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**APPRO**

ASSOCIATION OF  
POWER PRODUCERS  
OF ONTARIO

January 7, 2011

Ms Kirsten Walli  
Board Secretary  
Ontario Energy Board  
27<sup>th</sup> floor  
2300 Yonge St.  
Toronto, Ontario  
M4P 1E4

**Re: Ontario Energy Board  
Renewed Regulatory Framework for Electricity (EB-2010-0377 and EB-2010-0379)**

Dear Ms Walli,

I am writing to request intervenor status in this proceeding.

APPRO is a non-profit organization representing electricity generators in Ontario. Our members produce nearly all the power generated in Ontario from facilities of many types including gas-fired, hydro-electric, nuclear and wind energy. APPRO members are customers of transmission and distribution utilities in Ontario, and many have current transmission or distribution connection applications in development or underway. The terms under which connection capacity is developed and the procedures for responding to connection requests can make the difference between a generation project being viable or non-viable. APPRO and its members therefore have a major interest in this proceeding.

APPRO expects to limit its intervention to issues of material impact on generators. APPRO expects to be primarily engaged in the "Distribution network investment planning" component of the co-ordinated consultation initiative (EB-2010-0377) but may also become active in the component titled "Defining and measuring performance of electricity distributors and transmitters (EB-2010-0379)."

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**or: PO Box 1084, Station F., Toronto, Ontario, M4Y 2T7 Canada**  
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APPrO submits that it should be eligible for costs on the following grounds:

- (a) APPrO Represents a Class of Consumers in this Proceeding: New principles, rules and procedures that may result from this proceeding could have material impact on the business conditions faced by generators and on the procedures followed by electricity distributors and transmitters in providing services to generators.
- (b) It is in the Public Interest to Facilitate Generator Participation: APPrO's members are building and planning new projects in response to OPA procurement programs and consequent contracts, and Ministerial Directives that incorporate provincial policy objectives. Given that the issues in the present proceeding likely to include "generator issues," the Board should facilitate the participation of generators in order to provide the best evidentiary basis for its determination. Many of APPrO's members are too small to participate individually in a meaningful way in this proceeding. APPrO's participation facilitates the involvement of such members, and ensures that the Board has before it a comprehensive representation in this proceeding from the power generator community.
- (c) APPrO's Participation Contributes to Hearing Efficiency: APPrO's representation of its members in such a proceeding would be a much more effective and efficient regulatory approach than having each of its members make their own interventions, with attendant duplication and extra costs. APPrO has participated similarly in numerous electricity hearings (e.g. Transmission Project Development Planning, transmission and distribution cost responsibility proceedings, etc.) and in natural gas proceedings (e.g., NGEIR, storage allocation, Enbridge and Union IRM proceedings).
- (d) Proper APPrO Participation Requires Intervenor Funding: APPrO, like other trade associations such as the Association of Major Power Consumers in Ontario ("AMPCO") and the Industrial Gas Users Association ("IGUA"), does not have independent funding sufficient to support well rounded participation.

The above is not an exhaustive list of APPrO's interest in this proceeding. There may be other issues of interest to APPrO that arise or develop during the proceeding. APPrO seeks at all times to retain and reflect the perspective of the generation industry as a whole, and to present a balanced view of policy issues affecting the electricity industry and the public at large in Ontario.

Although the Board's Practice Direction on Cost Awards states that generators are normally among the parties not eligible for costs (section 3.05(b)), APPrO submits that, for the above-noted reasons, including the nature of the issues in this proceeding and their importance to generators, the Board make an exception to the general rule that electricity generators are not eligible for costs. APPrO is essentially asking for the Board to exercise its discretion in the same manner as it did in respect of several recent electricity and natural gas proceedings that had unique impacts on power generators.

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We would be happy to provide further information related to this request. We look forward to your response.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'JB', with a stylized flourish at the end.

Jake Brooks  
Executive Director

Cc Dave Butters