in 2010 is a four-twelfths ("4/12") and eight-twelfths ("8/12") blend of the 2010 rates.

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Horizon Utilities Corporation
Breakdown of Lost Revenues for the Period January 1 to December 31, 2010
Lost Volumes and Revenues for 2010 CDM Program Year

Line No.	Existing Mechanism Program/Rate Class	2010 Lost Volumes Carried Over to Year ⁽¹⁾		Distribution Rates ⁽²⁾ 2010 (\$/kWh)	Lost Revenues 2010 (\$)
		(kWh)	(kW)		
		(a)	(b)	(c)	(d) = (a) x (c) + (b) x (d)
OPA-Funded Programs					
1	Residential				
2	Summer Sweeps/rolls				
3	OPA Refrigerator Retirement Program	1,940,241	292		\$ 24,374
4	Refrigerator (RKC) Program	791,475	70		\$ 10,052
5	Cool Savings Rebate	1,630,283	1,064		\$ 20,705
6	Peak Saver	4,859	1,231		\$ 62
7	Subtotal for Residential Class	4,366,859	2,657	\$ 0.0127	\$ 55,192
8	CS <=50 kW				
9	Power Savings Rate	4,962,579	1,623	\$ 0.0073	\$ 36,263
10	Subtotal for CS <=50 kW	4,962,579	1,623		\$ 36,263
11	CS 50-4,999 kW				
12	High Performance New Construction	1,940,578	524		\$ 11,393
13	Multi-family Energy Efficiency Rebates	2,071,092	175		\$ 3,816
14	Electricity Retrofit Incentive Program	1,788		\$ 1,8121	\$ 38,873
15	Subtotal for CS 50-4,999 kW	3,265,650	2,687		\$ 54,082
16	CS >=5,000 kW				
17	Electricity Retrofit Incentive Program		56	\$ 1,0258	\$ 691
18	Subtotal for CS >=5,000 kW		56		\$ 691
19	Total for OPA-Funded Programs	12,579,667	6,842		\$ 146,229
20	Total	12,579,667	6,842		\$ 146,229

Notes:
⁽¹⁾ Each of the distribution rates used to calculate lost revenues in 2010 is a four-twelfths ("4/12") and eight-twelfths ("8/12") blend of the 2010 rates.
⁽²⁾ 2010 ERIP weighted average has been applied in calculation using 2010 Final OPA report.

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Horizon Utilities Corporation
 2010 ERIP Application
 EB-2511-0172
 Filed October 12, 2010

Appendix B

SeeLine Group Ltd. Report

Establishing that there were no errors in CDM Programs reporting prior to the employment of Brad Gallant as manager of CDM Program.

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Independent Third Party Review

OF

Horizon Utilities 2005 to 2007 Third Tranche Conservation and Demand Management (CDM) Savings Attributable to its 2012 Lost Revenue Adjustment Claim

Prepared By:
 SeeLine Group Ltd.
 416-703-8895

August 18, 2011

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Executive Summary

As part of its reporting commitment to the Ontario Energy Board (OEB), Horizon Utilities Corporation (Horizon) engaged SeelLine Group Ltd. (SeelLine) to perform an independent third party review of its 2005 to 2007 Conservation and Demand Management (CDM) results. These results constitute the basis for a 2012 Lost Revenue Adjustment Mechanism (LRAM) claim attributable to CDM achievements from its third tranche of Market Adjustment Revenue Requirement (MARR) funding.

Following guidelines set forth by the OEB in its "Guidelines for Electricity Distributor Conservation and Demand Management – Board File No. EB-2008-0837" and its letter of January 27th 2009 to all Licensed Electricity Distributors, SeelLine closely examined all inputs and assumptions relating to the reported savings with a focus on updating the LRAM savings based on revised OPA prescriptive measure assumptions, and reported OPA CDM results. Detailed results from this exercise can be found in the report Appendices.

1 <http://www.powerauthority.on.ca/sites/default/files/2011/02/2011PrescriptiveMeasures%20and%20>
 2 <http://www.powerauthority.on.ca/sites/default/files/2011/02/2011PrescriptiveMeasures%20and%20>
 3 <http://www.powerauthority.on.ca/sites/default/files/2011/02/2011PrescriptiveMeasures%20and%20>
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1.0 Introduction

In 2007, Horizon completed its final year of CDM activity, with funding made available through the third installment of MARR and its incremental funding for 2nd generation programs. This marked the end of a three-year effort resulting in about 4,625 MW of summer peak demand and over 40,485 GWh¹ in annual energy savings. As new CDM funding and province-wide programs became available through the Ontario Power Authority (OPA), Horizon continued its support of CDM and the development of a culture of conservation. In the summer of 2008, Horizon announced its enrollment in many of the OPA standard programs.

In June 2009, Horizon filed a Lost Revenue Adjustment Mechanism (LRAM) and Shared Savings Mechanism (SSM) claim as part of a 2009 Incentive Regulation Mechanism Rate Application (EB-2009-0192) relating to its 2007 and 2008 program activity from its third tranche and OPA activities.

Now, as part of its 2012 IRM application, Horizon has contracted Seeline to perform a review of the 2005 to 2007 third tranche CDM savings related to its current LRAM claim. This review included an examination of the LRAM savings and identification of inputs requiring an update for consistency with current OPA measure assumptions. Detailed results from this exercise can be found in the report Appendices.

2.0 Scope

On March 28th 2007, the OEB established its ongoing role in electricity local distribution companies (LDCs) CDM activities through its 'Guidelines for Electricity Distributor, Conservation and Demand Management – Board File No. EB-2008-0037 (the Guidelines)'. These Guidelines provide the framework for the review and approval of CDM spending, reporting guidelines, program evaluation, and the review and recovery of LRAM and Shared Savings Mechanism (SSM) claims.

In section 7.3 of these Guidelines, it states that input assumptions may change over time as more accurate information becomes available. As such, LDCs are expected to use input assumptions that are available at the time of an independent third party review.

In keeping with these Guidelines, Seeline relied on the OPA Measures and Assumptions List – Release Version 1 – March 2011 to form the basis of the recommended savings estimates for Horizon's LRAM claim. This list was created to provide best available information, making use of existing lists of inputs and assumptions, reports, technical literature and publications most suitable and specific to Ontario.

¹ <http://www.ontarioenergyboard.ca/OEB/DocumentList/616-3024-04/2009-annual-report-13000.pdf>

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3.0 Findings from the Review of Savings Material to Proposed LRAM Claim

Seeline closely examined the annual savings included in Horizon's 2012 LRAM claim, and identified inputs requiring an update based on revised OPA measure assumptions¹. These updates are highlighted in the report Appendices.

3.1 Demand and Energy Savings

The following tables provide a summary of Horizon's fully effective net savings by rate class.

Table 1 – Summary of Horizon's 2005 Fully Effective Net Savings as Verified by Seeline

Rate Class	KW Savings	KWh Savings
Residential	82.55	2,428,846
Total	82.35	2,428,846

Table 2 – Summary of Horizon's 2006 Fully Effective Net Savings as Verified by Seeline

Rate Class	KW Savings	KWh Savings
Residential	436.05	11,085,013
GS 50 - 499 kW	22.90	157,037
Scattered Load	13.10	114,812
Total	472.05	11,356,861

Table 3 – Summary of Horizon's 2007 Fully Effective Net Savings as Verified by Seeline

Rate Class	KW Savings	KWh Savings
Residential	4.38	43,690
GS 50 - 499 kW	616.77	3,122,035
Scattered Load	0.00	0
Total	618.15	3,165,725

¹ IBID.

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4.0 Conclusions

With the OPA now facilitating the majority of CDM funding in Ontario and third franchise program delivery complete, no further evaluation efforts or program enhancements are required. SeeLine concludes that the savings claims included in this review are in accordance with the Board's CDM Guidelines.

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APPENDIX A – 2005 Detailed Program Results

2005 Third Tranche Program Results									
Program/Measure	Participants	Unit kW Assumption	Unit kWh Assumption	Equipment Life	Free Ridership	Total Annual Gross kWh	Total Annual Net kWh	Total Annual kWh	Source of Assumptions
RESIDENTIAL									
Cold Water Wash Program	484	n/a	n/a	n/a	10%	n/a	n/a	n/a	No equivalent OPA measure assumption.
Call to Action Contest:									
CFL-13W (60W)	800	0.001	46.3	8.0	10%	1	27,733	0.79	Updated OPA Measure List (as of April 06, 2011)
LED Night Lights	300	n/a	n/a	n/a	10%	n/a	n/a	n/a	No equivalent OPA measure assumption.
Efficient Snowheads	100	0.028	377.0	10.0	1%	3	38,454	3	Updated OPA Measure List (as of April 06, 2011)
Total Call to Action Program						4	66,247	4	
Retailer (EKO) Program:									
CFL-13W (60W)	10,062	0.001	46.3	8.0	10%	15	468,833	13.24	Updated OPA Measure List (as of April 06, 2011)
Seasonal LED -50% 5 WATT Christmas lights C-7(25 lights)	1,579	0.000	13.96	5.0	5%	-	22,027	-	Updated OPA Measure List (as of April 06, 2011)

Horizon Utilities Corporation – 3rd Party Review

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APPENDIX B – 2006 Detailed Program Results

2006 Third Tranche Program Results									
Program/Measure	Participants	Unit kW Assumption	Unit kWh Assumption	Equipment Life	Free Ridership	Total Annual Gross kWh	Total Annual Gross kWh Net kW	Total Annual Net kWh	Source of Input Assumptions
LED Light Exchange									Updated OPA Measure List (as of April 06, 2011)
Seasonal LED - 5 WATT Christmas Lights C-712(Lights)	1,000	0.000	13.65	8.0	10%	13,650	12,555	12,555	Updated OPA Measure List (as of April 06, 2011)
Community Events	36,796	0.001	46.3	8.0	10%	1,704,432	1,533,656	1,533,656	Updated OPA Measure List (as of April 06, 2011)
Total Community Events Program	37,796	0.001	46.3	8.0	10%	1,718,082	1,546,211	1,546,211	Updated OPA Measure List (as of April 06, 2011)
Conservation Champs	300	0.006	377.0	10.0	10%	113,100	101,796	101,796	Updated OPA Measure List (as of April 06, 2011)
Total Conservation Champs Program	300	0.006	377.0	10.0	10%	113,100	101,796	101,796	Updated OPA Measure List (as of April 06, 2011)

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2006 Third Tranche Program Results									
Program/Measure	Participants	Unit kW Assumption	Unit kWh Assumption	Equipment Life	Free Ridership	Total Annual Gross kWh	Total Annual Gross kWh Net kW	Total Annual Net kWh	Source of Input Assumptions
LED Light Exchange									Updated OPA Measure List (as of April 06, 2011)
Seasonal LED - 5 WATT Christmas Lights C-712(Lights)	1,000	0.000	13.65	8.0	10%	13,650	12,555	12,555	Updated OPA Measure List (as of April 06, 2011)
Community Events	36,796	0.001	46.3	8.0	10%	1,704,432	1,533,656	1,533,656	Updated OPA Measure List (as of April 06, 2011)
Total Community Events Program	37,796	0.001	46.3	8.0	10%	1,718,082	1,546,211	1,546,211	Updated OPA Measure List (as of April 06, 2011)
Conservation Champs	300	0.006	377.0	10.0	10%	113,100	101,796	101,796	Updated OPA Measure List (as of April 06, 2011)
Total Conservation Champs Program	300	0.006	377.0	10.0	10%	113,100	101,796	101,796	Updated OPA Measure List (as of April 06, 2011)

Horizon Utilities Corporation – 3rd Party Review

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TAPS:		Updated OPA Measure List (as of April 06, 2011)	Updated OPA Measure List (as of April 06, 2011)	Updated OPA Measure List (as of April 06, 2011)	Updated OPA Measure List (as of April 06, 2011)	Updated OPA Measure List (as of April 06, 2011)	Updated OPA Measure List (as of April 06, 2011)	Updated OPA Measure List (as of April 06, 2011)	Updated OPA Measure List (as of April 06, 2011)	Updated OPA Measure List (as of April 06, 2011)
CFL 18W (6000)	8,216	0.001	10.11	330,357	5.10	288,321				
Filing # of 3h lengths	642	0.0070	2.16	11,742	2.14	11,625				
Aerator	128	0.014	17.72	229,706	17.64	227,409				
Shower Heads	785	0.029	11.07	142,883	10.66	141,454				
Total TAPS Program			47.50	459,991	41.48	455,002				
Retailer (ERC) Program (Spring Campaign)										
CFL	57,258	0.001	57.24	2,051,126	81.51	2,386,013				
Ceiling Fan	919	0.0033	3.46	152,828	3	101,278				
Timer	1,355	n/a	n/a	n/a	n/a	n/a				
Programmable Thermostat	872	0.176	153.47	1,675,672	138.12	1,888,106				

Horizon Utilities Corporation – 3rd Party Review

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Retailer (ERC) Program (Fall Campaign)		Updated OPA Measure List (as of April 06, 2011)	Updated OPA Measure List (as of April 06, 2011)	Updated OPA Measure List (as of April 06, 2011)	Updated OPA Measure List (as of April 06, 2011)	Updated OPA Measure List (as of April 06, 2011)	Updated OPA Measure List (as of April 06, 2011)	Updated OPA Measure List (as of April 06, 2011)	Updated OPA Measure List (as of April 06, 2011)	Updated OPA Measure List (as of April 06, 2011)
Baseboard Programmable Thermostat	172	0.000	11.0	63.2	10%	-10,802				
CFLs	64,728	0.001	48.3	64.73	10%	2,628,201	56.26	2,698,381		
Melton Seasons	381	0.000	158.4	10.0	10%	-57,636				
Programmable Thermostat - Space Cooling	919	n/a	n/a	n/a	10%	n/a	n/a	n/a		
LED Seasonal Lights	15,059	0.000	13.92	5.0	10%	-210,213				
Dimmer Switch	929	0.001	23.7		10%	21,671	0.94	19,774		
Total Retailer (ERC) Program Residential Load Control						279,855	7,838,198	251,877	7,142,297	
Residential Energy Audit:										
Peakshaver Prop. T-Stats	881	n/a	n/a	n/a	10%	n/a	n/a	n/a		
Energy Audit	70	0.0280	270.0	7.0	1%	18,800	1.94	15,711		
Cool Shops	1	n/a	n/a	n/a	10%	n/a	n/a	n/a		
Energy Audit Powerpak (CFL+3W)	3,800	0.001	48.3	5.0	10%	176,796	5.08	160,220		
Total Energy Audit Program						7,69	197,699	7.02	178,631	

Horizon Utilities Corporation – 3rd Party Review

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APPENDIX C – 2007 Detailed Program Results

2007 Third Tranche Program Results									
Program/Measure	Participants	Unit kW Assumption	Unit kWh Assumption	Equipment Life	Free RiderShip	Total Annual Gross kWh	Total Annual Net kWh	Total Annual Net kWh	Source of Input Assumptions
RESIDENTIAL									
CFI Distribution									
Residential Load Control Program	1,043	0.071	46.3	5.0	10%	1.59	43,545	1.98	Updated OPA Measure List (as of April 09, 2011)
Residential Load Control Program	191	n/a	n/a	n/a	10%	n/a	n/a	n/a	No equivalent OPA measure assumption.
Residential Load Control Program	191	n/a	n/a	n/a	10%	n/a	n/a	n/a	No equivalent OPA measure assumption.
Total Residential Program						1.59	43,545	1.98	
GS 50 – 489 kW									
Leasing/Coverage Program and/or Load Management Program									
Business Program - Project 1	1	24.00	n/a	n/a	30%	24.00	n/a	n/a	Project Application
Business Program - Project 2	1	75.40	n/a	n/a	30%	75.40	n/a	n/a	Project Application
Business Program - Project 3	1	340.00	3,204.618	n/a	30%	340.00	3,204.518	2,433.183	Project Application

Horizon Utilities Corporation – 3rd Party Review

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APPENDIX C – 2007 Detailed Program Results

2007 Third Tranche Program Results									
Program/Measure	Participants	Unit kW Assumption	Unit kWh Assumption	Equipment Life	Free RiderShip	Total Annual Gross kWh	Total Annual Net kWh	Total Annual Net kWh	Source of Input Assumptions
SCATTERED LOAD									
Business Program - Project 4	1	38.30	n/a	n/a	30%	38.30	n/a	26.81	n/a
Business Program - Project 5	1	48.00	131,770	n/a	30%	48.00	131,770	92,232	Project Application
Business Program - Project 6	1	50.20	n/a	n/a	30%	50.20	n/a	35.14	n/a
Business Program - Project 7	1	37.20	148,800	n/a	30%	37.20	148,800	26.04	Project Application
Business Program - Project 8	1	270.00	974,982	n/a	30%	270.00	974,982	185.00	Project Application
Total GS 50 - 489 kW						881.10	4,460,050	816.77	3,122,085
LED Traffic Lights									
LED Traffic Lights	413	n/a	n/a	n/a	10%	n/a	n/a	n/a	No equivalent OPA measure assumption
Total Scattered Load									
Total 2007 Savings (Third Tranche)								48,545	518,115

Horizon Utilities Corporation – 3rd Party Review

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Horizon Utilities Corporation
2011 Environmental Report
EIR-2011-0177
Filed October 12, 2012

Appendix C

OPA 2006-2009 Final CDM Program Results

This is an email the Ontario Power Authority summarizing their audit of all utilities for each program delivered the for the period 2006-2009. Audits were lead by the OPA, an done after new programs were implemented. Only then did Utilities provide information for a provincial audit.

Allen Fogwill, senior manager at OEB at the time, found it odd that Horizon did its own audit at own initiative instead of following OEB Lead.

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ALLAN FOGWILL LINKEDIN PROFILE



Allan Fogwill
President & CEO at Canadian Energy Research Institute



President & CEO
Canadian Energy Research Institute
Nov 2014 – Present · 5 yrs
Calgary, Alberta, Canada

CERI's mission is to produce high quality economic research on energy and related environmental issues in order to assist government, public and business organizations in Canada and abroad.



Principal Consultant
Energy Regulation Services
Jan 2014 – Nov 2014 · 11 mos
Markham

Provided consulting services to the utility sector including
- rate case development and Witness training
- stakeholder engagement
- project justification and cost benefit analysis... See more



Ontario Energy Board
9 yrs 5 mos

Managing Director, Planning & Business Services
Nov 2008 – Jan 2014 · 5 yrs 3 mos
Toronto, Ontario

Reported to the COO, staff of 24, budget of \$4 million
• Developed the corporate budget of \$34 million and consistently generated budget surplus of over 5% using effective financial management.
• Improved organizational performance by implementing a business plan balanced score... See more

Director, Applications
Sep 2004 – Nov 2008 · 4 yrs 3 mos
Toronto, Ontario

Reported to the Managing Director, Market Operations, staff of 38, budget of \$3.5 million
• Effective management during the tripling of the volume of work and staff, including process re-
-vision and the execution of a number of business initiatives for market measurement policy

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COMMUNICATION WITH ALLAN FOGWILL

Allan Fogwill • 6:27 PM
 Interesting. Knowing a lot about the process, they may have deferred to the OPA to ensure general application to the sector.

Brad Gallant • 7:26 PM
 I was surprised to see a unique application on conservation programs mid program that found issues with only the program I ran. In HRT0 testimony they said it was normal course of business where I do not see it as such. Additionally, the end of the documents said there were errors in the numbers Horizon presented (p 63-67) with the firm providing that there were errors being the same firm providing the original Horizon numbers. So if they did not accept fault for the wrong numbers the conclusion is that I was the source of the overreporting.

Allan Fogwill • Aug 8
 You: Hey Allan, FYI, I am looking at filing a retaliation...

From: James Yue [mailto:James.Yue@powerauthority.on.ca]
Sent: December 1, 2010 6:32 PM
To: Smith, Brian
Cc: Campopelli, Eileen; Bechar, Sunil; Raegan Bond
Subject: 2006-2009 Final OPA CDM Results - Horizon Utilities Corporation



December 1, 2010

Re: Estimated allocation of 2006-2009 provincial conservation results to Local Distribution Company service territories - update to August 2010 report

Dear Brian:

The Ontario Power Authority (OPA) is pleased to provide the enclosed report as an update to the Conservation and Demand Management (CDM) Program Results Data report which was distributed to LDCs on Friday, August 13, 2010.

About this report

The report provides an estimated allocation of OPA-funded conservation program results for each LDC's service territory, from 2006, 2007, 2008 and 2009 programs. Three updates have been made to the report circulated in August:

- Preliminary results for 2009 programs have been replaced with final results of OPA's 2009 conservation programs now that the evaluation process is complete.
- Statistics from the recently published 2009 Ontario Energy Board (OEB) Yearbook of Electricity Distributors have been used for allocation of 2009 provincial results.
 - o 2007 Cool Savings
 1. The results from this initiative have been adjusted to only include savings implemented in the 2007 calendar year. The results shown in the previous file were based on program year (2007 Hot/Cool Savings Program ran from October 2006 to March 2008) which was consistent with OPA's published 2007 Conservation Results Report. Savings from measures implemented in October to December 2006 have been moved to "2006 Hot Savings". Savings from measures implemented in January to March 2008 have been removed from 2007 Cool Savings, but have not been added to 2008 Cool Savings as they had already been accounted for in the 2008 results.
 - o 2008 Toronto Hydro (Business Incentive Program) and 2008 LDC Custom – Hydro One Networks – Double Return

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The OPA provides no guidance for LRAM calculations. OEB could offer

Advice for recalculation of LRAM.

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1. Errors in the results of these two initiatives were identified after the issuance of the 2008 final results report last year, an adjustment has been included in this report to correct the errors.

o 2008 and 2009 Demand Response 3 (DR3)

1. The reporting methodology for Demand Response (DR) has been revised such that all DR resources are shown to have a persistence (or useful life) of only 1 year. Previously DR3 was reported with an estimated useful life of 3 years (i.e. the contract period). This revision was done to better reflect the fact that DR resources must be "purchased" each year (versus energy efficiency measures where there is generally a one time upfront payment and savings accrue over time). As a result of this adjustment, the Annual Savings shown for a given program year for DR3 resources represent the *total capacity under contract* (compared to previous reports, which only showed the differential in contracted capacity between the current program year and the contracted capacity in the previous year).

All results presented herein are considered final.

The results provided in the enclosed report are in accordance with OPA practices and policies for reporting progress against the provincial conservation goals as of September 2010. DR initiatives, for example, have been reported based on the total DR resources that were available (based on contracted nameplate capacity) rather than the actual demand reduction which occurred at the one-hour system peak in a given year. Additionally, customer based generation resources shown for the Renewable Energy Standard Offer Program and Other Customer Based Generation are based on total contracts signed in each year, rather than in-service date.

The OPA welcomes inquiries regarding the determination of these province-wide CDM program results and/or allocation of these results to individual LDC territories. However the OPA is unable to provide any technical or regulatory advice to LDCs regarding specific treatment of these OPA-funded CDM program savings for the purposes of Lost Revenue Adjustment Mechanism or other things by LDCs to the OEB. Such inquiries should be directed to the OEB.

Allocation methodologies

As described in the memo that was originally distributed to LDCs on July 3, 2009, the OPA has used four distinct methodologies to estimate the allocation of provincial savings to individual LDC service territories, depending on the conservation program type.

1) LDC delivered programs: Savings were allocated based on participation data that was tracked by individual LDCs.

Third-party (non-LDC) delivered programs:

2) Where geographic participant data was readily available, savings were allocated to corresponding LDC territory.

3) Where geographic participation was not readily available, savings were allocated based on each LDC's share of the provincial energy consumption for the customer class targeted by the program, based on data from the Ontario Energy Board Yearbook of

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Electricity Distributors for the respective year the program was delivered. For example, if an LDC had 10% of the residential energy consumption of Ontario in 2008, they would have been allocated 10% of the savings from the 2008 province-wide Energy Kijowat Counts Power Savings Event retail coupon initiative (as it is delivered by a third party and does not include LDC-specific participant data).

4) Programs run exclusively in Toronto: All energy and demand savings were allocated to Toronto Hydro.

Report structure

The structure of the enclosed spreadsheet-based report is consistent with the August 2010 version. It includes the following tabs:

- 1) Allocation Methodology: Provides an initiative-by-initiative summary of the allocation methodology applied to arrive at your specific Local Distribution Company share of the total provincial results.
- 2) Summary - LDC: Provides a portfolio-level summary of the annual resource savings (demand and energy, net and gross for each) for the 2006-2009 program portfolios at your specific Local Distribution Company level.
- 3) Summary - Prov: Provides a portfolio-level summary of the annual resource savings (demand and energy, net and gross for each) for the 2006-2009 program portfolios at the provincial level.
- 4) Annual Net Demand Savings - LDC: Provides a stacked bar graph of the annual net peak demand savings (MW) that are estimated to occur within your service territory from 2006 through 2010, as a result of 2006-2009 programs.
- 5) Annual Net Energy Savings - LDC: Provides a stacked bar graph of the annual net energy savings (MWh) that are estimated to occur within your service territory from 2006 through 2010, as a result of 2006-2009 programs.
- 6) Annual Net Demand Savings - Prov: Provides a stacked bar graph of the annual net peak demand savings (MW) that are estimated to occur across the province from 2006 through 2010, as a result of 2006-2009 programs.
- 7) Annual Net Energy Savings - Prov: Provides a stacked bar graph of the annual net energy savings (MWh) that are estimated to occur across the province from 2006 through 2010, as a result of 2006-2009 programs.
- 8) Initiative Level - LDC: Provides a breakdown of the portfolio-level summary information provided in Summary tab for your specific LDC, by individual initiative and year.
- 9) Initiative Level - Prov: Provides a breakdown of the portfolio-level summary information provided in Summary tab at the province level, by individual initiative and year.
- 10) Measures - LDC: For each initiative in each year, this tab provides (where available), per unit savings assumptions; gross and net peak demand savings; annual & lifetime energy savings; effective useful life; aggregate net-to-gross adjustment factors; participation numbers and the resulting initiative level resource savings results for the estimated provincial share for your LDC service territory.

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From: LDC Support <LDC.Support@powerauthority.on.ca>
 Sent: Monday, September 15, 2010 11:24 AM
 To: Brian Campbell, Eileen
 Subject: Final 2010 CDM Summary Results
 Attachments: 2010 Final CDM Results Summary_Horizon Utilities Corporation.pdf; 2010 Final CDM Results Summary_Horizon Utilities Corporation.xlsx

Dear Brian & Eileen,

The Ontario Power Authority (OPA) is pleased to provide you with a summary report of the final 2010 Conservation and Demand Management results for Horizon Utilities Corporation. Detailed results will be issued in late September to early October 2011.

We appreciate your patience and hope that you find this report to be helpful. Please do not hesitate to contact LDC support should you have any questions.

Thank you,

Please consider the environment before printing this email

Ontario Power Authority
 120 Adelaide Street West, Suite 1600
 Toronto, ON
 M5H 1T1

This e-mail message and any files transmitted with it are intended only for the named recipient(s) above and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient(s), any dissemination, distribution, copying, or use of the information contained in this e-mail is strictly prohibited. If you have received this message in error, or are not the named recipient(s), please notify the sender immediately and delete this e-mail message.

Annual Conservation Demand Management Report
 for Horizon provided by OPA. Received 9/16/11, 26
 days before filing OEB report. A comparison of
 Horizon Reports vs Provincial Results.

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2010 Final CDM Results: Summary

IDC Horizon Utilities Corporation

This report provides an estimated allocation of 2010 OPA-funded conservation and demand management (CDM) program results for each LDC's service territory. A full, detailed report will be available in September under the OPA's website.

The results provided in this report are in accordance with OPA practices and policies regarding demand response activities. For example, peak load results are based on the actual OPA results that were available based on actual demand response activity rather than the actual demand reduction which occurred at the one-hour system peak in a given year.

The OPA website includes regarding the determination of the province-wide CDM program results and the allocation of those results to individual LDC territories. Please direct any questions to l3c.support@powerauthority.on.ca. The OPA's website also provides any technical or regulatory advice to LDCs regarding specific treatment of the OPA-funded CDM program usage for the purposes of Load Response Adjustment Mechanism (LRAM) filings by LDCs to the OEB. Such regulations could be located in the OEB.

