

ONTARIO ENERGY BOARD

IN THE MATTER OF the Ontario Energy Board Act, 1998, S.O. 1998, c.15, Schedule B, and in particular S. 36 thereof;

AND IN THE MATTER OF the Ontario Energy Board Act, 1998, c.15, Schedule B, and in particular, S. 90 thereof;

AND IN THE MATTER OF an Application by Union Gas Limited for an Order or Orders for approval of Union's Distribution System Expansion Project proposals;

AND IN THE MATTER OF an Application by Union Gas Limited for an Order or Orders granting leave to construct natural gas pipelines and ancillary facilities required to serve the communities of Milverton, Prince Township and, the Chippewas of Kettle and Stony Point First Nation and Lambton Shores.

NOTICE OF INTERVENTION

ASSOCIATION OF POWER PRODUCERS OF ONTARIO (APPrO)

September 28, 2015

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5 Hazelton Ave, Suit 200

Toronto, ON M5R 2E1

1. Zizzo Allan DeMarco LLP is counsel to APPrO and hereby requests intervenor status on APPrO's behalf in the above-noted proceeding.

A. APPrO and Its Interest in the Proceeding

2. APPrO is a non-profit organization representing more than 100 companies involved in the generation of electricity in Ontario, including generators and suppliers of services, equipment and consulting services. APPrO's members produce electricity from natural gas, hydro, nuclear, wind, biogas and other sources.
3. Union Gas Limited ("**Union**") has filed an application seeking approval of their proposed Community Expansion Projects (**EB-2015-0179**).
4. Most of APPrO's gas-fired generator members are large volume customers within Union's franchises. Continued access to sufficient supplies of competitively priced natural gas is paramount for these generators to help ensure the reliability of gas-fired electricity generation and the production of competitively priced electricity in Ontario. This application proposes to lower the economic threshold required to service these communities. This change in economic criteria will create cross subsidies between the new customers gaining access to natural gas and existing customers, which will result in higher distribution rates including those rates used by these gas-fired generators.

B. APPrO's Experience as a Frequent Intervenor

5. APPrO has a record of participating in Ontario Energy Board ("**Board**") proceedings as an intervenor. A description of APPrO, its mandate and objectives, membership and representative constituency, and programs and activities are summarized in Attachment I.

C. Nature and Scope of APPrO's Intended Participation

6. APPrO intends to be an active participant in this proceeding, and will act responsibly to coordinate with other intervenors where common issues may arise and be otherwise addressed. APPrO intends to participate by requesting information, participating in any requisite motions, testing evidence through the stipulated processes, submitting written interrogatories and providing argument in accordance with the Board's procedures

stipulated for this proceeding. Subject to the development of the record in this matter, APPrO may also submit evidence.

D. Costs

7. In accordance with s. 3.03(a) of the Board's Practice Direction on Cost Awards, APPrO is eligible to seek an award of costs from Union as APPrO is a party that primarily represents the direct interests of consumers in relation to services that are regulated by the Board.
8. The Board has deemed APPrO an intervenor eligible for costs in previous proceedings. These proceedings include, among others: Union's and Enbridge's 2015-2020 DSM Proceeding (EB-2015-0029/EB-2015-0049); Union's 2014-2018 IRM Proceeding (EB-2013-0202); Enbridge's 2014-2018 IRM Proceeding (EB-2013-0459); and Union's Burlington and Oakville Reinforcement Application (EB-2014-0182). APPrO believes it is appropriate for the Board to award APPrO costs in the context of this proceeding as well.

E. APPrO's Representatives

9. If APPrO is granted intervenor status by the Board, APPrO requests that further communications with respect to this proceeding be sent to the following:

Association of Power Producers of Ontario

25 Adelaide St. East
Suite 1602
Toronto, ON M5C 3A1

Attention: David Butters, President
Telephone: 416-322-6549, x231
Facsimile: 416-481-5785
Email: david.butters@apro.org

AND TO ITS CONSULTANT

Elenchus

34 King Street East
Toronto, ON M5C 2X8

Attention: John Wolnik
Telephone: (519) 474-0844
Email: jwolnik@elenchus.ca

AND TO ITS COUNSEL

Zizzo Allan DeMarco LLP

5 Hazelton Ave, Suite 200
Toronto, ON M5R 2E1

Attention: Lisa (Elisabeth) DeMarco
Telephone: 647-991-1190
Facsimile: 1-888-734-9459
Email: lisa@zadllp.com

Attention: Joanna Kyriazis
Tel: 1-888-389-5798
Facsimile: 1-888-734-9459
Email: joanna@zadllp.com

ALL OF WHICH IS RESPECTFULLY
SUBMITTED THIS
28th day of September, 2015



Lisa (Elisabeth) DeMarco
Zizzo Allan DeMarco LLP
Counsel for APPrO

ATTACHMENT I

The Association of Power Producers of Ontario

Description

The Association of Power Producers of Ontario (“**APPrO**”) is a not-for-profit trade and professional organization which represents Ontario-based commercial electricity generators and suppliers of services, equipment and consulting services. APPrO is the largest organization of its type in Canada. APPrO was established in 1986 as the Independent Power Producers’ Society of Ontario and changed its name to APPrO in 2003.

Mandate and objectives

APPrO’s principal objective is the achievement of an economically and environmentally sustainable electricity sector in Ontario that supports the business interests of electricity generators. APPrO’s role in the electricity sector is to raise awareness and understanding of its members’ concerns with senior decision-makers in government, regulatory bodies and the public at large.

Membership and representative constituency

APPrO currently has about 100 corporate members, who collectively produce more than 95% of the electricity made in Ontario. APPrO’s members produce electricity from a range of sources, including natural gas, hydroelectricity, cogeneration, windpower, solar energy, biomass, biogas, nuclear energy, and other sources. The total value of assets owned or operated by APPrO members is estimated at more than C\$50 billion, and the total annual sales of electricity by APPrO members exceeds C\$7 billion per year (wholesale value).

Programs and activities

APPrO acts as an advocate for its members. It aims to have a voice on regulatory and policy issues which affect generators in Ontario, including electricity market rules, power procurement processes, the regulation of the natural gas market (both provincially and federally), climate change rules and compliance mechanisms, approval requirements, transmission development, distributed generation, and a number of other issues. APPrO is a leading advocate for public policies and regulatory treatments that it believes will facilitate the development of power generation in the province and assist in the development of a more open and competitive market for power.

APPrO also organizes industry conferences and produces a number of publications. APPrO’s magazine, IPPSO FACTO, is an authoritative periodical on the electricity business and policy issues in Canada.

APPrO’s authorized representative in Ontario Energy Board (“**Board**”) proceedings

APPrO’s authorized representatives in proceedings before the Board is through its consultant, Elenchus Research Associates (“**Elenchus**”), represented by John Wolnik, and its counsel, Zizzo Allan DeMarco LLP (“**ZAD**”), represented by Lisa (Elisabeth) DeMarco, with support from ZAD associates.