



# WEILER, MALONEY, NELSON

*Celebrating Over 65 Years of Service*

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April 15, 2013

File #57695

**VIA MAIL AND RESS PORTAL**

Ontario Energy Board  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto ON M4P 1E4

**Attention:** Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

**Re: Request for Intervenor Status in File No. EB-2013-0061 by:**

- ☐ **The Corporation of the City of Thunder Bay (City of Thunder Bay);**
- ☐ **Common Voice Northwest (CVNW)**
- ☐ **Northwestern Ontario Municipal Association (NOMA) and**
- ☐ **Northwestern Ontario Associated Chambers of Commerce (NOACC)**

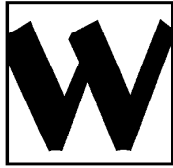
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**The EB-2013-0061 Proceeding**

This request for Intervenor status is in response to a Notice of Application and Written Hearing, dated April 3, 2013, issued by the Ontario Energy Board in relation to the Proceeding (EB-2013-0061). In that Proceeding the Board's approval is being sought of a Reliability Must-run Agreement (the RMR) between Ontario Power Generation Inc. (the OPG) and the Independent Electricity System Operator (the IESO). The RMR Application is in relation to one of two 153 MW

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coal-fired units (the TBGS Unit) at OPG's Thunder Bay Generating Station (TBGS).

**Status as Intervenors**

The following entities seek Intervenor Status in EB-2013-0061:

- ~ the Corporation of the City of Thunder Bay (the City),
- ~ Common Voice Northwest (CVNW),
- ~ the Northwestern Ontario Municipal Association (NOMA), and
- ~ the Northwestern Ontario Associated Chambers of Commerce (NOACC)

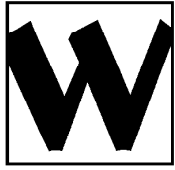
**Representation**

The law firm of Weiler, Maloney, Nelson have been retained by the City of Thunder Bay as the City's external counsel, in this instance. The City, CVNW, NOMA and NOACC, however, are agreed that the law firm of Weiler, Maloney, Nelson will submit evidence, argument or interrogatories, or will cross-examine witnesses, on behalf of all four of them in this Proceeding.

**Background**

City of Thunder Bay:

The City of Thunder Bay is the largest municipality of ratepayers in the Northwest Region. It is also the location of the TBGS.



NOACC:

NOACC represents over 2000 commercial and business consumers in the Northwest Region, primarily small business in their capacity as ratepayers for regulated services. NOACC membership covers a large geographical area. It includes every Chamber of Commerce from Marathon to the Manitoba border. NOACC's members are directly affected by the reliability that the operation of the TBGS provides for power supply in the Northwest Region. As a result members of NOACC will be directly impacted by the RMR Agreement.

NOACC is in a position to provide the OEB clearly defined consumer needs with respect to the TBGS Unit and the RMR Agreement.

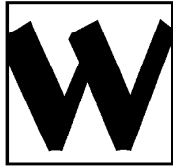
NOMA:

NOMA represents the interests of the ratepayers in all of the thirty-seven municipalities from Kenora and Rainy River in the west to Hornepayne and Manitouwadge in the east. Of the thirty-seven member municipalities only five have captive LDCs.

NOMA provides leadership in advocating the interests of the ratepayers it represents and the Northwest Region generally. NOMA is interested in the continued operation of the TBGS, and, with reference to the RMR is interested in the continued operation of the TBGS Unit in particular, as a means for ensuring the reliability of the power system serving the Northwest Region.

CVNW:

An alliance between NOMA and NOACC has led the creation of a formal coalition of interested organizations to advise them on issues related to Northwestern Ontario. That coalition is known as Common Voice Northwest (CVNW). In turn, Common Voice Northwest has absorbed a NOMA created subcommittee, the Energy Task Force (ETF). The ETF is a research facility with a specific mandate to investigate and make



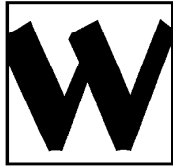
recommendations on issues related to energy issues in the Northwest Region. The Energy Task Force, on behalf of NOACC, NOMA, the City of Thunder Bay and CVNW, are currently in direct discussions with the Ontario Power Authority, the Independent Electricity System Operator and the Ministry of Energy with regard to electrical generation and transmission requirements in the Northwest Region.

**Substantial Interest as Intervnors**

**The City of Thunder Bay** has a substantial interest in this Proceeding. The City wishes to ensure the reliability of the IESO controlled grid because the City of Thunder Bay:

1. is the largest population center in the Northwest Region;
2. receives its electricity service for residential and business customers from the OPG's TBGS, through Thunder Bay Hydro;
3. represents the direct interests of the ratepayers within its own population (approximately 113,000), which population is approximately 52% of the population of the entire Northwest Region (approximately 250,000);
4. is the major commercial and industrial centre for the Northwest Region;
5. comprises the largest industrial load in the Northwest Region,
6. comprises the largest residential load in the Northwest Region,
7. with the third busiest international airport in Ontario, by passenger volume and with a large international port, as terminus of the Seaway, serves as the transportation, supply and support services hub for the Northwest Region (an area the size of France); and
8. is the location of the TBGS Unit, one of only two OPG thermal generating stations in the Northwest Region.

Because of all of these factors the City of Thunder Bay can provide important and unique perspectives in relation to the reliability of the IESO-controlled grid and the need for the



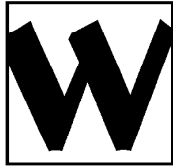
RMR Agreement. The operation of TBGS as a whole, and the TBGS Unit indicated in the RMR Application in particular, is essential in meeting the long term power system reliability needed in the Northwest Region.

