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March 5, 2018

**Delivered by Email, RESS & Courier**

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

Dear Ms. Walli:

**Re: Application by Enbridge Gas Distribution Inc. for an order or orders related to its Renewable Gas Enabling Program and Geothermal Energy Service Program and to amend rates for sale, distribution, transmission, and storage of gas commencing as of Jan 1, 2018  
Board File No. EB-2017-0319**

We are counsel to the Association of Power Producers of Ontario (“APPPrO”) in the above-captioned matter. Please find attached APPPrO’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, APPPrO  
John Wolnik, Elenchus  
Andrew Mandyam, Enbridge Gas Distribution Inc.  
David Stevens, Aird & Berlis LLP

**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 related to its Renewable Gas Enabling Program and Geothermal Energy Service Program;

**AND IN THE MATTER OF** an Application by Enbridge Gas Distribution Inc. for an order or orders amending or varying the rates charged to customers for the sale, distribution, transmission, and storage of gas commencing as of January 1, 2018

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

**APPrO:**  
**David Butters**  
President  
25 Adelaide Street East  
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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. Enbridge Gas Distribution Inc. (“Enbridge”) 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 or fixing rates for the sale, distribution, transmission and storage of gas commencing January 1, 2018 (the “Rates Application”). The Board has assigned file number EB-2017-0086 to the Rates Application.
2. APPrO intervened in the Rates Application, filing interrogatories, participating in the settlement and making submissions on settlement related issues.
3. Enbridge first presented its Renewable Natural Gas Enabling Program and Geothermal Energy Service Program proposals as part of its evidence in its 2018 Rate Adjustment Application (EB-2017-0086) which was submitted to the Board on September 25, 2017. On October 16, 2017, the Board notified Enbridge that it wished to separate the Renewable Natural Gas Enabling Program and Geothermal Energy Service Program proposals from the 2018 Rate Adjustment Application and directed Enbridge to submit these proposals as a separate application under the Docket Number EB-2017-0319.
4. APPrO hereby requests intervenor status in this proceeding.

## **INTEREST OF THE INTERVENOR:**

5. 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.
6. 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 are not represented by any other consumer group.
7. APPrO’s members have a direct and significant interest in this proceeding. Arising from Enbridge’s Renewable Natural Gas Enabling Program and Geothermal Energy Service

Program is a potential impact on gas generators' gas quality, as Enbridge will have full control over the design and building of the facilities that will impact quality.

8. Regarding the Geothermal Service Program, APPrO's interests are to ensure that there is no harm to its members nor any harm to competition. In the evidence filed by Enbridge, Enbridge recognizes that there will be a deficiency in terms of the revenues versus the costs of the proposed programs in their early years.<sup>1</sup> In other words, there may be a negative financial consequence for APPrO members in the early years of the projects.
9. APPrO's interests in this proceeding are to ensure that the quality of the Renewable Natural Gas Enabling Program will not negatively affect generators, to ensure that the proposed Geothermal Service Program is limited to the rate classes that can benefit from the program, to ensure Enbridge's proposal does not adversely affect a competitive market, and to evaluate Enbridge's proposed terms of service, allocation methodology and rate schedule for Upgrading Service under new Rate 400 and Injection Service under Rate 401 to ensure that they are just and reasonable.

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

10. 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:**

11. 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-2017-0085, EB-2017-0102, EB-2016-0296 / EB-2016-0300 / EB-2016-0330, and EB-2016-0215. This document has been updated and attached as Attachment 1 to this Notice of Intervention.

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<sup>1</sup> Exhibit B Tab 1 Schedule 1 Page 10

## **COSTS:**

12. 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.
13. 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 Ltd. 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 service fees on APPrO's members.

## **COUNSEL/REPRESENTATIVES**

14. 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) 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.

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ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 5TH DAY OF MARCH, 2018

**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 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 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-2017-0319. Elenchus and BLG's representation of APPrO in proceedings before the Board is pursuant to written retainer agreements.

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