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July 2, 2021

Christine Long
Board Secretary
Ontario Energy Board
2300 Yonge Street, Suite 2700
Toronto, ON M4P 1E4

Dear Ms. Long:

Re: APPrO Intervention Request: EB-2020-0230: Independent Electricity System Operator 2021 Expenditure and Revenue Requirement Application

We are counsel to the Association of Power Producers of Ontario (“**APPrO**”). The Independent Electricity System Operator (“**IESO**”) has filed its 2021 Expenditure and Revenue Requirement Application (EB-2020-0230) with the Ontario Energy Board (the “**OEB**”). APPrO hereby requests intervenor status in this proceeding.

A. APPrO and Its Interest in the Proceeding

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’s members produce electricity from natural gas, hydro, nuclear, wind, biogas and other sources. A description of APPrO, its mandate and objectives, membership and representative constituency, and programs and activities are summarized in Attachment 1.

APPrO participated in each of the IESO’s 2016, 2017 and 2019 Expenditure and Revenue Requirement proceedings and has contributed to a better understanding by the OEB of certain issues.¹

B. APPrO’s Experience as a Frequent Intervenor

APPrO has a record of frequent participation in OEB proceedings as an intervenor. In addition to the IESO’s 2016, 2017 and 2019 Expenditure and Revenue Requirement proceedings, APPrO has participated in proceedings involving Union Gas, Enbridge, Hydro One, the IESO and the former Ontario Power Authority (“**OPA**”), as well as OEB-sponsored consultations.

¹ For instance, in its decisions in the IESO’s 2016 Expenditure and Revenue Requirement proceeding, the OEB agreed with what APPrO proposed in relation to the IESO usage fee.

C. Nature and Scope of APPrO's Intended Participation

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 OEB's procedures stipulated for this proceeding. Subject to the development of the record in this matter, APPrO may also submit evidence.

D. Costs

In accordance with the OEB's Practice Direction on Cost Awards (the "**Cost Awards Direction**"), APPrO is eligible to seek an award of costs from the IESO, as APPrO is a party that represents the direct interests of customers (generators and exporters) in relation to IESO services that are regulated by the Board (subsection 3.03(a)).² Furthermore, although subsection 3.05(b) of the Cost Award Direction stipulates that despite section 3.03, generators are not eligible for a cost award, section 3.06 states that notwithstanding section 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.

Therefore, APPrO submits that it should be eligible for its reasonably incurred costs on the grounds that it represents a class of IESO 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. The IAM is their primary channel of sales and they currently pay IESO fees to access this market. Changes to fees may have a significant and negative impact on their business. APPrO has participated on this basis in previous OEB proceedings addressing the imposition of payments on power exports, including Hydro One's application for approval of its 2013 and 2014 transmission rates (EB-2012-0031), the OPA's application for approval of its 2011 fees (EB-2010-0279), and, as noted above, the IESO's 2016, 2017 and 2019 Expenditure and Revenue Requirement proceedings (EB-2015-0275, EB-2017-0150 and EB-2019-0002).

Moreover, APPrO has applied for, been found eligible for and received costs in a number of proceedings including the above-noted IESO 2016, 2017 and 2019 Expenditure and Revenue Requirement proceedings (EB-2015-0275, EB-2017-0150 and EB-2019-0002), Hydro One 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.

² APPrO notes that subsection 3.03(a) of the Cost Awards Direction refers to "consumers" as opposed to "customers". If subsection 3.03(a) is meant to capture solely the definition of consumers as defined in the *OEB Act* and *Electricity Act* (as opposed to, more broadly, customers of an applicant), APPrO is nevertheless eligible to apply for costs under section 3.03 as APPrO primarily represents an interest or policy perspective relevant to the OEB's mandate and to the current proceeding, pursuant to subsection 3.03(b).

E. APPrO's Representatives

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Yours truly,

McCarthy Tétrault LLP

Per:



Reena Goyal
Counsel

RG/jk

cc. Mr. David Butters, President & CEO, APPrO
Ms. Miriam Heinz, Senior Regulatory Advisor, IESO
Mr. Fred Cass, Counsel for IESO

ATTACHMENT 1

A description of APPrO, its mandate and objectives, membership and representative constituency, and programs and activities

APPrO is a trade association founded in 1986, focusing exclusively on the business issues of power producers in Ontario. Its generator member companies build, own and operate power projects in Ontario, across Canada and elsewhere in the world, and produce more than 90% of Ontario's electricity from clean and renewable resources including hydro-electric, nuclear, natural gas, wind, and solar energy.

APPrO's goal is the achievement of an economically and environmentally sustainable electricity sector in Ontario that supports the business interests of electricity suppliers, ratepayers and the provincial economy. APPrO plays a leadership role in the formation of electricity policy and rules to facilitate investment in sustainable electricity infrastructure and the clear and transparent pricing of electricity in Ontario.

APPrO is primarily active in IESO matters, including market rules and market rule amendments, various stakeholder engagements, resource adequacy and other planning initiatives such as the Annual Planning Outlook as well as resulting procurement processes, the Market Renewal Program (MRP) as a whole; generator contract management issues related to MRP, Ontario Emissions Performance Standards (EPS) and federal Output Based Performance Standards (OBPS) as well as other emissions and climate change mitigation policy matters; and OEB regulatory proceedings which involve identifiable concerns for generators in relation to natural gas rates and services, as well as transmission rates affecting generators who are also exporters.

APPrO produces a well-attended and regarded annual conference (Annual Canadian Power Conference & Networking Event, November 29-30, 2021).

APPrO generator members:

- | | |
|--------------------------------------|---|
| 1. Algonquin Power & Utilities Corp. | 9. GTAA - Greater Toronto Airport Authority |
| 2. Atura Power | |
| 3. Brookfield Renewable | 10. H2O Power Holding Limited Partnership |
| 4. Bruce Power | 11. Invenergy |
| 5. Capital Power Corporation | 12. Markham District Energy Inc. |
| 6. Capstone Infrastructure | 13. Northland Power |
| 7. ENGIE Canada Inc. | 14. Ontario Power Generation |
| 8. Greenfield Energy Centre | 15. Toromont Energy Ltd. |
| | 16. TransAlta Corp. |