

John A.D. Vellone
T (416) 367-6730
F (416) 361-6749
jvellone@blg.com

Ada Keon
T (416) 367-6234
F (416) 361-6749
akeon@blg.com

Borden Ladner Gervais LLP
Scotia Plaza, 40 King Street W
Toronto, ON, Canada M5H 3Y4
T 416.367.6000
F 416.367.6749
blg.com



December 15, 2017

Delivered by Email and Courier

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

Dear Ms. Walli:

**Re: Applications by Union Gas Limited, Enbridge Gas Distribution Inc. and EPCOR Natural Gas Limited Partnership for approval of the cost consequences of Cap and Trade Compliance Plans effective January 1, 2018
Board File No. EB-2017-0224 / EB-2017-0255 / EB-2017-0275**

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.
Fiona Oliver-Glasford, Enbridge Gas Distribution Inc.
Adam Stiers, Union Gas Limited
Dennis M. O'Leary, Aird & Berlis LLP
David Stevens, Aird & Berlis LLP
Crawford Smith, Torys

Brian Lippold, EPCOR Natural Gas Limited Partnership
Richard J. King, Osler, Hoskin & Harcourt LLP

TOR01: 7195987: 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 Applications by Union Gas Limited, Enbridge Gas Distribution Inc. and EPCOR Natural Gas Limited Partnership for approval of the cost consequences of Cap and Trade Compliance Plans effective January 1, 2018.

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

December 15th, 2017

APPrO:

David Butters

President
25 Adelaide Street East
Suite 1602
Toronto ON M5C 3A1
Tel: (416) 322-6549, x231
Facsimile: (416) 481-5785
Email: david.butters@appro.org

Borden Ladner Gervais LLP

Bay Adelaide Centre, East Tower
22 Adelaide St W.
Toronto ON M5H 4E3

John A.D. Vellone

Tel: (416) 367-6730
Facsimile: (416) 361-2758
Email: jvellone@blg.com

Ada Keon

Tel: (416) 367-6234
Facsimile: (416) 367-6749
Email: akeon@blg.com

AND

**Elenchus Research Associates
Inc.**

83 Guildford Cres.
London, ON N6J 3Y3

John Wolnik

Tel: (519) 474-0844
Facsimile: (416) 348-9930
E-mail: jwolnik@elenchus.ca

INTRODUCTION:

1. The Association of Power Producers of Ontario ("APPrO") hereby requests intervenor status in respect of the combined proceeding on the applications filed by each of Union Gas Limited ("Union Gas"), Enbridge Gas Distribution Inc. ("Enbridge") and EPCOR Natural Gas Limited Partnership ("EPCOR") (collectively the "Gas Utilities") with the Ontario Energy Board ("OEB") on December 1, 2017 seeking approval of the forecast costs arising from their respective Cap and Trade Compliance Plans for the January 1 - December 31, 2018 time period (the "2018 Cap and Trade Compliance Plans"). Enbridge and Union have also asked for the approval of a jointly developed procurement and funding model to introduce renewable natural gas into the Ontario market. The Gas Utilities filed their applications in accordance with the OEB's *Report of the Board – Regulatory Framework for Assessment of Costs of Natural Gas Utilities' Cap and Trade Activities* ("Cap and Trade Framework")¹. The Board has assigned file numbers EB-2017-0224, EB-2017-0255 and EB-2017-0275 to this combined proceeding.

INTEREST OF THE INTERVENOR:

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 members produce power from natural gas, as well as hydro, gas, nuclear, wind, waste wood and other sources.
3. Among APPrO's members are gas-fired generators in the Enbridge and Union Gas franchise areas. Within the Enbridge franchise, these generators take service primarily under Rate 125. All customers in the Rate 125 rate class are power generators and are not represented by any other consumer group. Within the Union franchise, gas-fired generators contract for distribution and transportation services under several rate classes, including Rate 100, Rate 20, in Union North and Rate T2 and Rate M12 in Union South.
4. APPrO actively participated in the 2017 Cap and Trade Compliance Plan Application EB-

¹ EB-2015-0363

2016-0296/EB-2016-0300/EB-2016-0330.

5. APPrO's members have a direct and significant interest in this proceeding. APPrO's interests are to ensure that the 2018 Cap and Trade Compliance Plans meet the principles of cost-effectiveness, rate predictability, transparency, flexibility and continuous improvements. The costs will have an impact on gas-fired generators, and to the extent generators include these incremental costs in their offers/bids in the IESO administered markets, on the Hourly Ontario Electricity Price.

SCOPE OF PARTICIPATION:

6. 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.

FORM OF HEARING REQUESTED

7. APPrO believes the nature of the Application is sufficiently complex and impactful to warrant an oral hearing.

APPrO's EXPERIENCE AS A FREQUENT INTERVENOR:

8. APPrO has a record of participating in Board proceedings as an intervenor. As required by Rule 22.03(b) 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-2017-0102, EB-2017-0091, EB-2017-0127, EB-2016-0246, EB-2016-0296 / EB-2016-0300 / EB-2016-0330, EB-2016-0186 and EB-2015-0179. 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 the Gas Utilities. 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 and Union Gas' regulated 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 Gas 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 2018 Cap and Trade Compliance Plans on APPrO's members.

COUNSEL/REPRESENTATIVES

11. APPrO requests that the Board, the Gas Utilities 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 the Enbridge and Union deliver (i) paper copies of their Applications and all other evidence in this matter to Elenchus Research Associates Inc. at the coordinates listed below; and (ii) electronic copies of their Applications and all other evidence to Borden Ladner Gervais LLP and APPrO at the coordinates listed below.

APPrO:
David Butters
President
25 Adelaide Street East
Suite 1602
Toronto ON M5C 3A1
Tel: (416) 322-6549, x231
Facsimile: (416) 481-5785
Email: david.butters@appro.org

Borden Ladner Gervais LLP
Bay Adelaide Centre, East Tower
22 Adelaide St W.
Toronto ON M5H 4E3

John A.D. Vellone
Tel: (416) 367-6730
Facsimile: (416) 361-2758
Email: jvellone@blg.com

Ada Keon
Tel: (416) 367-6234
Facsimile: (416) 367-6749
Email: akeon@blg.com
AND

**Elenchus Research Associates
Inc.**

83 Guildford Cres.
London, ON N6J 3Y3

John Wolnik

Tel: (519) 474-0844
Facsimile: (416) 348-9930
E-mail: jwolnik@elenchus.ca

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 15th DAY OF DECEMBER, 2017

BORDEN LADNER GERVAIS LLP

Per:

Original signed by John A.D. Vellone

John A.D. Vellone
Counsel to APPrO

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 over 100 corporate members, twenty two of which collectively produce more than 50% 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.

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 and Ada Keon with support from other BLG associates, will provide support to APPrO and Elenchus for this combined proceeding EB-2017-0224 / EB-2017-0255 / EB-2017-0275. Elenchus and BLG's representation of APPrO in proceedings before the Board is pursuant to written retainer agreements.