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Toronto, May 3, 2010

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street, Suite 2700
P.O. Box 2319
Toronto, Ontario M4P 1E4

Dear Ms. Walli:

**RE: EB-2010-0059, Transmission Project Development Planning Staff Discussion Paper
(the “Staff Discussion Paper”)**

We are counsel to the Ontario Waterpower Association (the “OWA”). On behalf of the OWA, we are writing to request that it be found eligible for costs in this proceeding. The OWA was established in 2001 to represent the common interests of Ontario's waterpower industry. Today the OWA represents approximately 140 organizations, including 95% of Ontario’s hydroelectric generators. Given that most of the OWA’s members will connect their hydroelectric generation facilities to distribution facilities, this proceeding is important to the OWA.

The OWA views the current proceeding to be a logical extension of the Transmission Connection Cost Responsibility Review (the “TCCRR”) consultation. The TCCRR contemplated a designation process for enabler facility development, which is detailed and expanded on in the Staff Discussion Paper. Because the OWA was found to be eligible for costs by the Board in the TCCRR proceeding (EB-2008-0003), the OWA submits that it would be reasonable to extend its cost eligibility to this proceeding. In the Board’s July 29, 2008 cost eligibility decision in the TCCR proceeding, it recognized that the OWA would not usually be eligible for an award of costs, but granted cost eligibility nevertheless for the following reasons:

“The following parties would not usually be eligible for an award of costs, due to their inclusion in the list of ineligible parties in section 3.05 of the Practice Direction.

...

- OWA



However, the Board has found that special circumstances exist in this consultation that would allow these participants to be eligible. Specifically, distributors and generators are customers of transmitters and, in that sense, they can be likened to consumers in the circumstances of this consultation. The Board also notes that these participants have established constituencies that represent significant expertise in the matters relevant to this consultation, and are therefore expected to assist the Board in developing a better understanding of the issues of broad interest that are being considered in this consultation.

The OWA submits that the same logic should apply to this proceeding. Hydroelectric generation will connect to transmission systems and, in that sense, hydroelectric generators can be likened to consumers in the circumstances of this consultation.

As not-for-profit intervenor, the OWA depends on cost eligibility to participate in a meaningful way. The OWA will make every effort to communicate and co-ordinate its participation in this process with other groups representing the same interests or class of persons.

Yours very truly,

Ogilvy Renault LLP

A handwritten signature in black ink, appearing to read "Andrew Taylor".

Andrew Taylor

Credentials of Counsel:

Andrew Taylor practises energy regulatory law and environmental law. He has extensive experience in the electricity and gas industries. He has been involved in the energy sector since 1997. Prior to practising energy law in private practice, Mr. Taylor was in-house counsel at Ontario Hydro.

Mr. Taylor advises electricity distributors, transmitters and generators in respect of their regulatory obligations under the *Electricity Act*, 1998, the *Ontario Energy Board Act*, 1998, the Ontario Energy Board's codes and guidelines, and the Independent Electricity System Operator's *Market Rules*. He regularly appears before the Ontario Energy Board on behalf of clients with regard to matters such as rates, licensing, leave to construct, MAAD applications and reviews of the Ontario Energy Board's codes.