

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Sched. B, as amended;

**AND IN THE MATTER OF** an Application by Enbridge Gas Distribution Inc. for an Order or Orders pursuant to section 36 of the Ontario Energy Board Act, 1998 in relation to a Settlement Agreement dated October 10, 2014.

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

**November 7, 2014**

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AND

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## **INTRODUCTION:**

1. Enbridge Gas Distribution Inc. (“Enbridge”) has filed an application with the Ontario Energy Board under section 36 of the *Ontario Energy Board Act, 1998*, as amended, for an Order or Orders approving a Settlement Agreement dated October 10, 2014 (the “Settlement Agreement”).
2. Enbridge is seeking approval of the Settlement Agreement that sets out the terms on which customers of Enbridge will be given direct access to service at the Dawn hub in Southwestern Ontario (“Dawn”).
3. APPrO hereby requests intervenor status in this proceeding.

## **INTEREST OF THE INTERVENOR:**

4. 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.
5. APPrO members contract for both bundled and unbundled distribution services from Enbridge. No other consumer group represents the interests of Rate 125 unbundled customers.
6. The current application provides for the Dawn Delivery T-Service (“DTS”) to be made available to Direct Purchase bundled customers, and recognizes certain time constraints to be able to implement Phases 1 and 2 in a timely manner. Enbridge has committed to further consultation with unbundled customers (Exhibit B, Tab 2, Schedule 1, Appendix B, Page 33 of 44). The outcome of this application could have an impact on the nature and scope of these future consultations. Therefore APPrO members have a direct and substantive interest in this proceeding.
7. APPrO also participated as an active member of Enbridge’s working committee during the summer of 2014.

### **SCOPE OF PARTICIPATION:**

8. APPrO reserves the right to participate in all aspects of the proceeding, including, without limitation, matters related to the discussion of costs to be recovered from bundled customers that is being proposed by Enbridge, the calculation of the DTS charge and the basis and the reasonableness of such costs over the subject period. APPrO also reserves the right to present evidence as it may deem necessary.

### **APPrO's EXPERIENCE AS A FREQUENT INTERVENOR:**

9. APPrO has a record of participating in Board proceedings as an intervenor. As required by Rule 22.04 of the Board's Rules of Practice and Procedure and Rule 3.03.1 of the Board's Practice Direction on Cost Awards, APPrO filed with the Board information on APPrO's mandate, objectives, membership, constituency, programs and activities and other relevant information within the previous 12 month period as part of EB-2014-0261 on October 27, 2014. This document has been updated and attached as Attachment 1 to this Notice of Intervention.

### **COSTS:**

10. Pursuant to s. 3.06 of the Board's Practice Direction on Cost Awards, APPrO intends to seek an award of costs from Enbridge. 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 Enbridge's services that are regulated by the Board (APPrO's members are the largest consumers of Enbridge's services).
11. APPrO has a record of participating in Board proceedings in an active, responsible and efficient manner and the Board determined that APPrO was 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 (including, among others, NGEIR and storage allocation proceedings). APPrO believes it is appropriate for the Board to do so again in the context of this proceeding and in light of the potential impacts of the Application on APPrO's members.

**COUNSEL/REPRESENTATIVES AND REQUEST FOR WRITTEN EVIDENCE:**

12. APPrO requests that the Board, Enbridge and all intervenors provide it and its counsel and consultant with copies of all evidence and correspondence related to the proceeding, at the contact information below. APPrO asks that Enbridge deliver electronic copies of its Settlement Agreement and all of its prefiled evidence to each of the individuals shown below. Electronic versions of other filings in this matter will be satisfactory to APPrO at this time.

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ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 7<sup>TH</sup> DAY OF NOVEMBER, 2014

**BORDEN LADNER GERVAIS LLP**

**Per:**

*Original signed by John A.D. Vellone*

John A.D. Vellone

Counsel to APPrO

TOR01: 5750854: v2

## **Attachment 1**

### **The Association of Power Producers of Ontario**

#### **Description**

The Association of Power Producers of Ontario ("**APPrO**") is a non-profit trade and professional 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 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 principal authorized representative in proceedings before the Ontario Energy Board (the "**Board**") is Elenchus Research Associates Inc. ("**Elenchus**"), represented by John Wolnik. Borden Ladner Gervais LLP ("**BLG**"), represented by John A.D. Vellone with support from other BLG associates, will provide support to APPrO and Elenchus for this proceeding EB-2014-0323. Elenchus and BLG's representation of APPrO in proceedings before the Board is pursuant to written retainer agreements.