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August 5, 2022

**Delivered by Email & RESS**

Ms. Nancy Marconi, Registrar  
Ontario Energy Board  
PO Box 2319, 27th Floor  
2300 Yonge Street  
Toronto, ON M4P 1E4

Dear Ms. Marconi:

**Re: Panhandle Regional Expansion Project  
Notice of Intervention of the Association of Power Producers of Ontario  
("APPrO")  
OEB File No.: EB-2022-0157**

We are counsel to APPrO in the above-captioned matter. Please find attached APPrO's Notice of Intervention in this proceeding. APPrO respectfully asks that this intervention request be approved despite it being submitted after the intervention deadline.

Once becoming aware of this proceeding, APPrO immediately took steps to request intervenor status. APPrO submits that approving this intervention request would cause no prejudice and no delay to this proceeding. APPrO is prepared to accept the record as it stands and will follow all existing procedural timelines.

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**

A handwritten signature in black ink that reads 'Colm Boyle' in a cursive style.

Colm Boyle

cc: David Butters, APPrO  
Regulatory Affairs, Enbridge Gas Inc.  
Charles Keizer, Torys

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

**AND IN THE MATTER OF** an application by Enbridge Gas Inc. for an order granting leave to construct natural gas pipelines in the Municipality of Chatham Kent and Essex County.

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

**AUGUST 5, 2022**

**APPrO**  
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## INTRODUCTION:

1. On June 10, 2022, Enbridge Gas Inc. (“**EGI**” or the “**Applicant**”) filed an application with the Ontario Energy Board (the “**Board**”) under section 90(1) of the *Ontario Energy Board Act, 1998* (“**OEB Act**”), as amended, for an Order granting leave to construct the following (“**Application**”):
  - 1.1. Approximately 19 km of Nominal Pipe Size (“**NPS**”) 36 natural gas pipeline with a Maximum Operating Pressure (“**MOP**”) of 6040 kPag from the existing Enbridge Gas Dover Transmission Station in the Municipality of Chatham-Kent to a new valve site in the Municipality of Lakeshore; and
  - 1.2. Approximately 12 km of NPS 16 natural gas pipeline with a MOP of 6040 kPag in the Municipality of Lakeshore, the Town of Kingsville, and the Municipality of Leamington.
2. EGI states that it will also construct ancillary measurement, pressure regulation, and station facilities within the Township of Dawn Euphemia, in the Municipality of Chatham-Kent, and valve-site station facilities within the Town of Kingsville and the Municipality of Leamington.
3. As part of the Application, EGI also applied to the Board, pursuant to Section 97 of the OEB Act for an Order approving the form of pipeline easement agreement found at Exhibit G, Tab 1, Schedule 1, Attachment 3, and the form of temporary land use agreement found at Exhibit G, Tab 1, Schedule 1, Attachment 4.
4. EGI states that the facilities, collectively referred to as the Panhandle Regional Expansion Project (“**Project**”), are required to expand Enbridge Gas’s Panhandle Transmission System, which transports natural gas between Enbridge Gas’s Dawn Compressor Station, located in the Township of Dawn Euphemia, and the Ojibway Valve Site, located in the City of Windsor, serving residential, commercial, and industrial markets through natural gas distribution systems in the municipalities of Dawn-Euphemia, St Clair, Chatham-Kent, Windsor, Lakeshore, Leamington, Kingsville, Essex, Amherstburg, LaSalle, and Tecumseh (“**Panhandle Market**”).
5. EGI states the Project as proposed is designed to reliably serve increased demands for firm

service in the Panhandle Market, including, in particular, incremental demands from the greenhouse, automotive, and power generation sectors.

6. APPrO hereby requests intervenor status in the Application.
7. APPrO actively participated in EGI's 2022 Rates (Phase 2) ICM Application (EB-2021-0148), 2021 Rate Application "Phase 2" ICM Application (EB-2020-0181), 2021 Rate Application "Phase 1" (EB-2020-0095), 2020 Rate Application (EB-2019-0194), 2019 Rate Application (EB-2018-0305) and Enbridge Gas Distribution Inc. and Union Gas Limited's (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:**

8. 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.
9. Among APPrO's members are gas-fired generators in EGD's franchise area. In the EGD franchise area, generators take 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.
10. The evidence filed by the EGI indicates that the changes proposed in the Application will impact gas-fired generators, including APPrO's members, as EGI intends to recover the costs for the Project using the OEB's Incremental Capital Module ("ICM") mechanism. The costs for the Project may be allocated to rate zones involving APPrO members

11. APPrO was an active participant in the proceedings of the Prior Decisions and APPrO has an interest in ensuring that the request for relief is in accordance with the Board's Decisions in those proceedings.
12. APPrO's interest in this proceeding is to represent the interests of generators in respect of Applicant's proposed Project focusing on questions that are directly relevant to the Board's test for leave to construct including issues related to the need for the Project and whether all reasonable alternatives to the Project have been considered; whether the cost for the project is reasonable and prudent; and any impact on reliability and quality of service that may affect generators.

**SCOPE OF PARTICIPATION:**

13. 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:**

14. 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-2021-0148, EB-2021-0243 and EB-2020-0192. This document has been updated and attached as Attachment 1 to this Notice of Intervention.

**LATE INTERVENTION**

15. In the notice of proceeding, the OEB outlined that a person who wished to actively participate in this proceeding was to apply for intervenor status by filing and serving a letter of intervention by July 25, 2022. APPrO acknowledges that its Notice of Intervention is being filed after the time limit directed by the OEB.

16. Therefore, this Notice of Intervention is being filed in accordance with section 22.05 of the OEB's Rules of Practice and Procedure, which requires APPrO to provide the reasons for the late application.<sup>1</sup> The OEB should accept APPrO's late application for the following reasons:

- 16.1. APPrO did not receive direct notice of the EB-2022-0157 filing and was not aware of the filing until recently;
- 16.2. APPrO represents more than 100 companies involved in the generation of electricity in Ontario and it takes time to consult with members on the Application;
- 16.3. APPrO's intervention is just over a week past the deadline and no substantial steps in the application have occurred;
- 16.4. APPrO's intervention will not prejudice any other parties in the proceeding; and
- 16.5. APPrO will accept the record as it stands and will participate in the process going forward.

**COSTS:**

17. 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.

18. 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 2022 Rates (Phase 2) ICM Application, EGI's 2021 Phase 1 and 2 rate cases, EGI's London Line Replacement Project Leave to Construct Application, EGI's 2020 and 2019 rate case and both UGL and EGI rates cases and several natural gas proceedings that had unique impacts on power generators (including, among others, NGEIR and storage allocation

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<sup>1</sup> Ontario Energy Board – Rules of Practice and Procedure, Revised December 17, 2021

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 on APPrO's members.

## COUNSEL/REPRESENTATIVES

19. APPrO requests that the Board, the Applicant and all intervenors provide it and its counsel 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 the 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, 2022

**BORDEN LADNER GERVAIS LLP**

Per: 

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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 Colm Boyle with support from other BLG associates. BLG will provide support to APPrO for this proceeding EB-2022-0157. BLG's representation of APPrO in proceedings before the Board is pursuant to written retainer agreements.