All results are incremental savings in 2010 presented at the end-of-year level

Program	Initiative	Activity Unit	Horizon Utilities Corporation					Provincial Total				
			Building Load	Net Summer Peak Demand Savings (MW)	Net Energy Savings (MWh)	Direct Summer Peak Demand Savings (MW)	Direct Energy Savings (MWh)	RD&Y Load	Net Summer Peak Demand Savings (MW)	Net Energy Savings (MWh)	Direct Summer Peak Demand Savings (MW)	Direct Energy Savings (MWh)
Consumer	Coil Savings Rebate	Rebate	7,736	1.28	1,037	1.43	9,797	1,96,424	20,727	16,117	46,471	71,071
Consumer	Berry Etcourt County Power Savings Event	Products Purchased	23,422	0.27	756	0.17	1,713	411,268	1,729	18,154	4,238	44,808
Consumer	Great Refrigerator Roundup	Appliances	8,217	0.20	100.9	0.17	362.5	42,812	3,246	38,269	11,414	72,012
Consumer	parabover*	Devices Installed	22,488	1.23	3	1.23	9	96,527	20,448	88	22,428	893
Business	Toronto Comprehensive	Projects	0	0.00	0	0.00	0	730	17,700	114,900	87,540	281,200
Business	Electricity Rebate Incentive Program	Projects	93	1.30	480.0	2.80	13,403	1,512	19,300	111,760	87,473	208,230
Business	High Performance New Construction*	Projects	12	0.52	2,019	0.79	1,807	2,880	22,080	28,410	53,444	42,048
Business	Hydro Ottawa parabover* Small Commercial Pilot	Devices Installed	9	0.08	0	0.08	0	370	4,600	2,300	0.30	1,774
Business	Multi-Family Energy Efficiency Rebates	Projects	87	0.18	307.1	0.23	3,812	970	4,015	18,900	3,300	22,400
Business	parabover*	Devices Installed	0	0.00	0	0.00	0	248	0.018	2	0.37	1
Business	Power Savings Rebate	Projects	1,836	1.42	496.8	1.84	4,973	48,276	42,300	123,300	42,400	129,340
Business, Industrial	Demand Response 1	Facilities	11	10.27	708	30.22	208	240	281,300	4,932	235,76	4,982
Business, Industrial	Load & York Region Demand Response*	Facilities	0	1.00	0	1.00	0	2	20.25	0	20.25	0
Business, Industrial	Demand Response 2	Facilities	0	4.83	344.5	6.83	1,641	3	113,100	119,100	119,100	191,100
Total			52.4	20.22	21.7	27.26		546.3	474,261	427.8	1,046,282	

Program	Initiative	Actual LDC Load* results	Allocation Methodology	Notes
Consumer	Coil Savings Rebate	Actual LDC load* results		
Consumer	Berry Etcourt County Power Savings Event	Measure level allocation based on 2010 Residential Energy Percentage		
Consumer	Great Refrigerator Roundup	Actual LDC load* results		
Consumer	parabover*	Actual LDC load* results		
Business	Toronto Comprehensive	Program run exclusively in Toronto Hydro electric service area of service territory		
Business	Electricity Rebate Incentive Program	LDC's reported conservation from service territory reported gross demand savings		
Business	High Performance New Construction*	Relative level allocation based on 2010 non-residential energy by output by LDC		Participates with participants, to date reported in OEB disclosure report
Business	Hydro Ottawa parabover* Small Commercial Pilot	Program run exclusively in Hydro Ottawa service territory		
Business	Multi-Family Energy Efficiency Rebates	LDC's reported conservation from service territory reported gross demand savings		
Business	parabover*	Actual LDC load* results		
Business	Power Savings Rebate	LDC's reported conservation from service territory reported gross demand savings		
Industrial	Demand Response 1	Relative level allocation based on 2010 non-residential energy by output by LDC		1) Although the program is managed intensively and actual participant data is available, the small participant population can lead to participant confidentiality issues if disclosed on an actual LDC basis.
Business, Industrial	Demand Response 2	Relative level allocation based on 2010 non-residential energy by output by LDC		2) Program results are based on contracted response capacity at the end of the calendar year and actual service incident peak demand reduction.
Business, Industrial	Load & York Region Demand Response*	Relative level allocation based on 2010 non-residential energy by output by LDC		

*Parabover is not included

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Horizon Utilities Corporation
2012 ERIP Application
ERIP-2011-4732
Filed October 12, 2012

Appendix E

Burnam Energy Letter re: Validation of Results

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Horizon Utilities
LRAM Support
September 29, 2011

LRAM Support Letter from Burnam Energy.

On pg 150/1418, OPA states LRAM support and guidance must be provided by OEB directly. No indication of OEB contact.

Prepared by: Bart Burnam, MBA, BA, Sc. P. Eng., President

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Reconciled ERIE Energy's 2009-2001 ERIE project data with Horizons.

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MAJOR PROBLEM

-Burnam's calculations were Horizon's calculations, Horizon Paid of Burnam's advice. A discrepancy of a program I ran, implies the error was with me, Brad Gallant, ERIP Program manager. Energy Savings were based on Burnam's project evaluation. Projects were approved and verified by Burnam as Independent Engineer. All Horizon numbers were Burnam's numbers. To suggest otherwise is misleading. The report implies it wasn't Horizons or Burnam's error, and the false reporting only happened when I worked there, then the problem must have been me.



3800 West 10th Street, Suite 100, Fort Collins, CO 80501-4400 • Fax: 970-221-4400 • Email: info@burmanenergy.com

February 22, 2010

Horizon Utilities

Re: ERIP Project Assessment

HUC-09-0109

Wentworth Condominium Corporation #66

Bayliner

301 Frances, Soney Creek

1. Introduction

Consistent with the OEB's CDM Guidelines, Horizon Utilities has noted Section 7.3, specifically to "... evaluate programs using the best available information known to them at the relevant time." In doing so, Horizon has identified potential discrepancies between the recently released OPA ERIP program results allocated by LDC and results directly attributable to the technologies deployed. Horizon has requested Burman Energy to assist in verifying Horizon's specific ERIP results as part of their LRAM claim to the OEB.

As Horizon's 3rd party service provider, reviewing and monitoring these applications from initial application receipt to approval, Burman Energy is in the best position to assess if an LRAM claim for Horizon's specific results is justified.

2. Required

Burman Energy maintains an up to date database, listing all Retrofit Program Incentive projects which the company has received, assessed for LDC approval and processed for completion and incentive payment. Project kW and kWh reductions are assessed by applying the most recent OPA published assumptions and measures against each specific project technology deployed. The total of all calculated project kW and kWh reductions are then used to verify Horizon's ERIP gross results applied in the calculation of net results using the net to gross ratio applied by the OPA to the provincial ERIP results.

OPA allocation methodology provides limited information to enable Horizon to have confidence in underlying input assumptions used in calculation of its specific LDC results. The results of this analysis will provide the necessary support for Horizon's LRAM claim using verified actual and project specific reductions for ERIP 2008 - 2011.

3. LRAM Principles

The OEB issued GUIDELINES FOR ELECTRICITY DISTRIBUTOR CONSERVATION AND DEMAND MANAGEMENT, EB-2008-0037 were applied in the preparation of this analysis.

Total ERIP portfolio kW and kWh results were compared to OPA published program evaluation reports and the differences identified in this report.

4. Process

In performing kW/kWh results analysis, Burman Energy:

1. Reconciled Burman Energy's 2009-2011 ERIP project data records with Horizons.
2. Identified technologies deployed for each prescriptive project and aligned with most recent OPA assumptions and measures

This letter confirms that the proof of project completion has been assessed. A completed check sheet is attached for your records.

This application was pre-approved in the amount of \$18,550 against a claim of 74.2kW saved on June 8, 2009. During installation, Bayliner took the initiative to install an additional 90 furnace vent covers to augment kW savings. Based on similar assumptions to those initially employed by the applicant, Burman Energy confirms that Bayliner could achieve additional kW reductions of 47.7 kW. Burman Energy was able to make this determination, using the same calculation methodology as employed in the pre-approval application. The resulting potential total kW reduction is 121.9 kW.

At this level of kW savings, the incentive payment would be \$30,475.

Bart Burman, MBA, BA Sc., P.Eng
President
Burman Energy Consultants Group Inc.

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Return to pg 1

MAJOR PROBLEM

-Burnam's calculations were Horizon's calculations, Horizon Paid of Burnam's advice. A discrepancy of a program I ran, implies the error was with me, Brad Gallant, ERIP Program manager. Energy Savings were based on Burnam's project evaluation. Projects were approved and verified by Burnam as Independent Engineer. All Horizon numbers were Burnam's numbers. To suggest otherwise is misleading. The report implies it wasn't Horizons or Burnam's error, and the false reporting only happened when I worked there, then the problem must have been me.



March 30, 2010


Horizon Utilities
Re: ERIP Project Assessment
HU C-9-033
Conseil Scolaire de District Catholique Centre-Sud
Immaculee Conception

This letter confirms that the subject project has been assessed and aligns with the requirements as specified by the OPA. A completed check sheet is attached for your records.

In this case the incentive amount is determined by predefined incentive amounts as set by the OPA for Exit Signs, CFLs, Standard Performance Fixtures and Occupancy Sensors. The total incentive dollars recommended for payment is \$3,367. Incentives are determined solely from the applicable Prescriptive worksheet up to a maximum of 30% of the energy efficient incremental equipment cost. Manufacturer specification sheets were used to confirm the products qualify against OPA standards.

Burnam Energy Consultants Group's recommendation is based on the applicant's endorsement (per signature of the ERIP Project Application) that the light levels of the energy efficient design meet the minimum regulatory requirements and the suggested maximum levels for proposed use of the space.

Burnam Energy Consultants Group recommends payment of this application.


Bart Burnam MBA, BA Sc., P.Eng
President
burnam energy consultants group inc.

Return to pg 1

MAJOR PROBLEM

-Burnam's calculations were Horizon's calculations, Horizon Paid of Burnam's advice. A discrepancy of a program I ran, implies the error was with me, Brad Gallant, ERIP Program manager. Energy Savings were based on Burnam's project evaluation. Projects were approved and verified by Burnam as Independent Engineer. All Horizon numbers were Burnam's numbers. To suggest otherwise is misleading. The report implies it wasn't Horizons or Burnam's error, and the false reporting only happened when I worked there, then the problem must have been me.



March 30, 2010


Horizon Utilities
Re: ERIP Project Assessment
HU C-9-033
Conseil Scolaire de District Catholique Centre-Sud
Notre Dame

This letter confirms that the subject project has been assessed and aligns with the requirements as specified by the OPA. A completed check sheet is attached for your records.

In this case the incentive amount is determined by predefined incentive amounts as set by the OPA for Exit Signs, CFLs, Standard Performance Fixtures and Occupancy Sensors. The total incentive dollars recommended for payment is \$2,128. Incentives are determined solely from the applicable Prescriptive worksheet up to a maximum of 30% of the energy efficient incremental equipment cost. Manufacturer specification sheets were used to confirm the products qualify against OPA standards.

Burnam Energy Consultants Group's recommendation is based on the applicant's endorsement (per signature of the ERIP Project Application) that the light levels of the energy efficient design meet the minimum regulatory requirements and the suggested maximum levels for proposed use of the space.

Burnam Energy Consultants Group recommends payment of this application.


Bart Burnam MBA, BA Sc., P.Eng
President
burnam energy consultants group inc.

Return to pg 1

MAJOR PROBLEM

-Burnam's calculations were Horizon's calculations, Horizon Paid of Burnam's advice. A discrepancy of a program Iran, implies the error was with me, Brad Gallant, ERIP Program manager. Energy Savings were based on Burnam's project evaluation. Projects were approved and verified by Burnam as Independent Engineer. All Horizon numbers were Burnam's numbers. To suggest otherwise is misleading. The report implies it wasn't Horizons or Burnam's error, and the false reporting only happened when I worked there, then the problem must have been me.



April 26, 2010

Horizon Utilities

Re: ERIP Project Assessment
HUC-10-016
Niagara Structural Steel
TTW Steel Platework Inc

This letter confirms that the proof of project completion has been assessed and aligns with the original documents submitted for pre-approval. A completed check sheet is attached for your records.

Supplier and contractor invoices were used to confirm the products qualify against OPA standard and the project has been paid for.

Burnam Energy Consultants Group recommends payment of this application in the amount of \$20,790.

Bart Burnam MBA, BA Sc., P.Eng
President
Burnam Energy Consultants Group Inc.

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MAJOR PROBLEM

-Burnam's calculations were Horizon's calculations, Horizon Paid of Burnam's advice. A discrepancy of a program Iran, implies the error was with me, Brad Gallant, ERIP Program manager. Energy Savings were based on Burnam's project evaluation. Projects were approved and verified by Burnam as Independent Engineer. All Horizon numbers were Burnam's numbers. To suggest otherwise is misleading. The report implies it wasn't Horizons or Burnam's error, and the false reporting only happened when I worked there, then the problem must have been me.



May 19, 2010

Horizon Utilities

Re: ERIP Project Assessment
HUC-10-038
St. Catharines Montebello Congregation of Jehovah's Witnesses

This letter confirms that the subject project has been assessed and aligns with the requirements as specified by the OPA. A completed check sheet is attached for your records.

The incentive amount is normally determined by predefined incentive amounts as set by the OPA for 15 fixtures. Incentives are determined from the applicable Prescriptive worksheet up to a maximum of 10% of the energy efficient project costs.

In this case the incentive calculated from the applicable worksheet is \$810. This exceeds 10% of the energy efficient project costs, therefore the total incentive dollars recommended for payment is \$810. Manufacturer specification sheets were used to confirm the products qualify against OPA standards.

Burnam Energy Consultants Group's recommendation is based on the applicant's endorsement (per signature of the ERIP Project Application) that the light levels of the energy efficient design meet the minimum regulatory requirements and the suggested maximum levels for proposed use of the space.

Burnam Energy Consultants Group recommends payment of this application.

Bart Burnam MBA, BA Sc., P.Eng
President
Burnam Energy Consultants Group Inc.

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HORIZON 2011 FILING – PAGE 161 / 1418

ERIP Mentions	
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ERIP Mentioned In Document	45
Except For ERIP Document	3

3. Performed kWh and kW reduction calculations using per unit values and project quant
4. Consolidated results for all projects to generate total gross reductions.
5. Added results from custom projects.
6. Compare to OPA published program evaluation values.

5. Results

Results from the analysis are summarized in the table below:

ERIP Projects	Burman Energy Calculated Reduction	Horizon Utilities Calculated Reduction
Projects Completed In		
2008*	541.73 kW	2,103.4 kW
2009	4,375.87 kW	5,566.1 kW
2010	4,380.13 kW	3,521.7 kW
Total	9,497.73 kW	11,191.1 kW

* Projects completed in 2008 do not include savings for projects reviewed by other parties.

6. Recommendations

Burman Energy recommends the following:

1. Apply more representative (actual) ERIP projects completed as the key foundation for generation of input assumptions for LRAM.
2. Apply resulting kW and kWh savings in final LRAM calculations.
3. Apply appropriate net to gross ratios, consistent with those applied by the OPA, to program evaluation results to generate net kW/kWh savings.
4. Perform LRAM calculations based on above.

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ERIP Mentioned In Document	45
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Appendix F

Finn Projects Letter re: Validation of Results

Horizon Utilities Corporation
2012 LRAM Application
IES-2011-4172
Final October 12, 2012

No Errors with ERIP before my tenure,
Finn Project contracted Ended around the
beginning of my tenure.

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HORIZON 2011 FILING – PAGE 163 / 1418

ERIP Mentions	
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ERIP Mentioned In Document	51
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TO: Brian Smith
 COMPANY: Horizon Utilities Corporation
 FROM: Derrick Finn, P. Eng
 DATE: 28-Sep-11
 RE: Verification of Horizon Utilities Corporation's 2007 ERIP Demand Savings Contribution

Firm Projects has reviewed and verified, on behalf of Horizon Utilities Corporation, a total of 43 ERIP applications that were completed from September 1, 2007 to December 31, 2008. Out of the 43 ERIP applications, there were 40 prescriptive and 3 custom applications. Firm Projects verifies that the gross kW savings for 43 ERIP applications completed in the above period is 1,111.91 kW. This is equivalent to a net ERIP savings of 847.40 kW based on the Average Net To Gross Agreement Adjustment of 49.5%. The savings were calculated based on the OPA's ERIP assumed kW savings for prescriptive measures and the actual kW savings for custom measures.

Please note the following:

- The list of kW savings for all ERIP projects provided by Horizon Utilities Corporation reported is gross kW savings for projects reviewed by Firm Projects of 1,700.93 kW, which is 10.88 kW less than our records. The discrepancy is due to the following (see attached for full listing):
 - HUC-7-13 – Our record showed the incentive was approved to be \$1,040 for 4 east signs and 34 6-lamp T5 fixtures. The incentive reported by Horizon Utilities Corporation is \$780 for the 34 6-lamp T5 fixtures only.
 - HUC-7-27 – Our record showed the T5 fixtures of this application are 6-lamp fixtures. The kW saving reported by Horizon Utilities Corporation was calculated based on 4-lamp fixtures.
 - HUC-7-49 – Our record showed the actual kW saving for this custom application is 43.80 kW with a capped incentive of \$5,100 (capped at 50% of project cost). The kW saving reported by Horizon Utilities Corporation was calculated by dividing the final incentive of \$5,100 by \$150 per kW; the actual savings were not used.


 Signed: Derrick Finn, P. Eng

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ERIP Mentions	
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ERIP Mentioned In Document	52
Except For ERIP Document	3

Horizon Utilities Corporation
 2012 ERIP Application
 EB-2011-0172
 Filed October 12, 2012

Appendix G

ERIP Program Calculation Comparison

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HORIZON 2011 FILING – PAGE 165 / 1418

ERIP Mentions	
ERIP This Page	3
Except for ERIP This Page	
ERIP Mentioned In Document	55
Except For ERIP Document	3

NO INFORMATION FROM VECC

Re: Question
 You replied to this message on 2/19/2011 6:00 PM
 We removed extra line breaks from this message.

Hi Brad,
 I no longer represent VECC and I'm not familiar with this file but I've forwarded your message to VECC's current legal counsel.
 Regards,
 Ben
 Quoting Brad Gallant <brad@beyondgreenconsulting.com>:

- > Ben
- >
- >
- >
- > I recently came across a OEB filing from Horizon Utilities in 2011. It
- > was stated in another matter that VECC asked Horizon to audit its
- > results on its conservation programs that lead to a 2011 OEB report.
- > The audit found problems only in the programs that I ran during the
- > period of the report. Do you have a copy of the audit request? Was
- > this a common request made by VECC? I did not see other requests or
- > similar audits done at other utilities.
- >
- >
- > Regards,
- >
- >
- > Brad Gallant B.A., B.Ed., MBA
- > Principal, Beyond Green Consulting Inc.
- >

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ERIP Program Calculation Comparison

Appendix G

Program	2008	2009	2010	2011
Horizon Utilities	1,356,519 KW	1,356,519 KW	1,356,519 KW	1,356,519 KW
Vecc	1,356,519 KW	1,356,519 KW	1,356,519 KW	1,356,519 KW

OPA (based on Provincial Allocations to LDC's)

Year	Program	Actual	Target	Variance
2008	2008 OEB-5-2000 KW	1,356,519	1,356,519	0
	2008 OEB-5-2000 KW	1,356,519	1,356,519	0
	2008 OEB-5-2000 KW	1,356,519	1,356,519	0
2009	2009 OEB-5-2000 KW	1,356,519	1,356,519	0
	2009 OEB-5-2000 KW	1,356,519	1,356,519	0
	2009 OEB-5-2000 KW	1,356,519	1,356,519	0
2010	2010 OEB-5-2000 KW	1,356,519	1,356,519	0
	2010 OEB-5-2000 KW	1,356,519	1,356,519	0
	2010 OEB-5-2000 KW	1,356,519	1,356,519	0
2011	2011 OEB-5-2000 KW	1,356,519	1,356,519	0
	2011 OEB-5-2000 KW	1,356,519	1,356,519	0
	2011 OEB-5-2000 KW	1,356,519	1,356,519	0

Horizon Utilities (based on Actual KW saved by Horizon)

Year	Program	Actual	Target	Variance
2008	2008 OEB-5-2000 KW	1,356,519	1,356,519	0
	2008 OEB-5-2000 KW	1,356,519	1,356,519	0
	2008 OEB-5-2000 KW	1,356,519	1,356,519	0
2009	2009 OEB-5-2000 KW	1,356,519	1,356,519	0
	2009 OEB-5-2000 KW	1,356,519	1,356,519	0
	2009 OEB-5-2000 KW	1,356,519	1,356,519	0
2010	2010 OEB-5-2000 KW	1,356,519	1,356,519	0
	2010 OEB-5-2000 KW	1,356,519	1,356,519	0
	2010 OEB-5-2000 KW	1,356,519	1,356,519	0
2011	2011 OEB-5-2000 KW	1,356,519	1,356,519	0
	2011 OEB-5-2000 KW	1,356,519	1,356,519	0
	2011 OEB-5-2000 KW	1,356,519	1,356,519	0

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VECC LETTER TO OPA – 11/07/11 INTERVENING IN EB-2011-0173

VECC LETTER TO OPA – 11/07/11 INTERVENING IN EB-2011-0173



PUBLIC INTEREST ADVOCACY CENTRE
LE CENTRE POUR LA DEFENSE DE L'INTERET PUBLIC
ONE Nicholas Street, Suite 1204, Ottawa, Ontario, Canada K1N 7B7
Tel: (613) 562-6002 Fax: (613) 562-6007 e-mail: piacc@puac.ca http://www.piac.ca

Michael Buonaguro
Counsel for VECC
(416) 767-1666

VIA MAIL and E-MAIL

November 07, 2011

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge St.
Toronto, ON
M4P 1E4

Dear Ms. Walli:

Re: **Vulnerable Energy Consumers Coalition (VECC)**
Notice of Intervention EB-2011-0172
Horizon Utilities Corporation

Please find enclosed the Notice of Intervention of VECC in the above-noted proceeding.
We have also directed a copy of the same to the Applicant.

Thank you.

Yours truly,

Michael Buonaguro
Counsel for VECC
Encl.

cc: Horizon Utilities Corporation
Ms. Indy Butany-DeSouza

EB-2011-0172

ONTARIO ENERGY BOARD

IN THE MATTER OF
the *Ontario Energy Board Act*, 1998
S.O. 1998, c. 15, Sch.B, as amended.

AND IN THE MATTER OF an Application by
Horizon Utilities Corporation pursuant to section 78 of the
Ontario Energy Board Act for an order or orders
approving just and reasonable rates for the delivery
and distribution of electricity beginning January 1, 2012.

NOTICE OF INTERVENTION

OF THE

VULNERABLE ENERGY CONSUMERS COALITION

To: Ms. Kirsten Walli
Board Secretary

And to: Horizon Utilities Corporation
Attention: Ms. Indy Butany-DeSouza

1. The Vulnerable Energy Consumers Coalition (VECC) hereby expresses its
intention to intervene and participate in the above-mentioned proceeding. VECC
consists of the following organizations:

- (a) The Federation of Metro Tenants Association (FTMA)
- (b) The Ontario Coalition of Senior Citizens' Organizations (OCSCO)

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VECC LETTER TO OPA – 11/07/11 INTERVENING IN EB-2011-0173

2. The Federation of the Metro Tenants Association (the "FTMA") is a non-profit corporation composed of over ninety-two affiliated tenants associations, individual tenants, housing organizations, and members of non-profit housing co-ops. In addition to encouraging the organization of tenants and the promotion of decent and affordable housing, the Federation provides general information, advice, and assistance to tenants. The address is:
500-27 Carlton Street
Toronto, ON
M5B 1L2
3. The Ontario Coalition of Senior Citizens' Organizations ("OCSCO") is a coalition of over 120 senior groups as well as individual members across Ontario. OCSCO represents the concerns of over 500,000 senior citizens through its group and individual members. OCSCO's mission is to improve the quality of life for Ontario's seniors. OCSCO's address is:
333 Wilson Avenue, Suite 405
Toronto, ON
M3H 1T2
4. The coalition of the FMTA and OCSCO under the name VECC has the specific mandate of intervening in proceedings to advocate on behalf of the interests of Ontario's vulnerable consumers with respect to energy issues, primarily through intervention in regulatory proceedings at the Ontario Energy Board.
5. Although the organization is not itself a member of VECC, the Public Interest Advocacy Centre (PIAC) in Ottawa assists in the representation of

VECC LETTER TO OPA – 11/07/11 INTERVENING IN EB-2011-0173

the interests of vulnerable consumers by ensuring the availability of competent representation and consultant support to the VECC participation.

6. The name and address of the agent authorized to receive documents on behalf of VECC is:

Mr. Michael Buonaguro
Counsel
c/o Public Interest Advocacy Centre
34 King Street East, Suite 1102
Toronto, Ontario
M5C 2X8
(416) 767-1666 (office)
(416) 348-0641 (fax)
mbuonaguro@piac.ca

7. VECC would request that all correspondence and documentation also be copied to VECC's consultant:

Ms. Shelley Grice, P. Eng.
Econalysis Consulting Services
34 King Street East, Suite 1102
Toronto, Ontario
M5C 2X8
(647) 880-9642 (cell)
(416) 348-0641 (fax)
shelley.grice@rogers.com

8. VECC has accessed the Application as filed on the OEB's web site. VECC requests that copies of any additional supporting materials be forwarded to each of the two parties named above.

9. VECC is intervening in the current Application in order to ensure that consumer interests and in particular the interests of the low-income and vulnerable users of electricity are fully represented in the determination of just and reasonable rates. The area of interest in the current Application

VECC LETTER TO OPA – 11/07/11 INTERVENING IN EB-2011-0173

of interest to VECC is the determination and allocation of the Lost Revenue Adjustment Mechanism.

10. VECC will be requesting an award of costs for its participation in this proceeding and believes that, as a coalition representing the direct interests of consumers, it meets the eligibility criteria set out in the Ontario Energy Board's Rules of Practice and Procedure (Section 41) and its Practice Direction on Cost Awards (Section 3.03).

11. VECC's members do not have access to the direct funding required to retain appropriate legal and consulting support for its intervention in OEB proceedings. Accordingly VECC relies on PIAC to provide legal support and retain qualified consultants on the basis that PIAC can recover the related fees and disbursements from the Board based on the Board's Practice Direction on Cost Awards at the prevailing Cost Award Tariff.

DATED AT TORONTO, NOVEMBER 7, 2011

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PROOF EMPLOYMENT COMMENCEMENT



Name: Brad Gallant
Co.SBU: CDM
Dept:
Month: July

Expense Report

Please copy & paste original (including attachments) before submitting to Finance. Attachments will be in PDF format unless a special request is submitted.

Date Entry	Details	Budget Allocation #	Message		Receipt / class		Total Expense	Total Expense	Net Expense	
			Msg #	Amount	Invoice # to (GST#)	Misc.				
21-Jul-09	9069-19293 Message to Client Meeting	20-12-8445-8445	98	48.06	2.19		2.19	46.06	43.87	
22-Jul-09	9069-19293 Message to Client Meeting	20-12-8445-8445	98	48.06	2.19		2.19	46.06	43.87	
23-Jul-09	9069-19293 Message to Client Meeting	20-12-8445-8445	98	48.06	2.19		2.19	46.06	43.87	
24-Jul-09	9069-19293 Message to Client Meeting	20-12-8445-8445	98	48.06	2.19		2.19	46.06	43.87	
25-Jul-09	9069-19293 Message to Client Meeting	20-12-8445-8445	150	75.20	3.58		3.58	71.62	68.04	
26-Jul-09	9069-19293 Parking	20-12-8445-8445				3.50		3.50	3.50	
27-Jul-09	9069-19293 Parking	20-12-8445-8445				3.50		3.50	3.50	
28-Jul-09	9069-19293 Parking	20-12-8445-8445				3.50		3.50	3.50	
29-Jul-09	9069-19293 Parking	20-12-8445-8445				3.50		3.50	3.50	
30-Jul-09	9069-19293 Parking	20-12-8445-8445				3.50		3.50	3.50	
31-Jul-09	9069-19293 - Colleague Meeting	20-12-8445-8445				2.90		2.90	2.90	
Column Totals \$							351.09	16.72	367.81	351.11
Summary by budget #							9069-19293		16.72	16.72
Total Expense									367.81	351.11

Signature: _____ Date: _____
 Approved by: _____ Date: _____
 Signature: _____
 Print: Name and Title _____
 Expense: _____

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LATE SUBMISSION OF HORIZON DOCUMENTS

REQUEST FOR A DELAY IN HEARING

3/8/2012

Reply All Forward
Brad Gallant <bradgallant@rogers.com> HRTO-Registrar (JUS)
RE: Gallant and Horizon - HRTO #2010-04959-1

Denise

When will the vice chair respond? Would a substantial delay be in order to the hearing be in order? I would prefer to proceed with only evidence that Heenan provided by the Fall 2011 deadline.

Regards,
Brad Gallant
bradgallant@rogers.com
647-309-8345

From: Higgins, Denise (JUS) [mailto:Denise.Higgins@ontario.ca] **On Behalf Of** HRTO-Registrar (JUS)
Sent: February-16-12 4:54 PM
To: bradgallant@rogers.com
CC: HRTO-Registrar (JUS); dhalley@heenan.ca; khodley@heenan.ca
Subject: RE: Gallant and Horizon - HRTO #2010-04959-1

Dear Mr. Gallant, this is to acknowledge receipt of your email correspondence, per below filed this afternoon.

Your correspondence will be placed on file for review by the assigned Vice-Chair.

Thank you.

Denise Higgins
Case Processing Officer
Human Rights Tribunal of Ontario

Subject: FW: Gallant and Horizon - HRTO #2010-04959-1

Richard Hennessy
Registrar
Human Rights Tribunal of Ontario (HRTO)
Tel: 416-325-1219 | 1-800-386-6322 | HRTO.Registrar@ontario.ca

Social Justice Tribunals Ontario
Providing fair and accessible dispute resolution
Pour une justice accessible et équitable
<http://www.sjto.gov.on.ca>

NOTICE: Confidential message which may be privileged. Si reçu par erreur, veuillez supprimer ce message et aviser l'expéditeur par retour au courriel. Merci.

