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April 14, 2016

**Delivered by Email and Courier**

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street  
27th Floor, Box 2319  
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: Enbridge Gas Distribution Inc. – Application re: Rate 332 Tariff STAR  
Board File No. EB-2016-0028**

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 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: 6283121: 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 a tariff pursuant to the *Storage and Transportation Access Rule*.

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

**April 14, 2016**

**APPrO:**  
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AND

**Elenchus Research Associates  
Inc.**  
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**John Wolnik**  
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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 and sections 2.1.1 and 2.3.3 of the Board’s *Storage and Transportation Access Rule* (“STAR”), for an Order or Orders approving Enbridge’s terms of service, allocation methodology and rate schedule for gas transportation service under Rate 332 (the “Application”).
2. In the Board’s Decision and Order in EB-2012-0451, the Board granted leave to construct for Enbridge’s GTA Project, which involved the construction of segments of pipeline (Segment A and B) one of which was known as the Albion Pipeline (Segment A) that extends from Enbridge’s Parkway Gate Station to the Albion Road Station (where it will then connect to King’s North pipeline yet to be constructed). In its Application, Enbridge states that it will provide Parkway to Albion King’s North Transportation Service on its Albion Pipeline under Rate 332 and that its proposed revenue requirement methodology for Rate 332 was approved in EB-2012-0451. Enbridge further states that it sought approval for Rate 332 in EB-2012-0459 which was approved by the Board in July 2014.
3. As part of EB-2012-0451, the Board approved a settlement agreement which provided that “[a]s soon as reasonably practicable after the parties determine the NEB decision ... to be an Acceptable Regulatory Approval, Enbridge will, in accordance with STAR, issue a new open season for all available transmission capacity on Enbridge’s Segment A Pipeline ... conditional upon the successful bidders having sufficient transportation capacity both downstream and upstream ... of the Segment A Pipeline ... subject to any required OEB approval.”
4. Enbridge states that the in order for the Enbridge to offer transmission service on the Albion Pipeline, STAR requires that the Rate 332 Tariff be approved by the Board. In particular, STAR requires that the tariff define a transmitter’s method for allocating transportation capacity and allocation methodology for approval by the Board and that the tariff is to include the terms of service for each of the transportation services.

5. Through this Application Enbridge is seeking approval for final, interim or other Orders and account orders as may be necessary or appropriate (as described in its Application) for: approval of the Tariff for transportation service under Rate 332 consisting of the rate schedule and tariff attached as Attachment I and II respectively, of the Application; and such further relief or other relief as the Board may deem appropriate in relation to Enbridge's transportation service under Rate 332.
6. APPrO hereby requests intervenor status in this proceeding.
7. APPrO recently intervened in Enbridge's application for a 2016 rate application (EB-2015-0114), filing interrogatories and participating in the settlement that was ultimately approved by the Board. Further, APPrO was an intervenor in the original EB-2012-0451 proceeding wherein APPrO filed interrogatories, made submissions and participated in the oral hearing as well as the EB-2012-0459 proceeding where APPrO filed interrogatories, submissions, and arguments and participated in the oral hearing on the issues.

**INTEREST OF THE INTERVENOR:**

8. 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, nuclear, wind, waste wood and other sources.
9. Among APPrO's members are gas-fired generators in Enbridge's franchise area. These generators take service from Enbridge primarily under Rate 125.
10. The evidence filed by Enbridge indicates that it will be issuing a new open season for all available firm transmission capacity on Enbridge's Segment A Pipeline. Certain generators that are APPrO members may be interested in participating in the open season for either firm or interruptible transmission capacity on the Albion Pipeline. Access to interruptible capacity however has been restricted to shippers that also hold firm capacity on this pipeline.
11. APPrO's interests in this proceeding are to evaluate Enbridge's proposed terms of service,

allocation methodology and rate schedule for gas transportation service under Rate 332 to ensure that they are just and reasonable, specifically to ensure they do not unduly limit the participation of APPrO members in the open season.

12. APPrO does note that its intervention in this process is not a guarantee that any APPrO member will participate in the open season. Whether a specific APPrO member elects to participate in the open season is a commercial decision unique to that generator and its circumstances.

#### **SCOPE OF PARTICIPATION:**

13. 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:**

14. 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, EB-2015-0114, EB-2015-0122 and EB-2015-0175. This document has been updated and attached as Attachment 1 to this Notice of Intervention.

#### **COSTS:**

15. 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).
16. 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 proposed terms of service, allocation methodology and rate schedule for gas transportation service under Rate 332 on APPrO's members.

## **COUNSEL/REPRESENTATIVES**

17. 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 (i) a paper copy of its Application and all of its pre-filed evidence to Elenchus Research Associates Inc. at the coordinates listed below; (ii) other than the Application and pre-filed evidence, electronic versions of remainder of the filings in this matter will be satisfactory for Elenchus Research Associates Inc. at this time; and (iii) electronic copies of its Application and all other evidence to Borden Ladner Gervais LLP and APPrO at the coordinates listed below.

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ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 14<sup>TH</sup> DAY OF APRIL, 2016

**BORDEN LADNER GERVAIS LLP**

**Per:**

*Original signed by John A.D. Vellone*

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John A.D. Vellone  
Counsel to APPrO

## **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, 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-2016-0028. Elenchus and BLG's representation of APPrO in proceedings before the Board is pursuant to written retainer agreements.

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