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May 6, 2019

**Delivered by Email, RESS & Courier**

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

Dear Ms. Walli:

**Hydro One Networks Inc. (“Hydro One”) Application for 2020-2022 Transmission Rates  
File No: EB-2019-0082  
Association of Power Producers of Ontario (“APPrO”) Request for Intervenor Status**

We are counsel to APPrO in above captioned proceeding. We are writing pursuant to the Ontario Energy Board’s (the “Board”) Notice regarding the above captioned proceeding to request intervenor status for the APPrO.

APPrO has participated in previous Hydro One transmission rates proceedings (e.g., EB-2012-0031, EB-2014-0140). APPrO’s primary interest in this proceeding is the export transmission service (ETS) tariff. APPrO may also explore Hydro One’s proposed capital program.

The members of APPrO represent more than 90% of Ontario’s generating capacity and are active in a wide range of power generation technologies including gas-fired power, wind energy, cogeneration (CHP), nuclear, hydroelectric, solar, geothermal, energy from waste, fuel cells and other types of generation. APPrO members are also significant exporters of electricity. APPrO therefore brings the perspectives of these companies to Board proceedings and initiatives, and has a direct interest in the promotion of economic efficiency and cost-effectiveness of the electricity infrastructure of Ontario.

APPrO has a record of frequent participation in OEB proceedings as an intervenor. In addition to previous Hydro One proceedings, APPrO has participated in the IESO’s 2017 and 2016 expenditure and revenue requirement proceedings, and proceedings involving Union Gas Ltd., Enbridge Gas Distribution Inc., and the former Ontario Power Authority, as well as OEB-sponsored consultations.

APPrO also intends to seek an award of costs. In accordance with the Board's Practice Direction on Cost Awards (the "Cost Awards Direction"), APPrO is eligible to seek an award of costs from Hydro One, as APPrO is a party that represents the direct interests of customers (generators and exporters) in relation to Hydro One services that are regulated by the Board (s. 3.03(a)). Furthermore, although s. 3.05 of the Cost Award Direction stipulates that despite s. 3.03, generators are not eligible for a cost award, s. 3.06 states that notwithstanding s. 3.05, a party which falls into one of the categories listed in section 3.05 may be eligible for a cost award if it is a customer of the applicant.

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-2018-0305, EB-2018-0249 / EB-2018-0253, EB-2018-0331, EB-2018-0131, EB-2017-0224 / EB-2017-0255 and EB-2017-0319. This document has been updated and attached as Attachment 1.

Therefore, APPrO submits that it should be eligible for its reasonably incurred costs on the grounds that it represents a class of Hydro One customers in this proceeding. All APPrO generator members are participants in the IESO administered market ("IAM") and sell into it. APPrO members export significant energy through it to other neighbouring control areas. As a result, export costs are an important matter to APPrO membership.

Moreover, APPrO has applied for, been found eligible for and received costs in a number of proceedings including Hydro One's application for approval of its 2013/14 transmission rates (EB-2012-0031), as well as Hydro One's application for its 2011/12 transmission rates (EB-2010-0002). APPrO submits that it should once again be found eligible for its reasonably incurred costs in this proceeding.

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 by requesting information, participating in any requisite motions, testing evidence through the stipulated processes, submitting written interrogatories and providing argument in accordance with the Board's procedures stipulated for this proceeding. 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 will provide its views on whether or not a written or oral hearing is appropriate following the discovery phase of the application.

APPrO requests that the Board, the Applicant 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 Applicant deliver electronic copies of its Application and all other evidence to Borden Ladner Gervais LLP and APPrO at the coordinates listed below:

David Butters  
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Yours very truly,

**BORDEN LADNER GERVAIS LLP**

Per:

*Original signed by Flora Ho*

Flora Ho  
/Encl.

## **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") Borden Ladner Gervais LLP ("BLG"), represented by John A.D. Vellone with support from other BLG associates, will provide support to APPrO for this proceeding EB-2019-0082.

BLG's representation of APPrO in proceedings before the Board is pursuant to written retainer agreements.

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