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June 12, 2015

**Delivered by Email and Courier**

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street  
26th Floor, Box 2319  
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: Enbridge Gas Distribution Inc. – 2014 Earnings Sharing Mechanism and  
Other Deferral And Variance Accounts Clearance Review  
Board File No. EB-2015-0122**

We are counsel to the Association of Power Producers of Ontario (“APPrO”) in the above-captioned matter. Please find attached APPrO’s Notice of Intervention in this proceeding. Paper copies of this letter and the accompanying Notice will be delivered to you by courier.

Should you have any questions or require further information in this regard, please do not hesitate to contact me.

Yours very truly,

**BORDEN LADNER GERVAIS LLP**

Per:

*Original signed by James K. Little per John A.D. Vellone*

John A.D. Vellone

cc: David Butters, APPrO  
John Wolnik, Elenchus  
Andrew Mandyam, Enbridge Gas Distribution Inc.  
Fred Cass, Aird & Berlis LLP

TOR01: 5963579: v1

**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 the clearance or disposition of amounts recorded in certain deferral or variance accounts.

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

**June 12, 2015**

**APPrO:**  
**David Butters**  
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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 the clearance or disposition of amounts recorded in certain deferral or variance accounts.
2. Within the Decision with Reasons in the EB-2012-0459 proceeding, the Board had established a Custom IR framework to set Enbridge’s rates over the period of 2014-18. This Decision included, *inter alia*, an Earnings Sharing Mechanism (“ESM”) wherein Enbridge was able to share earnings above the Board-approved Return on Equity with ratepayers on a 50/50 basis. Through this application Enbridge is seeking approval for the following, as described in its Application: clearance of the balance of the 2014 Earnings Sharing Mechanism Deferral Account and as well as the balances within certain of its 2014 Deferral and Variance accounts and the 2015 TIACDA and CFBDA, and also approval to carry forward the balances of these accounts for review and approval in a later proceeding.
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 Enbridge has collected significantly more in its ESM account than was approved by the Board. APPrO was an active participant in the

EB-2012-0459 proceeding, and APPrO has an interest in ensuring that any over collection resulting from the Enbridge application are in accordance with the Board's Decision in EB-2012-0459 and to scrutinize any ESM collection issues 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. 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-2014-0276 on December 16, 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 ESM 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 a paper copy of its ESM Application and all of its prefiled evidence to Elenchus Research Associates Inc. at the coordinates listed 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 12<sup>TH</sup> DAY OF JUNE, 2015

**BORDEN LADNER GERVAIS LLP**

**Per:**

*Original signed by James K. Little per John A.D.  
Vellone*

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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-2015-0122. Elenchus and BLG's representation of APPrO in proceedings before the Board is pursuant to written retainer agreements.

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