

**John A.D. Vellone**  
T (416) 367-6730  
F 416.367.6749  
jvellone@blg.com

**Flora Ho**  
T (416) 367-6581  
F 416.367.6749  
fho@blg.com

Borden Ladner Gervais LLP  
Bay Adelaide Centre, East Tower  
22 Adelaide Street West  
Toronto, ON, Canada M5H 4E3  
T 416.367.6000  
F 416.367.6749  
blg.com



January 21, 2020

**Delivered by Email, RESS & Courier**

Ms. Christine Long, Registrar and Board Secretary  
Ontario Energy Board  
P.O.Box 2319, 27<sup>th</sup> Floor  
2300 Yonge Street  
Toronto, ON M4P 1E4

Dear Ms. Long:

**Re: Enbridge Gas Inc. Leave to Construct Application  
Notice of Intervention of the Association of Power Producers of Ontario  
("APPrO")  
Board File No. EB-2019-0159**

We are counsel to 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 Research Associates Inc.  
Adam Stiers, Enbridge Gas Inc.  
Guri Pannu, Enbridge Gas Inc.  
Charles Keizer, Torys

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Sched. B, as amended, and in particular, sections 90(1) and 97 thereof;

**AND IN THE MATTER OF** an Application by Enbridge Gas Inc. for an Order or Orders granting leave to construct natural gas pipeline and ancillary facilities in the City of Hamilton;

**AND IN THE MATTER OF** an Application by Enbridge Gas Inc. for an Order or Orders approving the proposed form of Pipeline Easement and form of Temporary Land Use Agreement.

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

**January 21, 2020**

**APPrO**  
67 Yonge Street  
Suite 1040  
Toronto ON M5E 1J8

**David Butters**  
President  
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) 367-6749  
Email: jvellone@blg.com

**Flora Ho**  
Tel: (416) 367-6581  
Facsimile: (416) 367-6749  
Email: fho@blg.com

AND

**Elenchus Research Associates  
Inc.**  
83 Guildford Cres.  
London, ON N6J 3Y3

**John Wolnik**  
Tel: (519) 902-1850  
Facsimile: (416) 348-9930  
E-mail: jwolnik@elenchus.ca

## INTRODUCTION:

1. On November 1, 2019, Enbridge Gas Inc. (“**Enbridge Gas**” or the “**Applicant**”) filed an application with the Board under section 90(1) of the *Ontario Energy Board Act, 1998*, as amended (the “**OEB Act**”) for an Order or Orders granting leave to construct approximately 10.2 kilometres of Nominal Pipe Size (“**NPS**”) 48 natural gas pipeline from an interconnect at the Kirkwall Valve Site to the Hamilton Valve Site in the City of Hamilton (the “**Project**”) by April 30, 2020 (the “**Application**”).
2. As part of the Application, Enbridge Gas also applied to the Ontario Energy Board (the “**OEB**”), pursuant to Section 97 of the OEB Act for an Order or Orders approving the form of Pipeline Easement and form of Temporary Land Use Agreement by April 30, 2020.
3. In addition, Enbridge Gas also requests that the OEB make a determination on the Integrated Resource Planning Proposal (“**IRP Proposal**”) as it relates to the Project and Enbridge Gas’ future projects by April 30, 2020. Alternatively, if the OEB cannot make a determination by April 30, 2020, Enbridge Gas requests that the OEB segregate the IRP Proposal for application to future Enbridge Gas projects for review as a separate and distinct stand-alone application to ensure that Enbridge Gas’ in-service date for the Project is not compromised.
4. APPrO hereby requests intervenor status in the Application.
5. APPrO is currently participating in the Applicant’s 2020 Rate Application (EB-2019-0194) and has actively participated in the Applicant’s 2019 Rate Application (EB-2018-0305) and Enbridge Gas Distribution Inc. (“**EGDI**”) and Union Gas Limited’s (“**UGL**”) (i.e. the predecessor utilities of Enbridge Gas) application for amalgamation and rate-setting mechanism (EB-2017-0306 / EB-2017-0307) and in prior year rate adjustments for both EGDI (EB-2017-0086, EB-2016-0215, EB-2015-0114) and UGL (EB-2014-0271, EB-2015-0116).

## INTEREST OF THE INTERVENOR:

6. 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. APPrO's members have a direct and significant interest in this proceeding.

7. Among APPrO's members are gas-fired generators in both EGDI and UGL franchise areas. In the EGDI franchise area, generators took 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 UGL franchise area, gas-fired generators contract for distribution and transportation services under several rate classes, including Rate 100 and Rate 20 in Union North and Rate T2 and Rate M12 in Union South.
8. The evidence filed by the Applicant indicates that the changes proposed in the Application will impact gas-fired generators, including APPrO's members as the costs for the Project will be allocated to rate zones involving APPrO members. In addition, the Applicant is also seeking approval of their IRP Proposal along with the Application. The IRP Proposal does not contain much specific detail and it potentially has significant implications on APPrO and other parties. APPrO believes that the IRP Proposal needs to be discussed and understood prior to being approved, as the IRP Proposal may have a negative impact on gas-fired generators.
9. APPrO's interest in this proceeding is to represent the interests of generators, including in respect of the Applicant's proposed Project; IRP Proposal; and the Applicant's proposed IRP process.

#### **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-2019-0194, EB-2019-0082, EB-2018-0205, EB-2018-0305 and EB-2018-0331. This document has been updated and attached as Attachment 1 to this Notice of Intervention.

#### **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 the Applicant. 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 the Applicant's regulated services. APPrO's members are among the largest consumers of the Applicant's 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 in both UGL and EGDI 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 Project and IRP Proposal on APPrO's members.

#### **COUNSEL/REPRESENTATIVES**

14. 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 electronic copies of its Application and all other evidence to Borden Ladner Gervais LLP, APPrO and Elenchus at the coordinates listed below.

**APPrO**  
67 Yonge Street  
Suite 1040  
Toronto ON M5E 1J8

**David Butters**  
President  
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) 367-6749  
Email: jvellone@blg.com

**Flora Ho**  
Tel: (416) 367-6581  
Facsimile: (416) 367-6749  
Email: fho@blg.com

AND

**Elenchus Research Associates  
Inc.**  
83 Guildford Cres.  
London, ON N6J 3Y3

**John Wolnik**  
Tel: (519) 902-1850  
Facsimile: (416) 348-9930  
E-mail: jwolnik@elenchus.ca

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 21<sup>ST</sup> DAY OF JANUARY, 2020

**BORDEN LADNER GERVAIS LLP**

**Per:**

*Original signed by John A. D. Vellone*

---

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 Borden Ladner Gervais LLP ("BLG"), represented by John A.D. Vellone and Flora Ho with support from other BLG associates. Elenchus Research Associates Inc. ("Elenchus"), represented by John Wolnik will provide support to APPrO and BLG for this proceeding EB-2019-0159. Elenchus and BLG's representation of APPrO in proceedings before the Board is pursuant to written retainer agreements.