

June 11, 2010

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

Dear Ms. Walli:

Re: Consumers Council of Canada ("CCC") Motion in relation to section 26.1 of the Ontario Energy Board Act, 1998 (the "Act") and Ontario Regulation 66/10 (EB-2010-0184): Request for Late Intervention of the Association of Power Producers of Ontario ("APPrO")

We have been retained by APPrO as counsel in the above-captioned proceeding. Please accept this letter as APPrO's request for late intervention.

APPrO hereby requests to be added as an intervenor in the above-captioned proceeding and to be provided with the opportunity to make brief written submissions in support of CCC on or before Wednesday, June 16, 2010. We have consulted Mr. Warren, counsel for CCC in respect of this request, and can advise that CCC does not object to the late intervention by APPrO in this proceeding.

Description of the Intervenor.

APPrO is an organization representing over 95 percent of the generators in the Ontario electricity sector. APPrO's members own and operate more than 30,000 MW of power generation capacity in the province. In addition to generators, APPrO's membership includes marketers, contractors, equipment suppliers, consultants, LDCs, fuel suppliers, service providers, financiers and individuals.

APPrO's mission is to promote the interests of its members within an open and competitive power industry in Ontario. In furtherance of its mission, APPrO regularly participates in public hearings and policy development consultations. It has a particular interest in any new or additional costs that may impact gas-fired electricity generators.

Interest in the Proceeding.

As reflected in the summary statement of APPrO's mission set out above, APPrO is interested in an open and competitive power industry in Ontario as a representative of distribution customers. APPrO members consume significant volumes of gas (approximately 90 bcf/year) and this will increase over the next five years as Ontario's electricity supply mix changes. APPrO has a particular interest in any new special purpose charges that may be applied to generators through gas distributors and the IESO and the allocation and payment of such charges to large volume consumers that generate electricity. The proposed special purpose charges and the related constitutionality of s. 26.1 and Regulation 66/10 are therefore of particular interest and potential impact to APPrO gas-fired electricity members.

The foregoing is not an exhaustive statement of APPrO's interest in this proceeding. There may be other issues of interest to APPrO that arise or develop during the proceeding. APPrO seeks at all times to retain and reflect the perspective of the industry as a whole, and a balanced view of policy issues affecting the electricity industry and the public at large in Ontario. APPrO respectfully submits that the perspectives of the balance of the generator community, and of the other interests that APPrO represents will materially contribute to informing the Board's deliberations and decision in this matter.

Intervention Request.

Pursuant to *Rule 23.05* of the Board's *Rules of Practice and Procedure* a person applying late for intervenor status must include in its letter of intervention reasons for the late application. Direction for APPrO regulatory interventions is provided through its Board and key affected members. In this instance, obtaining such direction requires a number of internal discussions, which have now crystallized. As a late intervenor, APPrO would accept the record herein as it exists as of the date that the Board may grant its request.

Costs.

Pursuant to the Board's Practice Direction on Cost Awards, APPrO is not applying for an award of costs at this time. APPrO reserves its right to apply for an award of costs herein should circumstances justify such an application later in this proceeding.

Communications.

APPrO requests that all communications and materials in this proceeding be directed to each of the following:

APPrO

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Toronto, Ontario M5C 3A1

Attention: Mr. David Butters, President

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Yours truly,

MACLEOD DIXON LLP


Elisabeth DeMarco

c: David Butters (by e-mail)
Robert Warren (by email)
All Intervenors (by email)