From: Brad Gallant [mailto:bradgallant@rogers.com]
Sent: February 16, 2012 4:14 PM
To: HRTO-Registrar (JUS)
Subject: FW: Gallant and Horizon - HRTO #2010-04959-1

These documents were to be provided in October. I had to provide mine within a set time frame. No notice of extension from Heenan Blakie was received by me.

Is this the corporation being able to gain up on one person, I thought this was a human rights tribunal not a corporate rights tribunal.

Why are they given leeway that I was not given.

Regards,
Brad Gallant
bradgallant@rogers.com

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CONTINUED LATE DOCUMENTS TO HRTO

PRE-HEARING REFERENCE LETTER

BY EMAIL

March 16, 2012.

Richard Hennessy
Registrar
Human Rights Tribunal of Ontario
655 Bay Street, 14th Floor
Toronto, ON M7A 2A3

Our reference: 057204-0001
Re: Brad Gallant v. Horizon Utilities Corporation
HRTO File Number 2010-00559-1


Dear Mr. Hennessy:

Further to our correspondence of February 16, 2012, please find attached two additional documents:

1. Administrative/Professional Performance Appraisal for B. Gallant, dated February 17, 2009; and
2. Letter from B. Smith to B. Gallant re Performance Review May 28, 2010, dated May 31, 2010.

We also advise that Ms Eileen Campbell may be a witness for the Respondent and will testify as to events subsequent to the Response, if necessary.

Yours truly,


Heenan Blaikie LLP

Dear Judge
JPK/ky

cc: T. Winter
B. Gallant
HB806-12030411

Don G. Playner
1100 Bay Street
Toronto, Ontario
M5G 1R7
Tel: 416-593-8800
Fax: 416-593-8801
dplayner@heenanblaikie.com

Heenan Blaikie LLP (Lévy) / Lévy Heenan Blaikie (Lévy)
Chartered Accountants / Comptables agréés (Lévy) / Chartered Accountants (Lévy)

SCHEDULE A

horizon UTILITIES Looking beyond...

March 24, 2012

To Whom It May Concern,

Re: Brad Gallant

Brad Gallant was employed with Horizon Utilities Corporation in the Conservation and Demand Management (CDM) Department as a Key Account Specialist (contract) from July, 2008 to November, 2009 and as the Manager, Commercial Conservation & Demand Management (permanent) from November 17, 2009 to November 1, 2010.

Brad was accountable for the delivery of the Ontario Power Authority's CDM programs to Horizon Utilities commercial customers. During this period, Brad demonstrated a strong commitment to developing and maintaining customer relationships. In the manager role he was responsible for supervising two staff members. Brad demonstrated proficiency working with customers to identify potential opportunities for energy savings. He was also accountable for the coordination of the end to end customer incentive application process with the Ontario Power Authority.

He contributed to the success of Horizon meeting its conservation goals and promoting a culture of conservation with its customers.

Should you require any clarification please contact the writer.

Yours truly,

Horizon Utilities Corporation

Eileen Campbell
Vice President Customer Services
Horizon Utilities Corporation
eileen.campbell@horizonutilities.com
Tel. 905.317.4736

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APPLICATION FOR REPRISAL / RECONSIDERATION

1. Brad Gallant, wish to seek reconsideration of the decision file number 2019-31011-S, Gallant vs Alectra Utilities Commission and intend to seek damages for retaliation by Horizon, predecessor to Alectra, for its actions after I filed the complaint versus Horizon in February 2010. These damages can be awarded as part of a reconsideration procedure for the breach claim I filed in December 2017 and denied in February 2019. Or a reprisal claim.
2. This filing is beyond the one year timeline from discovery in 2017 but I had to await the breach hearing process to conclude.
3. I intend to challenge each point of the Analysis and Decision of Adjudicator Josée Bouchard.
4. The first part of Bouchard's analysis and decision is that the code does not contain successor employer provisions that allow statutory liability to flow through to a successor corporation, such as are found in the Employment Standards Act, 2000, S.O. 2000, c. 41 or Labour Relations Act, 1995, S.O. 1995, c.1, Sch. A. In Great Atlantic & Pacific Co. of Canada v. Ontario (Human Rights Commission) (1993) 13 O.R. 824 (ON SC), 13 O.R.(3d) 824, the Divisional Court held that, in the absence of a successor employer provision in the Code, this Tribunal has no jurisdiction to add a successor employer as a party to a proceeding under the Code.
5. This ruling was made in 1993 and predates the successor provisions in the Employment Standards Act or Labour Relations Act. It has been cited in cases like and Barter v. Bata, 2010 HRTO 325 (CanLII).
6. The Great Atlantic court states that The Human Rights Code contains no successor rights provision similar to s. 63 of the Labour Relations Act, R.S.O. 1990, c. L.2, and s. 13 of the Employment Standards Act, R.S.O. 1990, c. E.14. The board had no statutory authority and no jurisdiction to add A & P as a party.
7. Based upon this analysis, the Great Atlantic Court decision has been used to deny successor rights provisions of human rights obligations under Human Rights code.
8. As a counter argument I would remind the court of its own provisions of Appendix B - Human Rights Workplace Which Laws. Under Labour relations code, Appendix B of the code stated in 2008, that the substantive rights and obligations of the Code are deemed to be, or taken to be, part of each collective agreement that an arbitrator has jurisdiction over. So from any period of 2008, that any HRTO obligation of collective agreements are taken to be part of any labour relations, and successor rights provisions are also part of the act, then successor rights for Human Rights Code obligations must extend to the predecessor corporation.
9. Unlike Bata in Barter vs BATA, Horizon or it successor, Alectra nor its predecessor Horizon, did not undergo Companies' Creditors Arrangement Act (CCAA) reorganization to restructure its debts and obligations.
10. In fact, Alectra is the successor corporation of Horizon, carrying of substantially all the core business lines of operation of the predecessor corporation, and as its obligations under the Labour Relations Act extend to the successor corporation, and the Human Rights Code is part of each collective agreement, then successor rights to the code extend from Horizon to Alectra.

Sham Transaction

11. Since the Human Rights Code is embedded in each and every collective agreement subject to the Labour Relations Act, and Alectra is subject to the provisions under the code, then I was not under the obligation to prove that the merger of the Utilities to form the Alectra Corporation from its predecessor Horizon was a sham transaction. As Horizon was a predecessor to Alectra, and therefore under the provisions of Appendix B of the Human Rights Code as embedded it is union contracts governed by the Labour Relations Acts of 1995, I was not under obligation to prove that it was a sham transaction.

Horizon / Alectra Utilities Request for Reprisal/ Reconsideration

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APPLICATION FOR REPRISAL / RECONSIDERATION 2

Part of Normal Business Activities

12. Horizon's defense to the submission of the OEB report prior to the original hearing was identifying it as a normal course of business.
13. As much as I desired to question Eileen Campbell on the nature of the normal course of business, the adjudicator, Bouchard, limited my questioning on the nature of the normal course of business.
14. I was not aware of an October 2011 OEB report filed by Horizon stating that they found significant misreporting of energy savings for the Electricity Retrofit and Incentive Program (ERIP) for the exact period I was employed there. The OEB reports are public but technical, typically viewed primarily by utility executives. I made the mistake thinking that Horizon would file the report while I was under protection from retaliation under the guise of the HRTIO, and willfully create an undisclosed material liability. I only discovered the report on November 15, 2017. At the advice of the Human Rights Legal Resource Center, I filed a breach complaint December 10, 2017.
15. Horizon did not disclose this report as part of their HRTIO filings in February 2012, 4 months late. The audit dealt specifically with the performance of the program that I ran as an employee. That report has been damaging to my career, eliminating employment opportunities from 2013, when an existing contract expired, to the present.
16. Their "audit", while not providing proof of other programs compliance, nor sound reasoning why the audit was undertaken, nor proof that VECC requested it be undertaken as stated in the 2019 breach hearing by VP Eileen Campbell at the time of the breach hearing, no mention of VECC or Vulnerable Energy Consumer Coalition in OEB report. I was unable to find the letter from VECC until November 9, 2017. It was submitted, and requested intervention after the OEB report on 11/7/11.
17. Interestingly, Horizon provided information on the intervention on their October 12, 2011 filing, before the intervention request was made public. Further, VECC requested to intervene in the Horizon OEB filing before to ensure vulnerable energy consumers were being billed appropriately. No mention was made of the request to audit Conservation and Demand Management Programs.
18. The "audit" also found no errors in their reporting on other programs, especially those residential programs that address vulnerable energy consumers, but found no errors, "except for ERIP", a program designed to help commercial and industrial customers. The audit was done on their own, not done in accordance with provincial audit typically lead by the OPA, now IESO, who reports as a group to the OEB.
19. In Appendix B, Appendix C, & Appendix D Horizon gives evidence of reporting on Conservation of Demand Management (CDM) Programs. Each report did an analysis of all programs. In Appendix B, Horizon presents a third party audit on all programs prior to my employment at Horizon in 2008. In Appendices C & D, lead by the OPA, Horizon was given evidence of provincial performance of all programs. In Appendix D, a comparison of Horizon's CDM performance.
20. The decision and facts that are undisputed by Adjudicator Bouchard are not undisputed. I commenced employment with Horizon in July 2008. I filed the original complaint in February 2010. The Newfie Joke that precipitated the original complaint happened in October 2009, and only after it was disregarded as a sign I needed to take a joke did I complain.
21. Further, the positive reference letter provided by Ms. Campbell, from the corporation who harassed me until I resigned after filing the HRTIO complaint is not highly valued. That reference letter was signed on March 24, 2012 before the hearing, even though, per the side settlements with Brian Cook, the adjudicator in the hearing, it was under active negotiation during the March 26, 2012.

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APPLICATION FOR REPRISAL / RECONSIDERATION 3

22. The Sealine report in Appendix B demonstrates that Horizon did not have errors in their CDM offerings prior to my employment commencement in July 2008. That is why it is presented. The error in the undisputed statement of facts makes this unclear.
23. There was no indication of any errors with any of the programs highlighted by the OPA in Appendix C or Appendix D. No indication was given as to why Horizon felt it necessary to audit programs, or that there was specific errors with the ERIP programs.
24. In Appendix E, Horizon presented an evaluation of the ERIP program that I ran by Burnam Energy, the independent Engineer hired by Horizon to evaluate energy incentive applications and who provided technical advice on OPA savings calculations and investment amounts to Horizon.
25. In Appendix E, Horizon presented an evaluation of the ERIP program that I ran by Finn Projects, the independent Engineer hired by Horizon to evaluate energy incentive applications, and who provided technical advice on OPA savings calculations for the period up to the Fall of 2008, just after I joined Horizon.
26. In Appendix C, Horizon was informed by the OPA (Ontario Power Authority) that should it need assistance in calculating the Lost Revenue Adjustment Mechanism (LRAM), the nature of this report in its entirety, they were to contact the Ontario Energy Board (OEB) Directly. Instead Horizon sought advice from Burnam Energy and Finn Projects for the Calculation of the LRAM changes. No evidence was given that they sought advice from the OEB on the recalculation of these amounts.
27. In the hearing on January 2019, Horizon's witness stated that they were requested to Audit their CDM programs by the Vulnerable Energy Consumers Coalition (VECC) who intervened in their case. The letter from the VECC was provided to the OEB in November 2011. It was not provided into evidence and during the telephone case conference it was not produced when I requested.
28. It seems that in October 2011 Horizon provided evidence to VECC's intervention before it was requested in November 2011.
29. In Appendix B, Appendix C, and Appendix D, Horizon gave examples of energy audits of Conservation and Demand Management Programs. Each audit was of all programs, and did not limit itself to a single program.
30. The Audits in Appendix C and Appendix D were performed and lead by OPA. After the receiving the judgement, and after I was finally able to speak about my employment with Horizon, I asked Allan Foswill, a former manager with OEB and he said it was peculiar that Horizon performed an Audit individually, rather defer to the lead of the OPA. This corroborates the nature of the OPA communications in Appendix C and Appendix D.
31. As such, since this was an independent audit, requested by an intervenor, rather than being lead by the OPA, since it provided only information about a single CDM program rather than present an evaluation of all programs, this OEB filing was not part of the normal course of business for Horizon. It was a unique audit, done by a single utility outside of the regular course of Business.

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APPLICATION FOR REPRISAL / RECONSIDERATION 4

Why it is Retaliation

32. The OEB report is retaliatory for several reasons
33. It identifies errors only in the program ran by me for the period I worked at Horizon
34. It concerned errors only in the program I managed and was not disclosed as part of Horizons documents in the February 15, 2012 Filing to the HRTTO. The document was therefore, unknown to me until 11/15/2017. I would not have settled had I know about this document.
35. It was done out of sync with other audits of Conservation & Demand Programs, emphasizing its irregularity. Comment from [Allan Fogwill](#) - [here](#).
36. In total, Electricity Retrofit Incentive Program or ERIP is mentioned 57 times in Horizon's 2011 submission, (pg 15-16, 101-165 or [here](#))
37. In the "Lost Revenue Adjustment Mechanism ("LRAM") amounts related to CDM activity" section on (pg 101-165) Horizon specifically state that all were correct "Except for ERIP", they mention this on pg 105 of the OEB report 3 times [here](#) .
38. Horizon shows an audit of all programs 2005 - 2007 by SeeLine Group in Appendix B of the LRAM report (p)132 of the OEB filing, or [here](#)
39. Horizon prepared for defending OEB filing in their original documents provided late to HRTTO in February 2012.
40. They provided information on normal course of business in original supporting documents.
41. They were ready to defend OEB filing should it have been discovered. Yet they did not provide the documents in a timely fashion for me to consider the content of their documents or the reason they were filing them.
41. I had already left the company due to harassment from the point they became aware of my complain to the HRTTO. They initially tried to prevent me from resigning, wrote me up for expressing my frustration as a reason for resigning, and then posted it to my personnel file after I resigned. Another major problem is that Burmam Energy Report (link) reported that they reconciled with OPA assumptions and measures.
42. Well original numbers were based on Burmam numbers, which were assigned a dollar value ERIP incentive level and calculation of kW saved. [Letters](#)
43. The project approval flow chart looked like this:
 44. Client Submits project >
 45. I gave to Burmam to pre-approve before construction >
 46. Project completed >
 47. Invoices & proof of completion submitted >
 48. I gave to Burmam >
 49. Burmam Energy vetted, quantifying energy savings & incentive amount >
 50. I handed documentation to Brian Smith & Eileen Campbell to review Burmam's advice >
 51. With approval submitted to OPA >
 52. OPA reviewed documentation before paying, paid based of Burmam Energy's advice >
 53. Number paid reported to OPA as energy savings based on Burmam's expertise in OPA energy savings assumptions.

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APPLICATION FOR REPRISAL / RECONSIDERATION 5

54. The fact that Burmam's number were different from Horizon numbers is not plausible
 55. The fact over-reporting errors could then be discovered, by Energy firm who determined the original numbers, and there not be a project by project analysis of where the original Energy evaluator was at fault is irregular.
 56. If errors with the numbers originally calculated by Burmam were found to be faulty by Burmam, should not have Burmam offered an apology.
 57. The fact that Horizon shows this as a typical report while finding only errors in my program for precisely my employment period, engages a third party to intervene for an Irregular OEB report, and made efforts to limit my ability to find and respond to the OEB report as part of the original HRTTO hearing in 2012 than this demonstrates the intent to retaliate.
 58. Section 8 of the Code protects people from reprisal or threats of reprisal. A reprisal is an action, or threat, that is intended as retaliation for claiming or enforcing a right under the Code.
 59. This series of action is a textbook definition of reprisal.
- The Duty to Discover
60. The OEB document was not supplied by Horizon in their filings for the Original hearing. It was purposely not disclosed in their filing of documents on February 15, 2012.
 61. The argument that Horizon outlined while not providing the document in their filings was that it was normal course of business.
 62. The previous sections demonstrates why the OEB filing identified as retaliatory was not a normal course of business.
 63. Horizon made attempts to limit my time for discovery of the OEB report by submitting their documents 3 months and 27 days after I supplied my documents on October 19, 2011.
 64. My request to delay the hearing to allow time to consider the ramifications of the documents was denied by HRTTO.
 65. Horizon continued to provide documents to the HRTTO concerning the hearing as late as March 16, 2012, further muddying the waters for discovery and it was accepted by the HRTTO.
 66. The intent of Horizon in providing the documents late appears to be to secure their version of events. To construct a scenario where it could be believed that I was fired due to misreporting of ERIP energy savings and incentives. That scenario would align with their firing of me after I resigned.
 67. The HRTTO denied my request for further time to consider and prepare for Horizon's arguments in the trial. And influenced my decision to settle.
 68. If I were given adequate time to study and understand Horizon's positions, I would have been better able to present a defense versus Horizon, and defend myself against what can be construed as retaliation with an intent to deceive.

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BACKGROUND

75. I am still pursuing this case 10 years after the original incident
76. On 10/30/09, my manager at Horizon Utilities, Brian Smith told a Stupid Newfie Joke to open a team meeting
77. I told him to stop, it would be inappropriate to do to other groups, he said he did not care.
78. Our relationship was broken, I attempted to repair it by telling him after I committed to his team the next month, to not do it again. He agreed verbally but he immediately began to retaliate.
79. My sign on bonus was delayed in December
80. My performance bonus was delayed in February 2010.
81. I was told about the delay in my bonus as I was walking in the bathroom by the managers office. His door was open. Another employee was in the room. I was embarrassed and got angry, this was the second time my bonus pay was being arbitrarily affected since I spoke to Brian Smith about the Newfie Joke.
82. HR was called, I told the female HR person that my relationship with Smith had been affected by the Newfie Joke, she told me to take a joke
83. With no support within Horizon, I filed a HRTO application, I did not see any recourse to maintain my employment. I did not want to have to quit my job because I was discriminated against at work.
84. I attended a HR seminar delivered by Lauren Benardi on HRTO issues in late March 2010. The seminar opened with a real life scenario exactly like mine, a boss opened a meeting with a Newfie joke and was fired. Benardi, a paid representative speaking on behalf of Horizon Utilities, said that this was the level of respect demanded by Horizon Utilities. I sat in the seminar and was embarrassed, feeling worried what would happen when Horizon received my complaint.
85. Horizon received my complaint in April 2010. I became persona non grata at Horizon.
86. My probationary experience was extended in May without reason.
87. On May 28, in my performance review, I was told that I was exceeding the performance metric set for the year but my probationary period was extended.
88. My vacation period from July 19- July 31 was approved that day.
89. On July 15, 2010, I received notification from the HRTO in the mail that I had to respond to Horizon's filing by July 19, 2010.
90. The filing was made on May 28, 2010, the same day as my probationary period was extended
91. I spent my first 3 days of my vacation responding to Horizon's response where they attacked my logic and my job performance. I came back from my vacation increasingly angry. The timing of events wasn't coincidental, it seemed planned by a thorough knowledge of HRTO processes.
92. After Horizon Utilities received my response things at Horizon turned for the worse.

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APPLICATION FOR REPRISAL / RECONSIDERATION 6

Request for Damages due to Retaliation

69. I intend on relying on documents submitted as part of the original 2010 complaint and documents submitted in the 2017 breach of settlement procedure, including Horizon's submission in 2012 and the 2011 OEB reports.
70. As Alectra, as Predecessor to Horizon, is responsible to successor obligations to employee under the Labour Relations Act, and as the provisions of the code are deemed to be part of every single collective agreement entered into in Ontario after 2008, I submit that Alectra is successor to Horizon. I am not responsible for proving the Horizon - Powertstream merger to form Alectra as a sham transaction.
71. As the OEB report not disclosed was not a normal course of business, even though Horizon sought to represent it as such, and since the OEB report discussed in the document and attached, is done to demonstrate errors in programs run solely by me for the exact period that I was employed by Horizon, then I submit that this OEB was intended as retaliatory against me for filing a complaint with the HRTO.
72. Since this retaliation has contributed to a period of prolonged unemployment and unknowingly to me, poisoned my economic ability to participate in a highly co-ordinated and collaborative utility industry, I am seeking recovery of wages from the period since the day I resigned, and pension contributions for the period since my acceptance in the Horizon pension plan as my pensions have been cashed in to make up for the loss of income. The recovery of loss income of \$2,332,213.
73. I would request that future income losses and future pension contributions be replaced as the prolonged period of unemployment cause by what I consider malicious retaliation to my career for filing a claim with the HRTO. The recovery for the alteration of potential income earnings, and the loss of pension contributions to be \$950,645
74. I request that these damages be recovered as general damages and Horizon be further penalized for emotional harm to myself, my 3 children and my wife caused by the reprisals in response to my exercising my rights to file a human rights complaint. The amount of \$35,000/yr over 10 years or \$350,000 per person.

Year	Salary	PV	Multipler	Company	Medical	Total	PV Multiplier	PV
2009	\$129,359	\$883	2.01	\$883	\$216	\$1,099	2.08	\$2,286
2010	\$124,384	\$897	1.99	\$897	\$224	\$1,121	2.63	\$2,948
2011	\$157,385	\$897	1.97	\$897	\$224	\$1,121	2.61	\$2,921
2012	\$163,681	\$897	1.96	\$897	\$224	\$1,121	2.58	\$2,881
2013	\$170,228	\$897	1.94	\$897	\$224	\$1,121	2.56	\$2,866
2014		\$897	1.94	\$897	\$224	\$1,121	2.54	\$2,829
2015		\$897	1.92	\$897	\$224	\$1,121	2.48	\$2,772
2016		\$897	1.91	\$897	\$224	\$1,121	2.47	\$2,760
2017		\$897	1.90	\$897	\$224	\$1,121	2.45	\$2,742
2018		\$897	1.89	\$897	\$224	\$1,121	2.42	\$2,694
2019		\$897	1.87	\$897	\$224	\$1,121	2.40	\$2,666
2020		\$897	1.86	\$897	\$224	\$1,121	2.38	\$2,648
2021		\$897	1.85	\$897	\$224	\$1,121	2.36	\$2,630
2022		\$897	1.84	\$897	\$224	\$1,121	2.34	\$2,612
2023		\$897	1.83	\$897	\$224	\$1,121	2.32	\$2,594
2024		\$897	1.82	\$897	\$224	\$1,121	2.29	\$2,576
2025		\$897	1.81	\$897	\$224	\$1,121	2.27	\$2,558
2026		\$897	1.80	\$897	\$224	\$1,121	2.25	\$2,540

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BACKGROUND 2

93. Mr. Smith began looking for excuses to write me up. Mr. Smith put a performance letter on file on September 17, 2010 for trivial performance issues including me not providing accurate information to the OPA.
94. I tried to resign September 17, 2010 to Henry Winter of HR but Henry Winter refused to accept my resignation.
95. Mr. Winter tried to write me up when I said I could not longer function while being harassed for saying it was pushing me to my limits. He then reappeared at my office trying to get me to repeat it with a witness for him.
96. I left, I resigned in an email to Eileen Campbell September 21, 2010 with 6 weeks Notice.
97. Henry Winter added a note to my file, attacking my admission that I was finding it difficult to withstand the harassment and retaliation I faced after my Human Rights Complaint was made known to Horizon, after I resigned.
98. Horizon fired me on September 24, 2010, though in her January 2019 testimony, Eileen Campbell disagreed with the characterization where they asked me to hand in all materials and to remove my materials from the building immediately. I have had no Contact with Horizon from after return of technology.
99. I submitted my documents into the HRTO as required by October 19, 2011.
100. Horizon did not provide documents until February 15, 2012.
101. I complained to HRTO that there was not enough time to go over materials, and complaint was overruled.
102. I settled with Horizon on March 26, 2012, it was a settlement influenced by the information put in front of me.

LETTER OF RESIGNATION

Client: Brad <brad.gallant@horizon.ca> | 23-11-2010 | 10:51 AM | 100%

GB

FW: Availability



Resignation letter.pdf

Sent: Tuesday, September 21, 2010 1:38 PM
To: Campbell, Eileen
Subject: RE: Availability

Eileen

For your consideration. I need to do this today. I have work to do and this is important for me to get this done now.

Regards,

Brad Gallant, B.A., B.Ed., MBA
Manager, Commercial CDM
Horizon Utilities
55 John Street North,
Hamilton, ON L8R 3M8
Cell / Office - 905-741-2047
Fax - 905-522-6228
brad.gallant@horizonutilities.com

September 21, 2010

Attn: Eileen Campbell

Eileen

Please accept this letter as six weeks' notice to the end of my employment with Horizon Utilities. My resignation will be effective November 2, 2010 with November 1, 2010 being my last day. The six weeks will allow me to close up the existing ERP applications, help Horizon complete it Green Energy Act planning, and allow me time to look for other employment.

I do not enjoy working here anymore. I believe that Horizon has been retaliating against me for filing the Human Rights Complaint in February and have made it very difficult to continue to work in this position. I believe that the harassment prevents me from performing at the standard that I demand from myself. I have to leave as I no longer feel capable of not responding to the harassment in a professional manner.

However, I do feel a great deal of responsibility to ensure that the customer's that I have worked with continue to receive a high level of customer service. I am particularly interested in ensuring a smooth transition for customers working on large projects, like the City and US Steel, get through the process at Horizon. Thank you for the opportunity to work at Horizon Utilities and I feel that I have gained valuable experience that will assist me in the future.

Regards

Brad Gallant

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HENRY WINTER'S RESPONSE TO MY RESIGNATION 2 HRS LATER VIA EMAIL, NOT IN PERSON

From: Gallant, Brad
To: Winter, Henry
Sent: Tue Sep 21 16:18:13 2010
Subject: Re: Record Of Discussion

I've already given notice to Eileen and informed other parties.
Sent from my BlackBerry, please excuse my BlackBerry brevity.

From: Winter, Henry
To: Gallant, Brad
Sent: Tue Sep 21 15:51:45 2010
Subject: Record Of Discussion
Hello Brad,

Further to our discussion on 17 September, 2010, at 12:16pm.
Please find attached herewith the follow-up and record of our
discussion with respect to your feelings of anger.

Sincerely
Henry

Henry Winter
Manager, Employee Relations
Horizon Utilities Corporation
Office: 905-317-4712
Cell: 905-730-6720
e-mail: henry.winter@horizonutilities.com

Company of the Year
Ontario Energy Association

Horizon Utilities Corporation
September 21, 2010
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BY HAND
PRIVATE & CONFIDENTIAL

September 21, 2010

Brad Gallant
6343 Alderwood Trail
Mississauga ON
L5N 6X1

Dear Brad,

This letter will serve as a recording of our discussion on September 17, 2010 with respect to the
comments that you made in regards to your feelings of anger. Although you clarified and
retracted the comments they are regardless inappropriate and unacceptable.

On September 17, 2010 you stated the following:

- ... I feel angry in coming to work and I am unhappy. I feel like I am being setup for failure
and some days I feel that I can actually hit Brian

It is understood that any workplace issues can be frustrating at times, however with your
experience and training, specifically the Sensitivity training that you received this year, you know
that comments like these are inappropriate. You are a Manager and are required to be an
example for your employees. Comments such as these should be retracted at all times and I encourage you to comprehend the implications of how words and actions can
affect others. As a result of these comments I have no alternative but to formally record and place the
comments on your file. I have additionally notified your supervisor as such.

As the Manager, Employee Relations I expect that you will be able to effect these
recommendations. Should you require any assistance or identification in doing so, please contact
me immediately.

A copy of this letter will be placed in your personnel file and should incidents of this nature
continue to occur, disciplinary action will be taken up to and including termination.

Yours truly,

Henry Winter
Manager, Employee Relations

cc: Personnel File
cc: Eileen Campbell
cc: Brian Smith

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HORIZON TRIED TO FIRE ME IN PERSON, SENSING A TRAP I DID NOT ATTEND LAST MEETING IN BOARDROOM WITH HR VP.

BRIAN SMITH WAS HOPING TO FIRE ME IN PERSON.

From: Smith, Brian [mailto:brian.smith@horizonutilities.com]
Sent: September-23-10 4:11 PM
To: Brad Gallant
Cc: Winter, Henry; Richards, Marjorie; Campbell, Eileen
Subject: Brad Gallant - Resignation Transition

Brad,

Despite my numerous attempts to arrange a meeting with yourself, you have not shown a willingness to make yourself available to meet with me. I was hoping to hand deliver the attached letter in response to your letter of resignation dated September 21, 2010. However, you have left me no choice but to deliver this message via email and also by registered courier.

In addition to the attached letter I hereby advise you of the following next steps:

1. You are required to return all property of Horizon Utilities Corporation to 55 John Street Security staff by 12:00 pm Friday September 24, 2010. This list of property includes but is not limited to the following:
 - Laptop computer including the case
 - BlackBerry and accessories
 - Wireless Internet Radio Stick
 - USB Memory Sticks
 - Customer paper or electronic data files
 - Company Identification, security pass and keys
 - Any other intellectual property or electronic information and devices

2. You must declare in writing any other Horizon property that is in your possession or in the possession of customers at the time you deliver the above items to the Security Desk.

I would trust the above is in order.

