



Norton Rose Fulbright Canada LLP
Royal Bank Plaza, South Tower, Suite 3800
200 Bay Street, P.O. Box 84
Toronto, Ontario M5J 2Z4 CANADA

F: +1 416.216.3930
nortonrosefulbright.com

John Beauchamp
+1 416.216.1927
John.Beauchamp@nortonrosefulbright.com

Assistant
+1 416.216.1877
Monique.Massabki@nortonrosefulbright.com

Your reference	Our reference
EB-2013-0109	

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

Dear Ms. Walli:

Union Gas Limited (EB-2013-0109)
2012 Earnings Sharing and Disposition of Deferral Accounts and Other Balances
Association of Power Producers of Ontario (“APPRO”) Request for Intervention

APPrO respectfully requests intervenor status in the above-noted proceeding.

Please do not hesitate to contact me should you have any questions or concerns.

Yours very truly,

Original signed by

John Beauchamp
Associate

JB/mnm

Enclosure

Cop(y/ies) to: Karen Hockin (Union Gas Limited)
David Butters (APPrO)
John Wolnik (Elenchus)

DOCSTOR: 2738790\1

Norton Rose Fulbright Canada LLP is a limited liability partnership established in Canada.

Norton Rose Fulbright Canada LLP, Norton Rose Fulbright LLP, Norton Rose Fulbright Australia, Norton Rose Fulbright South Africa (incorporated as Deneys Reitz Inc) and Fulbright & Jaworski LLP, each of which is a separate legal entity, are members of Norton Rose Fulbright Verein, a Swiss Verein. Details of each entity, with certain regulatory information, are at nortonrosefulbright.com. Norton Rose Fulbright Verein helps coordinate the activities of the members but does not itself provide legal services to clients.

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15
(Schedule. B);

AND IN THE MATTER OF an Application by Union Gas Limited for an order or
orders clearing certain non-commodity related deferral accounts and sharing
utility earnings pursuant to a Board approved earnings sharing mechanism;

NOTICE OF INTERVENTION

ASSOCIATION OF POWER PRODUCERS OF ONTARIO (“APPrO”)

June 17, 2013

John Beauchamp

Tel: 416-216-1927

Email: john.beauchamp@nortonrosefulbright.com

Facsimile: 416-216-3930

Norton Rose Fulbright Canada LLP

Suite 3800

Royal Bank Plaza, South Tower

200 Bay Street

Toronto ON M5J 2Z4

1. APPrO hereby requests intervenor status in the above-noted proceeding.
2. APPrO is a non-profit organization representing more than 100 companies involved in the generation of electricity in Ontario, including generators and suppliers of services, equipment and consulting services. APPrO members produce power from natural gas, as well as hydro, gas, coal, nuclear, wind, waste wood and other sources
3. Union Gas Limited ("Union") has applied for an order of the Board amending or varying the rate or rates charged to customers as of October 1, 2013 in connection with the sharing of 2012 earnings under the incentive rate mechanism approved by the Board as well as final disposition of 2012 year-end deferral account and other balances. The application also requests approval of a deferral account to capture variances between earnings sharing, deferral account and other balances approved for disposition and amounts actually refunded/recovered.
4. Union's proposed treatment of its deferral and variance accounts may have a considerable impact on the rates paid by APPrO members, including Rate 20, Rate 100, T1 and M12 customers. As a result, APPrO's members have a direct and significant interest in this proceeding.
5. Pursuant to s. 3.06 of the Board's Practice Direction on Cost Awards, APPrO intends to seek an award of costs from Union as a representative of a major customer class of the Applicant. In accordance with s. 3.03(a) of the Board's Practice Direction on Cost Awards, APPrO represents the direct interests of consumers (in this case, natural gas-fired generators in Ontario) in relation to Union's regulated services. The Board has previously deemed APPrO an intervenor eligible for costs in similar proceedings, including Union's application for an order of the Board amending or varying the rate or rates charged to customers as of October 1, 2012 in connection with the sharing of 2011 earnings under the incentive rate mechanism approved by the Board as well as final disposition of 2011 year-end deferral account and other balances (EB-2012-0087).
6. APPrO has a record of participating in Board proceedings in a responsible and efficient manner and, in addition to the matters mentioned above, has been held eligible for cost awards in other proceedings including: Union and Enbridge rates cases; and several natural gas proceedings that had unique impacts on power generators (i.e., NGEIR, storage allocation, etc.) APPrO believes it is appropriate for the Board to do so again in the context of this proceeding.
7. APPrO reserves the right to participate in all aspects of the proceeding and hereby requests that the Board, Union and any other intervenors provide it, its counsel and its consultant with copies of all evidence and correspondence related to the proceeding, at the contact information below:

APPrO
25 Adelaide St. East
Suite 1602
Toronto, ON M5C 3A1

Attention: David Butters, President
Telephone: 416-322-6549, x231
Facsimile: 416-481-5785
Email: david.butters@appro.org

AND

Norton Rose Fulbright Canada LLP
Suite 3800
Royal Bank Plaza, South Tower
200 Bay Street
Toronto, ON M5J 2Z4

Attention: John Beauchamp
Telephone: 416-216-1927
Facsimile: 416-216-3930
Email: john.beauchamp@nortonrosefulbright.com

AND

Elenchus
83 Guildford Cres.
London, ON, N6J 3Y3

Attention: John Wolnik
Telephone: 519-474-0844
E-mail: jwolnik@elenchus.ca

ALL OF WHICH IS RESPECTFULLY
SUBMITTED THIS
17th day of June, 2013

Original signed by

John Beauchamp
Norton Rose Fulbright Canada LLP
Counsel for APPrO