

**Ontario Energy
Board**
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto ON M4P 1E4
Telephone: 416- 481-1967
Facsimile: 416- 440-7656
Toll free: 1-888-632-6273

**Commission de l'Énergie
de l'Ontario**
C.P. 2319
27e étage
2300, rue Yonge
Toronto ON M4P 1E4
Téléphone: 416- 481-1967
Télécopieur: 416- 440-7656
Numéro sans frais: 1-888-632-6273



BY E-MAIL

May 28, 2007

Jake Brooks
Executive Director
Association of Power Producers of Ontario ("APPRO")
25 Adelaide Street East
Suite 1602
Toronto ON M5C 3A1

Dear Mr. Brooks:

**Re: Hydro One Networks Inc.
Application for Leave to Construct Bruce-Milton Transmission
Reinforcement Project
Board File No. EB-2007-0050
Request for Intervenor Status**

The Board confirms the Association of Power Producers of Ontario ("APPRO") as an intervenor in the above noted proceeding, subject to Hydro One Networks Inc.'s right of reply to APPRO's request within 10 days of the mailing of this letter.

APPRO has argued that it should be eligible for costs under sections 3.03(a), 3.03(b) and 3.06 of the Board's Practice Direction on Cost Awards (the "Practice Direction"). Under sections 3.03(a) and 3.03(b) of the Practice Direction, a party which "primarily represents the direct interests of consumers (e.g. ratepayers) in relation to regulated services" or "primarily represents a public interest relevant to the Board's mandate" is eligible for costs. As the Practice Direction makes clear, not all customers of regulated services are eligible for costs: distributors take regulated services from transmitters; and gas marketers take regulated services from gas distributors etc.

Generators, and groups of generators, are explicitly excluded from eligibility for costs under section 3.05 of the Practice Direction. Under section 3.06, the Board may, in special circumstances, find an otherwise ineligible party eligible for costs. The issue is whether there are special circumstances in the current case which would warrant a departure from the specific exclusion in the Practice Direction. The Board finds that representing the interests of generators as the consumers of regulated services does not qualify as special circumstances in this Leave to Construct case. The Board also notes that a number of generators have intervened directly in this proceeding.

The Board therefore finds that there are no special circumstances present in this case and that APPrO is not eligible for a cost award in this proceeding.

Yours truly,

Original signed by

Peter O'Dell
Assistant Board Secretary

- c. Glen MacDonald, Hydro One Networks Inc.
James H. Smellie, Osler, Hoskin and Harcourt LLP
David Butters, APPrO
Tom Brett, Gowlings