

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 the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B, and in particular, S. 90.(1) thereof;

AND IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B, and in particular, S. 91 thereof;

AND IN THE MATTER OF an Application by Union Gas Limited for an order or orders for approval of recovery of the cost consequences of all facilities associated with the development of the proposed Lobo C Compressor/Hamilton-Milton Pipeline project;

AND IN THE MATTER OF an Application by Union Gas Limited for an order or orders granting leave to construct natural gas pipelines and ancillary facilities in the City of Hamilton, City of Burlington, and the Town of Milton, and leave to construct a compressor and ancillary facilities in the Municipality of Middlesex Centre.

NOTICE OF INTERVENTION

ASSOCIATION OF POWER PRODUCERS OF ONTARIO

October 27, 2014

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200 Bay Street, Suite 3800

Toronto ON M5J 2Z4

1. Norton Rose Fulbright Canada LLP is counsel to the Association of Power Producers of Ontario (“**APPrO**”) and hereby requests intervenor status on APPrO’s behalf in the above-noted proceeding.

A. APPrO and its Interest in the 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’s members produce electricity from natural gas, hydro, coal, nuclear, wind, biogas and other sources.
3. Certain of APPrO’s members contract for significant quantities of both transmission and distribution services from Union Gas Limited (“**Union**”). These members stand to be directly affected by the issues raised by Union in its applications to the Ontario Energy Board (the “**Board**”) dated September 11, 2014 and September 30, 2014 (collectively, the “**Application**”), as Union’s proposed modifications to existing facilities and its construction of new pipeline facilities is expected to increase transmission and distribution rates. In particular, APPrO’s members are likely to be impacted by increases in the M12 and F24-T transmission rates, and increases in the distribution rates for Union South, T2, and Union North, Rate 20 and Rate 100.

B. APPrO’s Experience as a Frequent Intervenor

4. APPrO has a record of participating in Board proceedings as an intervenor. A description of APPrO, its mandate and objectives, membership and representative constituency, and programs and activities are summarized in Attachment I.

C. Nature and Scope of APPrO’s Intended Participation

5. APPrO intends to be an active participant in this proceeding, and will act responsibly to coordinate with other intervenors where common issues may arise and be otherwise addressed. APPrO intends to participate through counsel to request information, participate in any requisite motions, test evidence through the stipulated processes, submit written interrogatories and provide oral argument. Subject to the development of the record in this matter, APPrO may also submit evidence.

6. APPrO will consider and refine its interests in this proceeding on an ongoing basis, upon further review of the Application and in accordance with the directions of the Board. APPrO reserves its right to participate on any further related issues that may arise as the Application proceeds.

D. Request for Written Evidence

7. APPrO requests that a copy of the written evidence upon which the Application is based be provided to its counsel.

E. Costs

8. In accordance with s. 3.03(a) of the Board's Practice Direction on Cost Awards, APPrO is eligible to seek an award of costs from Union, as APPrO is a party that primarily represents the direct interests of consumers in relation to services that are regulated by the Board.
9. The Board has deemed APPrO an intervenor eligible for costs in previous proceedings. These proceedings include, among others: Union's 2013 Rebasing Proceeding (EB-2011-0210), and 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 (EB-2012-0087). APPrO believes it is appropriate for the Board to award APPrO costs in the context of this proceeding as well.

F. Preferred Language

10. APPrO's preferred official language for correspondence is English.

G. APPrO's Representatives

11. If APPrO is granted intervenor status by the Board, APPrO requests that further communications with respect to this proceeding be sent to the following:

Association of Power Producers of Ontario
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: Elisabeth DeMarco
Telephone: 416-203-4431
Facsimile: 416-216-3930
Email: elisabeth.demarco@nortonrosefulbright.com


Attention: Rahool P. Agarwal
Tel: 416-216-3943
Facsimile: 416-216-3930
Email: rahool.agarwal@nortonrosefulbright.com

AND

Elenchus
34 King Street East
Toronto, ON M5C 2X8

Attention: John Wolnik
Telephone: (519) 474-0844
Email: jwolnik@elenchus.ca

ALL OF WHICH IS RESPECTFULLY
SUBMITTED THIS
27th day of October, 2014



Elisabeth DeMarco
Norton Rose Fulbright Canada LLP
Counsel for APPRO

ATTACHMENT I

The Association of Power Producers of Ontario

Description

The Association of Power Producers of Ontario ("**APPrO**") is a not-for-profit trade and professional organization which represents Ontario-based commercial electricity generators and suppliers of services, equipment and consulting services. APPrO is the largest organization of its type in Canada. APPrO was established in 1986 as the Independent Power Producers' Society of Ontario and changed its name to APPrO in 2003.

Mandate and objectives

APPrO's principal objective is the achievement of an economically and environmentally sustainable electricity sector in Ontario that supports the business interests of electricity generators. APPrO's role in the electricity sector is to raise awareness and understanding of its members' concerns with senior decision-makers in government, regulatory bodies and the public at large.

Membership and representative constituency

APPrO currently has about 100 corporate members, who collectively produce more than 95% of the electricity made in Ontario. APPrO's members produce electricity from a range of sources, including natural gas, hydroelectricity, cogeneration, windpower, solar energy, biomass, biogas, nuclear energy, coal, and other sources. The total value of assets owned or operated by APPrO members is estimated at more than C\$50 billion, and the total annual sales of electricity by APPrO members exceeds C\$7 billion per year (wholesale value).

Programs and activities

APPrO acts as an advocate for its members. It aims to have a voice on regulatory and policy issues which affect generators in Ontario, including electricity market rules, power procurement processes, the regulation of the natural gas market (both provincially and federally), climate change rules and compliance mechanisms, approval requirements, transmission development, distributed generation, and a number of other issues. APPrO is a leading advocate for public policies and regulatory treatments that it believes will facilitate the development of power generation in the province and assist in the development of a more open and competitive market for power.

APPrO also organizes industry conferences and produces a number of publications. APPrO's magazine, IPPSO FACTO, is an authoritative periodical on the electricity business and policy issues in Canada.

APPrO's authorized representative in OEB proceedings

APPrO's authorized representative in proceedings before the Ontario Energy Board (the "**Board**") is Norton Rose Fulbright Canada LLP ("**NRF**"), represented by Elisabeth DeMarco, with support from other NRF associates. NRF's representation of APPrO in proceedings before the Board is pursuant to a written retainer agreement.