Sincerely,

Brian A. Smith C.E.T.
Chief Conservation Officer
Horizon Utilities Corporation
55 John Street North
Hamilton, ON, L8R3M8
Ph: 905 521 4901

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HORIZON 2011 FILING – PAGE 1 / 1418

THE ONTARIO ENERGY BOARD (OEB) REPORT

Horizon Utilities wishes to bring one matter to the attention of the OEB. As discussed above, this Application has three components: an IRM adjustment to Horizon Utilities' electricity rates; a request for a rate rider to address distribution revenues lost as a result of successful Conservation and Demand Management activities (the "LRAM Rider"); and a request for a PILs-related rider.

In its July 7th Decision on Horizon Utilities' 2011 Cost of Service Distribution Rate Application, the OEB approved the realignment of Horizon Utilities' rate year with its fiscal year, so that commencing in 2012, Horizon Utilities' distribution rates will be effective on January 1st. Horizon Utilities believes that the OEB's intention in the current proceeding is to have a 2012 rate order issued for January 1st implementation that addresses the IRM adjustment, and the LRAM and PILs components. However, in the event that matters arise in relation to the LRAM and PILs components of this Application that create a risk that the January 1st implementation date cannot be met, Horizon Utilities respectfully requests that the OEB issue an Order establishing new distribution rates based on the IRM process for implementation January 1, 2012, and address those components of the Application that deal with the LRAM and PILs riders, separately. In this way, the OEB can provide for an IRM-related mechanistic rate adjustment that corresponds to the newly-established rate year, and the LRAM and PILs riders for 2012 can be calculated in such a way as to recover or credit the full year's amounts over a shorter period.

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Lost Revenue Adjustment Mechanism ("LRAM") Claim

26. On March 28, 2008, the OEB released the Guidelines for Electricity Distributor Conservation and Demand Management ("CDM") (EB-2008-0037). Horizon Utilities is including in this Application under Tab 7, a filing for an LRAM claim related to CDM activities per the Guidelines for CDM.
27. The LRAM claim being submitted relates to CDM programs that contributed to \$1,608,274 in lost revenue for the rate years 2008 – 2010. This claim is based on CDM savings that continue to be realized from 3rd Tranche programs implemented in the period 2005 – 2007 and OPA programs implemented in the period 2007 – 2010. Horizon Utilities used the March 2011 OPA Measures and Assumptions list to verify its CDM savings from 3rd Tranche programs as per the See Line Report found in Tab 7, Appendix B. For the OPA programs, Horizon Utilities used the verified net CDM savings found in the OPA Final Reports in Tab 7, Appendices C and D.

28. In its total claim, Horizon Utilities has included an amount of \$258,190 based on specific identified net CDM results for the ERIP program. This amount differs from the OPA methodology for determining 2008-2010 ERIP program savings, which is based on allocating to each distributor a proportion of Province wide reported gross domestic savings. The use of a specific allocation methodology results in a more accurate assignment of CDM results to a distributor. In Horizon Utilities' case, this specific assignment of CDM results has been verified by independent third parties. Verification letters from Burma Energy and Finn Projects are provided in Tab 7, Appendices E and F, respectively.
29. Horizon Utilities has used the 2011 OEB approved (EB-2010-0131) billing determinants by customer class to determine the volumeetric charge based rate riders as shown in Table 6 below.

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Table 6 – Calculation of Rate Riders for LRAM Recovery

Class	Total 2008 LRAM + Carrying Charges		Total 2010 LRAM + Carrying Charges		OEB Approved Load Forecast - Billing Units		LRAM -12 Months (ABS)	
	LRAM	Carrying Charges	LRAM	Carrying Charges	2011 EDR (B)	2011 EDR (B)		
Residential	\$12,503	\$451,835	\$606,771	\$15,715	1,535,676,985	kWh	\$ 0.0007	
GS - 50 MW	\$ 773	\$ 70,852	\$ 107,442	\$ 2,709	188,773	597,986,860	kWh	\$ 0.0004
GS 50 to 4,999 MW	\$ 6532	\$ 112,822	\$ 167,641	\$ 4,305	300,400	4,733,680	kWh	\$ 0.0031
Unmetered > 5,000 MW	\$ 3,622	\$ 1,129	\$ 1,143	\$ 25	1,523	12,541,388	kWh	\$ 0.0003
Total	\$ 61,828	\$ 642,873	\$ 785,328	\$ 23,842	1,608,274			

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30. The success of Horizon Utilities' CDM programs has resulted in lower volumes and accordingly recovery of the LRAM amounts is based on volumetric billing determinates.
31. In the July 7, 2011 Decision of the OEB on Horizon Utilities' 2011 Electricity Distribution Rate ("EDR") Application (EB-2010-0131), the OEB approved the realignment of Horizon Utilities' rate year with its fiscal year, so that commencing in 2012, Horizon Utilities' distribution rates will be effective on January 1. Horizon Utilities believes that the Board's intention in the current proceeding is to have a 2012 rate order issued for January 1 implementation on that address the IRM adjustment, the LRAM and the PILS component. However, in the event that matters arise in relation to the LRAM and PILS components of this Application that create a risk that the January 1 implementation date cannot be met, Horizon Utilities respectfully requests that the OEB issue an Order establishing new distribution rates based on the IRM process for implementation January 1, 2012, and address those components of the Application that deal with the LRAM and the PILS components separately. In this way, the OEB can provide for an IRM-related mechanistic rate adjustment that corresponds to the newly-established rate year, and the LRAM Rider and PILS component for 2012 can be calculated in such a way as to recover or credit the full year's amounts over a shorter period.

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Introduction

1. Horizon Utilities is including in its 2012 EDR Application this request for approval and recovery of lost revenue in 2008-2010 which reflects the persistence of 3rd Tranche and OFA programs (excluding Demand Response) from 2005-2008, and new OFA-CDM programs for the years 2009 and 2010.

2. Horizon Utilities seeks authorization for the recovery of the LRAM amounts by way of volumetric rate riders effective for the 2012 rate year over a period of 12 months commencing January 1, 2012. The total LRAM amount sought for recovery is \$1,608,274 which is comprised of an LRAM principal amount of \$1,567,559 as of December 31, 2010 and carrying charges of \$40,715 up to December 31, 2011.

3. In the July 7, 2011 Decision on Horizon Utilities' 2011 Cost of Service Distribution Rate Application, the OEB approved the realignment of Horizon Utilities' rate year with its fiscal year, so that commencing in 2012, Horizon Utilities' distribution rates will be effective on January 1st. Horizon Utilities believes that the Board's intention in the current proceeding is to have a 2012 rate order issued for January 1st implementation that addresses the IRM adjustment, the LRAM Rider and the PILs component. However, in the event that matters arise in relation to the LRAM and PILs components of this Application that create a risk that the January 1st implementation date cannot be met, Horizon Utilities respectfully requests that the OEB issue an Order establishing new distribution rates based on the IRM process for implementation January 1, 2012, and address those components of the Application that deal with the LRAM Rider and the PILs component, separately. In this way, the OEB can provide for an IRM-related mechanism rate adjustment that corresponds to the newly-established rate year, and the LRAM Rider and PILs component for 2012 can be calculated in such a way as to recover or credit the full year's amounts over a shorter period.

4. For customers with consumption of 800kWh per month, the impact of the LRAM proposals set out in this application would result in a distribution charge increase of 2.15% or \$0.56 per month, which corresponds to a total bill increase of 0.52%.

LOST REVENUE ADJUSTMENT MECHANISM ("LRAM") AMOUNTS RELATED TO CDM ACTIVITY

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5. The following Appendices provide supporting detail to the LRAM claim outlined in this Exhibit:
- Appendix A: Detail LRAM Claim for Each Year by Program and Class: 2008-2010
 - Appendix B: SeeLine Group Ltd Report
 - Appendix C: 2006-2009 Final OPA CDM Results
 - Appendix D: OPA 2010 Final CDM Program Results
 - Appendix E: Burman Energy Letter: Validation of Results
 - Appendix F: Firm Projects Letter: Validation of Results
 - Appendix G: ERIP Program Calculation Comparison

Case for LRAM Relief

6. Consequences of CDM activities:

The successful implementation of CDM activities had the desired effect of increasing conservation savings, and reducing demand and usage in Horizon Utilities' service territory. However, this also reduced the revenues of Horizon Utilities. This application is intended to identify the benefits created and the lost revenues that resulted from CDM programs in Horizon Utilities' service territory.

7. LRAM Relief Requested:

Horizon Utilities' requested LRAM relief is composed of calendar year savings resulting from initiatives summarized as follows:

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Table 1 – LRAM Filing Historical Reference

Programs	LRAM Filing Historical Reference				
	Program Year	2007	2008	2009	2010
3rd Tranche	2005	x	x	x	x
3rd Tranche including some OPA	2006	x	x	x	x
3rd Tranche	2007	x	x	x	x
OPA Cool and Hot Savings Rebate	2006	x	x	x	x
All OPA including DR-1 claim	2007	x	x	x	x
All OPA excluding DR-1 claim	2007				
All OPA excluding claims for DR	2008				
All OPA excluding claims for DR	2009				
All OPA excluding claims for DR	2010				

x – Application EB-2005-0192 # – 2012 EDR Application (EB-2011-0172)

8. Horizon Utilities is requesting the recovery of LRAM amounts related to the entire load reductions, net of free rider quantities. Horizon Utilities did not include the impact of CDM in its approved 2008 load forecast. The total LRAM claim amount sought is as follows:

Table 2 – Amount of LRAM Claim

Year for which LRAM claimed	Principal	Carrying Charges	Total
2006	1,143,895	3,964	1,147,859
2009	837,851	5,311	843,162
2010	760,843	8,357	769,200
2011	–	23,083	23,083
Total Claim	3,562,559	46,715	3,609,274

9. The calculations of the claim amounts based on the CDM savings calculations for 3rd Tranche programs from 2005 – 2007 and OPA programs from 2006 – 2010 are attached in Tab 7, Appendix A. The calculated CDM savings are supported by the SeeLine Group Ltd. report found in Tab 7, Appendix B, and the 2006-2009

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Final OPA-CDM Results report in Tab 7, Appendix C and the OPA 2010 Final CDM Program Results report in Appendix D.

10. The total LRAM claim of \$1,608,274 includes an amount of \$258,190 based on Horizon Utilities' specific net CDM results for the Electricity Retrofit Incentive Program ("ERIP"). This amount differs from the OPA methodology for determining 2008 – 2010 ERIP program CDM savings, which is based on allocating to each LDC a proportion of Province wide reported gross demand savings. This difference, the supporting rationale and verification are further discussed in paragraph 24, below.

Adherence to Guidelines and OEB Decisions

11. Horizon Utilities has conformed to the guidelines, OEB decisions, applicable rules and regulations, to ensure the validity of this application. In addition, Horizon Utilities retained an independent third party, See Line Group Ltd., to calculate and verify CDM savings from 3rd Tranche programs.

12. The authorization to file an application seeking recovery of the LRAM amount is found in the OEB's Guidelines for Electricity Distribution or Conservation and Demand Management ("CDM Guidelines" - EB-2008-0037). The most recent OPA Measures and Assumptions List issued in March 2011 was used in calculating CDM savings for 3rd Tranche program applicable measures. CDM savings claimed for OPA programs are based on the net CDM savings reported in the 2006-2009 Final OPA CDM Results (Tab 7, Appendix C) and the OPA 2010 Final CDM Program Results (Tab 7, Appendix D), except for the ERIP 2008-2010 programs.

13. LRAM amounts are recoverable on a retroactive basis in accordance with the CDM Guidelines. As mentioned above, Horizon Utilities used the inputs and assumptions for the various CDM measures as listed in the March 2011 OPA Measures and Assumptions List for its 3rd Tranche programs, and has used OPA verified savings for OPA sponsored CDM Programs except for the ERIP program 2008 – 2010. This approach, except for Horizon Utilities' specific calculation of

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ERIP program results, consistent with the LRAM applications of other distributors, including Burlington Hydro Inc. (EB-2009-0259), Oshawa PUC Networks Inc. (EB-2009-0240) and COLLUS Power Corp. (EB-2010-0076), all of which were subsequently approved by the OEB.

14. The most recent OEB-approved load quantiles are those approved in Horizon Utilities' 2011 EDR Application (EB-2010-0131). Horizon Utilities has used those quantiles for the calculation of the class rate riders.

15. Carrying costs: The CDM Guidelines and the OEB's decision in Horizon Utilities' previous LRAM Application (EB-2009-0192) indicate that carrying costs should be included in the amounts sought for recovery in an LRAM application.

16. Rate Implementation and Bill Impacts: Horizon Utilities has used the 2011 Board approved (EB-2011-0131) billing determinants by customer class to determine the volumetric charge based rate riders in the 2012 IRM Rate Generator Model.

Previous OEB Approved LRAM Recovery

17. Horizon Utilities' previous application for the recovery of LRAM (EB-2009-0192) was filed for the rate years 2007 and 2008. The claim was for the following CDM programs and implementation periods:

- a. CDM Programs funded under 3rd Tranche for 2005 – 2007
- b. CDM Programs funded by the OPA and implemented in 2007

LRAM Calculation Methodology and Results

18. A LRAM accounts for variances between actual CDM results and the corresponding quantities used to set rates. For the 2008 to 2010 rate years, no forecast or other adjustments for the effects of CDM programs were made to the load quantities used to calculate the rates. Therefore, the entire actual load reduction net of free rider ship achieved by the eligible CDM programs is subject to LRAM treatment.

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19. As stated in the OEB's CDM Guidelines, the LRAM "is designed to compensate a distributor only for unbilled lost revenues associated with CDM activities undertaken by the distributor within its licensed service area." Thus, the LRAM amount should be calculated on the basis of the variances between the distribution volumes lost from CDM activities and the load forecasts that are used in setting rates. The LRAM was calculated by multiplying the net energy savings kW or kWh for each program by a weighted volumetric distribution change developed from OEB approved rates for the applicable rate class on a year by year basis.

20. The LRAM amounts to be recovered have been adjusted for free riders as defined in the CDM Guidelines. LRAM is based on net kWh or kW after deducting for free riders. The amount for free riders varies depending on the CDM program. The table below sets out the LRAM amounts by class.

Table 3. Summary of 2008, 2009 and 2010 LRAM Amounts by Class

Mo. Rate Class	Amounts by CDM Program Year			2010 Lost Revenue
	2008	2009	2010	
All Exempt				
1. Residential	126,029	447,298	506,752	5,046,082
2. Commercial	11,527	113,888	105,450	252,866
3. US 50 & Other kW	13,517	113,888	105,450	252,866
4. US 50 & Other kW	13,517	113,888	105,450	252,866
5. Large Users > 5000 kW	13,517	113,888	105,450	252,866
6. Utility-owned	201,031	76,242	76,242	3,149,139
7. Utility-owned	201,031	76,242	76,242	3,149,139

21. Lost revenue amounts corresponding to the load reductions by class were calculated for each rate class using the weighted average for the applicable variable distribution rates. The load reductions were adjusted for free riders, as per the CDM Guidelines (EB-2006-0037).

22. Horizon Utilities proposes that the rate rider amounts for the LRAM be recovered through a variable rate rider for each class. Details of the LRAM Claim for each year by Program and Class are provided in Appendix A.

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23. To determine CDM savings for 3rd Tranche programs, Horizon Utilities has used the SeeLine Group Ltd. calculations which are based on the OPA's latest Measures and Assumptions List issued in March 2011. Horizon Utilities used the OPA verified CDM savings for OPA programs 2006-2010, except for the 2008-2010 ERIP program. For Horizon Utilities specific 2008-2010 results, the OPA net aggregate to gross ratio was applied to calculate the net CDM savings.

24. In its total claim, Horizon Utilities has included an amount of \$258,190 based on specific identified net CDM results for the ERIP program. This amount differs from the OPA methodology for determining 2008-2010 ERIP program savings, which is based on allocating to each LDC a proportion of Province wide reported gross domestic savings. Horizon Utilities engaged the services of Burman Energy and Finn Projects to independently verify the savings for the respective ERIP programs assigned. Verification letters from Burman Energy and Finn Projects are provided in Tab 7 Appendixes E and F, respectively. The reconciliation of Horizon Utilities' specific results for ERIP versus the OPA results can be found in Tab 7, Appendix G.

Verification and Evaluation of Results

25. Horizon Utilities retained an independent third party, SeeLine Group Ltd., to review CDM results and calculate the LRAM impact of 3rd Tranche programs. SeeLine Group Ltd. provides energy related solutions for utilities, government, and non-government organizations in the form of research, studies, conceptualization of conservation initiatives, marketing, program management and evaluation analysis.

26. All 3rd Tranche program CDM claims have been verified by SeeLine Group Ltd. The LRAM claim in this Application that SeeLine Group Ltd. reviewed found that Horizon Utilities' approach and calculation were accurate and consistent with the OEB CDM Guidelines. The SeeLine Group Ltd. analysis of work performed is provided in Tab 7, Appendix B.

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Table 6 – Monthly Bill Impacts

Customer Class	Billing Unit Volume	Average Monthly Volume				Distribution Charges				Total Bill Change			
		2009	2010	2011	%	2009	2010	2011	%	2009	2010	2011	%
Residential	1,000,000	2,500	2,500	2,500	0.00%	\$1,000	\$1,000	\$1,000	0.00%	\$1,000	\$1,000	\$1,000	0.00%
Commercial	500,000	5,000	5,000	5,000	0.00%	\$5,000	\$5,000	\$5,000	0.00%	\$5,000	\$5,000	\$5,000	0.00%
Industrial	100,000	10,000	10,000	10,000	0.00%	\$10,000	\$10,000	\$10,000	0.00%	\$10,000	\$10,000	\$10,000	0.00%
Other	100,000	10,000	10,000	10,000	0.00%	\$10,000	\$10,000	\$10,000	0.00%	\$10,000	\$10,000	\$10,000	0.00%
Total	1,700,000	20,000	20,000	20,000	0.00%	\$20,000	\$20,000	\$20,000	0.00%	\$20,000	\$20,000	\$20,000	0.00%

Horizon Utilities submits that the rate impacts arising from recovery of the LRAM over the 12 month period as proposed are minimal and do not warrant mitigation by way of an extended period of recovery. Horizon Utilities views the impacts as reasonable given the necessity of the CDM activities. Recovery of LRAM is being requested within the context of Horizon Utilities' 2012 EDR IRM application for which the overall bill impacts are a net decrease across all customer classes. The overall customer bill impacts by rate class, which incorporates the LRAM recovery, can be found in Tab 2, Table 8 of this Application.

In order to ensure that neither Horizon Utilities' ratepayers nor share holder is disadvantaged through the recovery of the LRAM, Horizon Utilities proposes that the recovery of the approved LRAM amount be tracked in a variance account for disposition at a date to be determined.

Conclusion

Horizon Utilities has successfully affected power savings and efficiency in line with the objectives of the OPA. This has had an adverse impact on revenue and LRAM relief was designed to address such a situation. Precedence of providing relief under similar conditions is well established in Horizon Utilities' experience in previous years and in the documented experience of other distributors.

Horizon Utilities has adhered to the guidelines, complied with all filing requirements, relied on rulings provided by the OPA and third party confirmation or calculations to ensure all established parameters are met. The figures are accurately represented and this request for approval is reasonable and justified.

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APPENDICES

Appendix A: Detail LRAM Claim for each year by Program and Class

- (i) 2008-2010 Summary
- (ii) 2008
- (iii) 2009
- (iv) 2010

Appendix B: See Line Group Ltd. Report

Appendix C: 2006-2009 Final OPA CDM Results

Appendix D: OPA 2010 Final CDM Program Results

Appendix E: Burman Energy Letter re: Validation of Results

Appendix F: Finn Projects Letter re: Validation of Results

Appendix G: ERIP Program Calculation Comparison

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Appendix A

Detail LRAM Claim for Each Year by Program and Class

Summary: 2008-2010

Year 2008

Year 2009

Year 2010

Laying out the effects of the conservation programs on Energy Consumption for years 2008 – 2010.

These were the years Brad Gallant was active as an manager of the Electricity Retrofit Incentive Program (ERIP) for Horizon.

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Appendix A - 1

Horizon Utilities Corporation
Lost Revenue Adjustment Mechanism
Breakdown of Lost Revenues for the Period January 1, 2008 to December 31, 2010

Line No.	Rate Class	LRAM 2008-2010 TOTALS	
		2008	2010
All Programs			
1	Residential	\$ 120,505	\$ 300,752
2	GS <50 KW	\$ 7,621	\$ 184,052
3	GS 50-4,999 KW	\$ 15,327	\$ 184,052
4	Large Users >5,000 KW	\$ 5,512	\$ 292,866
5	Unmetered Scattered Load	\$ -	\$ 18,149
6	Grand Total	\$ 148,965	\$ 1,567,559
Breakdown of Totals by Source of Funding			
8	OPAs-Funded Programs	\$ 274,165	\$ 328,571
9	Residential	\$ 7,621	\$ 184,052
10	GS <50 KW	\$ 15,327	\$ 184,052
11	GS 50-4,999 KW	\$ 5,512	\$ 265,065
12	Large Users >5,000 KW	\$ -	\$ 18,149
13	Total for OPA-Funded Programs	\$ 449,403	\$ 993,129
14	Third Tranche-Funded Programs	\$ -	\$ 172,181
15	Residential	\$ -	\$ -
16	GS <50 KW	\$ -	\$ -
17	GS 50-4,999 KW	\$ -	\$ 13,910
18	Large Users >5,000 KW	\$ -	\$ -
19	Unmetered Scattered Load	\$ -	\$ -
20	Total for Third Tranche-Funded Programs	\$ -	\$ 172,181
21	Grand Total	\$ 148,965	\$ 1,567,559

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Appendix A-2

Horizon Utilities Corporation
 Lost Revenue Adjustment Mechanism
 Breakdown of Lost Revenues for the Period January 1 to December 31, 2008

Line No.	Rate Class	January 1 to December 31, 2008				2008 Total Lost Revenues (c)
		2006 (a)	2007 (b)	2008 (d)	2008 Total Lost Revenues (e)	
All Programs						
1	Residential	\$ -	\$ -	\$ 126,568	\$ 126,568	
2	GS <50 kW	\$ -	\$ -	\$ 7,621	\$ 7,621	
3	GS 50.4-999 kW	\$ -	\$ -	\$ 15,242	\$ 15,242	
4	Large (997-5,000 kW)	\$ -	\$ -	\$ 5,512	\$ 5,512	
5	Grand Total	\$ -	\$ -	\$ 148,965	\$ 148,965	
Breakdown of Totals by Source of Funding						
OPA-Funded Programs						
8	Residential	\$ -	\$ -	\$ 126,568	\$ 126,568	
9	GS <50 kW	\$ -	\$ -	\$ 7,621	\$ 7,621	
10	GS 50.4-999 kW	\$ -	\$ -	\$ 15,242	\$ 15,242	
11	Large (997-5,000 kW)	\$ -	\$ -	\$ 5,512	\$ 5,512	
12	Total for OPA-Funded Programs	\$ -	\$ -	\$ 148,965	\$ 148,965	
Third-Party-Funded Programs						
13	Residential	\$ -	\$ -	\$ -	\$ -	
14	GS <50 kW	\$ -	\$ -	\$ -	\$ -	
15	GS 50.4-999 kW	\$ -	\$ -	\$ -	\$ -	
16	Large (997-5,000 kW)	\$ -	\$ -	\$ -	\$ -	
17	Grand Total	\$ -	\$ -	\$ -	\$ -	
18	Total for Third-Party-Funded Programs	\$ -	\$ -	\$ -	\$ -	
19	Grand Total	\$ -	\$ -	\$ 148,965	\$ 148,965	

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Horizon Utilities Corporation
 Lost Revenue Adjustment Mechanism
 Lost Revenues and Revenues for 2008 CDM Program Year

Line No.	Billing Adjustment Program/Rate Base Class	2008 Lost Revenues Carried Over to Year (1)				2008 Lost Revenues			
		(a)	(b)	(c)	(d)	(1)	(2)	(3)	(4)
1	OPA-Funded Programs								
2	Residential	1,691,546	417			\$ 21,664			
3	Source of Equities	1,744,132	107			\$ 22,909			
4	OPA Incentive Retention Program	4,796,303	282			\$ 62,991			
5	Relate (RAC) Program	944,853	599			\$ 12,469			
6	Cost Savings Incentive	46,460	2,023			\$ 3,511			
7	PeakShaver	9,173,514	3,488	\$ 0.0131		\$ 120,505			
8	Subsidy for Residential Class	1,083,507	150	\$ 0.0070		\$ 7,621			
9	GS <50 kW	1,083,507	150	\$ 0.0070		\$ 7,621			
10	Power Supply Bids	1,083,507	150	\$ 0.0070		\$ 7,621			
11	Subsidy for GS <50 kW	1,083,507	150	\$ 0.0070		\$ 7,621			
12	GS 50.4-999 kW	15,310	18			\$ 359			
13	High Performance New Construction	15,310	18			\$ 359			
14	Electricity Retention Incentive Program	15,310	756		\$ 1,658	\$ 14,668			
15	Subsidy for GS 50.4-999 kW	15,310	774			\$ 15,337			
16	GS >5,000 kW								
17	Electricity Retention Incentive Program		464		\$ 0.9891	\$ 5,512			
18	Subsidy for GS >5,000 kW		464			\$ 5,512			
19	Total for OPA-Funded Programs	10,274,331	4,876			\$ 148,965			
20	Total	10,274,331	4,876			\$ 148,965			

NOTES:

- The 2008 lost revenues are carried over to 2009 and 2010 at their fully effective levels as presented in the independent third party report.
- 2008 ERIP OPA Final Report has not distinguished between GS 50.4-999 and Large Users. Weighted average has been applied in calculation. Each of the distribution rates used to calculate lost revenues in 2008 is a four twelfths ("4/12") and eight twelfths ("8/12") blend of the 2008 rates.

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Appendix A-4

Horizon Utilities Corporation
Loss Revenue Adjustment Mechanism
Breakdown of Lost Revenues for the Period January 1 to December 31, 2009

Line No.	Rate Class	Amounts by CDM Program Year					2009 Total Lost
		2008 (A)	2009 (B)	2007 (C)	2008 (D)	2009 (E)	
All Programs							
1	Residential	\$ 30,927	\$ 148,368	\$ 96,431	\$ 103,144	\$ 65,927	\$ 447,798
2	GS <50 kW	\$ -	\$ -	\$ 7,873	\$ 7,873	\$ 70,266	\$ 86,012
3	GS 50-4,999 kW	\$ -	\$ 498	\$ 13,959	\$ 16,815	\$ 80,617	\$ 111,889
4	Large Users >5,000 kW	\$ -	\$ -	\$ -	\$ 246	\$ 5,988	\$ 6,434
5	Unmetered Scattered Load	\$ -	\$ 1,715	\$ -	\$ -	\$ -	\$ 1,715
6		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
7	Grand Total	\$ 30,927	\$ 150,580	\$ 110,390	\$ 133,971	\$ 212,182	\$ 687,651
Breakdown of Totals by Source of Funding							
OPA-Funded Programs							
9	Residential	\$ -	\$ 7,218	\$ 95,875	\$ 103,144	\$ 18,037	\$ 226,274
10	GS <50 kW	\$ -	\$ -	\$ -	\$ 7,873	\$ 62,387	\$ 70,266
11	GS 50-4,999 kW	\$ -	\$ -	\$ 556	\$ 16,815	\$ 80,617	\$ 97,987
12	Large Users >5,000 kW	\$ -	\$ -	\$ -	\$ 3,790	\$ 246	\$ 5,988
13	Total for OPA-Funded Programs	\$ -	\$ 7,218	\$ 96,431	\$ 133,971	\$ 212,182	\$ 449,403
Third Tranche-Funded Programs							
14	Residential	\$ 30,927	\$ 141,150	\$ 584	\$ -	\$ -	\$ 172,661
15	GS <50 kW	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
16	GS 50-4,999 kW	\$ -	\$ 498	\$ 13,403	\$ -	\$ -	\$ 13,901
17	Large Users >5,000 kW	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
18	Unmetered Scattered Load	\$ -	\$ 1,715	\$ -	\$ -	\$ -	\$ 1,715
19		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
20	Grand Total	\$ 30,927	\$ 143,363	\$ 13,887	\$ -	\$ -	\$ 188,248
		\$ 30,927	\$ 150,580	\$ 110,390	\$ 133,971	\$ 212,182	\$ 687,651

Notes:

- 2005 lost volumes are carried over to 2006, 2009 and 2010 at their fully effective level as presented in the independent third party report
- Each of the distribution rates used to calculate lost revenues in 2009 is a four-weighted (4/12), and eight-weighted (8/12) blend of the 2009 rates.

