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September 24, 2021

**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: Generic Proceeding on UTR-Related Issues and the ETS Rate Issue**  
**File No: EB-2021-0243**  
**Association of Power Producers of Ontario (“APPrO”) Request to Participate in**  
**Generic Proceeding**

We are counsel to APPrO in above captioned matter.

We are writing pursuant to the Ontario Energy Board’s (the “OEB”) Procedural Order No. 1 issued in Hydro One Networks Inc.’s (“Hydro One”) 2023 to 2027 transmission and distribution rates proceeding (EB-2021-0110) dated September 17, 2021 (“PO No. 1”), in which the OEB stated that it has decided to commence a separate, generic proceeding on its own motion to review a number of issues related to the Uniform Transmission Rates (“UTR”) and Export Transmission Service (“ETS”) Rates issues (“Generic Proceeding”).<sup>1</sup>

As part of PO No. 1, the OEB ordered that intervenors of EB-2021-0110 shall indicate to the OEB whether they intend to participate in the separate, generic proceeding on UTR-related issues and the ETS rate (EB-2021-0243) and, if so, whether they will also continue to participate in EB-2021-0110, by September 24, 2021.

Although APPrO is not an intervenor in EB-2021-0110, APPrO has participated in previous Hydro One transmission rates proceedings (e.g., EB-2012-0031, EB-2014-0140, EB-2019-0082) with its primary interest in the ETS tariff.

APPrO wishes to participate in the Generic Proceeding.

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,

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<sup>1</sup> EB-2021-0110 Procedural Order No. 1 dated September 17, 2021 at page 3.

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 OEB proceedings and initiatives, and has a direct interest in the promotion of economic efficiency and cost-effectiveness of the electricity infrastructure of Ontario. Export costs, including the ETS tariff, are an important matter to the APPrO membership.

APPrO has a record of frequent participation in OEB proceedings as an intervenor, including in proceedings dealing with the ETS tariff. 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 Enbridge Gas Inc. and its predecessors Union Gas Ltd. and 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 the Generic Proceeding. In accordance with s. 3.03(a) of the OEB's *Practice Direction on Cost Awards*, as APPrO represents the direct interests of consumers who are required to pay the proposed ETS tariff in relation to the matter in the Generic Proceeding.

Therefore, APPrO submits that it should be eligible for its reasonably incurred costs on the grounds that it represents the interest of a class of consumers in this Generic Proceeding.

Moreover, APPrO has previously participated in many transmission rates and natural gas proceedings as well as OEB consultations and has been found eligible to recover its reasonably incurred costs as a participant in those proceedings and consultations.

As required by Rule 22.03(b) of the OEB's *Rules of Practice and Procedure* and Rule 3.03.1 of the OEB'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-2020-0181, EB-2020-0192, EB-2020-0095, and EB-2020-0091. This document has been updated and attached as Attachment 1.

APPrO intends to be an active participant in this proceeding, and will act responsibly to coordinate with other participants where common issues may arise and be otherwise addressed. APPrO intends to participate in accordance with the OEB'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 requests that the OEB and all participants provide it and its counsel with electronic copies of all written evidence and correspondence related to the proceeding, at the contact information below:

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Yours very truly,

**BORDEN LADNER GERVAIS LLP**

Per:

A handwritten signature in black ink, appearing to read 'Flora Ho', written in a cursive style.

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") 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-2021-0243. BLG's representation of APPrO in proceedings before the Board is pursuant to written retainer agreements.

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