



WEILER, MALONEY, NELSON

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May 29, 2012

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File #57695

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Ontario Energy Board
2300 Yonge Street
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B. Paul Jasiura

*John A. Cyr
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Attention: Ms. Kirsten Walli, Board Secretary

Brian A. Babcock

Dear Ms. Walli:

*Garth A. O'Neill
Certified Specialist (Labour Law)*

Re: Policy Review of Micro-Embedded Generation Connection Issues
(EB-2012-0246)

Deborah A. Humphreys

Intent to Participate

Bradley A. Smith

The law firm of Weiler, Maloney, Nelson are external counsel for the Corporation of the City of Thunder Bay (the "City") in this instance.

Nick Melchiorre

In response to the Ontario Energy Board invitation, dated May 15, 2012, to participate in the consultation process that is being initiated by the Board regarding Policy Review of Micro-Embedded Generation Connection Issues (EB-2012-0246), the City of Thunder Bay is requesting standing as an Interested Party.

Rosalie A. Evans

Fhara A. Pottinger

Jennifer M. Lohuis

Background

Sarah B. Manilla

The City of Thunder Bay is the largest municipality of the Northwest Region and the location of one of the two large thermal generating stations in the Region.

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The City of Thunder Bay's Substantial Interest

The City intends to build on its earlier participation, in alliance with Northwestern Ontario Municipal Association (NOMA) and the Township of Atikokan in the Board's review of the Integrated Power System Plan (EB-2007-0707), its comments on the draft Supply Mix Directive and, most recently, on two of the consultation initiatives directly to the Board's Renewed Regulatory Framework for Electricity; namely, Regional Planning on Electrical Infrastructure (EB-2011-0043), and Developing Guidance for the Implementation of a Smart Grid in Ontario (EB-2011-0004).

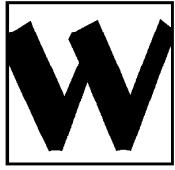
The City of Thunder Bay has a substantial interest in this consultation proceeding because the City:

1. has recent experience with micro-embedded generation connections within their jurisdiction;
2. is the largest city in Ontario west of Sudbury, and is the major municipal centre for the Northwest Region;
3. represents the direct interests of the ratepayers in its own population (approximately 113,000), which population is 45% of the population of the entire Northwest Region (approximately 250,000);
4. serves as the supply and support services hub for the Northwest Region; and
5. is the location of one of the two large thermal generating stations in the Northwest Region.

The City of Thunder Bay will be able to provide valuable insight into not only issues related to micro-embedded generation connections but also to environmental and other social imperatives, including but not limited to social imperatives that are geographical, economic and commercial. The City has been and will continue to be a proponent of coordinated planning in the development of electricity infrastructure in the Northwest as a Region, through coordination by licenced distributors and transmitters.

The City also has an interest in the connection of renewable energy generation facilities in the Northwest Region to the distribution and transmission systems.

Co-operation



The City intends to continue the co-operation, established in the EB-2007-0707 hearings on the IPSP, with other Interested Parties, namely:

1. Northwestern Ontario Municipal Association (NOMA), which is an alliance between representing municipalities in the Northwest; NOMA also will be seeking status as an Interested Party;
2. NOACC, the association of Chambers of Commerce throughout the Northwest Region; NOACC will also be seeking status as an Interested Party; and
3. Common Voice Northwest (CVNW); CVNW will also be seeking status as an Interested Party.

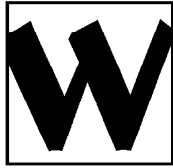
These other Interested Parties and the City of Thunder Bay have agreed to co-operate and have, therefore, authorized Weiler, Maloney, Nelson to make submissions in the common interests of all of them.

In addition, the City and the Nishnawbe-Aski Nation (NAN), in a broad spectrum of issues, are active in seeking out areas where they have similar interests. Weiler, Maloney, Nelson, as counsel in this instance for the City of Thunder Bay, and Douglas Cunningham, counsel for Nishnawbe-Aski Nation, co-operated with one another in the EB-2007-0707 hearings on the IPSP and propose to continue sharing information and aligning strategies for submissions that are complementary to one another in the consultation now being undertaken by the Board.

Cost Awards

The City of Thunder Bay will seek designation as a person, under Section 30 of the *Ontario Energy Board Act, 1998*, eligible to receive costs. The basis for the designation would be the representative nature of the City in the Northwest Region itself and the indicated collaboration that the City will continue to pursue with other Interested Parties representing the interests of the Northwest Region.

Pursuant to the Board's *Revised Practice Direction on Cost Awards*, the City of Thunder Bay may be ineligible by reason of the criteria contained in section 3.05(i). However, the City of Thunder Bay pleads and relies on section 3.07 of the *Practice Direction on Cost Awards* and submits this consultation presents a special circumstance in which the Board should grant cost eligibility to the City of Thunder Bay. Specifically, this consultation relates to the role the City of Thunder Bay has in land use planning and development more generally within their jurisdiction.



The process to connect micro-embedded generation within their communities impacts those ratepayers who are often dependent for their livelihood on a single industrial employer in a town, and now depend also on the robust mineral exploration programs in the Northwest Region. A reliable, affordable and renewable supply of electricity is a necessity for economic wellbeing. Availability of micro-embedded generation connection is also essential for an appropriate standard of living in the municipal and First Nation communities throughout the Northwest Region.

The City represents a public interest in seeking to ensure the reliability and security of electricity supply for both the ratepayers in the Northwest Region and the industries that employ them.

Representing the City of Thunder Bay:

For purposes of Notice:

- John A. Cyr, C.S. (Corporate and Commercial Law), Partner in the firm of Weiler, Maloney, Nelson (called to the Bar in 1980, licenced by the Law Society of Upper Canada to practice law in Ontario; billing rate \$320/hr; jcyr@wmnlaw.com);
- Nicola A. Melchiorre, Partner in the firm of Weiler, Maloney, Nelson (called to the Bar in 2004, licenced by the Law Society of Upper Canada to practice law in Ontario; billing rate \$220; nmelchio@wmnlaw.com);

Please contact the undersigned or Mr. Melchiorre should further information or clarification be required.

Respectfully submitted,

Yours very truly,

WEILER, MALONEY, NELSON

Per:

John A. Cyr,
Counsel in this instance for



WEILER, MALONEY, NELSON

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the City of Thunder Bay

JAC/dl