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Horizon Utilities Corporation
Loss Revenue Adjustment Mechanism
Breakdown of Lost Revenues for the Period January 1 to December 31, 2009

Line No.	Funding Mechanism Program/Rate/Rate Class	2005 Lost Volumes					2009 Lost (A)(X)(C) + (B)(X)(D)
		(A)(RW)	(B)(RW)	(C)(RW)	(D)(RW)	(E)(RW)	
Third Tranche-Funded Programs							
Residential							
1	Cold Water Wash Program	65,083	-	-	-	-	\$ 463
2	Call to Action	64,570	14	-	-	-	\$ 5,916
3	Rebate (EBC) Program	143,882	6	-	-	-	\$ 1,832
4	Energy Audit and Support	1,757,211	59	-	-	-	\$ 22,976
5	Social Housing	2,428,846	82	-	-	-	\$ 30,927
6	Subtotal for Residential Class	-	-	-	-	-	\$ -
7	GS <50 kW	-	-	-	-	-	\$ -
8	GS 50-4,999 kW	-	-	-	-	-	\$ -
9	Subtotal for GS <50 kW Class	-	-	-	-	-	\$ -
10	GS 50-4,999 kW	-	-	-	-	-	\$ -
11	Subtotal for GS 50-4,999 kW	-	-	-	-	-	\$ -
12	GS 50-4,999 kW	-	-	-	-	-	\$ -
13	Subtotal for GS 50-4,999 kW	-	-	-	-	-	\$ -
14	Large Users >5,000 kW	-	-	-	-	-	\$ -
15	Subtotal for Large Users >5,000 kW	-	-	-	-	-	\$ -
	Total for Third Tranche-Funded Programs	2,428,846	82	-	-	-	\$ 30,927
	Total	2,428,846	82	-	-	-	\$ 30,927

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Horizon Utilities Corporation
Breakdown of Lost Revenues for the Period January 1 to December 31, 2009
Lost Volumes and Revenues for 2006 CDM Program Year

Line No.	Billing Mechanism/Program/Rate/Rate Class	2009 Lost Volumes Carried				2009 (b) = (a) x (c) + (b) x (d)
		(a) (kWh)	(b) (kWh)	(c) (kWh)	(d) (kWh)	
1	OPA-Funded Programs					
2	Residential					
3	Summer Savings	566,895	525			\$ 7,218
4	Cost & Hot Service Rebate	566,895	525			\$ 7,218
5	Subtotal for Residential Class	566,895	525			\$ 7,218
6	Total for OPA-Funded Programs	566,895	525			\$ 7,218
7						
8	Third Tranche-Funded Programs					
9	Residential					
10	LED Light Exchange	12,855	-			\$ 160
11	Community Events	17,177,998	64			\$ 22,129
12	Conservation Champions	331,924	16			\$ 4,481
13	Philomont Hamlets	63,546	3			\$ 807
14	Smart Pak	578,513	20			\$ 7,367
15	TAPS	272,685	10			\$ 2,838
16	Residential DR Load Control	485,002	41			\$ 6,176
17	Subtotal for Residential Class	7,144,297	252			\$ 90,971
18	Third Tranche-Funded Programs					
19	Residential					
20	CHL Distribution	179,631	7			\$ 2,287
21	Subtotal for Residential Class	308,932	23			\$ 3,934
22	Unmetered Scattered Load	11,085,013	426			\$ 141,149
23	Subtotal for GS Unmetered Scattered Load	114,812	13			\$ 1,715
24	GS 50-4,999 kW					
25	Power Wise	157,037	23			\$ 1,8109
26	Subtotal for GS 50-4,999 kW	157,037	23			\$ 498
27	Total for Third Tranche-Funded Programs	11,356,862	472			\$ 143,361
	Total	11,923,756	997			\$ 150,580

Notes:
(1) 2006 lost volumes are carried over to 2008, 2009 and 2010 at their fully effective level as presented in the independent third party report.
(2) Each of the distribution rates used to calculate lost revenues in 2009 is a four-twelfths ("4/12") and eight-twelfths ("8/12") blend of the 2009 rates.

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Horizon Utilities Corporation
Breakdown of Lost Revenues for the Period January 1 to December 31, 2009
Lost Volumes and Revenues for 2007 CDM Program Year

Line No.	Billing Mechanism/Program/Rate/Rate Class	2007 Lost Volumes Carried				2009 (b) = (a) x (c) + (b) x (d)
		(a) (kWh)	(b) (kWh)	(c) (kWh)	(d) (kWh)	
1	OPA-Funded Programs					
2	Residential					
3	Summer Savings	200,303	257			\$ 2,596
4	OPA Reimburse Revenues Program	910,802	63			\$ 6,504
5	Residential DR Load Control	3,242,218	106			\$ 66,738
6	Cost & Hot Service Rebate	885,173	591			\$ 11,271
7	Affordable Housing Pilot	193,012	6			\$ 2,458
8	Social Housing Pilot	482,338	37			\$ 6,141
9	Energy Efficiency Assistance for Homes Plus	13,007	1			\$ 167
10	Lead-Service	7,329,441	672			\$ 95,875
11	GS 50-4,999 kW					
12	Residential Class	1,818	1			\$ 0,0127
13	Electricity Retrofit Incentive Program	71,071	26			\$ 1,8109
14	Total for OPA-Funded Programs	7,603,516	1,862			\$ 96,431
15	Third Tranche-Funded Programs					
16	Residential					
17	CHL Distribution	43,690	1			\$ 556
18	Residential DR Load Control	-	-			\$ -
19	Subtotal for Residential Class	43,690	1			\$ 556
20	Unmetered Scattered Load					
21	LED Traffic Lights	-	-			\$ -
22	Subtotal for Unmetered Scattered Load	-	-			\$ -
23	GS 50-4,999 kW					
24	Power Wise	3,122,035	617			\$ 13,403
25	Subtotal for GS 50-4,999 kW	3,122,035	617			\$ 13,403
26	Total for Third Tranche-Funded Programs	3,165,725	618			\$ 13,959
	Total	10,769,241	2,480			\$ 110,390

Notes:
(1) 2007 lost volumes are carried over to 2008, 2009 and 2010 at their fully effective level as presented in the independent third party report.
(2) Each of the distribution rates used to calculate lost revenues in 2009 is a four-twelfths ("4/12") and eight-twelfths ("8/12") blend of the 2009 rates.

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Horizon Utilities Corporation
Breakdown of Lost Revenues for the Period January 1 to December 31, 2009
Lost Revenues and Revenues for 2008 CDM Program Year

Line No.	Existing Mechanism Program/Rate Class	Lost Volume ⁽¹⁾		Distribution Rate ⁽²⁾	Lost Revenues		
		2009 (kWh)	(kWh)		2009 (\$/kWh)	2009 (\$)	
		(a)	(b)	(c)	(d)	(e) = (a) x (c)	(f) = (b) x (c)
OPA-Funded Programs							
1	Residential						
2	Summer Saver/Smart	895,244	239			\$ 7,579	
3	OPA Refrigerator Retirement Program	1,744,372	187			\$ 22,211	
4	Regular (ERC) Program	4,273,140	250			\$ 60,807	
5	Cool Savings Rebate	544,852	599			\$ 12,021	
6	PeakSaver	30,460	2,023			\$ 515	
7	Subtotal for Residential Class	8,100,348	3,298	\$ 0.0127		\$ 103,144	
8	CS <=50 kW						
9	Power Savings Blitz	1,083,507	150	\$ 0.0073		\$ 7,873	
10	Subtotal for CS <=50 kW	1,083,507	150			\$ 7,873	
11	CS 50-4,999 kW						
12	High Performance New Construction	15,310	18			\$ 394	
13	Electricity Incentive Program	756				\$ 16,420	
14	Subtotal for CS 50-4,999 kW	15,310	774	\$ 1.8109		\$ 16,815	
15	CS > 5,000 kW						
16	Electricity Incentive Program		464	\$ 1.0299		\$ 5739	
17	Subtotal for CS > 5,000 kW		464			\$ 5739	
18	Total for OPA-Funded Programs					\$ 133,571	
19	Total	9,190,165	4,686			\$ 133,571	

Notes:
 (1) 2008 lost volumes are carried over to 2008, 2009 and 2010 at their fully effective level as presented in the independent third party report.
 (2) 2008 ERIP OPA Final report has not distinguished between CS 50-4,999 and Large Users, weighted average has been applied in calculation.
 (3) Each of the distribution rates used to calculate lost revenues in 2009 is a four-twelfths (4/12) and eight-twelfths (8/12) blend of the 2009 rates.

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Horizon Utilities Corporation
Breakdown of Lost Revenues for the Period January 1 to December 31, 2009
Lost Revenues and Revenues for 2009 CDM Program Year

Line No.	Existing Mechanism Program/Rate Class	Lost Volume ⁽¹⁾		Distribution Rate ⁽²⁾	Lost Revenues		
		2009 (kWh)	(kWh)		2009 (\$/kWh)	2009 (\$)	
		(a)	(b)	(c)	(d)	(e) = (a) x (c)	(f) = (b) x (c)
OPA-Funded Programs							
1	Residential						
2	Summer Saver/Smart	2,223,776	332			\$ 28,316	
3	OPA Refrigerator Retirement Program	2,022,939	265			\$ 25,759	
4	Regular (ERC) Program	1,163,770	766			\$ 14,814	
5	Cool Savings Rebate	1,021	1,651			\$ 30	
6	PeakSaver	3,413,126	2,995	\$ 0.0127		\$ 68,927	
7	Subtotal for Residential Class						
8	CS <=50 kW						
9	Power Savings Blitz	8,586,070	2,201	\$ 0.0073		\$ 62,592	
10	Subtotal for CS <=50 kW	8,586,070	2,201			\$ 62,592	
11	CS 50-4,999 kW						
12	High Performance New Construction	446,324	181			\$ 3,088	
13	Electricity Incentive Program	15,227				\$ 76,649	
14	Subtotal for CS 50-4,999 kW	446,324	179	\$ 1.8109		\$ 80,647	
15	CS > 5,000 kW						
16	Electricity Incentive Program		20	\$ 1.0299		\$ 246	
17	Subtotal for CS > 5,000 kW		20			\$ 246	
18	Total for OPA-Funded Programs					\$ 212,182	
19	Total	14,415,522	8,885			\$ 212,182	

Notes:
 (1) 2009 lost volumes are carried over to 2010 at their fully effective level as presented in the independent third party report.
 (2) 2009 ERIP OPA Final report has not distinguished between CS 50-4,999 and Large Users, weighted average has been applied in calculation.
 (3) Each of the distribution rates used to calculate lost revenues in 2009 is a four-twelfths (4/12) and eight-twelfths (8/12) blend of the 2009 rates.

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Horizon Utilities Corporation Loss Revenue Adjustment Mechanism Breakdown of Loss Revenues for the Period January 1 to December 31, 2010

Line No.	Rate Class	Amounts by CDM Program Year					2010 Total Loss Revenues	
		2008 ⁽¹⁾	2009 ⁽²⁾	2010 ⁽³⁾	2009 ⁽⁴⁾	2010 ⁽⁵⁾		
All Programs								
1	Residential	\$ 30,846	\$ 143,979	\$ 86,179	\$ 102,874	\$ 67,681	\$ 55,190	\$ 590,572
2	GS <50 kW	\$ -	\$ -	\$ -	\$ 7,234	\$ 62,678	\$ 56,263	\$ 106,166
3	GS 50-4,999 kW	\$ -	\$ 498	\$ 13,948	\$ 16,431	\$ 8,670	\$ 5,002	\$ 165,650
4	Large Users >5,000 kW	\$ -	\$ -	\$ -	\$ 3716	\$ 245	\$ 691	\$ 6,652
5	Unmetered Scattered Load	\$ -	\$ 1,722	\$ -	\$ -	\$ -	\$ -	\$ 1,722
6	Grand Total	\$ 30,846	\$ 145,199	\$ 100,147	\$ 132,246	\$ 310,275	\$ 146,229	\$ 788,942
Breakdown of Totals by Source of Funding								
7	Residential	\$ 7,200	\$ 39,024	\$ 102,874	\$ 67,681	\$ 35,192	\$ 38,571	\$ 385,711
8	GS <50 kW	\$ -	\$ -	\$ 7,234	\$ 62,678	\$ 56,263	\$ 106,166	\$ 106,166
9	GS 50-4,999 kW	\$ -	\$ 750	\$ 16,431	\$ 8,670	\$ 5,002	\$ 15,174	\$ 15,174
10	Large Users >5,000 kW	\$ -	\$ -	\$ 3,716	\$ 245	\$ 691	\$ 6,652	\$ 6,652
11	Total for OPA-Funded Programs	\$ 7,200	\$ 39,800	\$ 132,246	\$ 310,275	\$ 146,229	\$ 590,129	\$ 590,129
Third Tranche-Funded Programs								
12	Residential	\$ 20,646	\$ 143,780	\$ 955	\$ -	\$ -	\$ -	\$ 172,181
13	GS <50 kW	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
14	GS 50-4,999 kW	\$ -	\$ 486	\$ 13,412	\$ -	\$ -	\$ -	\$ 13,900
15	Large Users >5,000 kW	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
16	Unmetered Scattered Load	\$ -	\$ 1,722	\$ -	\$ -	\$ -	\$ -	\$ 1,722
17	Total for Third Tranche-Funded Programs	\$ 20,646	\$ 145,988	\$ 13,417	\$ -	\$ -	\$ -	\$ 187,803
Grand Total								
18		\$ 30,846	\$ 145,199	\$ 113,147	\$ 132,246	\$ 310,275	\$ 146,229	\$ 788,942

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Horizon Utilities Corporation Breakdown of Loss Revenues for the Period January 1 to December 31, 2010 Loss Revenues and Revenues for 2005 CDM Program Year

Line No.	Fundraising Mechanism/Program/Rate/Rate Class	2005 Lost Revenues Carried Over to Year ⁽¹⁾					Distribution Rates ⁽²⁾				
		2010 (AW)	(B)	(C)	(D)	(E)	2010 ⁽⁴⁾ (9KW/h)	(8KW)	(6) (10) (1)	(7)	(8)
Third Tranche-Funded Programs											
1	Residential	61,883	4								
2	Call to Action	464,570	14								
3	Rebate (BFC) Program	141,982	6								
4	Energy Audit and Support	4,257,311	59								
5	Social Housing	2,435,846	93								
6	Subsidy for Residential Class										
7	GS <50 kW										
8	Subsidy for GS <50 kW Class										
9	Subsidy for GS 50-4,999 kW										
10	Large Users >5,000 kW										
11	Subsidy for Large Users >5,000 kW										
12	Total for Third Tranche-Funded Programs	2,428,346	83								
13	Total	2,428,346	83								

Notes:
 (1) 2005 lost revenues are carried over 2008, 2009 and 2010 at their fully effective levels as presented in the independent third party report.
 (2) Each of the distribution rates need to calculate lost revenues in 2010 is a four-twelfths (2/12th) and eight-twelfths (8/12th) of the 2010 rates.

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Horizon Utilities Corporation
Breakdown of Lost Revenues for the Period January 1 to December 31, 2010
Lost Volumes and Revenues for 2010 CDM Program Year

Line No.	Funding Mechanism/Program/Rate/Rate Class	2010 Lost Volumes Cancelled Over to Year ⁽¹⁾		Distribution Rate ⁽²⁾		2010 Lost Revenues	
		(a) (kW)	(b) (kW)	(c) (\$/kW)	(d) (\$/kW)	(e) = (a) x (c)	(f) = (b) x (d)
1	OPA-Funded Programs						
2	Residential						
3	Summer Savings	566,895	525			\$ 7,200	
4	Cool & Hot Savings Rebate						
5	Subtotal for Residential Class	566,895	525	\$ 0.0127		\$ 7,200	
6	Total for OPA-Funded Programs	566,895	525			\$ 7,200	
8	Third Tranche-Funded Programs						
9	Residential						
10	LED Light Exchange	12,555				\$ 159	
11	Community Events	1,377,998	64			\$ 22,071	
12	Conservation Checks	351,024	16			\$ 4,469	
13	Billings	63,346	3			\$ 94	
14	Environment in Hamilton	578,433	20			\$ 7,347	
15	Smart Pak	222,883	10			\$ 2,831	
16	TAPPS	485,002	41			\$ 6,160	
17	Router (RKC) Program	7,144,297	252			\$ 90,733	
18	Residential DR Load Control	179,631	7			\$ 2,281	
19	Residential Energy Audit	38,575	2			\$ 252	
20	Social Housing	11,085,035	456			\$ 143,792	
21	Unmetered Scattered Load			\$ 0.0127		\$ 5,812	
22	Subtotal for GS Unmetered Scattered Load	11,443,122	13	\$ 0.0150		\$ 1,722	
23	GS \$64,999 kW						
24	Power Wise	157,037	23			\$ 498	
25	Subtotal for GS \$64,999 kW	157,037	23			\$ 498	
26	Total for Third Tranche-Funded Programs	11,356,862	472			\$ 143,000	
27	Total	11,923,756	997			\$ 150,199	

Notes:
(1) 2010 lost volumes are carried over to 2009, 2009 and 2010 at their fully effective level as presented in the independent third party report.
(2) Each of the distribution rates used to calculate lost revenues in 2010 is a four-twelfths ("4/12") and eight-twelfths ("8/12") blend of the 2010 rates.

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Horizon Utilities Corporation
Breakdown of Lost Revenues for the Period January 1 to December 31, 2010
Lost Volumes and Revenues for 2007 CDM Program Year

Line No.	Funding Mechanism/Program/Rate/Rate Class	2010 Lost Volumes Cancelled Over to Year ⁽¹⁾		Distribution Rate ⁽²⁾		2010 Lost Revenues	
		(a) (kW)	(b) (kW)	(c) (\$/kW)	(d) (\$/kW)	(e) = (a) x (c)	(f) = (b) x (d)
1	OPA-Funded Programs						
2	Residential						
3	Summer Savings	203,893	257			\$ 2,589	
4	OPA Refrigerator Retirement Program	510,802	65			\$ 6,487	
5	Router (RKC) Program	5,241,218	186			\$ 66,363	
6	Cool & Hot Savings Rebate	885,173	591			\$ 11,242	
7	Affordable Housing Pilot	193,012	6			\$ 2,451	
8	Social Housing	482,258	97			\$ 6,125	
9	Energy Efficiency Assistance for Homes Plus	15,087	1			\$ 166	
10	PackServer		672			\$ 8,561	
11	Subtotal for Residential Class	7,329,443	1,356	\$ 0.0127		\$ 97,631	
12	GS \$64,999 kW						
13	Electricity Retrofit Incentive Program	71,073	26			\$ 1,821	
14	Total for OPA-Funded Programs	7,400,516	1,382			\$ 99,452	
15	Third Tranche-Funded Programs						
16	Residential						
17	CHL Distribution	43,690	1			\$ 555	
18	Residential DR Load Control						
19	Subtotal for Residential Class	43,690	1	\$ 0.0127		\$ 555	
20	Unmetered Scattered Load						
21	LED Traffic Lights						
22	Subtotal for Unmetered Scattered Load						
23	GS \$64,999 kW						
24	Power Wise	3,172,035	617			\$ 12,412	
25	Subtotal for GS \$64,999 kW	3,172,035	617			\$ 12,412	
26	Total for Third Tranche-Funded Programs	3,165,725	618			\$ 13,967	
	Total	10,766,241	2,480			\$ 113,419	

Notes:
(1) 2007 lost volumes are carried over to 2008, 2009 and 2010 at their fully effective level as presented in the independent third party report.
(2) Each of the distribution rates used to calculate lost revenues in 2010 is a four-twelfths ("4/12") and eight-twelfths ("8/12") blend of the 2010 rates.

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Horizon Utilities Corporation
Breakdown of Lost Revenues for the Period January 1 to December 31, 2010
Lost Volumes and Revenues for 2008 CDM Program Year

Line No.	Handling Mechanism/Program/Rate Class	2008 Lost Volumes Carried Over to Year ⁽¹⁾		Distribution Rates ⁽²⁾		Lost Revenues	
		(A)Wb	(B) KW	2010 (A)Wb	(B) KW	2010 (C)	(D)
		(a)	(b)	(c)	(d)	(e) = (a) x (c)	(f) = (b) x (d)
OPA-Funded Programs							
1	Residential						
2	Summer Sweeps/Rebate	585,244	239			\$ 7,160	
3	OPA Refrigerator Refinement Program	1,744,372	187			\$ 22,133	
4	Refrigerator (RKC) Program	4,775,440	250			\$ 60,648	
5	Cool Savings Rebate	944,852	599			\$ 12,800	
6	Peak Saver	40,660	2,021			\$ 514	
7	Subtotal for Residential Class	8,106,348	3,298		\$ 0.0127	\$ 102,874	
8	GS <=50 kW						
9	Power Savings Blitz	889,659	137		\$ 0.0073	\$ 7,224	
10	Subtotal for GS <=50 kW	889,659	137			\$ 7,224	
11	GS 50-4,999 kW						
12	High Performance New Construction	15,310	18				
13	Electricity Retrofit Incentive Program				\$ 1.8121	\$ 16,431	
14	Subtotal for GS 50-4,999 kW	15,310	796			\$ 16,431	
15	GS >=5,000 kW						
16	Electricity Retrofit Incentive Program				\$ 1.0258	\$ 5,716	
17	Subtotal for GS >=5,000 kW		464			\$ 5,716	
18			464				
19	Total for OPA-Funded Programs	9,105,267	4,673			\$ 132,246	
	Total	9,105,267	4,673			\$ 132,246	

Notes:
 (1) 2008 lost volumes are carried over to 2008, 2009 and 2010 at their fully effective level as presented in the independent third party report.
 (2) 2008 ERIP OPA Final report has not distinguished between GS 50-4,999 and Large Users, weighted average has been applied in calculation.
 (3) Each of the distribution rates used to calculate lost revenues in 2010 is a four-twelfths ("2/12") and eight-twelfths ("8/12") blend of the 2010 rates.

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Horizon Utilities Corporation
Breakdown of Lost Revenues for the Period January 1 to December 31, 2010
Lost Volumes and Revenues for 2009 CDM Program Year

Line No.	Handling Mechanism/Program/Rate Class	2009 Lost Volumes Carried Over to Year ⁽¹⁾		Distribution Rates ⁽²⁾		Lost Revenues	
		(A)Wb	(B) KW	2010 (A)Wb	(B) KW	2010 (C)	(D)
		(a)	(b)	(c)	(d)	(e) = (a) x (c)	(f) = (b) x (d)
OPA-Funded Programs							
1	Residential						
2	Summer Sweeps/Rebate						
3	OPA Refrigerator Refinement Program	2,223,776	332			\$ 28,242	
4	Refrigerator (RKC) Program	1,978,996	201			\$ 24,625	
5	Cool Savings Rebate	1,463,779	766			\$ 14,775	
6	Peak Saver	3,033	1,651			\$ 30	
7	Subtotal for Residential Class	5,129,185	2,951		\$ 0.0127	\$ 67,681	
8	GS <=50 kW						
9	Power Savings Blitz	8,586,070	2,201		\$ 0.0073	\$ 62,678	
10	Subtotal for GS <=50 kW	8,586,070	2,201			\$ 62,678	
11	GS 50-4,999 kW						
12	High Performance New Construction	416,324	183			\$ 3,971	
13	Electricity Retrofit Incentive Program				\$ 1.8121	\$ 76,690	
14	Subtotal for GS 50-4,999 kW	416,324	3,710			\$ 80,670	
15	GS >=5,000 kW						
16	Electricity Retrofit Incentive Program				\$ 1.0258	\$ 245	
17	Subtotal for GS >=5,000 kW		20			\$ 245	
18			20				
19	Total for OPA-Funded Programs	14,331,579	3,882			\$ 311,275	
	Total	14,331,579	3,882			\$ 311,275	

Notes:
 (1) 2009 lost volumes are carried over to 2010 at their fully effective level as presented in the independent third party report.
 (2) 2009 ERIP OPA Final report has not distinguished between GS 50-4,999 and Large Users, weighted average has been applied in calculation.
 (3) Each of the distribution rates used to calculate lost revenues in 2010 is a four-twelfths ("2/12") and eight-twelfths ("8/12") blend of the 2010 rates.

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Appendix A - 16

Horizon Utilities Corporation
 Breakdown of Lost Revenues for the Period January 1 to December 31, 2010
 Lost Revenues and Revenues for 2010 CDM Program Year

Line No.	Fundraising Mechanism/Program/Rate Class	2010 Lost Revenues Carried Over to Year ⁽¹⁾		Distribution Rates ⁽²⁾		Lost Revenues	
		2010 (\$/Wh)	(b) (\$/Wh)	2010 (\$/kWh)	(d) (\$/kWh)	2010 (\$)	(f) (\$)
1	OPA-Funded Programs						
2	Recessional						
3	Summer Sweptables						
4	OPA Refrigerator Retirement Program	1,910,241	292			\$	\$
5	Refrigerator (ERC) Program	791,475	70			\$	\$ 24,374
6	Cool Storage Rebate	1,630,283	1,084			\$	\$ 10,052
7	Peak Saver	4,859	1,231			\$	\$ 20,705
8	Subtotal for Residential Class	4,345,857	3,677	\$ 0.027		\$	\$ 62
9	CS <=50 kW						\$ 53,192
10	Power Storage Rate	4,962,579	1,621	\$ 0.0073		\$	\$ 36,263
11	Subtotal for CS <=50 kW	4,962,579	1,621			\$	\$ 36,263
12	CS 50-3,000 kW						
13	High Performance New Construction	1,044,578	524			\$	\$ 11,393
14	Minimum Energy Efficiency Rebates	2,071,092	175			\$	\$ 3,816
15	Electricity Rebate Incentive Program		1,788		\$ 1.8121	\$	\$ 38,873
16	Subtotal for CS 50-3,000 kW	3,265,670	2,487			\$	\$ 54,082
17	CS >3,000 kW						
18	Electricity Rebate Incentive Program		56		\$ 1.0258	\$	\$ 691
19	Subtotal for CS >3,000 kW		56			\$	\$ 691
20	Total for OPA-Funded Programs	12,570,667	6,842				\$ 146,279
	Total	12,570,667	6,842				\$ 146,279

Notes:
 (1) Each of the distribution rates used to calculate lost revenues in 2010 is a four-twelfths ("4/12") and eight-twelfths ("8/12") blend of the 2010 rates.
 (2) 2010 ERIP weighted average has been applied in calculation using 2010 Final OPA report.

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Horizon Utilities Corporation
 2012 EDR Application
 EB-2011-0172
 Filed October 12, 2012

Appendix B

See Line Group Ltd. Report

Establishing that there were no errors in CDM Programs reporting prior to the employment of Brad Gallant as manager of CDM Program.

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Independent Third Party Review

OF

Horizon Utilities 2005 to 2007 Third Tranche Conservation and Demand Management (CDM) Savings Attributable to its 2012 Lost Revenue Adjustment Claim

Prepared By:
SeeLine Group Ltd.
416-703-8895

August 18, 2011

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3.0 Findings from the Review of Savings Material to Proposed LRAM Claim	4
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3.0 Findings from the Review of Savings Material to Proposed LRAM Claim

SeelLine closely examined the annual savings included in Horizon's 2012 LRAM claim and identified tripits requiring an update based on revised OPA measure assumptions. These updates are highlighted in the report/Appendices.

3.1 Demand and Energy Savings

The following tables provide a summary of Horizon's fully effective net savings by rate class.

Table 1 – Summary of Horizon's 2006 Fully Effective Net Savings as Verified by SeelLine

Rate Class	kW Savings	kWh Savings
Residential	82.55	2,428,345
Total	82.55	2,428,345

Table 2 – Summary of Horizon's 2006 Fully Effective Net Savings as Verified by SeelLine

Rate Class	kW Savings	kWh Savings*
Residential	436.05	11,085,013
GS 50 - 499 kW	22.90	157,037
Scattered Load	13.10	114,812
Total	472.05	11,356,861

Table 3 – Summary of Horizon's 2007 Fully Effective Net Savings as Verified by SeelLine

Rate Class	kW Savings	kWh Savings
Residential	1.38	43,690
GS 50 - 499 kW	616.77	3,122,055
Scattered Load	0.00	0.00
Total	618.15	3,165,725

* EIOD.



4.0 Conclusions

With the OPA now facilitating the majority of CDM funding in Ontario and third tranche program delivery complete, no further evaluation efforts or program enhancements are required. SeelLine concludes that the savings claims included in this review are in accordance with the Board's CDM Guidelines.

