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APPrO

ASSOCIATION OF
POWER PRODUCERS
OF ONTARIO

June 11, 2013

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
27th Floor
2300 Yonge St
Toronto, ON
M4P 1E4

Re: Proposed Amendments to the Transmission System Code and the Distribution System Code
Board File No. EB-2011-0043

Dear Ms Walli,

Further to the Board letter dated May 17, 2013 and the Board's *Practice Direction on Cost Awards*, we are writing to confirm cost award eligibility in relation to the above-mentioned proceeding.

Representation and Experts

APPrO proposes to retain an expert to assist in preparing its submission at this stage of the proceeding.

APPrO was found to be eligible for costs at an earlier stage of this proceeding. In its letter of May 4, 2011, the Board said, "Given the impact that this process may have on prospective generators and given the unique perspective that generators will bring to this process, the Board will allow APPrO to be eligible for cost awards in this consultation."

In addition, APPrO was found eligible for cost awards with respect to its further participation on Regional Planning under the RRFE initiative.

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Further, APPrO was invited by the Board to participate in the Regional Infrastructure Planning Working Group which prepared recommendations related to the code changes now under consideration. In its letter to APPrO of October 30, 2012 on the Regional Planning Working Group, the Board said, "In the circumstances, the Board considers it expedient to waive the requirement for your organization to submit a new request for cost award eligibility. The Board has determined that your organization is eligible for an award of costs, and further that it is also appropriate in the circumstances to waive the process for objections that would otherwise normally apply. Your cost eligibility status extends to your participation on the Regional Infrastructure Planning Process working group. It also extends to your participation in other eligible activities identified in the Board's October 18th Letter in which your organization may wish to participate, to the extent that such participation is directly related to the subject-matter of the Regional Infrastructure Planning Process working group activities, to the maximum number of hours set out in the October 18th Letter or, where applicable, as later determined by the Board."

The currently proposed code changes follow directly from the work of the Regional Infrastructure Planning Working Group. The Board's letter of May 17 said, "The proposed amendments to the TSC and the DSC set out in this Notice focus largely on attaching proposed timelines to the key obligations of transmitters and distributors in respect of their regional planning activities as contemplated in the Working Group Report."

APPrO is therefore requesting confirmation of its cost eligibility for the additional time spent by its expert on these code changes within the maximum of 15 hours as set out in the Board's letter of May 17, 2013.

Practice Direction and other Funding

APPrO currently does not have access to other funding to enable its participation in this initiative.

In accordance with Section 3 of the Board's *Practice Direction on Cost Awards*, APPrO believes that it is eligible for an award of costs as it represents potentially affected customers as well as a public interest relative to the Board's mandate (s.3.03(b)) and increasingly APPrO members are persons with interests that will be affected by the outcome of the process (2.3.03(c)). APPrO is an association that represents generation and technology providers, who are often customers of distribution and/or applicants in other related proceedings. As a result, APPrO submits that special circumstances exist to find that it is eligible for a cost award in this process despite the fact that certain of its members may fall within s.3.05(b) of the Practice Direction.

APPrO is a non-profit organization representing electricity generators in Ontario. APPrO members produce nearly all the power generated in Ontario from facilities of many types including gas-fired, hydro-electric, nuclear and wind energy. APPrO members are customers of transmission and distribution utilities in Ontario, and many have current transmission or distribution connection applications in development or underway. APPrO

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members often experience challenges associated with the uncertainties and implementation of current transmission and distribution related rules and policies.

The approach taken to regional planning could have a significant impact on APPrO members' generation companies and generation facilities, both those in operation and those under development.

APPrO and its members therefore have a significant interest in this part of the proceeding.

Nomination of expert representative

APPrO proposes to retain Mr. Rob Cary as its expert representative for this process.

On the basis of the foregoing, APPrO respectfully requests that the Board confirm that APPrO is eligible to recover costs for consulting time incurred in this proceeding specifically with respect to proposed changes to the Transmission System Code and the Distribution System Code.

Sincerely,



Jake Brooks
Executive Director

cc: Chris Cincar
Dave Butters