

**ONTARIO ENERGY BOARD**

**IN THE MATTER OF** the *Ontario Energy Board Act*, 1998, S.O. 1998, c.15 (Sched. B);

**AND IN THE MATTER OF** a proceeding initiated by the Ontario Energy Board to determine whether it should order new rates for the provision of natural gas, transmission, distribution and storage services to gas fired generators (and other qualified customers) and whether the Board should refrain from regulating the rates for storage of gas.

**AND IN THE MATTER OF** Rules 7, 42, 44 and 45.01 of the Board's Rules of Practice and Procedure.

**SUBMISSIONS OF THE ASSOCIATION OF POWER  
PRODUCERS OF ONTARIO ("APPrO")**

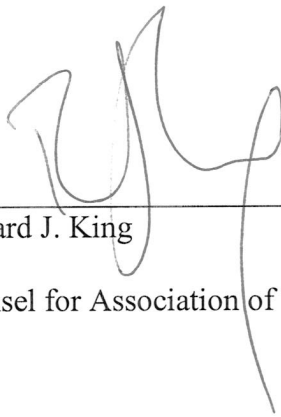
1. APPrO is the main industry association representing electricity generators in Ontario. APPrO's members produce nearly all the power generated in Ontario from facilities of many types including gas-fired, hydro-electric, nuclear and wind energy.
2. APPrO was an active intervenor in the Natural Gas Electricity Review ("NGEIR") proceeding (Board Docket No. EB-2005-0551), and a signatory to the Settlement Agreement from that proceeding. APPrO participated in the NGEIR proceeding on behalf of its members that have existing and planned natural gas-fired power generation facilities.

3. APPrO supports the motion brought by Union Gas Limited (“Union”) for an order to vary that portion of the Settlement Agreement that required interested customers and Union to convene no later than March 31, 2009 to discuss and evaluate the experience and success of the new ex-franchise services being offered as a result of NGEIR (the “Power Services Review”).
4. APPrO’s members are the primary beneficiaries of the Power Services Review provision in the Settlement Agreement (which is set out at paragraph 5 of Union’s Argument in Chief in this motion proceeding). The purpose of the Power Services Review is to enable APPrO’s members to provide feedback and discuss issues that gas-fired generators are experiencing with respect to the four new ex-franchise services (F24T, F24S, UPBS and DPBS).
5. At this point, APPrO’s members believe that they will not have sufficient operating experience with any of these new services by March 31, 2009 to allow for a meaningful dialogue at the Power Services Review (see APPrO’s May 20, 2008 letter to Union, filed as Exhibit A to Union’s Pre-filed Evidence).
6. Based on feedback from APPrO’s members, APPrO believes that a Power Services Review would best be held later in 2009 or early 2010. Consequently, APPrO supports Union’s proposal to postpone the deadline for the Power Services Review by one year to March 31, 2010.

7. APPrO also supports Union's submissions with respect to the Board's jurisdiction to vary its decisions, and the request for an extension of time to bring the motion. The only parties that could have been prejudiced by the Board hearing this motion are APPrO members who support this motion.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED**

August 15, 2008

A handwritten signature in black ink, appearing to be 'RJ King', is written over a horizontal line.

Richard J. King

Counsel for Association of Power Producers of Ontario