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APPENDIX A – 2005 Detailed Program Results

2005 Third Tranche Program Results										
Program/Measure	Participants	Unit kW Assumption	Unit kWh Assumption	Equipment Life	Free Ridership	Total Annual Gross kWh	Total Annual Net kWh	Total Annual kWh	Source of Assumptions	
RESIDENTIAL										
Cold Water Wash Program										
Call to Action Contest:	484	n/a	n/a	n/a	10%	n/a	n/a	n/a	No equivalent OPA measure assumption	
		0.001	48.3	5.0	10%	27,793	0.79	25,013	Updated OPA Measure List (as of April 06, 2011)	
LED Night Lights	300	n/a	n/a	n/a	10%	n/a	n/a	n/a	No equivalent OPA measure assumption	
Efficient Showerheads	102	0.028	377.0	10.0	1%	3,384.54	3	36,059	Updated OPA Measure List (as of April 06, 2011)	
Total Call to Action Program						4	66,247	4	62,083	
Retailer (EKC) Programs:										
						15	486,083	13.24	419,475	Updated OPA Measure List (as of April 06, 2011)
Seasonal LED -50% 6 WATT Christmas Lights C-7 (25 Lights)	1,879	0.000	13.86	5.0	5%	22,027		20,928	No equivalent OPA measure assumption	

Horizon Utilities Corporation – 3rd Party Review

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Program/Measure	Participants	Unit kWh Assumption	Unit kWh Assumption	Equipment Life	Free Ridership	Total Annual Gross kWh	Total Annual Net kWh	Total Annual kWh	Source of Assumptions	
Seasonal LED -50% 6 WATT Christmas Lights (non lights)	1,879	0.000	5.0	5.0	5%				Updated OPA Measure List (as of April 06, 2011)	
Prog: T-Stats Heating, Single Family Detached)	186	n/a	n/a	n/a	10%	n/a	n/a	n/a	No equivalent OPA measure assumption	
Prog: T-Stats (Cooling, Single Family Detached)	510	n/a	n/a	n/a	10%	n/a	n/a	n/a	Updated OPA Measure List (as of April 06, 2011)	
Timer - Outdoor Light	233	0.000	20.2	10.0	10%				Updated OPA Measure List (as of April 06, 2011)	
Timer - Indoor - Light	53	0.002	64.4	10.0					No equivalent OPA measure assumption	
Timer - Indoor - A/C Conditioners	53	n/a	n/a	n/a	10%				Updated OPA Measure List (as of April 06, 2011)	
Ceiling Fans	201	0.0038	122.6	10.0	10%				No equivalent OPA measure assumption	
EnerSuite for Existing Homes - Space Heating	1	n/a	n/a	n/a					Updated OPA Measure List (as of April 06, 2011)	
Total Retailer (EKC) Program						16	588,749	14	464,570	
Energy Audit and Support Program:										
						6	150,640	5.92	143,662	Updated OPA Measure List (as of April 06, 2011)
CFE-23W (60W)	3,120	0.002	51.2	5.0	10%				No equivalent OPA measure assumption	
LED Night Lights	1,950	n/a	n/a	n/a	10%				Updated OPA Measure List (as of April 06, 2011)	
Total Energy Audit and Support Program						6	150,640	6	143,662	

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Program/Measure	Participants	Unit kW Assumption	Units kWh Assumption	Equipment Life	Free Ridership	Total Annual Gross kW	Total Annual Gross kWh	Total Annual Net kWh	Source of Input Assumptions
Social Housing Programs:									
CFL-13W (80W)	25,104	0.001	46.3	8.0	1%	41	1,301,809	49,68	Updated OPA Measure List (as of April 06, 2011)
CFL-23W (80W)	8,236	0.002	51.2	8.0	1%	18	472,253	18,39	Updated OPA Measure List (as of April 06, 2011)
Water Dams	825	n/a	n/a	n/a	n/a	0	0	0	No equivalent OPA measure assumption.
Restrictors	450	n/a	n/a	n/a	n/a	0	0	0	No equivalent OPA measure assumption.
Total Social Housing Program						60	1,774,061	59	1,727,311
Total Residential						85	2,529,926	83	2,448,846
Total 2006 Savings (Final Tranche)						85	2,529,926	83	2,448,846

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APPENDIX B – 2006 Detailed Program Results

2006 Third Tranche Program Results									
Program/Measure	Participants	Unit kW Assumption	Units kWh Assumption	Equipment Life	Free Ridership	Total Annual Gross kW	Total Annual Gross kWh	Total Annual Net kWh	Source of Input Assumptions
RESIDENTIAL									
LED Light Exchange:									
Seasonal LED - 6 WATT Christmas Lights C-725 Lights	1,000	0.000	13.65	6.0	10%		13,650	12,555	Updated OPA Measure List (as of April 06, 2011)
Community Events:									
CFL-13W (80W)	36,792	0.001	46.3	8.0	10%	59,350	1,704,432	45,42	Updated OPA Measure List (as of April 06, 2011)
Efficient Showers	801	0.029	377.0	10.0	10%	17,556	256,577	15,79	Updated OPA Measure List (as of April 06, 2011)
Conservation Champs						71,35	1,951,009	64,22	Updated OPA Measure List (as of April 06, 2011)
Total Community Events Program									
CFL-13W (80W)	6,000	0.001	46.3	8.0	10%	9,77	277,627	7,60	Updated OPA Measure List (as of April 06, 2011)
Efficient Showers	300	0.029	377.0	10.0	10%	8,76	113,100	7,88	Updated OPA Measure List (as of April 06, 2011)
Conservation Champs Program						17,83	397,027	15,78	Updated OPA Measure List (as of April 06, 2011)
Total Conservation Champs Program									

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ERIP	Updated OPA Measure List (as of April 06, 2011)	Updated OPA Measure List (as of April 06, 2011)	Updated OPA Measure List (as of April 06, 2011)	Updated OPA Measure List (as of April 06, 2011)	Updated OPA Measure List (as of April 06, 2011)	Updated OPA Measure List (as of April 06, 2011)	Updated OPA Measure List (as of April 06, 2011)	Updated OPA Measure List (as of April 06, 2011)	Updated OPA Measure List (as of April 06, 2011)
CFL-13W (60W)	1,050	1,58	8.0	46.3	0.001	1.42	45,024		
Efficient Showers	64	1.58	10.0	377.0	0.003	1.42	18,322		
Total Efficient Program Environment Hamilton		3.16		76,385		2.84	63,346		
CFL-13W (60W)	12,850	18.50	8.0	46.3	0.001	16.92	536,121		
Efficient Showers	125	3.85	10.0	377.0	0.003	3.29	42,413		
Total Efficient Program Smart Pak		22.45		842,814		20.21	578,533		
CFL-13W (60W)	3,600	5.56	8.0	46.3	0.001	5.00	108,418		
Efficient Showers	140	5.55	10.0	377.0	0.003	4.86	64,467		
Total Smart Pak Program		11.10		247,650		9.86	222,885		

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CFL-13W (60W)	8,218	10.11	8.0	46.3	0.001	9.10	288,321		
Paving # of 36 lengths	642	2.16	15.0	11,742	0.0070	2.14	11,625		
Arcaster	128	17.72	10.0	178.3	0.014	17.64	227,469		
Shower-Heads	785	11.07	10.0	377.0	0.002	10.66	141,454		
Total TAPS Program		47.90		489,991		41.48	485,002		
Retailer (ERC) Program (Bidding Campaign)									
CFL	57,236	57.24	8.0	46.3	0.001	51.81	2,389,013		
Ceiling Fan	916	3.48	10.0	122.6	0.083	3	101,278		
Timer	1,350	n/a	n/a	n/a	n/a	n/a	n/a		
Programmable Thermostat	872	153.47	11.0	2,511.0	0.176	138.12	1,688,106		

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Program/Measure	Participants	Unit kW Assumption	Unit kWh Assumption	Equipment Life	Free Rider/ship	Total Annual Gross kW	Total Annual Net kW	Total Annual Net kWh	Source of Input Assumptions
2007 Third Tranche Program Results									
RESIDENTIAL									
CFL Distribution	1,045	0.001	46.3	5.0	10%	7.53	48,545	7.38	43,690
Residential Load Control Program	191	n/a	n/a	n/a	10%	n/a	n/a	n/a	Upcasted OPA Measure List (as of April 06, 2011)
Residential Load Programmable Thermostats	191	n/a	n/a	n/a	10%	n/a	n/a	n/a	No equivalent OPA measure assumption
Total Residential Program						1.53	48,545	7.38	No equivalent OPA measure assumption
Total Residential						1.53	48,545	7.38	No equivalent OPA measure assumption
65.50 - 499 kW									
Leveraging Conservation and/or Load Management Program									Project Application
Business Program - Project 1	1	24.00	n/a	n/a	30%	34.00	n/a	19.80	Project Application
Business Program - Project 2	1	75.40	n/a	n/a	30%	75.40	n/a	52.78	Project Application
Business Program - Project 3	1	340.00	3,204.518	n/a	30%	340.00	\$,204,518	238.00	Project Application

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APPENDIX C – 2007 Detailed Program Results

Program/Measure	Participants	Unit kW Assumption	Unit kWh Assumption	Equipment Life	Free Rider/ship	Total Annual Gross kW	Total Annual Net kW	Total Annual Net kWh	Source of Input Assumptions
2007 Third Tranche Program Results									
RESIDENTIAL									
CFL Distribution	1,045	0.001	46.3	5.0	10%	7.53	48,545	7.38	Upcasted OPA Measure List (as of April 06, 2011)
Residential Load Control Program	191	n/a	n/a	n/a	10%	n/a	n/a	n/a	No equivalent OPA measure assumption
Residential Load Programmable Thermostats	191	n/a	n/a	n/a	10%	n/a	n/a	n/a	No equivalent OPA measure assumption
Total Residential Program						1.53	48,545	7.38	No equivalent OPA measure assumption
Total Residential						1.53	48,545	7.38	No equivalent OPA measure assumption
65.50 - 499 kW									
Leveraging Conservation and/or Load Management Program									Project Application
Business Program - Project 1	1	24.00	n/a	n/a	30%	34.00	n/a	19.80	Project Application
Business Program - Project 2	1	75.40	n/a	n/a	30%	75.40	n/a	52.78	Project Application
Business Program - Project 3	1	340.00	3,204.518	n/a	30%	340.00	\$,204,518	238.00	Project Application

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Powerline Business Program - Project 4	1	38.30	n/a	38.30	n/a	26.81	n/a	Project Application
Powerline Business Program - Project 5	1	48.00	131,770	48.00	131,770	32.20	92,239	Project Application
Powerline Business Program - Project 6	1	50.20	n/a	50.20	n/a	35.14	n/a	Project Application
Powerline Business Program - Project 7	1	37.20	148,800	37.20	148,800	26.04	104,160	Project Application
Powerline Business Program - Project 8	1	270.00	974,982	270.00	974,982	199.00	632,473	Project Application
Total GS 50 - 69 MW				891.10	4,469,950	616.77	3,123,655	
SCATTERED LOAD								
LED Traffic Lights		n/a	n/a	n/a	n/a	n/a	n/a	No equivalent OPA measure assumption
LED Traffic Lights Total Scattered Load		413	n/a	n/a	n/a	n/a	n/a	n/a
Total O07 Savings (Three Tranche)				892.53	48,545	618.15	45,590	

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Horizon Utilities Corporation
 Environmental
 2011 E-2011-0177
 Filed October 12, 2012

Appendix C

OPA 2006-2009 Final CDM Program Results

This is an email the Ontario Power Authority summarizing their audit of all utilities for each program delivered the for the period 2006-2009. Audits were lead by the OPA, an done after new programs were implemented. Only then did Utilities provide information for a provincial audit.

Allen Fogwill, senior manager at OEB at the time, found it odd that Horizon did its own audit at own initiative instead of following OEB Lead.

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ALLAN FOGWILL LINKEDIN PROFILE



Allan Fogwill
President & CEO at Canadian Energy Research Institute

President & CEO
Canadian Energy Research Institute
Nov 2014 – Present · 5 yrs
Calgary, Alberta, Canada

CER's mission is to produce high quality economic research on energy and related environmental issues in order to assist government, public and business organizations in Canada and abroad.

Principal Consultant
Energy Regulation Services
Jan 2014 – Nov 2014 · 11 mos
Markham

Provided consulting services to the utility sector, including

- rate case development and witness training
- stakeholder engagement
- project justification and cost benefit analysis... See more

Ontario Energy Board
9 yrs 5 mos

Managing Director, Planning & Business Services
Nov 2008 – Jan 2014 · 5 yrs 3 mos
Toronto, Ontario

- Reported to the COO, staff of 24, budget of \$4 million
- Developed the corporate budget of \$34 million and consistently generated budget surplus of over 5% using effective financial management.
- Improved organizational performance by implementing a business plan balanced score... See more

Director, Applications
Sep 2004 – Nov 2008 · 4 yrs 3 mos
Toronto, Ontario

- Reported to the Managing Director, Market Operations, staff of 38, budget of \$3.5 million
- Effective management during the tripling of the volume of work and staff including process re-engineering and the introduction of a market facilitation market environment policy.

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COMMUNICATION WITH ALLAN FOGWILL

Allan Fogwill • 6:27 PM

Interesting. Knowing a lot about the process, they may have deferred to the OPA to ensure general application to the sector.

Brad Gallant • 7:26 PM

I was surprised to see a unique application on conservation programs mid program that found issues with only the program I ran. In HRTQ testimony they said it was normal course of business where I do not see it as such. Additionally, the end of the documents said there were errors in the numbers Horizon presented (p 63-67) with the firm providing that there were errors being the same firm providing the original Horizon numbers. So if they did not accept fault for the wrong numbers the conclusion is that I was the source of the overreporting.

Allan Fogwill • Aug 8

You: Hey Allan, FYI, I am looking at filing a retaliation...

...

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From: James Yue [mailto:James.Yue@ontariohydro.com] Sent: December 3, 2010 8:52 PM To: Smith, Brian Cc: Campbell, Eileen; Bedhari, Sunil; Raegan Bond Subject: 2008-2009 Final OPA CDM Results - Horizon Utilities Corporation



December 1, 2010

Re: Estimated allocation of 2008-2009 provincial conservation results to Local Distribution Company service territories - update to August 2010 report

Dear Brian:

The Ontario Power Authority (OPA) is pleased to provide the enclosed report as an update to the Conservation and Demand Management (CDM) Program Results Data report which was distributed to LDCs on Friday August 13, 2010.

About this report

The report provides an estimated allocation of OPA-fundable conservation program results for each LDC's service territory, from 2006, 2007, 2008 and 2009 programs. These updates have been made to the report circulated in August:

- Preliminary results for 2009 programs have been replaced with final results of OPA's 2009 conservation programs now that the evaluation process is complete
- Statistics from the recently published 2009 Ontario Energy Board (OEB) Yearbook of Electricity Distributors have been used for allocation of 2009 provincial results.
- Revisions/Corrections to previous reports:
 - o 2007 Cool Savings

1. The results from this initiative have been adjusted to only include savings implemented in the 2007 calendar year. The results shown in the previous file were based on program year (2007 Hot/Cool Savings Program ran from October 2006 to March 2008) which was consistent with OPA's published 2007 Conservation Results Report. Savings from measures implemented in October to December 2006 have been moved to "2006 Hot Savings". Savings from measures implemented in January to March 2008 have been removed from 2007 Cool Savings, but have not been added to 2008 Cool Savings as they had already been accounted for in the 2008 results.

- = 2008 Toronto Hydro (Business Incentive Program) and 2008 LDC Custom – Hydro One Networks – Double Return

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The OPA provides no guidance for LRAM calculations. OEB could offer

Advice for recalculation of LRAM.

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1. Errors in the results of these two initiatives were identified after the issuance of the 2008 final results report last year; an adjustment has been included in this report to correct the errors.

- o 2008 and 2009 Demand Response 3 (DR3)

1. The reporting methodology for Demand Response (DR) has been revised such that all DR resources are shown to have a persistence (or useful life) of only 1 year. Previously DR3 was reported with an estimated useful life of 3 years (i.e. the contract period). This revision was done to better reflect the fact that DR resources must be 'purchased' each year (versus energy efficiency measures where there is generally a one time upfront payment and savings accrue over time). As a result of this adjustment, the Annual Savings shown for a given program year for DR3 resources represent the *total capacity under contract* (compared to previous reports, which only showed the differential in contracted capacity between the current program year and the contracted capacity in the previous year).

All results presented herein are considered final

The results provided in the enclosed report are in accordance with OPA practices and policies for reporting progress against the provincial conservation goals as of September 2010. DR initiatives, for example, have been reported based on the total DR resources that were available (based on contracted nameplate capacity) rather than the actual demand reduction which occurred at the one-hour system peak in a given year. Additionally, customer based generation resources shown for the Renewable Energy Standard Offer Program and Other Customer Based Generation are based on total contracts signed in each year, rather than in-service date.

The OPA welcomes inquiries regarding the determination of these province-wide CDM program results and/or allocation of these results to individual LDC territories. However the OPA is unable to provide any technical or regulatory advice to LDCs regarding specific treatment of these OPA-fundable CDM program savings for the purposes of Lost Revenue Adjustment Mechanism or other filings to the OEB. Such inquiries should be directed to the OEB.

Allocation methodologies

As described in the memo that was originally distributed to LDCs on July 3, 2009, the OPA has used four distinct methodologies to estimate the allocation of provincial savings to individual LDC service territories, depending on the conservation program type:

- 1) LDC delivered programs: Savings were allocated based on participation data that was tracked by individual LDCs.

Third-party (non-LDC) delivered programs:

- 2) Where geographic participant data was readily available, savings were allocated to corresponding LDC territory.

- 3) Where geographic participation was not readily available, savings were allocated based on each LDC's share of the provincial energy consumption for the customer class targeted by the program, based on data from the Ontario Energy Board Yearbook of

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Electricity Distributors for the respective year the program was delivered. For example, if an LDC had 10% of the residential energy consumption of Ontario in 2008, they would have been allocated 10% of the savings from the 2008 province-wide Energy Efficient Consumer Power Savings Event retail coupon initiative (as it is delivered by a third party and does not include LDC-specific participant data).

- Programs run exclusively in Toronto. All energy and demand savings were allocated to Toronto Hydro.

Report structure

The structure of the enclosed spreadsheet-based report is consistent with the August 2010 version. It includes the following tabs:

- Allocation Methodology:** Provides an initiative-by-initiative summary of the allocation methodology applied to arrive at your specific Local Distribution Company share of the total provincial results.
- Summary - LDC:** Provides a portfolio-level summary of the annual resource savings (demand and energy, net and gross for each) for the 2006–2009 program portfolios at your specific Local Distribution Company level.
- Summary - Prov:** Provides a portfolio-level summary of the annual resource savings (demand and energy, net and gross for each) for the 2006–2009 program portfolios at the provincial level.
- Annual Net Demand Savings - LDC:** Provides a stacked bar graph of the annual net peak demand savings (MW) that are estimated to occur within your service territory from 2006 through 2050, as a result of 2006–2009 programs.
- Annual Net Energy Savings - LDC:** Provides a stacked bar graph of the annual net energy savings (MWh) that are estimated to occur within your service territory from 2006 through 2050, as a result of 2006–2009 programs.
- Annual Net Demand Savings - Prov:** Provides a stacked bar graph of the annual net peak demand savings (MW) that are estimated to occur across the province from 2006 through 2050, as a result of 2006–2009 programs.
- Annual Net Energy Savings - Prov:** Provides a stacked bar graph of the annual net energy savings (MWh) that are estimated to occur across the province from 2006 through 2050, as a result of 2006–2009 programs.
- Initiative Level - LDC:** Provides a breakdown of the portfolio-level summary information provided in Summary tab for your specific LDC, by individual initiative and year.
- Initiative Level - Prov:** Provides a breakdown of the portfolio-level summary information provided in Summary tab at the province level, by individual initiative and year.
- Measures - LDC:** For each initiative in each year, this tab provides (where available), per your savings assumptions: gross and net peak demand savings, annual & lifetime energy savings, effective useful life, aggregate net-to-gross adjustment factors, participation numbers and the resulting initiative level resource savings results for the estimated provincial share for your LDC service territory.

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Evaluation Reports Made Available per this OPA notice.

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11) Measures - Prov: For each initiative in each year, this tab provides (where available), per unit savings assumptions: gross and net peak demand savings, annual & lifetime energy savings, effective useful life and aggregate net-to-gross adjustment factors, and participation numbers and the resulting initiative level resource savings results at the provincial level.

12) Local Distribution Companies: includes the Ontario Energy Board Year Book of Electricity Distributors data from 2006–2009 that was used for results allocation amongst LDCs.

Third-party evaluation reports

Third-party evaluation reports for evaluated 2009 initiatives are now available. Should you wish to receive the reports, please send an email request to James Yue at james.yue@govcanautorith.on.ca.

We hope that you find this report both informative and useful. If you have any questions, please do not hesitate to contact us.

With kind regards,

Raegan Bond
 Manager, Conservation Portfolio
 Sent on behalf of
 James Yue
 Analyst – Portfolio Performance
 Conservation Portfolio
 Ontario Power Authority
 170 Adelaide Street West
 Suite 1600
 Toronto ON, M5H 1T1
 Tel: 416.969.6217
 Fax: 416.967.1947
 Email: james.yue@govcanautorith.on.ca
 Web: www.govcanautorith.on.ca

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Appendix D

OPA 2010 Final CDM Program Results

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From: LDC Support <LDC.Support@powersauthority.on.ca>
Sent: September 15, 2011 7:24 AM
To: Smith, Brian; Campbell, Eileen
Subject: Final 2010 CDM Summary Results
Attachments: 2010 Final CDM Results Summary_Horizon Utilities Corporation.pdf; 2010 Final CDM Results Summary_Horizon Utilities Corporation.xlsx

Dear Brian & Eileen,

The Ontario Power Authority (OPA) is pleased to provide you with a summary report of the final 2010 Conservation and Demand Management results for Horizon Utilities Corporation. Detailed results will be issued in late September to early October 2011.

We appreciate your patience and hope that you find this report to be helpful. Please do not hesitate to contact LDC support should you have any questions.

Thank you,

 Please consider the environment before printing this email

Ontario Power Authority
 120 Adelaide Street West, Suite 1600
 Toronto, ON
 M5H 1T1

This e-mail message and any files transmitted with it are intended only for the named recipient(s) above and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient(s), any dissemination, distribution, copying, or other use of the information contained in this e-mail message is strictly prohibited. If you have received this message in error, or are not the named recipient(s), please notify the sender immediately and delete this e-mail message.

Annual Conservation Demand Management Report
 for Horizon provided by OPA. Received 9/16/11, 26
 days before filing OEB report. A comparison of
 Horizon Reports vs Provincial Results.

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2010 Final CDM Results: Summary

IDC Horizon Utilities Corporation

This report provides an estimated allocation of 2010 CDM-funded conservation and demand management (CDM) program results for each IDC's service territory. A full, detailed report will be available in text format only by October.

The results provided in this report are in accordance with CDM practices and policies for reporting. Demand Response activities, for example, have been reported based on the actual DR resources that were available (based on contracted capacity) rather than the actual demand reduction which occurred at the one-hour system peak in a given year.

The IDCA welcomes inquiries regarding the determination of these province-wide CDM program results and/or allocation of these results to individual IDC territories. Please direct any questions to: Management@horizonutilities.ca. The IDCA is unable to provide any technical or regulatory advice to IDCs regarding specific treatment of these CDM-funded CDM program savings for the purposes of Load Review Adjustment Mechanism or other filing by IDCs to the OEB. Such inquiries should be directed to the OEB.

All results are incremental (adding in 2010) presented at the end-of-year level.

Program	Initiative	Activity ID#	Account Level	Horizon Utilities Corporation				Toronto Hydro				
				Net Savings (Peak Demand Savings) (MW)	Net Energy Savings (MWh)	Direct Demand Peak Demand Savings (MW)	Direct Energy Savings (MWh)	Net Savings (Peak Demand Savings) (MW)	Net Energy Savings (MWh)	Direct Demand Peak Demand Savings (MW)	Direct Energy Savings (MWh)	
Consumer	Cool Savings Rebate	Rebate	72.96	1.28	5597	1.23	1790	136,824	26,723	16,117	48,421	73,421
Consumer	Energy Efficient Green Power Savings Event	Product Purchase	23,823	0.07	736	0.17	1,711	413,368	1,779	18,108	8,007	44,808
Consumer	Green Refrigerator Rebate	Rebate	9,117	0.29	105.6	0.27	382.5	42,822	1,246	39,292	11,614	73,923
Consumer	per allowance*	Devices Data Fee	2,198	1.33	3	1.23	3	36,327	23.48	48	22,419	69
Business	Toronto Comprehensive	Projects	0	0.00	0	0.00	0	730	17.70	114,800	87.50	385,240
Business	Electricity Buyback Incentive Program	Projects	0.9	1.20	680.0	1.20	13,463	1,592	19.86	114,760	37.42	338,230
Business	High Performance New Construction*	Projects	0.2	0.02	33.0	0.25	1,707	288	12.58	29,413	38.64	42,348
Business	Hydro Ottawa per allowance* Small Commercial Fleet	Business Industrial	0	0.00	0	0.00	0	939	0.40	2,318	0.99	2,782
Business	Multi-Family Energy Efficiency Rebate	Projects	1.7	0.18	107.1	0.23	2,812	930	6.05	33,700	3.56	71,900
Business	per allowance*	Devices Data Fee	0	0.00	0	0.00	0	243	0.09	0	0.37	1
Business	Power Savings Rebate	Projects	1,216	1.42	496.4	1.44	4,973	48,239	42.30	129,200	40.40	329,349
Business, Industrial	Demand Response 1	Facilities	1.0	28.22	238	38.22	238	246	281.95	4,932	236.70	4,932
Business, Industrial	Ontario & York Region Demand Response*	Facilities	0	1.18	0	1.19	0	2	28.20	0	29.11	0
Industrial	Demand Response 2	Facilities	0	0.03	344.1	0.03	1,441	0	11,930	125,102	1,193.00	1,461,118
Total			29.8	31.25	257.7	27.26	27,296	546.1	474,261	421.8	1,480,763	

Program	Initiative	Allocation Methodology	Note
Consumer	Cool Savings Rebate	Actual IDC spend results	
Consumer	Energy Efficient Green Power Savings Event	Measure level allocation based on 2010 Residential Energy Performance	
Consumer	Green Refrigerator Rebate	Actual IDC spend results	
Consumer	per allowance*	Actual IDC spend results	
Business	Toronto Comprehensive	Program results are allocated to Toronto Hydro electric service area of allocation only	
Business	Electricity Buyback Incentive Program	IDCA reported allocations for Toronto Hydro electric service area of allocation only	
Business	High Performance New Construction*	Initial level allocation based on 2010 non-residential energy for output by LOO	Participants not yet eligible to update reported on DR due to the season
Business	Hydro Ottawa per allowance* Small Commercial Fleet	Program not included in final allocation as facilities	
Business	Multi-Family Energy Efficiency Rebate	IDCA reported allocations for province-wide reported gross demand savings	
Business	per allowance*	Actual IDC spend results	
Business	Power Savings Rebate	IDCA reported allocations for province-wide reported gross demand savings	
Industrial	Demand Response 2	Initial level allocation based on 2010 non-residential energy for output by LOO	1) Although the program is managed intensively and actual participant data is available, the small participant population prevented us from confidently reporting it based on an actual IDC spend basis.
Business, Industrial	Demand Response 3	Initial level allocation based on 2010 non-residential energy for output by LOO	2) Program results are based on contracted capacity at the end of the calendar year and actual summer weekend peak demand reduction.
Business, Industrial	Ontario & York Region Demand Response*	Initial level allocation based on 2010 non-residential energy for output by LOO	

*Customer is not included

Appendix E

Burnham Energy Letter re: Validation of Results

Horizon Utilities Corporation
2010 CDM Application
03-2011-01712
Filed October 12, 2012

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Horizon Utilities

LRAM Support

September 29, 2011

LRAM Support Letter from Burnam Energy.

On pg 150/1418, OPA states LRAM support and guidance must be provided by OEB directly. No indication of OEB contact.

Prepared by: Bari Burman, MBA, BA, Sc, P. Eng., President

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Reconciled ERIP Energy's 2009-2001 ERIP project data with Horizons.

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1. Introduction

Consistent with the OEB's CDM Guidelines, Horizon Utilities has noted Section 7.3, specifically to "... evaluate programs using the best available information known to them at the relevant time." In doing so, Horizon has identified potential discrepancies between the recently released OPA ERIP program results allocated by LDC and results directly attributable to the technologies deployed. Horizon has requested Burman Energy to assist in verifying Horizon's specific ERIP results as part of their LRAM claim to the OEB.

As Horizon's 3rd party service provider, reviewing and monitoring these applications from initial application receipt to approval, Burman Energy is in the best position to assess if an LRAM claim for Horizon's specific results is justified.

2. Required

Burman Energy maintains an up to date database, listing all Retrofit Program Incentive projects which the company has received, assessed for LDC approval and processed for completion and incentive payment. Project kW and kWh reductions are assessed by applying the most recent OPA published assumptions and measures against each specific project technology deployed. The total of all calculated project kW and kWh reductions are then used to verify Horizon's ERIP gross results applied in the calculation of net results using the net to gross ratio applied by the OPA to the provincial ERIP results.

OPA allocation methodology provides limited information to enable Horizon to have confidence in underlying input assumptions used in calculation of its specific LDC results. The results of this analysis will provide the necessary support for Horizon's LRAM claim using verified actual and project specific reductions for ERIP 2008 – 2011.

3. LRAM Principles

The OEB issued GUIDELINES FOR ELECTRICITY DISTRIBUTOR CONSERVATION AND DEMAND MANAGEMENT, EB-2008-0037 were applied in the preparation of this analysis.

Total ERIP portfolio kW and kWh results were compared to OPA published program evaluation reports and the differences identified in this report.

4. Process

In performing kW/kWh results analysis, Burman Energy:

1. Reconciled Burman Energy's 2009-2011 ERIP project data records with Horizons.
2. Identified technologies deployed for each prescriptive project and aligned with most recent OPA assumptions and measures

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MAJOR PROBLEM

-Burnam's calculations were Horizon's calculations, Horizon Paid of Burnam's advice. A discrepancy of a program I ran, implies the error was with me. Brad Gallant, ERIP Program manager. Energy Savings were based on Burnam's project evaluation. Projects were approved and verified by Burnam as Independent Engineer. All Horizon numbers were Burnam's numbers. To suggest otherwise is misleading. The report implies it wasn't Horizons or Burnam's error, and the false reporting only happened when I worked there, then the problem must have been me.



