



WEILER, MALONEY, NELSON

DIRECT LINE: John A. Cyr (807) 625-8880
EMAIL: jcyr@wmnlaw.com

G. Bernard Weiler Q.C., LSM,
K.C.S.G. (1910-1996)

April 13, 2011

Ross B. Judge (Counsel)
Certified Specialist (Real Estate Law)

File #57695

Frederick J.W. Bickford
Certified Specialist (Labour Law)

Ontario Energy Board
2300 Yonge Street
Suite 2700
Toronto ON M4P 1E4

B. Paul Jasura

Attention: Ms. Kirsten Walli, Board Secretary

John A. Cyr
Certified Specialist
(Corporate and Commercial Law)

Dear Ms. Walli:

Brian A. Babcock

Re: Regional Planning for Electricity Infrastructure (EB-2011-0043)

Garth A. O'Neill
Certified Specialist (Labour Law)

Intent to Participate

Deborah A. Humphreys

The law firm of Weiler, Maloney, Nelson are external counsel for the Corporation of the City of Thunder Bay (the "City") in this instance.

Bradley A. Smith

In response to the Ontario Energy Board invitation, dated April 1, 2011, to participate in the consultation process that is being initiated by the Board on Regional Planning for Electricity Infrastructure (EB-2011-0043), the City of Thunder Bay is requesting standing as an Interested Party.

Shelley Trewin

Nick Melchiorre

Fhara A. Pottinger

Background

Shannon Burkinshaw

The City of Thunder Bay is the largest municipality of the Northwest Region and the location of one of the two large thermal generating stations in the Region.

Jennifer M. Lohuis

Suite 201
1001 William Street
Thunder Bay ON P7B 6M1

Phone: (807) 623-1111
Fax: (807) 623-4947
Tollfree: 1-866-WEILERS
Internet: www.weilers.ca



The City of Thunder Bay's Substantial Interest

The City intends to build on firstly, its earlier participation, in alliance with Northwestern Ontario Municipal Association (NOMA) and the Township of Atikokan in the Board's review of the Integrated Power System Plan (EB-2007-0707) and secondly, its recent submissions, along with those of a group called Common Voice Northwest (CVNW) on the draft Supply Mix Directive.

The City of Thunder Bay has a substantial interest in this consultation proceeding because the City:

1. is the largest city in Ontario west of Sudbury, and is the major municipal centre for the Northwest Region;
2. represents the direct interests of the ratepayers in its own population (approximately 113,000), which population is 45% of the population of the entire Northwest Region (approximately 250,000);
3. serves as the supply and support services hub for the Northwest Region; and
4. is the location of one of the two large thermal generating stations in the Northwest Region.

The City of Thunder Bay will be able to provide valuable insight into not only issues related to energy but also to environmental and other social imperatives, including but not limited to social imperatives that are geographical, economic and commercial. The City has been and will continue to be a proponent of coordinated planning in the development of electricity infrastructure in the Northwest as a Region, through coordination by licenced distributors and transmitters.

The City also has an interest in the connection of renewable energy generation facilities in the Northwest Region to the distribution and transmission systems.

Co-operation

The City intends to continue the co-operation, established in the EB-2007-0707 hearings on the IPSP, with other Interested Parties, namely:

1. Northwestern Ontario Municipal Association (NOMA), which is an alliance between representing municipalities in the Northwest; NOMA also will be seeking status as an Interested Party;



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2. NOACC, the association of Chambers of Commerce throughout the Northwest Region; NOACC will also be seeking status as an Interested Party; and
3. the Township of Atikokan, the site of the other of the two large thermal generating stations in the Northwest Region; the Township will also be seeking status as an Interested Party.

These other Interested Parties and the City of Thunder Bay have agreed to co-operate and have, therefore, authorized Weiler, Maloney, Nelson to make submissions in the common interests of all of them.

In addition, the City and the Nishnawbe-Aski Nation (NAN), in a broad spectrum of issues, are active in seeking out areas where they have similar interests. Weiler, Maloney, Nelson, as counsel in this instance for the City of Thunder Bay, and Douglas Cunningham, counsel for Nishnawbe-Aski Nation, co-operated with one another in the EB-2007-0707 hearings on the IPSP and propose to continue sharing information and aligning strategies for submissions that are complementary to one another in the consultation now being undertaken by the Board.

Attendance May 12, 2011

My law partner, Nick Melchiorre and I intend on behalf of the City to attend the OEB stakeholder meeting on May 12, 2011.

Cost Awards

The City of Thunder Bay will seek designation as a person, under Section 30 of the *Ontario Energy Board Act, 1998*, eligible to receive costs. The basis for the designation would be the representative nature of the City in the Northwest Region itself and the indicated collaboration that the City will continue to pursue with other Interested Parties representing the interests of the Northwest Region.

The City in combination with NOMA in particular (including the Township of Atikokan) represents the direct interest of ratepayers throughout northwestern Ontario. Those ratepayers are often dependent for their livelihood on a single industrial employer in a town. They depend also on the robust mineral exploration programs now operating in the Northwest Region. The development of adequate electricity system reliability in the Northwest Region is essential for the viability of those industrial plants, for advanced mineral exploration, and certainly for the construction and operation of any mine that reaches production. A reliable and affordable supply of electricity is a necessity for economic wellbeing.



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Adequate supply of energy is also essential for an appropriate standard of living in the municipal and First Nation communities throughout the Northwest Region.

The City represents a public interest in seeking to ensure the reliability and security of electricity supply for both the ratepayers in the Northwest Region and the industries that employ them.

Representing the City of Thunder Bay:

For purposes of Notice:

- John A. Cyr, C.S. (Corporate and Commercial Law), Partner in the firm of Weiler, Maloney, Nelson (called to the Bar in 1980, licenced by the Law Society of Upper Canada to practice law in Ontario; billing rate \$320/hr; jcyr@wmnlaw.com);
- Nicola A. Melchiorre, Partner in the firm of Weiler, Maloney, Nelson (called to the Bar in 2004, licenced by the Law Society of Upper Canada to practice law in Ontario; billing rate \$200/hr to rise to \$220 August 1, 2011; nmelchio@wmnlaw.com);
- an associate lawyer (to be named) with the firm of Weiler, Maloney, Nelson (to be called to the Bar in 2011, licenced by the Law Society of Upper Canada to practice law in Ontario; billed out at \$140/hr);
- Cheryl Bickford, research librarian (billed out at \$115/hr);
- Sean Bickford, special projects computer assistant (billed out at \$100/hr);
- Jennifer Kingston, legal assistant (billed out at \$115/hr); and
- Donna Lafferty, legal assistant (billed out at \$115/hr).

Consultant

- Michael D. McLeod
McLeod & Associates (charge out rate of \$125/hr)
1000-120 Eglinton Avenue East
Toronto ON M4P 1E2



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Please contact the undersigned or Mr. Nick Melchiorre should further information or clarification be required.

Respectfully submitted,

Yours very truly,

WEILER, MALONEY, NELSON

Per:

John A. Cyr,
Counsel in this instance for
the City of Thunder Bay

JAC/dl