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August 5, 2020

**Delivered by Email & RESS**

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. 2021 Rates Application  
Notice of Intervention of the Association of Power Producers of Ontario  
("APPrO")  
Board File No. EB-2020-0095**

We are counsel to APPrO in the above-captioned matter. Please find attached APPrO's Notice of Intervention in this proceeding.

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:

*Flora Ho*

Flora Ho

cc: David Butters, APPrO  
Mark Kitchen, Enbridge Gas Inc.  
David Stevens, Aird and Berlis LLP

**EB-2020-0095**

**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 Inc., pursuant to section 36(1) of the *Ontario Energy Board Act, 1998* for an order or orders approving or fixing just and reasonable rates and other charges for the sale, distribution, transmission and storage of gas as of January 1, 2021.

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

**August 5, 2020**

**APPrO**

67 Yonge St Suite 1040,  
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**David Butters**

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**INTRODUCTION:**

1. On August 30, 2018, in the MAADs Decision (EB-2017-0306 / EB-2017-0307), the Ontario Energy Board (the “**Board**”) approved a rate setting mechanism (Price Cap IR) for Enbridge Gas Inc. (“**EGI**” or the “**Applicant**”), which set out a multi-year incentive rate-setting mechanism (“**IRM**”) for a five-year term from 2019 to 2023.
2. On June 30, 2020, EGI filed an application with the Board under section 36(1) of the *Ontario Energy Board Act, 1998*, as amended, for an Order approving or fixing just and reasonable rates for the distribution, transmission and storage of natural gas effective January 1, 2021 (the “**Application**”), being the third annual rate adjustment application under the IRM. EGI filed the Application in a manner similar to its 2020 Rates Application (EB-2019-0194) whereby it requests the Board to process and adjudicate the Application in a bifurcated manner. Phase 1 of the Application, filed on June 30, 2020, addresses the IRM related elements (“**Phase 1**”). Phase 2 will address matters related to the ICM funding for one or more projects and EGI will file supporting evidence for Phase 2 no later than October 15, 2020 (“**Phase 2**”).
3. In the Application, EGI asked the Board to approve Phase 1 by November 27, 2020 to allow the resulting rates to be implemented on an interim basis in conjunction with its January 1, 2021 QRAM application.
4. APPrO hereby requests intervenor status in the Application.
5. APPrO actively participated in the Applicant’s 2020 Rate Application (EB-2019-0194), 2019 Rate Application (EB-2018-0305) and EGDI and UGL (i.e. the predecessor utilities of EGI) 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) (“**Prior Decisions**”).

**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's 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 it seeks approval of distribution rates for each of its three rates zones (EGDI, Union North and Union South) effective January 1, 2021, including all adjustments resulting from the application of the Applicant's Board-approved IRM rate adjustment. In addition, the Applicant will file a request for ICM funding in Phase 2, which EGI has indicated would involve one or more projects. These changes, particularly the Applicant's request for ICM funding, are material and will have an impact on gas-fired generators, including APPrO's members.
9. APPrO was an active participant in the proceedings of the Prior Decisions and APPrO has an interest in ensuring that the request for rates is in accordance with the Board's Decision in those proceedings.
10. APPrO's interest in this proceeding is to represent the interests of generators, including in respect of the Applicant's proposed 2021 rate adjustments and the request for ICM funding.

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

11. 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:**

12. 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-2020-0091, EB-2019-0194, EB-2019-0159, EB-2019-0082. This document has been updated and attached as Attachment 1 to this Notice of Intervention.

### **COSTS:**

13. 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.
14. 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 EGI's 2019 rate case and 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 2021 rate adjustment on APPrO's members.

### **COUNSEL/REPRESENTATIVES**

15. 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.

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ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 5<sup>TH</sup> DAY OF AUGUST, 2020

**BORDEN LADNER GERVAIS LLP**

**Per:**

*Flora Ho*

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Flora Ho  
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. BLG will provide support to APPrO for this proceeding EB-2020-0059. BLG's representation of APPrO in proceedings before the Board is pursuant to written retainer agreements.

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