

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 Ltd. pursuant to Section 36(1) of the *Ontario Energy Board Act, 1998*, S.O. 1998, for an order or orders approving its Demand Side Management Plan for 2015-2020;

AND IN THE MATTER OF an Application by Enbridge Gas Distribution Inc. pursuant to Section 36(1) of the *Ontario Energy Board Act, 1998*, S.O. 1998, for an order or orders approving its Demand Side Management Plan for 2015-2020.

NOTICE OF INTERVENTION

ASSOCIATION OF POWER PRODUCERS OF ONTARIO (APPrO)

5 May 2015

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Toronto, ON M5R 2E1

1. Zizzo Allan DeMarco 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, nuclear, wind, biogas and other sources.
3. Union Gas Limited (“**Union**”) and Enbridge Gas Distribution Inc. (“**Enbridge**”) have each filed an application seeking approval of its Demand Side Management (“**DSM**”) Plan for the period of 2015 to 2020 (**EB-2015-0029** and **EB-2015-0049**, respectively). The Ontario Energy Board (the “**Board**”) has indicated that it will combine the two applications into a single proceeding.
4. Most of APPrO’s gas-fired generator members are large volume customers and are some of the largest customers within Enbridge’s and Union’s franchises. These large volume customers individually contract for significant quantities of distribution services from Enbridge and Union. Within the Enbridge system, APPrO members predominately contract for distribution service under Rate 125, and at this time only gas-fired generators subscribe for Rate 125 service. Rate 125 customers are therefore not represented by any other intervenor in this combined proceeding. Within the Union franchise, gas-fired generators primarily contract for distribution services under Rate 20, Rate 25, and Rate 100 in Union North, and T2 in Union South. As a result, APPrO’s members have a direct, significant and unique interest in this proceeding that may be of interest to all customers.

B. APPrO’s Experience as a Frequent Intervenor

5. 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 and has been filed with the Board.

C. Nature and Scope of APPrO’s Intended Participation

6. 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 to request information, participate in any requisite motions, test evidence through the stipulated processes, submit written interrogatories and provide argument in

accordance with the Board's procedures stipulated for this proceeding. Subject to the development of the record in this matter, APPrO may also submit evidence.

D. Request for Written Evidence

7. APPrO requests that a copy of the written evidence upon which the Applications are based be provided to its consultant and counsel.

E. Oral vs. Written Hearing

8. In its Notice of Application, the Board sought input on whether the combined hearing should proceed by way of written or oral format. The Applications were preceded by a Board process (**EB-2014-0134**), which allowed interested parties to provide input to the proposed draft DSM Framework for Natural Gas Distributors (2015-2020) ("**Framework**") and the draft Filing Guidelines to the DSM Framework for Natural Gas Distributors (2015-2020) ("**Guidelines**"). Subsequent to the finalization of the Framework and the Guidelines by the Board, each of the Applicants also hosted consultation sessions with stakeholders prior to filing their respective Applications. APPrO therefore believes that it would be sufficient to proceed by way of a written hearing at this time, provided that interrogatory responses from the Applicants are clear and contain complete answers. In the event that this does not occur, APPrO reserves the right to request a technical conference or other such processes the Board deems appropriate to ensure that the record is clear and complete. However, in the event that the Board or other intervenors prefer an oral proceeding, APPrO does not oppose an oral hearing.

F. Costs

9. 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 Enbridge and Union, as APPrO is a party that primarily represents the direct interests of consumers in relation to services that are regulated by the Board.
10. The Board has deemed APPrO an intervenor eligible for costs in previous proceedings. These proceedings include, among others: Enbridge's 2014-2018 IRM Proceeding (EB-2013-0459); Union's application for an order or orders approving a one-time exemption from its approved rate schedules to reduce certain penalty charges applied to direct purchase customers who did not meet their contractual obligations (EB-2014-0154); Union's 2013 Rebasing Proceeding (EB-2011-0210); and Union's 2014-2018 IRM Proceeding (EB-2013-0202). APPrO believes it is appropriate for the Board to award APPrO costs in the context of this proceeding as well.

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 TO ITS CONSULTANT

Elenchus

34 King Street East
Toronto, ON M5C 2X8

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

AND TO ITS COUNSEL

Zizzo Allan DeMarco LLP

5 Hazelton Ave, Suite 200
Toronto, ON M5R 2E1

Attention: Lisa (Elisabeth) DeMarco
Telephone: 647-991-1190
Facsimile: 1-888-734-9459
Email: lisa@zadllp.com

Attention: Joanna Kyriazis
Tel: 1-888-389-5798
Facsimile: 1-888-734-9459
Email: joanna@zadllp.com

ALL OF WHICH IS RESPECTFULLY
SUBMITTED THIS
5th day of May, 2015



Lisa (Elisabeth) DeMarco
Zizzo Allan DeMarco 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 representatives in proceedings before the Ontario Energy Board (the “**Board**”) is through its consultant, Elenchus Research Associates (“**Elenchus**”), represented by John Wolnik, and its counsel, Zizzo Allan DeMarco LLP (“**ZAD**”), represented by Lisa (Elisabeth) DeMarco, with support from ZAD associates.