1800-441-1111 • Fax: 416-291-1111 • Email: info@burmanenergy.com • Website: www.burmanenergy.com

February 23, 2010

Horizon Utilities
Re: ERIP Project Assessment
HUC-09-010
Wentworth Condominium Corporation #66
Byliner
301 Frances, Stony Creek

This letter confirms that the proof of project completion has been assessed. A completed check sheet is attached for your records.

This application was pre-approved in the amount of \$18,550 against a claim of 74.2kW saved on June 8, 2008. During installation, Byliner took the initiative to install an additional 90 furnace vent covers to augment kW savings. Based on similar assumptions to those initially employed by the applicant, Burman Energy confirms that Byliner could achieve additional kW reductions of 47.7 kW. Burman Energy was able to make this determination, using the same calculation methodology as employed in the pre-approval application. The resulting potential total kW reduction is 121.9 kW.

At this level of kW savings, the incentive payment would be \$30,475.

Bart Burman MBA, BA Sc., P.Eng
President
Burman Energy Consultants Group Inc.

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MAJOR PROBLEM

-Burnam's calculations were Horizon's calculations, Horizon Paid of Burnam's advice. A discrepancy of a program I ran, implies the error was with me. Brad Gallant, ERIP Program manager. Energy Savings were based on Burnam's project evaluation. Projects were approved and verified by Burnam as Independent Engineer. All Horizon numbers were Burnam's numbers. To suggest otherwise is misleading. The report implies it wasn't Horizons or Burnam's error, and the false reporting only happened when I worked there, then the problem must have been me.



March 30, 2010

Horizon Utilities
Re: ERIP Project Assessment
HUC-09-033
Conseil Scolaire de District Catholique Centre-Sud
Immatricule Conception

This letter confirms that the subject project has been assessed and aligns with the requirements as specified by the OPA. A completed check sheet is attached for your records.

In this case the incentive amount is determined by predefined incentive amounts as set by the OPA for Exit Signs, CFTs, Standard Performance (SP) fixtures and Occupancy Sensors. The total incentive dollars recommended for payment is \$31,362. Incentives are determined solely from the applicable Prescriptive worksheet up to a maximum of 20% of the energy efficient incremental equipment cost. Manufacturer specification sheets were used to confirm the products qualify against OPA standards.

Burman Energy Consultants Group's recommendation is based on the applicant's endorsement (per signature of the ERIP Project Applicant) that the light levels of the energy efficient design meet the minimum regulatory requirements and the suggested maximum levels for proposed use of the space.

Burman Energy Consultants Group recommends payment of this application.

Bart Burman MBA, BA Sc., P.Eng
President
Burman Energy Consultants Group Inc.

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MAJOR PROBLEM

- Burnam's calculations were Horizon's calculations, Horizon Paid of Burnam's advice. A discrepancy of a program Iran, implies the error was with me, Brad Gallant, ERIP Program manager. Energy Savings were based on Burnam's project evaluation. Projects were approved and verified by Burnam as Independent Engineer. All Horizon numbers were Burnam's numbers. To suggest otherwise is misleading. The report implies it wasn't Horizons or Burnam's error, and the false reporting only happened when I worked there, then the problem must have been me.



March 30, 2010

Horizon Utilities
Re: ERIP Project Assessment
HU C-9-031
Conseil Scolaire de District Catholique Centre-Sud
Voire Douce

This letter confirms that the subject project has been assessed and aligns with the requirements as specified by the OPA. A completed check sheet is attached for your records.

In this case, the incentive amount is determined by predefined incentive amounts as set by the OPA for Exit Signs, CFL's, Standard Performance Fixtures and Occupancy Sensors. The total incentive dollars recommended for payment is \$2,128. Incentives are determined solely from the applicable Prescriptive worksheet up to a maximum of 30% of the energy efficient incremental equipment cost. Manufacturer specification sheets were used to confirm the products qualify against OPA standards.

Burnam Energy Consultants Group's recommendation is based on the applicant's endorsement (per signature of the ERIP Project Application) that the light levels of the energy efficient design meet the minimum regulatory requirements and the suggested maximum levels for proposed use of the space.

Burnam Energy Consultants Group recommends payment of this application.

Bart Burnam MBA, BA Sc., P.Eng.
President
Burnam Energy Consultants Group Inc.

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MAJOR PROBLEM

- Burnam's calculations were Horizon's calculations, Horizon Paid of Burnam's advice. A discrepancy of a program Iran, implies the error was with me, Brad Gallant, ERIP Program manager. Energy Savings were based on Burnam's project evaluation. Projects were approved and verified by Burnam as Independent Engineer. All Horizon numbers were Burnam's numbers. To suggest otherwise is misleading. The report implies it wasn't Horizons or Burnam's error, and the false reporting only happened when I worked there, then the problem must have been me.



April 26, 2010

Horizon Utilities
Re: ERIP Project Assessment
HU C-10-016
Niagara Structural Steel
TTW Steel Platework Inc

This letter confirms that the proof of project completion has been assessed and aligns with the original documents submitted for pre-approval. A completed check sheet is attached for your records.

Supplier and contractor invoices were used to confirm the products qualify against OPA standard and the project has been paid for.

Burnam Energy Consultants Group recommends payment of this application in the amount of \$20,790.

Bart Burnam MBA, BA Sc., P.Eng.
President
Burnam Energy Consultants Group Inc.

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MAJOR PROBLEM

-Burnam's calculations were Horizon's calculations, Horizon Paid of Burnam's advice. A discrepancy of a program I ran, implies the error was with me, Brad Gallant, ERIP Program manager. Energy Savings were based on Burnam's project evaluation. Projects were approved and verified by Burnam as Independent Engineer. All Horizon numbers were Burnam's numbers. To suggest otherwise is misleading. The report implies it wasn't Horizons or Burnam's error, and the false reporting only happened when I worked there, then the problem must have been me.



May 19, 2010

Horizon Utilities

Re: ERIP Project Assessment
 HUC-10-0388
 St. Catharines Montebello Congregation of Jehovah's Witnesses

This letter confirms that the subject project has been assessed and aligns with the requirements as specified by the OPA. A completed check sheet is attached for your records.

The incentive amount is normally determined by predefined incentive amounts as set by the OPA for 15 fixtures. Incentives are determined from the applicable Prescriptive worksheet up to a maximum of 10% of the energy efficient project costs.

In this case the incentive calculated from the applicable worksheet is \$810. This exceeds 10% of the energy efficient project costs, therefore the total incentive dollars recommended for payment is \$810. Manufacturer specification sheets were used to confirm the products qualify against OPA standards.

Burnam Energy Consultants Group's recommendation is based on the applicant's endorsement (per signature of the ERIP Project Application) that the light levels of the energy efficient design meet the minimum regulatory requirements and the suggested maximum levels for proposed use of the space.

Burnam Energy Consultants Group recommends payment of this application.


 Bart Burnam MBA, BA Sc., P.Eng.
 President
 Burnam Energy Consultants Group Inc.

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3. Performed kWh and kW reduction calculations using per unit values and project quant
4. Consolidated results for all projects to generate total gross reductions.
5. Added results from custom projects.
6. Compare to OPA published program evaluation values.

5. Results

Results from the analysis are summarized in the table below:

ERIP Projects	Burnam Energy Calculated Reduction	Horizon Utilities Calculated Reduction
Projects Completed In		
2008*	341.73 kW	2,103.4 kW
2009	4,373.87 kW	3,366.1 kW
2010	4,380.13 kW	3,321.7 kW
Total	9,495.73 kW	11,191.1 kW

* Projects completed in 2008 do not include savings for projects reviewed by other parties.

6. Recommendations

Burnam Energy recommends the following:

1. Apply more representative (actual) ERIP projects completed as the key foundation for generation of input assumptions for LRAM.
2. Apply resulting kW and kWh savings in final LRAM calculations.
3. Apply appropriate net to gross ratios, consistent with those applied by the OPA, to program evaluation results to generate net kWh/kWh savings.
4. Perform LRAM calculations based on above.

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Appendix F
Finncorps Letter re: Validation of Results

No Errors with ERIP before my tenure,
 Finncorps Project contracted Ended around the
 beginning of my tenure.

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TO: Brian Smith
 COMPANY: Horizon Utilities Corporation
 FROM: Derrick Finn, P. Eng.
 DATE: 20-Sep-11

RE: Verification of Horizon Utilities Corporation's 2007 ERIP Demand Savings Contribution

Finn Projects has reviewed and verified, on behalf of Horizon Utilities Corporation, a total of 43 ERIP applications that were completed from September 1, 2007 to December 31, 2008. Out of the 43 ERIP applications, there were 40 prescriptive and 3 custom applications. Finn Projects verifies that the gross kW savings for 43 ERIP applications completed in the above period is 1,111.91 kW. This is equivalent to a net ERIP savings of 817.40 kW based on the Average Net To Gross Agreement Adjustment of 49.5%. The savings were calculated based on the OPAs ERIP assumed kW savings for prescriptive measures and the actual kW savings for custom measures.

Please note the following:

- The list of kW savings for all ERIP projects provided by Horizon Utilities Corporation reported is gross kW savings for projects reviewed by Finn Projects of 1,700.93 kW, which is 10.88 kW less than our records. This discrepancy is due to the following (see attached for full listing):
 - HUC-7-13 – Our record showed the incentive was approved to be \$1,040 for 4 exit signs and 34 6-lamp T5 fixtures. The incentive reported by Horizon Utilities Corporation is \$780 for the 34 6-lamp T5 fixtures only.
 - HUC-7-27 – Our record showed the T5 fixtures of this application are 6-lamp fixtures. The kW saving reported by Horizon Utilities Corporation was calculated based on 4-lamp fixtures.
 - HUC-7-49 – Our record showed the actual kW saving for this custom application is 43.80 kW with a capped incentive of \$5,100 (capped at 50% of project cost). The kW saving reported by Horizon Utilities Corporation was calculated by dividing the final incentive of \$5,100 by \$150 per kW; the actual savings were not used.

Signed: 
 Derrick Finn, P. Eng.

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Horizon Utilities Corporation
 2012 EDN Application
 ED-2011-0172
 Filed October 12, 2012

Appendix G

ERIP Program Calculation Comparison

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ERIP Program Calculation Comparison

Appendix G

Customer Type	2008	2009	2010	2011	2012
General Service	1,126,521 kW	1,126,521 kW	1,126,521 kW	1,126,521 kW	1,126,521 kW
Industrial	1,126,521 kW	1,126,521 kW	1,126,521 kW	1,126,521 kW	1,126,521 kW
Commercial	1,126,521 kW	1,126,521 kW	1,126,521 kW	1,126,521 kW	1,126,521 kW
Public Works	1,126,521 kW	1,126,521 kW	1,126,521 kW	1,126,521 kW	1,126,521 kW

OPA (based on Provincial Allocations to LDC's)

Year	2008	2009	2010	2011	2012
2008 PROGRAM YEAR	1,126,521 kW	1,126,521 kW	1,126,521 kW	1,126,521 kW	1,126,521 kW
2009 PROGRAM YEAR	1,126,521 kW	1,126,521 kW	1,126,521 kW	1,126,521 kW	1,126,521 kW
2010 PROGRAM YEAR	1,126,521 kW	1,126,521 kW	1,126,521 kW	1,126,521 kW	1,126,521 kW

Horizon Utilities (based on Actual KW saved by Horizon)

Year	2008	2009	2010	2011	2012
2008 PROGRAM YEAR	1,126,521 kW	1,126,521 kW	1,126,521 kW	1,126,521 kW	1,126,521 kW
2009 PROGRAM YEAR	1,126,521 kW	1,126,521 kW	1,126,521 kW	1,126,521 kW	1,126,521 kW
2010 PROGRAM YEAR	1,126,521 kW	1,126,521 kW	1,126,521 kW	1,126,521 kW	1,126,521 kW

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VECC LETTER TO OPA – 11/07/11 INTERVENING IN EB-2011-0173

VECC LETTER TO OPA – 11/07/11 INTERVENING IN EB-2011-0173

EB-2011-0173

ONTARIO ENERGY BOARD

IN THE MATTER OF
the *Ontario Energy Board Act*, 1998,
S.O. 1998, c. 15, Sch. B, as amended,

AND IN THE MATTER OF an Application by
Horizon Utilities Corporation pursuant to section 78 of the
Ontario Energy Board Act for an order or orders
approving just and reasonable rates for the delivery
and distribution of electricity beginning January 1, 2012.

NOTICE OF INTERVENTION

OF THE

VULNERABLE ENERGY CONSUMERS COALITION

To: Ms. Kristen Walli
Board Secretary

And to: Horizon Utilities Corporation
Attention: Ms. Indy Butany-DeSouza

1. The Vulnerable Energy Consumers Coalition (VECC) hereby expresses its
intention to intervene and participate in the above-mentioned proceeding. VECC
consists of the following organizations:

- (a) The Federation of Metro Tenants Association (FTMA)
- (b) The Ontario Coalition of Senior Citizens' Organizations (OCSCO)

2. The Federation of the Metro Tenants Association (the "FTMA") is a non-
profit corporation composed of over ninety-two affiliated tenants
associations, individual tenants, housing organizations, and members of
non-profit housing co-ops. In addition to encouraging the organization of
tenants and the promotion of decent and affordable housing, the
Federation provides general information, advice, and assistance to
tenants. The address is:

500-27 Carlton Street
Toronto, ON
M5B 1L2

3. The Ontario Coalition of Senior Citizens' Organizations ("OCSCO") is a
coalition of over 120 senior groups as well as individual members across
Ontario. OCSCO represents the concerns of over 500,000 senior citizens
through its group and individual members. OCSCO's mission is to improve
the quality of life for Ontario's seniors. OCSCO's address is:

333 Wilson Avenue, Suite 405
Toronto, ON
M3H 1T2

4. The coalition of the FMTA and OCSCO under the name VECC has the
specific mandate of intervening in proceedings to advocate on behalf of
the interests of Ontario's vulnerable consumers with respect to energy
issues, primarily through intervention in regulatory proceedings at the
Ontario Energy Board.

5. Although the organization is not itself a member of VECC, the Public
Interest Advocacy Centre (PIAC) in Ottawa assists in the representation of

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VECC LETTER TO OPA – 11/07/11 INTERVENING IN EB-2011-0173

the interests of vulnerable consumers by ensuring the availability of competent representation and consultant support to the VECC participation.

6. The name and address of the agent authorized to receive documents on behalf of VECC is:

Mr. Michael Buonaguro
Counsel
c/o Public Interest Advocacy Centre
34 King Street East, Suite 1102
Toronto, Ontario
M5C 2X8
(416) 767-1666 (office)
(416) 348-0641 (fax)
mbuonaguro@piac.ca

7. VECC would request that all correspondence and documentation also be copied to VECC's consultant:

Ms. Shelley Grace, P. Eng.
Econalysis Consulting Services
34 King Street East, Suite 1102
Toronto, Ontario
M5C 2X8
(547) 880-9942 (cell)
(416) 348-0641 (fax)
shelley.grace@rogers.com

8. VECC has accessed the Application as filed on the OEB's web site. VECC requests that copies of any additional supporting materials be forwarded to each of the two parties named above.

9. VECC is intervening in the current Application in order to ensure that consumer interests and in particular the interests of the low-income and vulnerable users of electricity are fully represented in the determination of just and reasonable rates. The area of interest in the current Application

of interest to VECC is the determination and allocation of the Lost Revenue Adjustment Mechanism:

10. VECC will be requesting an award of costs for its participation in this proceeding and believes that, as a coalition representing the direct interests of consumers, it meets the eligibility criteria set out in the Ontario Energy Board's Rules of Practice and Procedure (Section 4.1) and its Practice Direction on Cost Awards (Section 3.03).

11. VECC's members do not have access to the direct funding required to retain appropriate legal and consulting support for its intervention in OEB proceedings. Accordingly VECC relies on PIAC to provide legal support and retain qualified consultants on the basis that PIAC can recover the related fees and disbursements from the Board based on the Board's Practice Direction on Cost Awards at the prevailing Cost Award Tariff.

DATED AT TORONTO, NOVEMBER 7, 2011

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LATE SUBMISSION OF HORIZON DOCUMENTS

PROOF EMPLOYMENT COMMENCEMENT



Expense Report

Name: Brad Gallant
 Co./SBU: CDM
 Dept: _____
 Month: July

Please sign & attach original (including GST receipts where applicable) to receipts.
 Receipts over \$100 will also require GST receipts and a signed (original) submission.

Date Entry	Details	Budget Allocation #	Receipt / Costs		Mileage	Meals (incl. a la carte)	Travel (incl. taxi)	Total Expense	Total	Net Expense
			Amount	Category						
21-Jul-09	9069-10263 Message to Office Meeting	20-12-8445-8445	98	46.06	2.19			146.31	146.31	146.31
22-Jul-09	9069-10263 Message to Office Meeting	20-12-8445-8445	98	46.06	2.19			146.31	146.31	146.31
22-Jul-09	9069-10263 Message to Client Meeting	20-12-8445-8445	195	91.05	4.36			190.46	190.46	190.46
22-Jul-09	9069-10263 Message to Client Meeting	20-12-8445-8445	98	46.06	2.19			146.31	146.31	146.31
22-Jul-09	9069-10263 Message to Client Meeting	20-12-8445-8445	98	46.06	2.19			146.31	146.31	146.31
21-Jul-09	9069-10263 Parking	20-12-8445-8445	166	76.20	3.58			83.78	83.78	83.78
22-Jul-09	9069-10263 Parking	20-12-8445-8445				3.50		3.50	3.50	3.50
22-Jul-09	9069-10263 Parking	20-12-8445-8445				3.50		3.50	3.50	3.50
22-Jul-09	9069-10263 Parking	20-12-8445-8445				3.50		3.50	3.50	3.50
22-Jul-09	9069-10263 Parking	20-12-8445-8445				3.50		3.50	3.50	3.50
22-Jul-09	9069-10263 Parking	20-12-8445-8445				2.90		2.90	2.90	2.90
22-Jul-09	9069-10263 - Colleague Meeting	20-12-8445-8445								
			Column Total \$	351.09	16.72			16.72	37.140	351.77
			Summary by Budget #	9069-10263				16.72	37.140	351.77
			GST: 20-12-8445-8445						16.72	351.77
			Total Expenditure						\$ 384.41	

Signature: _____
 Signature: _____
 Date: _____
 Print Name and Title: _____
 Supervisor: _____

Subject: FW: Gallant and Horizon - HRTO #2010-00959-1

Richard Hennessy
 Registrar
 Human Rights Tribunal of Ontario (HRTO)
 Tel: 416-326-1519 | 1-800-386-6322 | HRTO.registration@ontario.ca
Social Justice Tribunals Ontario
 Providing fair and accessible dispute resolution
 Pour une justice accessible et équitable
<http://www.sjto.gov.on.ca>

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 Avis: Message confidentiel dont le contenu peut être privilégié. Si reçu par erreur, veuillez supprimer ce message et m'avisier par retour de courriel, s'il vous plaît.

From: Brad Gallant [mailto:bradgallant@rogers.com]
 Sent: February 15, 2012 4:14 PM
 To: HRTO-Registrar (JUS)
 Subject: FW: Gallant and Horizon - HRTO #2010-00959-1

These documents were to be provided in October. I had to provide mine within a set time frame. No notice of extension from Heenan Blaikie was received by me. Is this the corporation being able to gain up on one person, I thought this was a human rights tribunal not a corporate rights tribunal.

Why are they given leeway that I was not given.

Regards,
 Brad Gallant
 bradgallant@rogers.com

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Tribunals Ontario

Human Rights Tribunal of Ontario

655 Bay Street, 14th Floor
Toronto ON M7A 2A3
Tel: 416-326-1312 or 1-866-598-0322
Fax: 416-326-2199 or 1-866-355-6099
TTY : 416-326-2027 or 1-866-607-1240
E-mail: hito.registrar@ontario.ca
Website: www.sjto.gov.on.ca

Tribunaux décisionnels Ontario

Tribunal des droits de la personne de l'Ontario

655 rue Bay, 14^e étage
Toronto ON M7A 2A3
Tel.: 416-326-1312 ou 1-866-598-0322
Télééc.: 416-326-2199 ou 1-866-355-6099
TTY: 416-326-2027 ou 1-866-607-1240
Courriel: hito.registrar@ontario.ca
Site Web: www.sjto.gov.on.ca

PRE-HEARING REFERENCE LETTER



March 24, 2012

To Whom It May Concern,

Re: Brad Gallant

Brad Gallant was employed with Horizon Utilities Corporation in the Conservation and Demand Management (CDM) Department as a Key Account Specialist (contract) from July, 2008 to November, 2009 and as the Manager, Commercial Conservation & Demand Management (permanent) from November 17, 2009 to November 1, 2010.

Brad was accountable for the delivery of the Ontario Power Authority's CDM programs to Horizon Utilities commercial customers. During this period, Brad demonstrated a strong commitment to developing and maintaining customer relationships. In the manager role he was responsible for supervising two staff members. Brad demonstrated proficiency working with customers to identify potential opportunities for energy savings. He was also accountable for the coordination of the end to end customer incentive application process with the Ontario Power Authority.

He contributed to the success of Horizon meeting its conservation goals and promoting a culture of conservation with its customers.

Should you require any clarification please contact the writer.

Yours truly,

Horizon Utilities Corporation

Eileen Campbell
Vice President, Customers Services
Horizon Utilities Corporation
eileen.campbell@horizonutilities.com
Tel. 905.317.4736

June 11, 2020

Bradley Gallant
via email: bradgallant@rogers.com

HRTO FILE: 2019-39616-1

Re: **Bradley Gallant v. Alectra Utilities Corporation**

Subject: **Notice of Intent to Dismiss**

The Human Rights Tribunal of Ontario (HRTO) has reviewed your Application, HRTO file 2019-39616-1, filed on November 20, 2019. It appears that the Application is outside the HRTO's jurisdiction because of the following:

- the Application was filed more than one year after the last incident of discrimination described in your Application and you do not appear to have cited facts that constitute "good faith" within the meaning of the HRTO's case law [s.34(1)]. See for example *Thomas v. Toronto Transit Commission*, 2009 HRTO 1582 (CanLII) and see for example *Diler v. Cambridge Memorial Hospital*, 2010 HRTO 1224 (CanLII) for a discussion of "good faith".
- a review of the Application and the narrative setting out the incidents of alleged discrimination fails to identify any specific acts of discrimination within the meaning of the Human Rights Code allegedly committed by the respondent. The Tribunal does not have jurisdiction over general allegations of unfairness unless the unfairness is connected, in whole or in part, to one of the grounds specifically set out in Part I of the Code (e.g. race, disability, sex, etc.); see, for example, *Forde v. Elementary Teachers' Federation of Ontario*, 2011 HRTO 1389).
- you allege discrimination based on "reprisal or threat of reprisal" but have failed to explain how the respondent's behaviour was related to any of the following: claiming or enforcing a right under the Code;

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instituting or participating in proceedings under the Code; or, refusing to infringe the right of another person under the Code [s. 8]. See for example *Mirea v. Canadian National Exhibition*, 2009 HRTO 32 (CanLI); *Chan v. Tai Pan Vacations*, 2009 HRTO 273 (CanLI).

Before responding to this Notice, you may wish to review the provisions of the Human Rights Code noted above as well as the HRTO's Rules of Procedure and Guides to its processes, all available on the HRTO's website at www.sito.on.c/hrto. HRTO decisions can be accessed free of charge on CanLI at www.canlii.org.

On March 20, 2020, the Government of Ontario issued an Emergency Order (O. Reg. 73/20) under the Emergency Management and Civil Protection Act. The order suspends limitation periods and procedural time periods relevant to tribunal proceedings. The suspension is retroactive to March 16, 2020.

Any time limits suspended by the Emergency Order will not reset; rather, procedural time periods as directed by the Tribunal, or as provided in its Rules of Procedure, will resume upon the lifting of the Emergency Order.

You must file your written submissions in response to this Notice within 30 days following the lifting of Emergency Order (O. Reg. 73/20).

**** For the latest updates on information related to the HRTO's response during this time including the status of Emergency Order (O. Reg. 73/20), please refer to www.sjto.gov.on.ca/hrto.**

Please clearly write your name and your HRTO file number on all correspondence and any other documents you file with the HRTO.

The HRTO will consider your submissions before deciding whether to dismiss or continue processing your Application. The HRTO may also request additional information or provide further directions to the parties regarding this proceeding.

If you do not respond to this letter and file written submissions by the deadline noted, the HRTO will consider your failure to respond as an abandonment of your Application and dismiss the Application for that reason.

If after reviewing your submissions the HRTO decides to proceed with your Application, a copy of the HRTO's decision, your submissions, any correspondence between you and the HRTO and your initial Application will

be sent to you, the respondent and to any trade union or occupational or professional organization named in your Application. Also included in this package will be a "Notice of Application" which will advise the parties of the next steps in the process for this file.

If after reviewing your submissions the HRTO decides to dismiss your Application as being outside of the HRTO's jurisdiction, your file will be closed. Copies of the HRTO's decision, your submissions, any correspondence between you and the HRTO and your initial Application will be sent to you, the respondent and any trade union or occupational or professional organization named in your Application

HRTO staff cannot provide legal advice or assist you in completing forms. If you require legal assistance or advice, you may contact the Human Rights Legal Support Centre at 180 Dundas Street West, 8th Floor, Toronto, ON M7A 0A1 or by phone toll free at 1-866-625-5179, in Toronto 416-597-4900 or TTY toll free at 1-866-612-8627 or TTY in Toronto 416-597-4903, Fax: 416-597-4901, toll free 1-866-625-5180. Website: www.hrlfsc.on.ca.

Sincerely,



Lorissa Sciarra
Registrar

bradgallant@rogers.com

From: bradgallant@rogers.com
Sent: October 13, 2020 11:53 PM
To: 'HRTO-Registrar (MAG)'
Cc: 'notices@hrfsc.on.ca'
Subject: RE: HRTO File 2019-39616-I (Bradley Gallant v. Alectra Utilities Corporation)
Attachments: Intent to Dismiss.pdf

Please accept my written submission in response to the notice of your intent to dismiss.

I would have like to have been able to have counsel to assist me, but I do not.

I wonder if I would have been filing this if the HRLSC did not walk away from representing me at the breach hearing.

Brad

I'm using Adobe Acrobat.

You can view "Alectra_Reprisal_Reconsideration.pdf" at:
<https://documentcloud.adobe.com/link/?uri=urn:aaid:scds:US:36e0c99d-badb-442e-a2a0-bca0dee9a65e>

From: bradgallant@rogers.com <bradgallant@rogers.com>
Sent: Thursday, October 8, 2020 9:30 PM
To: 'HRTO-Registrar (MAG)' <hrto.registrar@ontario.ca>
Cc: 'notices@hrfsc.on.ca' <notices@hrfsc.on.ca>
Subject: RE: HRTO File 2019-39616-I (Bradley Gallant v. Alectra Utilities Corporation)

Questions on <https://www.ontario.ca/laws/regulation/200073>

Is the last date to file my response of the intention to dismiss extended until October 13, 2020 or is it longer?

While my note to the HRLSC center was made curtly. Anyways, the HRLSC did not respond. Can I get another 30 days to file. I was hoping to get the money to hire a lawyer but I cannot afford one. The Minister of Justice pointed me to Legal Aid the week after they defunded it, and I need to know the drop dead date for the filing.

I am assuming it is October 13, 2020. I emailed Jamie McGinnis on August 14, 2020 and responded to your email on that date without offer of help from the HRLSC.

Brad Gallant

From: Kahrizi, Camilia (MAG) <Camilia.Kahrizi@ontario.ca> **On Behalf Of** HRTO-Registrar (MAG)
Sent: Friday, August 14, 2020 11:35 AM

To: bradgallant@rogers.com
Subject: RE: HRTO File 2019-39616-I (Bradley Gallant v. Alectra Utilities Corporation)

Good morning,

The Human Rights Tribunal of Ontario (HRTO) is in receipt of the correspondence below and apologizes for the delayed response.

Please be advised that, at this time, the Emergency Order (O. Reg. 73/20) suspends limitation periods and procedural time periods relevant to tribunal proceedings until **September 11, 2020**. You must file your written submissions in response to the Notice of Intent to Dismiss within 30 days following this date.

For the latest updates on information related to the HRTO's response during this time, including the status of Emergency Order (O. Reg. 73/20), please refer to www.sito.gov.on.ca/hrto.

A Notice of Intent to Dismiss is issued when an application appears to be outside the HRTO's jurisdiction. More information about this and the HRTO's process can be found in the Applicant's Guide at the following link:

<http://www.sito.gov.on.ca/documents/hrto/Guides/Applicants%20Guide.html#8c>

Please also see Rule 13 of the HRTO's Rules of Procedure:

<http://www.sito.gov.on.ca/documents/hrto/Practice%20Directions/HRTO%20Rules%20of%20Procedure.html#13>

Please note that the HRTO is a quasi-judicial adjudicative body responsible for resolving applications which claim discrimination under the *Human Rights Code*. In order to remain neutral, the HRTO is unable to provide legal advice to any party as it is our role to process and adjudicate the proceedings. Therefore, should you require advice regarding the best course of action in your case you will need to consult with legal counsel.

