



# WEILER, MALONEY, NELSON

*Celebrating Over 65 Years of Service*

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June 14, 2013

File #57695

**VIA MAIL AND EMAIL** BoardSec@ontarioenergyboard.ca

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 by:**

- ☐ **The Corporation of the City of Thunder Bay (City of Thunder Bay,**
- ☐ **Northwestern Ontario Municipal Association (NOMA),**
- ☐ **and**
- ☐ **Northwestern Ontario Associated Chambers of Commerce (NOACC).**

**for Intervenor Status in File No. EB-2013-0192, an Ontario Energy Board proceeding to consider whether proposed amendments to the licence of the Ontario Power Authority (the "OPA") (EO-2010-0220) intended to reflect the OPA's obligations in the regional planning process, are appropriate.**

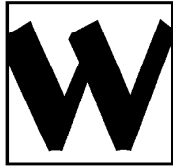
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## **Representation**

The Law firm of Weiler, Maloney, Nelson are retained by the City of Thunder Bay as the City's external counsel, in this instance. If the

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City, NOMA, and NOACC are granted intervenor status they will agree that the law firm of Weiler, Maloney, Nelson represent the interests of all three.

**Status as Intervenors**

The Board issued a Notice, dated June 3, 2013 (the “Notice”) of a proceeding commenced on the Board’s own motion to consider whether proposed amendments to the licence of the Ontario Power Authority (the “OPA”) (EO-2010-0220), intended to reflect the OPA’s obligations in the regional planning process, are appropriate (EB-2013-0192).

Pursuant to the Notice, the following entities all request Intervenor Status:

- ~ the Corporation of the City of Thunder Bay (the City),
- ~ the Northwestern Ontario Municipal Association (NOMA), and
- ~ the Northern Ontario Associated Chamber of Commerce (NOACC).

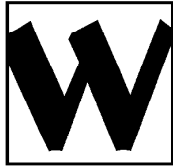
**Background**

City of Thunder Bay:

The City of Thunder Bay is the largest municipality of ratepayers in the Northwest Region.

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 covers a large geographical area that includes every Chamber of Commerce from Marathon to the Manitoba border.



### NOMA

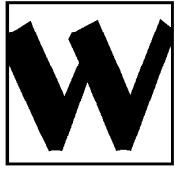
NOMA represents the interests of the ratepayers in all of the municipalities from Kenora and Rainy River in the west to Hornepayne and Wawa in the east. NOMA provides leadership in advocating the interests of those ratepayers and the Northwest Regional generally.

NOMA and NOACC have led the creation of a formal coalition of interested organizations to advise them on energy 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), as a research facility with a specific mandate to investigate and make recommendations on issues related to energy issues 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 that the regional planning process is implemented appropriately and that the amendments to the OPA's licence accurately reflect the regional planning process identified in EB-2011-0043 Regional Planning for Electricity Infrastructure. The City of Thunder Bay's interest arises because the City:

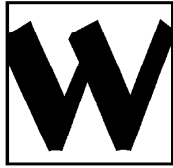
1. is the largest city in the Northwest Region,
2. represents the direct interests of the ratepayers in its own population (approximately 113,000), which population is 45% of the population of the entire Northwest Region (approximately 250,000);
3. is the major commercial and industrial centre for the Northwest Region;
4. comprises the largest industrial load and largest residential load in the Northwest Region,



5. with the fourth largest international airport in Ontario and a large international port as terminus of the Seaway, serves as the transportation, supply and support services hub for the Northwest Region;
6. is the location of one of the two large thermal generating stations in the Northwest Region; and
7. is keenly aware of the geographical and technical issues relating to electricity generation, transmission and distribution in the Northwest Region, and as such can provide important and unique perspectives to the Board in relation to the proposed amendments to the OPA's licence to reflect the regional planning process. These amendments will have a profound impact on the future electricity planning and infrastructure development in the Northwest region.

