

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 approving or fixing rates for the sale, distribution, transmission and storage of gas.

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

December 16, 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 (the “Board”) under section 36 of the *Ontario Energy Board Act, 1998*, as amended, for an Order or Orders approving or fixing rates for the sale, distribution, transmission and storage of gas commencing January 1, 2015.
2. Enbridge is seeking approval of the second year of a five year Incentive Regulation (IR) plan approved by the Board in EB-2012-0459. Specifically, Enbridge is seeking approval of the following, as described in its Application: final rates for the year commencing January 1, 2015; changes to Rider G (Service Charges); the continuation of approved deferral and variance accounts for 2015; the approval of a new Customer Final Bill Deferral Account; and the determination of all other issues that bear upon the Board’s approval or fixing of just and reasonable rates for the sale, distribution, transmission and storage of gas by Enbridge for the year commencing January 1, 2015.
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. Among APPrO’s members are gas-fired generators in Enbridge’s franchise area. These generators take service from Enbridge primarily under Rate 125. All customers in the Rate 125 rate class are power generators and not represented by any other consumer group. APPrO’s members have a direct and significant interest in this proceeding.
6. The evidence filed by Enbridge indicates that the average rate increase will be approximately 2% for all customer classes on a T-service basis (excluding commodity costs). APPrO was an active participant in the EB-2012-0459 proceeding, and APPrO has an interest in ensuring that any increases resulting from the Enbridge application are in

accordance with the Board's Decision in EB-2012-0459 and to scrutinize any increases that may have a materially negative impact on generators.

SCOPE OF PARTICIPATION:

7. APPrO reserves the right to participate in all aspects of the proceeding, including, without limitation, matters related to the rate making methodology being proposed by Enbridge and the basis and the reasonableness of rate 125 over the subject period. APPrO also reserves the right to present evidence as it may deem necessary.

APPrO's EXPERIENCE AS A FREQUENT INTERVENOR:

8. 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-2014-0323 on November 7, 2014. This document has been updated and attached as Attachment 1 to this Notice of Intervention.

COSTS:

9. 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 regulated services (APPrO's members are the largest consumers of Enbridge's services).
10. APPrO has a record of participating in Board proceedings in a 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

11. APPrO requests that the Board, Enbridge and all intervenors provide it and its counsel and consultant with copies of all written evidence and correspondence related to the proceeding, at the contact information below. APPrO asks that Enbridge deliver paper and electronic copies of its Application 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 16TH DAY OF DECEMBER, 2014

BORDEN LADNER GERVAIS LLP

Per:

*Original signed by John A.D. Vellone*_____

John A.D. Vellone

Counsel to APPrO

TOR01: 5793389: v1

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-2014-0276. Elenchus and BLG's representation of APPrO in proceedings before the Board is pursuant to written retainer agreements.