You may wish to contact the Human Rights Legal Support Centre (HRLSC) for assistance at:

Human Rights Legal Support Centre
180 Dundas Street West, 8th Floor
Toronto, Ontario M7A 0A1
Tel: 416-597-4900
Toll Free: 1-866-625-5179
Fax: 1-866-625-5180 or 416-597-4901
Website: www.hrlsc.on.ca

Please send all communications and documentation to hrto.registrar@ontario.ca. Please note that parties who submit correspondence, documents and submissions via fax, mail or courier may experience a delay in processing.

Best regards,

Camilia Kahrizi

Case Processing Officer | Agente de traitement des cas
Human Rights Tribunal of Ontario | Tribunal des droits de la personne de l'Ontario
Tel: 416-326-1312 | hrto.registrar@ontario.ca
www.sito.ca



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 Message confidentiel dont le contenu peut être privilégié. Si reçu par erreur, veuillez supprimer ce message et aviser l'expéditeur par retour de courriel.

From: Brad Gallant <bradgallant@rogers.com>

Sent: July 12, 2020 9:46 PM

To: HRTO-Registrar (MAG) <hrtto.registrar@ontario.ca>

Cc: 'Jamie McGinnis' <JMcGinnis@HRLSC.on.ca>

Subject: RE: HRTO File 2019-39616-1 (Bradley Gallant v. Alectra Utilities Corporation)

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Camilla,

I am extremely confused by this notification. I have some comments that I need you to clarify. And since I worry about the fairness of the process, I frame comments with draft arguments against the dismissal just in case.

- 1) I do not understand whether the Emergency Order of March 16, 2020 is still in effect. Meaning, that I have 30-days from the suspension of the order to comply. Currently, that is until October 10, 2020, my birthday, fun.
- 2) I do not understand why on an accepted case, one assigned a case number, the Respondent did not have to provide information before the case was scheduled for dismissal.
- 3) I do not understand the date limitation question I worked with the HRLSC center the day I found the OEB report that was not disclosed to the Tribunal as part of the 2010 filing against Horizon Utilities. They suggested that I use the breach of settlement approach in the HRTO to have the settlement thrown out. I explained to them how the NDA and non-disparagement agreement severely limited my ability to discuss the experience with the industry, and contributed to me being excluded from conversations that could have made me aware of the hidden OEB report. Knowing my reticence to enter into any NDAs, the HRLSC refused to listen to my pleas to not enter an NDA on a school board mascots case vs DPCDSB. They accused me of wanted to make the issue public for notoriety. As if complaining in Canada improves your financial situation. Your institution only prolongs suffering and puts a target on those who complain. Anyways, angered at my honor being insulted, I told the HRLSC representative cc'ed to express my displeasure with her boss. The HRLSC then reneged on their promise to help me with the HRTO breach hearing, and I went in unrepresented. I no longer believe in the tribunal process. I could not justify mortgaging my house yet again on a bad bet.
- 4) Just so you know, DPCDSB breached the deal immediately. I held my daughter out of school hockey for 30% of the season until they followed through, only to have the adjacent public school board continue to wear the equipment. I complained to the OCT since I did not see a suitable recourse with the HRTO. I let it go since I have no faith in any institution any longer. DPCDSB also breached in the 2019-20 season, I tweeted to HRLSC without response as it happened, I filed again to the Ontario College of Teachers, and have yet to follow up. Complaining does not work in Canada. It is a risk to continue with further responses, and my wife, who teaches inclusion courses at Queen's, has a reasonable fear that it could affect her again.
- 5) As a note, I did file vs DPCDSB in April 2017 that was subsequently rejected by the HRTO. We decided not to continue at the time since my wife was summarily denied a position promised 7 months earlier. (She had an interview scheduled on 4/26/16 for 4/29/16, after a conversation with DPCDSB that I feel tied my actions to her work I filed 4/27/16, she lost the job in an unexpected interview on 4/28/16). We did not follow up on that claim since we felt we would be both be unemployed and without income if we did.

- 6) She drives an extra 45 minutes to and from work every day, when she is working, though that inconvenience will be limited to the existing 4 years as her PP MS pushes her to an early long term disability. Probably 2 or 3 years earlier because of the stress of this process.
- 7) The clock on the reprisal claim should begin from the date of the dismissal of the breach claim on February 14, 2019. Probably two weeks past that, cause I have to tell you having cases thrown out, or the HRTO Judge refusing to let me question the witness on their claim of the routine nature of the report or having tweets directed toward the HRCO resulted in immediate dismissal of the Mississauga case make me feel that the HRTO system is not impartial, make me feel a fool for ever getting involved with this process, and is mentally taxing. (I angry tweet 10 am for co-sponsoring human rights conference with official truck sponsor of the Redskins while mascot trial being decided, thrown out at 4 pm) and (the HRCO speaking on Systemic Racism during BLM, questioning tweet the same day of this intent to dismiss)
<https://twitter.com/BradGallant/status/127088624216182785?r=20>
- 8) I believe the non disclosed OEB report is reprisal since it was not disclosed to the HRTO before hearing, it deals precisely with the program I administered during the time that I worked there, the client put in a duty to file regulatory documents without mentioning the regulatory documents in it February 2012 submission to the HRTO in the final case. Further, the witness during the breach hearing said that the report was normal business and that it was not damaging, even though it find flaws in the program I ran for precisely the period for which I worked there.
- 9) The reprisal was related to the code, since I filed an HRTO case and resigned, and was then fired from my position at Horizon for a complaint in February 2010. The breach decision gets several parts wrong, including my duration of employment with the Employer and other issues while mentioning the forthright nature of the employer's representative who was part of the decision to hide the OEB report in question. Come on, I had to quit my job, settled in good faith, never breached the agreements, and had my career altered by an OEB report and exclusion created by filing with the HRTO. Further, you will not protect your house. I believe, and I have to say this because I have a real fear that I could be liable for anything said in the Corporate Rights Tribunal of Ontario, the facts of my case and my mascots cases demonstrates the risk of getting involved with the HRTO.
- 10) For fun, I appealed in the Spring of 2019 to the ministry of justice for help with the case and they told me to try legal aid, after cutting it to the bone.
- 11) One positive note. I was able to make lemonade out of the lemons the process gave me and helped with the process of dismantling mascots. I know you are giving me more lemons for my work, and I am mocked by the Indigenous and non-Indigenous community alike for being a poser, a sentiment shared by the Vice-Chair of the Mississauga case when he questioned my status card on the stand, but at least I stood up for my heritage where other were too cowardly to stand or act. Luckily, BeAirDirect has the courage to understand its responsibilities under the code.
- 12) This is not a response to the intent to dismiss, I hope and would be willing to take assistance from the HRLSC to seek a settlement. But I doubt that assistance is available even though the President & CEO at Canadian Energy Research Institute, who was a senior manager at the OEB during the filing of the OEB report in 2011, said it was unusual for Horizon to do its own audit as these audits were normally lead by the Ontario Power Authority at the time
- 13) I had never revealed my story since I believe that full disclosure would only hurt my economic prospects further. I have been unemployed now since 2013 and feel that my prospects cannot get any worse. Maybe someday when this entire situation comes to the light, in time, my decision to fight mascots will look strategic and intelligent, especially as sponsors and retail avenues, the ones targeted with my HRTO claims, are the ones forcing change. Failing to address in 6 opportunities by the Human Rights Institutions in Canada, might not look

as favorable. Maybe someday people will see my poorly executed documentary on the subject and judge for themselves.

Please allow me to formally respond if the 30-day clock had started on June 11, 2020, I could respond within two weeks with more care. If I have more time, please respond to the request.

Regards,

Brad Gallant B.A., B.Ed., MBA
Principal, Beyond Green Consulting Inc.
(647) 309-8345
brad@beyondgreenconsulting.com
www.beyondgreenconsulting.com



From: Kahrizi, Camilia (MAG) <Camilia.Kahrizi@ontario.ca> **On Behalf Of** HRTO-Registrar (MAG)
Sent: Thursday, June 11, 2020 3:02 PM
To: bradgallant@rogers.com
Subject: HRTO File 2019-39616-1 (Bradley Gallant v. Alectra Utilities Corporation)

Good afternoon,

Please find attached a letter from the Human Rights Tribunal of Ontario.

Please send all communications and documentation to hrt.o.registrar@ontario.ca. Please note that parties who submit correspondence, documents and submissions via fax, mail or courier may experience a delay in processing.

Best regards,

Camilia Kahrizi

Case Processing Officer | Agente de traitement des cas
Human Rights Tribunal of Ontario | Tribunal des droits de la personne de l'Ontario
Tel: 416-326-1312 | hrt.o.registrar@ontario.ca
www.sito.ca



Tribunals Ontario
Social Justice Division



Tribunaux décisionnels Ontario
Division de la justice sociale

Confidential message which may be privileged. If received in error, please delete the message and advise me by return email.
Message confidentiel dont le contenu peut être privilégié. Si reçu par erreur, veuillez supprimer ce message et aviser l'expéditeur par retour de courriel.

I, Brad Gallant, am challenging the Registrar's decision to turn away a case that has been accepted by the Ontario Human Rights Tribunal.

1. The Application was filed more than one year after the last incident of discrimination described in your Application and you do not appear to have cited facts that constitute "good faith" within the meaning of the HRTO's case law (s.34(1)). See for example Thomas v. Toronto Transit Commission, 2009 HRTO 1582 (CanLI) and see for example Diler v. Cambridge Memorial Hospital, 2010 HRTO 1224 (CanLI) for a discussion of "good faith".
3. I was not aware of the change in the performance statistics implemented by the irregular self-audit; I was prevented from discussing them. But the irregular self-audit of the ERIP program, where they returned money to the OEB for energy savings not achieved, ensured my exclusion from the Utilities industry.



9. Upon receipt of this Fogwill's disagreement with the Witness testimony, it was disappointing to see that the HRTO would not investigate evidence contrary to witness testimony in open court, is negligent, and a denial for justice to me.
10. Once again the onus of providing a burden of proof falls to the complainant. The respondent who omitted the report from its original filing, who handed it in late with vague implications of what it might do, is excused conduct that was not in good faith.
11. Alectra had only to say that it was a normal course of business and the Vice Chair took them at their word. So soon after the coerced Mississauga settlement, I was hardly ready to mount my own defense, and the lack of hope in a fair outcome plagues me now. Before the settlement the HRTO had knowledge that I did not have the financial means to continue. A complicating issue, the Corporation of the City of Mississauga is one of the largest shareholders of Horizon's successor utility, Alectra.
12. For fun, during the hearing, to annoy the Alectra lawyer I asked if he provided all documents to the tribunal. It was an affront to his honor and dignity to even think that he would purposely mislead the tribunal.
13. Yet, before the settlement, Horizon did not provide all information to the Tribunal, the Tribunal excuses their behavior, and you accuse me of acting without good faith.
14. I would note that the intent to dismiss was filed after I mocked the Ontario Human Rights Commission in a tweet when the Commission virtue signaled about Black Lives Matter.
15. This is similar to the timing of the rescheduling of the hearing versus Mississauga, when you responded to a critical tweet to the Human Rights Commission about co-sponsoring Rights Con with the official truck of the Redskins, Ford, during the deliberation of a process on Indigenous Mascots.
16. In my experience, the Tribunal and its officers act as if they are deciding my eligibility for protections under the law, and very seldom decide case law. You have made up your mind against me and you

4. The time taken from the results of the breach hearing in February 2019 and the filing in November 2019 was taken in the hopes of gathering evidence or getting counsel to help me in my fight.
5. The Human Rights Legal Support Center had reneged on its offer to represent me in the breach hearing, they would not listen when I refused to sign an NDA with an agreement with Dufferin Peel Catholic District School board, for fear of further reprisals as the case was swept under the rug.
6. As a side note, it was through the partial NDA that I was able to enforce only partial compliance to the DPDCSB agreement, and when DPDCSB continued to breach in 2019-20 I took the offending principal to the Ontario College of Teachers. The result will be the same, they will find a technicality to protect the good people that the bad person Brad Gallant is complaining against.
7. Further, in the breach hearing, the Alectra VP who the vice chair thought was credible, said that the audit completed by Horizon was normal course of business. Implying that Horizon commonly did its own internal audits of the performance its savings programs and regularly returned money collected for energy savings.
8. Allan Fogwill, who was a senior manager at the OEB at the time, and involved in regulatory filings, before becoming President and CEO of the Canadian Energy Research Institute said it was unusual that Horizon did not defer to the OPA, who completed audits for all utilities in the province. For Horizon to self-audit, to hand back money for overreporting energy savings was highly irregular and proves the retaliation.

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- have found me unworthy of protections. In your arrogance you believe it is your right to grant me rights, rather than deciding on the facts of the harassment.
17. Horizon Utilities, the predecessor to Alectra made every effort to distract from the filing of a semipublic report in retaliation for filing a HRTO complaint against them. They did not disclose it to the HRTO. A settlement was reached where they played the HRTO for the fool it is and knowingly used the NDA standard to any agreement to ensure that public filings on financial misreporting were kept unnoticed, and used the prohibition to discuss the circumstances of my departure at Horizon to rewrite the story of my departure from the company.
18. I have acted in good faith and honored the terms of the agreement. I do not think the HRTO has acted in good faith to honor its pledge to protect respondents from Retaliation. If there were truly protection from retaliation in the process, the penalties for hiding reports would be known and severe, to discourage retaliation.

B) a review of the and the narrative setting out the incidents of alleged discrimination fails to identify any specific acts of discrimination within the meaning of the Human Rights Code allegedly committed by the respondent. The Tribunal does not have jurisdiction over general allegations of unfairness unless the unfairness is connected, in whole or in part, to one of the grounds specifically set out in Part I of the Code (e.g. race, disability, sex, etc.); see, for example, *Forde v. Elementary Teachers' Federation of Ontario*, 2011 HRTO 1389).

1. Following the acceptance of the complaint by the HRTO. My employment at Horizon was untenable.
2. Horizon's lawyers used the HRTO process to maximize the hostile environment.
 - a. They extended my probationary period following my promotion without notice or reason
 - b. They began writing me up for dubious performance issues.
 - c. I resigned following a September write up.
 - d. When I went to resign, they wrote me up for saying that I had to resign that the work environment was difficult for me.
 - e. They fired me after I resigned.
3. Horizon did not disclose the report for an irregular audit of their energy conservation programs, their samples in the undisclosed report uses provincial audits as proof, and corroborating the fact that their self-audit was irregular.
4. When I settled, Horizon used its knowledge of the process to prevent discussion of my departure and blacklist me from a closed industry.
5. Prior to the incident, I had performed exceptionally at the company and received two bonuses for exceptional performance in 2010. After resigning, that same performance was now marked as false reporting to industry insiders, who are chiefly executives in the Utility Industry, who review the Ontario Energy Board filings.

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6. If the performance was significant enough to file an irregular audit about, why hide it from the HRTO. I resigned after the hostile environment created by filing a HRTO complaint, and that was not enough for Horizon, they had to ruin my career and contribute to my 8 year of unemployment.
7. Had the report been known, I would not have settled. I would have sued them for tortious interference. But they made a gamble that they could use the process to punish me for filing. When presented proof of their tortious interference, the HRTO looked the other way.
8. There is fairness and there is an organization that lacks the courage to defend its house. I treated the process with respect, I kept my commitments. Horizon held back information, acted in a way to increase harassment after filing the complaint, and fired me after I resigned. The irregular audit made the resume that I submitted for 6 years after leaving Horizon untrue in the eyes of the industry, and in the HRTO I have to prove how it harmed me. They do not have to prove why they did not disclose the report. They just say it was normal course of business. You accept it. When I offer proof it was not, you look away again.

C) you allege discrimination based on "reprisal or threat of reprisal" but have failed to explain how the respondent's behaviour was related to any of the following: claiming or enforcing a right under the Code; instituting or participating in proceedings under the Code; or, refusing to infringe the right of another person under the Code [s. 8]. See for example *Mirea v. Canadian National Exhibition*, 2009 HRTO 3 (CanLI); *Chan v. Tai Pan Vacations*, 2009 HRTO 273 (CanLI).

1. This is the same as for section B.
2. Following the acceptance of the complaint by the HRTO. My employment at Horizon was untenable.
3. Horizon's lawyers used the HRTO process to maximize the hostile environment.
 - a. They extended my probationary period following my promotion without notice or reason
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Brad Gallant

PRIVATE AND CONFIDENTIAL

File No.: 5813
OCT Reg. No.: 189903

**DECISION AND REASONS OF THE INVESTIGATION COMMITTEE
OF THE ONTARIO COLLEGE OF TEACHERS
IN THE MATTER OF**

**A COMPLAINT SUBMITTED BY BRAD GALLANT
REGARDING MICHAEL JOHN O'GRADY, OCT**

**PANEL: Bonnie Oakes Charron
Erin Glen, OCT
Brian Beal, OCT**

Summary

On December 2, 2019, the Ontario College of Teachers (the "College") received a complaint from Brad Gallant (the "Complainant") regarding the conduct of Michael John O'Grady, who is employed as a Principal with the Dufferin-Peel Catholic District School Board (the "Board") at St. Aloysius Gonzaga Secondary School ("Gonzaga"), located in Mississauga, Ontario.

Michael John O'Grady (the "Member") is a member of the College in good standing.

The Complainant alleged that the Member failed to ensure that teachers were enforcing the agreement between himself and the Board that Indigenous mascot paraphernalia worn by students at sporting events would be covered up.

On August 10, 2020, the Complainant initiated a complaint against the Member.

By letter dated August 25, 2020, the Member was notified of the complaint.

On October 28, 2020, the Member responded by way of counsel.

On November 6, 2020, the Complainant provided a reply to the Member's response.

Allegation

As the Complainant, Brad Gallant, the parent of a student who attends Our Lady of Mount Carmel Secondary School, alleges that Michael John O'Grady, employed by the

Dufferin-Peel Catholic District School Board (the "Board") as a Principal at St. Aloysius Gonzaga Secondary School:

1. Failed to ensure that teachers were enforcing the Human Rights Tribunal of Ontario agreement between the Complainant and the Board, whereby the Board agreed that Indigenous mascot paraphernalia worn by students would be covered during school sporting events.

The Investigation

Public Complaint

The Complainant stated that his daughter attends and plays hockey with Our Lady of Mount Carmel Secondary School ("Mount Carmel") in the Region of Peel Secondary School Athletic Association.

The Complainant stated that he signed an agreement in 2018 with the Human Rights Tribunal of Ontario and the Board to have students cover Indigenous mascot paraphernalia when they participate in school events.

The Complainant alleged that on November 27, 2019, in a game versus Gonzaga, two players from the Gonzaga team brought uncovered Mississauga Chief's bags, which were supposed to be covered, into the game.

[The Mississauga Chiefs (now called the Mississauga Hurricanes) are girls-only hockey teams. These competitive "rep" teams play in the Lower Lakes Female Hockey League, therefore, are not affiliated with a school.]

The Complainant stated that one of the bags was unloaded off the Gonzaga bus with a teacher giving it to the student as the Gonzaga coaching staff talked outside the Complainant's car.

The Complainant stated that while Ontario does not take Indigenous racism seriously or see it as a problem, failure to remove discriminatory images from the sporting event is a failure to provide a safe and accepting environment for his daughter.

Board Information

Following a request made by the College, the Board provided information on October 28, 2020, which included an Affidavit sworn by the Member, as the Principal of the School.

On December 13, 2018, the Board issued two memos to school principals regarding the prohibition of wearing garments, carrying gym bags, backpacks, and other accessories

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with Indigenous logos. Moreover, direction was provided that, if students had equipment bags or logos on clothing, they should be asked to cover the logo when attending school or participating in school events.

The Member, as principal at Gonzaga, discussed with the Department Head of Physical Education, Rob Thompson ("Mr. Thompson"), that logos identifying Indigenous symbols or imagery were not to be visible when students were at school or participating in school events, including clothing, equipment and bags that students might have with them during practices or games.

It was decided that bags with logos would be placed into an extra-large bag and a Gonzaga hockey pant "shell" would be used to cover the hockey pants of all the players. The use of the bag and shell would cover the logos of community teams. Bags and pant "shells" for hockey pants were purchased for players.

The Member advised Mr. Thompson to inform all teachers volunteering as coaches to be informed of the direction and how it would be implemented for students who did not have the capacity and/or capability to purchase separate equipment, bags, or clothing.

The Member was informed by the Coach of the Gonzaga varsity girls' hockey team, Melanie Jones ("Ms. Jones"), that on November 27, 2019, prior to a game between Gonzaga and Mount Carmel, two Grade 9 students who were new to the Gonzaga hockey team carried their equipment into the change room at the arena in Mississauga Chiefs hockey bags with the Chiefs' logo visible.

Ms. Jones advised that during the Fall 2019, prior to the start of the school year hockey season, she had enquired with each team member about their affiliation with hockey teams in the community. Ms. Jones believed that since the Mississauga Chiefs had changed their team name to the Mississauga Hurricanes, students would not be using hockey bags with the Chiefs' logo. However, on further investigation following the incident at issue, Ms. Jones was informed that girls who played on the "B Team" were given a grace period in which to change their equipment, clothing and hockey bags to the new logo.

The Board provided also provided a report from Ms. Jones regarding the incident of November 27, 2019.

In her report, Ms. Jones advised that one of the goalies from Mount Carmel spoke to her coach to remind her and requested that she tell the Gonzaga coaches that her dad was going to be at the game watching, so to please make sure that no one had Mississauga Chiefs' paraphernalia showing during the game.

Ms. Jones stated that after her pre-game talk with the team, she was approached by a parent who was upset. The parent advised that she was scared and intimidated by the

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behaviour of one of the parents of the Mount Carmel team who had approached her in the upstairs area of the hockey rink. According to the parent, he was swearing about the Gonzaga coaches and girls, and the fact that they had *Chiefs'* stuff. The parent said that the other parent was yelling and swearing about how he was going to take the head coach and the Gonzaga principal to the Superintendent and that he was going to get Gonzaga kicked out of the league.

Ms. Jones advised that the Gonzaga team had nothing that said *Chiefs* or the *Chiefs'* logo while on the ice. A couple of the Gonzaga girls had *Chiefs'* bags as the Mississauga organization had given them a year to replace everything. All Gonzaga athletes had *Chiefs'* logos covered to walk out of the rink and going forward, they would have alternate bags to use for school games.

Member's Response to the Board/Employer

Not applicable.

Member's Response to the College

The Member denied the allegation that he failed to ensure that teachers were enforcing the requirement that students did not wear or display Indigenous mascot paraphernalia during school sporting events.

The Member stated that the incident of November 27, 2019 was the result of a misapprehension by a teacher in her capacity as coach of the varsity girls' hockey team at Gonzaga that all players on the community hockey team, the Mississauga *Chiefs*, had been required to replace their equipment and hockey bags when the team changed their name to the Mississauga Hurricanes in September 2019. The Member stated that she did not realize that two Grade 9 students would still be carrying hockey bags with the name *Chiefs* because they were provided with a grace period in which to purchase new equipment and hockey bags.

The Member stated that he implemented the Board's direction to prohibit the use of Indigenous symbols or imagery on clothing, equipment, and accessories in accordance with the settlement reached by the Board with the Complainant.

The Member stated that he took steps to implement the Board's direction specific to the Mississauga *Chiefs'* logo by communicating the expectations to the Department Head of Physical Education; identifying and supporting a strategy to prevent the inappropriate logo from being displayed by students who could not afford to replace their hockey equipment; and, delegating the responsibility for day-to-day supervision of the implementation of the direction to teaching staff volunteering their time to coach students on the Gonzaga hockey team, as well as other sports teams.

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The Member submitted that his actions to implement the direction provided to all principals by the Board were reasonable, appropriate and consistent with his statutory responsibility and authority pursuant to Ontario Regulation 298, *Operation Schools General*, which requires that principals organize and manage the school and assign duties to teachers in charge of organizational units or programs.

The Member stated that the steps taken by the coach of the hockey team to rectify the situation immediately following becoming aware that two students had used their *Chiefs'* hockey bags is a demonstration that the Member took appropriate steps to implement the Board's direction.

Complainant's Reply to Member's Response

On November 6, 2020, the Complainant provided a reply to the Member's response.

The Complainant stated that Gonzaga was not following the agreed upon conditions of the Human Rights Tribunal agreement, and that forgiveness was given to two Grade 9 students who were not instructed properly by negligent teachers.

The Complainant stated that the two-year window described by the Member was not part of the agreement with himself and the Human Rights Tribunal of Ontario, but rather a side agreement reached without his knowledge.

Documents Provided to the Committee

- Investigation Report
- Online Complaint Form, dated December 2, 2019
- Email thread between College Investigator and Complainant re: making contact, dated January 24 and 31, 2020
- Email from Complainant to College Investigator, dated February 4, 2020, with attachments:
 - Human Rights Tribunal of Ontario – Expert Report of Dr. Steinfeldt, dated October 20, 2016
 - Media Release – Human Rights Case Settles: City of Mississauga to Remove Indigenous Mascots from Mississauga Sports' Facilities, dated December 12, 2018
- Email from College Investigator to Complainant re: confirmation of allegations, dated May 20, 2020, with attachment:
 - Request to Initiate Investigation Form
- Email thread between College Investigator and Complainant re: follow up to confirmation of allegations

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- Email from College Investigator to Complainant, dated July 27, 2020, with attachment:
 - Letter from College Investigator to Complainant re: abandonment of complaint, dated July 27, 2020
- Email from Complainant to College Investigator, dated July 27, 2020
- Email from Complainant to College Investigator, dated August 10, 2020
- Email from Complainant to College Investigator, dated August 10, 2020, with attachments:
 - Request to Initiate Investigation Form, dated August 10, 2020
 - Media Post from Complainant "Virtue Signaling for Black Lives Matter while keeping your Indigenous Mascot"
- Email from College Investigator to Complainant re: acknowledgement of receipt of signed Request to Initiate Investigation Form, dated August 11, 2020
- Email from Complainant to College Investigator re: amended Request to Initiate Investigation Form, dated August 27, 2020, with attachments:
 - Amended Request to Initiate Investigation Form
 - Media Post received from Complainant "Human Rights Are Not Conditional For Indigenous Canadians"
- Letter from College Director of Investigations and Hearings to Member re: notification of complaint, dated August 25, 2020
- Email from College Investigator to Member, attaching notification package, dated August 27, 2020
- Email from College Investigator to Member re: amended notification letter, dated August 28, 2020, with attachment:
 - Amended first page of letter of notification to Member
- Email from Member Counsel to College Investigator, dated October 28, 2020, with attachments:
 - Letter from Member Counsel to College Investigator, dated October 28, 2020
 - Member's response
 - Media Article: Mississauga formally bans Indigenous logos for non-Indigenous teams in its sports facilities, dated September 18, 2019
- Email from College Investigator to Complainant, dated November 6, 2020, with attachment:
 - Letter from College Investigator to Complainant, attaching Member's response, dated November 6, 2020
- Email thread between College Investigator and Complainant, dated November 6, 2020
- Email from Complainant to College Investigator re: reply to Member's response, dated November 6, 2020, with attachment:
 - Video by Complainant on vimeo.com "Systemic Injustice"
- Email from College Investigator to Board, dated August 27, 2020, with attachment:

- Letter from College Investigator to Board, requesting information, dated August 27, 2020
- Email from College Investigator to Board re: follow up to request for information, dated October 5, 2020
- Email thread between College Investigator and Board Legal Counsel re: Board information, dated October 7, 2020
- Email from Board Legal Counsel to College Investigator, dated October 28, 2020, with attachments:
 - Affidavit and Exhibits of Member, dated October 28, 2020
- Email from College Investigator to Board Legal Counsel, dated November 6, 2020
- Email from Board Legal Counsel to College Investigator re: additional information, dated November 9, 2020, with attachment:
 - Report of Coach Melanie Jones, dated November 27, 2019
- Memorandum from College Investigator to File re: No prior matters, dated November 16, 2020

Decision of the Committee

On December 9, 2020, a panel of the Investigation Committee (the "Panel") considered this complaint.

The Ontario College of Teachers (the "College") is the regulatory body for the teaching profession in Ontario. Its mandate is to regulate the teaching profession in the public interest. The College registers individuals who are qualified to teach in Ontario, supports teachers in their profession, and resolves complaints about members of the teaching profession.


The Panel is satisfied that the allegations set out in the complaint relate to professional misconduct, incompetence or incapacity and are not frivolous, vexatious, an abuse of process, manifestly without substance or made for an improper purpose, such that an investigation was mandated. Information relevant to the complaint was gathered from the Complainant, the Member and the Board.

The Panel carefully reviewed the submissions of the parties and all relevant information available to the College. The Panel also determined that no Panel members were in a position of conflict regarding this complaint.


Pursuant to section 26(5)(b) of the *Ontario College of Teachers Act, 1996*, and for the reasons set out below, the Panel directs that this matter not be referred to the Discipline Committee and that no further action be taken in this complaint.

The Panel notes that the Member took reasonable and responsible steps in his role as principal to implement the Board's direction to prohibit the use of Indigenous symbols. Therefore, the Panel will take no further action with respect to this complaint.

Date: December 9, 2020


Bonnie Oakes Charron (Chair)


Erin Glen, OCT


Brian Beal, OCT