**Northwestern Ontario Associated Chambers of Commerce** has a substantial interest in this proceeding because NOACC:

1. represents the member businesses of the individual Chambers of Commerce throughout the Northwest Region;
2. member businesses receive their electricity service from the OPG's TBGS, through various LDC's in the Northwest Region;
3. understands and can speak to the direct business interests of the business and commercial ratepayers in the Northwest Region;
4. through the Energy Task Force (ETF), NOACC has joined in the creation of a regional research committee of interested and experienced individuals who by living and working in the Northwest Region are keenly aware of the geographical and technical needs and deficiencies relating to electricity generation, transmission and distribution in the Northwest Region; and
5. is keenly aware of the power system reliability its members need with respect to electricity generation, transmission and distribution in the Northwest Region.

For all these reasons NOACC can provide the important and unique perspectives of business and commercial ratepayers related to the IESO-controlled grid. NOACC is keenly aware of the need for the TBGS as an operating asset in that grid, and, therefore, the necessity of the RMR Agreement for the TBGS Unit in particular, in meeting the long term power system reliability needs of the Northwest Region.

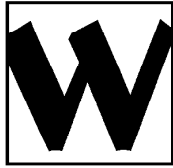
**Northern Ontario Municipal Association** has a substantial interest in this proceeding because NOMA:



1. members receive their electricity service from the OPG's TBGS, through Hydro One and the five captive LDC's in the Northwest Region;
2. understands and can speak to the direct interests of the industrial, business, commercial and residential ratepayers throughout the Northwest Region;
3. through the Energy Task Force NOMA has created a regional research committee of interested and experienced individuals who by living and working in the northwest are keenly aware of the geographical and technical issues relating to electricity generation, transmission and distributions in the Northwest Region; and
4. can provide important and unique perspectives of residential, industrial, institutional and commercial ratepayers in relation to the reliability of the IESO-controlled grid, the necessity of the TBGS as an operating asset in that grid, and the RMR Agreement for the TBGS Unit in particular, in meeting the long term reliability needs of the Northwest Region.

As representative of the municipalities in the Northwest Region NOMA is keenly aware of the geographical and technical issues relating to:

- the reliability that large scale dispatchable thermal generation affords within the vast area of the Northwest Region, and, correspondingly,
- the vulnerability, and therefore lower security, that is inherent in having transmission as a major source of power for the Northwest Region because of:
  - the vastness of the Northwest Region itself,
  - the remote and rugged terrain over which the East West Tie passes;
  - the age of the structures comprising the existing East West Tie;
  - the practical timeline for having the East West Tie upgrade in service;
  - the distance between the Northwest Region and the nearest alternate sources of dispatchable generation (e.g. 1,400 km driving distance between Thunder Bay and southern Ontario).



**NOACC and NOMA** have a combined awareness of the devastating losses to industrial customers caused by lack of reliability in the power system. For example, evidence can be led that, depending on length and locations, single power outages will cause production and remediation-expense losses of between one million and five million dollars for each industrial customer affected by each outage. NOACC and NOMA know first hand that the industrial customer on the power system grid is also the primary employer and always the largest taxpayer for NOMA communities. The same industrial customer is also known to be the primary economic driver for the businesses of all NOACC members.

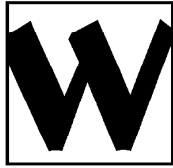
#### **Collaboration**

If granted Intervenor status the City of Thunder Bay, CVNW, NOACC and NOMA will collaborate in their submissions to the Board (the Coalition). To that end it is agreed that the Coalition will be represented by Weiler, Maloney, Nelson in submission of evidence, argument or interrogatories, and in conduct of any cross-examination of witnesses, that might arise.

#### **Eligibility for Cost Awards**

The City of Thunder Bay, CVNW, NOACC and NOMA will, individually, seek designation as persons, 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, CVNW, NOACC and NOMA throughout the Northwest Region. Each represents the direct interests of consumers, as ratepayers, in relation to regulated services, and each of the City, and the members of CVNW and NOMA can offer important and unique perspectives to the Board.

The businesses forming the membership of NOACC are not ineligible by reason of any of the criteria contained in section 3.05 of the *Practice Direction on Cost Awards*.



The thirty-seven municipalities forming the membership of NOMA are customers of the OPG either through Hydro One or in the instances of five of them, through their respective Local Distribution Companies. NOMA, therefore, relies on the section 3.06 exemption from the effects of section 3.05 in asking for eligibility for recovery of costs:

“Notwithstanding section 3.05, a party which falls into one of the categories listed in section 3.05 may be eligible for a cost award if it is a customer of the applicant.”

The City, CVNW, NOACC and NOMA ask as well that with respect to eligibility for costs that consideration be given to the efficiency gained by the collaborative representation in the Proceeding.

The City, CVNW, NOACC and NOMA represent a public interest in seeking to ensure the reliability of the IESO-controlled grid for all the residential, industrial, institutional and small business ratepayers in the Northwest Region.

In addition, the City, CVNW, NOACC and NOMA are or represent persons with a significant interest in land that is, or may be, affected by the RMR Agreement and the TBGS Unit. That interest in some instances may be a private interest, but in every case is a public interest.

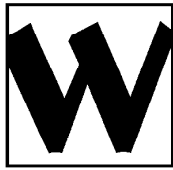
**Spokespersons for the City of Thunder Bay, CVNW, NOACC and NOMA**

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- Mark Mikulasik, associate in the firm of Weiler, Maloney, Nelson (called to the Bar in 2013), licenced by the Law Society of Upper Canada to practice law in Ontario).

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Please contact the undersigned should further information or clarification be required

Yours very truly,

WEILER, MALONEY, NELSON

Per:

John A. Cyr  
JAC/mm