

September 12, 2013

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



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Your reference Our reference
EB-2013-0202

Dear Ms. Walli:

**EB-2013-0202 - Union Gas Limited 2014-2018 IRM Application
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: Chris Ripley (Union Gas Limited)
 George Vegh (McCarthy Tetrault LLP)
 David Butters (APPrO)
 John Wolnik (Elenchus)

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ONTARIO ENERGY BOARD

IN THE MATTER OF The Ontario Energy Board Act, 1998, S.O. 1998, c.15, Schedule B, and in particular, S. 36 thereof;

AND IN THE MATTER OF an Application by Union Gas Limited for an order or orders approving an incentive rate mechanism to determine rates for the distribution and transmission and storage of gas effective January 1, 2014;

**NOTICE OF LATE INTERVENTION OF
ASSOCIATION OF POWER PRODUCERS OF ONTARIO (“APPrO”)**

September 12, 2013

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1. We are counsel to APPrO. Pursuant to Rule 23.05 of the Board's Rules of Practice and Procedure, APPrO hereby requests late intervention status in the above-noted proceeding (intervention requests were due by September 10, 2013).
2. The late filing of this notice of intervention is attributable to APPrO only recently becoming aware of the application. This matter was brought to APPrO's attention by the applicant – Union Gas Limited ("Union") – and the Board, both of whom notified APPrO of the proceeding.
3. 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.
4. As stated in the Notice of Application, Union has applied to the Board for a multi-year Incentive Regulation Mechanism that will be used to set Union's regulated distribution, transportation and storage of gas rates over the 2014 to 2018 period.
5. Natural gas fired generators in Ontario are major customers of the Applicant and the cost consequences of this application will impact rates. Union is seeking an IRM pursuant to a comprehensive Settlement Agreement completed between stakeholders and Union. APPrO participated in (and was eligible for costs in) Union's 2013 Rebasing Proceeding (EB-2011-0210). It was also party to the Settlement Agreement filed in support of this application. As a result, APPrO's members have a direct and significant interest in this proceeding and would like to participate in it.
6. 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 relation to Union's regulated services.
7. 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.
8. 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
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Facsimile: 416-481-5785
Email: david.butters@appro.org

AND

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AND

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ALL OF WHICH IS RESPECTFULLY
SUBMITTED THIS
12th day of September, 2013

Original signed by

John Beauchamp
Norton Rose Fulbright Canada LLP
Counsel for APPrO