

June 1, 2010

Ms. Kirsten Walli, Board Secretary
ONTARIO ENERGY BOARD
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Ms. Walli:

Re: EB-2010-0184: Consumers Council of Canada (CCC) motion in relation to section 26.1 of the *Ontario Energy Board Act, 1998*.

Industrial Gas Users Association (IGUA) Notice of Intervention.

We write as legal counsel to IGUA.

Application for Intervenor Status.

In Procedural Order No. 3 issued herein the Board recognized IGUA as an observer in this proceeding, but also indicated that IGUA may apply for intervenor status in accordance with the timelines set out in the Order. We hereby request, on behalf of IGUA, that the Board accept this application for intervenor status in this proceeding.

Description of IGUA.

IGUA is an association of industrial companies located in the Canadian provinces of Manitoba, Ontario and Québec who use natural gas in their industrial operations. IGUA was first organized in 1973 and it provides a coordinated and effective public policy and regulatory voice for those industrial firms depending on natural gas as a fuel or feedstock. IGUA has become the recognized voice representing the industrial user of natural gas before regulatory boards and governments at both the provincial and national levels.

Nature and Scope of IGUA's Intended Participation.

IGUA has, for some time, been concerned regarding the policy underlying, and the legitimacy of, the so called "Special Purpose Charge" mandated by section 26.1 of the *Ontario Energy Board Act, 1998*. While the section 26.1 charges currently apply only to Ontario's electricity ratepayers, the legislation contemplates application of the charge to gas ratepayers as well, and IGUA anticipates that the regulation regarding collection of the charge from gas ratepayers will be introduced shortly.

In connection with CCC's motion in particular, IGUA has an interest in the scope of this Board's jurisdiction and regulatory responsibilities related to the section 26.1 charge, including the impact on such jurisdiction and regulatory responsibilities of determinations regarding the constitutionality of the operative legislative provisions.

Costs.

IGUA understands the Board's current procedural determinations in this matter to include a determination that costs will not be made available to participants. Accordingly, IGUA is not including in this intervention request an accompanying request that it be determined eligible to apply for an award of costs. IGUA reserves any entitlement that it might have to seek costs in future stages of this process should the Board determine at such future time that it will consider requests for costs.

Request for Written Evidence and Contact Information.

IGUA requests that copies of written evidence and all circulated correspondence related to this matter be directed to it as follows:

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Your truly,
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