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

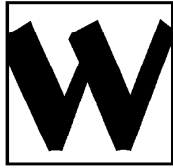
1. represents the member businesses of the individual Chambers of Commerce throughout the Northwest Region;
2. understands and can speak to the direct business interests of the business and commercial ratepayers in the Northwest Region (population approximately 250,000);
3. through the Energy Task Force (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;
4. membership will be directly impacted by the new regional planning process and the amendments to the OPA's licence intended to reflect the same;
5. is keenly aware of the short, medium and long term regional planning issues its members face relating to electricity generation, transmission and distribution in



- the Northwest Region, and as such can provide important and unique perspectives of business and commercial ratepayers related to the proposed amendments to the OPA's licence and the impact the proposed amendments will have on short, medium and long term electricity planning and infrastructure development in the Northwest region; and
6. is in a position to provide the OEB clearly defined consumer needs with respect to the implementation of the regional planning process and wishes to ensure the proposed amendments to the OPA's licence appropriately reflect and give effect to the regional planning process and obligations identified in the Board Report, Renewed Regulatory Framework for Electricity Distributors: A Performance Based Approach, and the Regional Infrastructure Planning Working Group Report to the Board: The Process for Regional Infrastructure Planning in Ontario.

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

1. understands and can speak to the direct interests of the industrial, business, commercial and residential ratepayers throughout the Northwest Region (population approximately 250,000);
2. through the Energy Task Force (ETF: formerly a sub-committee of NOMA) 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
3. can provide important and unique perspectives of ratepayers in relation to the proposed amendments to the OPA's licence to reflect the regional planning process as these amendments will have a profound impact on short, medium and long term electricity planning and infrastructure development in the Northwest region; and

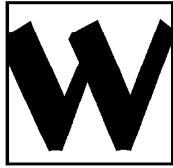


4. is interested in ensuring that regional planning in the Northwest region is appropriately implemented by ensuring the proposed amendments to the OPA's licence accurately reflect and give effect to the regional planning process and obligations identified in the Board Report, Renewed Regulatory Framework for Electricity Distributors: A Performance Based Approach, and the Regional Infrastructure Planning Working Group Report to the Board: The Process for Regional Infrastructure Planning in Ontario.

#### **Collaboration**

The City of Thunder Bay, NOACC and NOMA will collaborate, represented by Weiler, Maloney, Nelson, to provide their collective questions, submissions and argument in relation to not only issues related to energy but also to environmental and other social imperatives, including but not limited to social imperatives that are peculiar to the geographical, economic and commercial needs of the Northwest Region. The City, NOACC and NOMA have been and will continue to be proponents of coordinated, comprehensive regional planning in the development of electricity infrastructure in the Northwest as a Region.

The City, NOACC and NOMA and their respective memberships are directly affected by the outcome of this proceeding given the role and mandate of the OPA in relation to the regional planning process in the Northwest region. The regional planning process, its implementation, and the proposed amendments to the OPA's licence to reflect the regional planning process will have a profound impact on short, medium and long term planning and infrastructure development in relation to electricity needs of the Northwest region. In addition, regional planning process, its implementation, and the proposed amendments to the OPA's licence will have profound economic, social and practical impacts on the City, NOACC and NOMA and the Northwest region more generally.

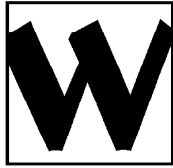


**Cost Awards**

The Northwestern Ontario Associated Chambers of Commerce (NOACC) is seeking 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 NOACC throughout the Northwest Region. NOACC represents the direct interests of businesses consumers, specifically small business, in their capacity as ratepayers, in relation to regulated services, and NOACC can offer important and unique perspectives to the Board in this Proceeding.

In addition, NOACC can offer clearly defined consumer needs to the Board in relation to the whether the proposed amendments to the OPA's licence appropriately reflect the OPA's obligations in the regional planning process, specifically, and the implementation of the regional planning process, more generally. The proposed amendments to the OPA's licence will need to reflect the regional planning process. They will impact 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. Ensuring the short, medium and long term infrastructure and regional planning needs of the Northwest region for a reliable, affordable and renewable electricity is a necessity for the economic wellbeing of NOACC members.

NOACC represents a public interest in seeking to ensure that the regional planning process is appropriately implemented and that the OPA's licence appropriately reflects the regional planning process for both the businesses in the Northwest Region and the industries that they supply with goods and services. In addition NOACC represents persons with a significant interest in land that is, or may be, affected by the regional planning process, and its implementation. That interest in some instances may be a private interest, but in every case is a public interest. The proposed amendments to the OPA's licence will need to reflect the regional planning process.



NOACC asks as well that with respect to eligibility for costs that consideration be given to the efficiency gained by the collaborative representation of NOACC, NOMA and the City of Thunder Bay in this Proceeding.

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

- 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);

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- 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).

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and

- 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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Yours very truly,

WEILER, MALONEY, NELSON

Per:

John A. Cyr

JAC/mm