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February 20, 2017

**Filed on RESS and Sent via Courier**

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319, 27<sup>th</sup> Floor  
2300 Yonge Street  
Toronto ON M4P 1E4

Dear Ms. Walli:

**Re: Union Gas Limited and Enbridge Gas Distribution – Application for approval of a list that identifies the amount of natural gas certain energy efficient technologies use and the lifespan of each of those technologies  
Board File No. EB-2016-0246**

We are counsel to the Association of Power Producers of Ontario ("**APPrO**"). Please find enclosed APPrO's Notice of Intervention requesting intervenor status and cost eligibility in the above-noted proceeding.

Yours very truly,

A handwritten signature in black ink, appearing to be "Lisa DeMarco", with a long, sweeping horizontal line extending to the right.

Lisa (Elisabeth) DeMarco

## **ONTARIO ENERGY BOARD**

**IN THE MATTER OF** the Ontario Energy Board Act,  
1998, S.O. 1998, c.15 (Schedule B) s. 36;

**AND IN THE MATTER OF** an Application by Union Gas  
Limited and Enbridge Gas Distribution Inc. for approval  
of a list that identifies the amount of natural gas certain  
energy efficient technologies use and the lifespan of  
each of those technologies.

**EB-2016-0246**

### **NOTICE OF INTERVENTION**

**ASSOCIATION OF POWER PRODUCERS OF ONTARIO  
(APPrO)**

**February 20, 2017**

#### **A. APPrO and its Interest in the Proceeding**

1. APPrO is a non-profit organization representing more than 100 companies involved in the generation of electricity in Ontario, including generators, suppliers of services and equipment, and consulting service providers. APPrO's members produce electricity from natural gas, hydro, nuclear, wind, biogas and other sources.
2. Union Gas Limited and Enbridge Gas Distribution Inc. (the "**Applicants**") have filed an application for approval by the Ontario Energy Board (the "**Board**") of new and updated conservation measures and associated engineering assumptions related to life cycle, energy usage, and gas savings included within a new Technical Reference Manual ("**TRM**").
3. APPrO's gas-fired generator members ("**GFGs**") are large volume customers within the Applicants' franchise areas. As customers, GFGs individually contract for significant quantities of natural gas services from the Applicants. The contents of the TRM, which are the subject of this proceeding, stand to directly and materially affect the Applicants' GFG customers through the utilities' incentive payments and lost revenue adjustment mechanism charges.

#### **B. APPrO's Experience as a Frequent Intervenor**

4. APPrO has a record of responsibly 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 A.

#### **C. Nature and Scope of APPrO's Intended Participation**

5. 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. Subject to the development of the record in this matter, APPrO may also submit evidence.

#### **D. Costs**

6. 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 the Applicants, as APPrO is a party that primarily represents the direct interests of consumers in relation to services that are regulated by the Board.
7. The Board has deemed APPrO an intervenor eligible for costs in previous proceedings. These proceedings include, among others: Union's Panhandle Reinforcement Proceeding (EB-2016-0186), Enbridge's 2014-2018 IRM Proceeding (EB-2013-0459), Union's 2014-2018 IRM Proceeding (EB-2013-0202) and Enbridge's and Union's DSM Proceedings (EB-2015-0029/EB-2015-0049). APPrO submits that it is appropriate for the Board to award APPrO costs in the context of this proceeding as well.

#### **E. APPrO's Representatives**

8. If the Board grants APPrO intervenor status, 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](mailto: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](mailto:jwolnik@elenchus.ca)

AND TO ITS COUNSEL

**DeMarco Allan LLP**

200-5 Hazelton Avenue  
Toronto, ON M5R 2E1

Attention: Elisabeth DeMarco  
Telephone: 647-991-1190  
Facsimile: 1-888-734-9459  
Email: [lisa@demarcoallan.com](mailto:lisa@demarcoallan.com)

Attention: Cary Ferguson  
Tel: 1-888-389-5798  
Facsimile: 1-888-734-9459  
Email: [cary@demarcoallan.com](mailto:cary@demarcoallan.com)

Attention: Jonathan McGillivray  
Tel: 1-888-389-5798  
Facsimile: 1-888-734-9459  
Email: [jonathan@demarcoallan.com](mailto:jonathan@demarcoallan.com)

ALL OF WHICH IS RESPECTFULLY  
SUBMITTED THIS  
20th day of February, 2017



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Lisa (Elisabeth) DeMarco  
DeMarco Allan LLP  
Counsel for APPrO

## **ATTACHMENT A**

### **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, represented by John Wolnik, and counsel, DeMarco Allan LLP, represented by Elisabeth DeMarco, with support from associates.