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ONTARIO ENERGY BD

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March 5, 2012

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File #57695

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B. Paul Jasiura

**Attention:** Ms. Kirsten Walli, Board Secretary

John A. Cyr  
Certified Specialist  
(Corporate and Commercial Law)

Dear Ms. Walli:

Brian A. Babcock

**Re: Request by:**

Garth A. O'Neill  
Certified Specialist (Labour Law)

- ☐ **Northwestern Ontario Municipal Association (NOMA)**
- ☐ **Northwestern Ontario Associated Chambers of Commerce (NOACC), and**
- ☐ **The Corporation of the City of Thunder Bay (City of Thunder Bay)**

Deborah A. Humphreys

**for Intervenor Status in File No. EB-2011-0140, an Ontario Energy Board Proceeding to Designate an Electricity Transmitter**

Bradley A. Smith

Nick Melchiorre

## **Representation**

Rosalie A. Evans

Fhara A. Pottinger

The Law firm of Weiler, Maloney, Nelson are retained by the City of Thunder Bay as the City's external counsel, in this instance. If the City, NOMA and NOACC are granted intervenor status they will agree that the law firm of Weiler, Maloney, Nelson represent the interests of all three.

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**Status as Intervenors**

In response to the Ontario Energy Board's Notice, dated February 2, 2012, of a Proceeding to designate a transmitter to carry out development work for the East-West Tie Line (EB-2011-0140)

- ~ the Corporation of the City of Thunder Bay (the City),
- ~ the Northwestern Ontario Municipal Association (NOMA), and
- ~ the Northern Ontario Associated Chamber of Commerce (NOACC)

All request Intervenor status.

**Background**

City of Thunder Bay:

The City of Thunder Bay is the largest municipality of ratepayers in the Northwest Region and in addition to being the location of one of the two large thermal generating stations in the Region the City of Thunder Bay seeks to ensure as a transmission enhancement for the City that it will be the westerly terminus of the East West Tie.

NOACC:

NOACC represents over 2000 commercial and business consumers in the Northwest Region, primarily small business, in their capacity as ratepayers for regulated services. NOACC covers a large geographical area that includes every Chamber of Commerce





from Marathon to the Manitoba border. NOACC's members will be directly impacted by the development of the East-West Tie Line. NOACC is in a position to provide the OEB clearly defined consumer needs with respect to the need for the two segments of the East-West Tie Line to be completed as a single endeavour.

#### NOMA

NOMA represents the interests of the ratepayers in all of the municipalities from Kenora and Rainy River in the west to Hornepayne and Wawa in the east. NOMA provides leadership in advocating the interests of those ratepayers and the Northwest Regional generally. NOMA is interested in having the East West Tie come directly into the heart of the Northwest Region by having its westerly terminus in the City of Thunder Bay.

NOMA and NOACC have led the creation of a formal coalition of interested organizations to advise them on issues related to Northwestern Ontario. That coalition is known as Common Voice Northwest (CVNW). In turn, Common Voice Northwest has absorbed a NOMA created subcommittee, the Energy Task Force (ETF), as a research facility with a specific mandate to investigate and make recommendations on issues related to energy issues in the Northwest Region.

#### Substantial Interest as Intervnors

**The City of Thunder Bay** has a substantial interest in this Proceeding. The City wishes to ensure that both segments of the East-West Tie Line are completed as a single construction project. The City of Thunder Bay 's interest in being the westerly terminus of the East-West Tie arises because the City:





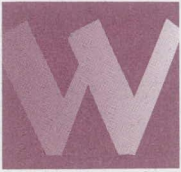
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1. is the largest city in the Northwest Region,
2. represents the direct interests of the ratepayers in its own population (approximately 113,000), which population is 45% of the population of the entire Northwest Region (approximately 250,000);
3. is the major commercial and industrial centre for the Northwest Region;
4. comprises the largest industrial load and largest residential load in the Northwest Region,
5. with the fourth largest international airport in Ontario and a large international port as terminus of the Seaway, serves as the transportation, supply and support services hub for the Northwest Region;
6. is the location of one of the two large thermal generating stations in the Northwest Region; and
7. is keenly aware of the geographical and technical issues relating to electricity generation, transmission and distribution in the Northwest Region, and as such can provide important and unique perspectives in selection of the most qualified and cost-effective electricity transmitter to develop the East-West Tie Line as an option to meet the long term needs of the Northwest Region.

**Northwestern Ontario Associated Chambers of Commerce** has a substantial interest in this proceeding because NOACC:

1. represents the member businesses of the individual Chambers of Commerce throughout the Northwest Region;
2. understands and can speak to the direct business interests of the business and commercial ratepayers in the Northwest Region (population approximately 250,000);
3. through the Energy Task Force (ETF), NOACC has joined in the creation of a regional research committee of interested and experienced individuals who by living and working in the Northwest Region are keenly aware of the geographical





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- and technical needs and deficiencies relating to electricity generation, transmission and distribution in the Northwest Region; and
4. is keenly aware of the geographical and technical issues its members face relating to electricity generation, transmission and distribution in the Northwest Region, and as such can provide important and unique perspectives of business and commercial ratepayers related to the construction of the two segments of the East-West Tie Line as a single construction project and related to selection of the most qualified and cost-effective electricity transmitter to develop the East-West Tie Line as an option to meet the long term supply needs of the Northwest Region.

**Northern Ontario Municipal Association** has a substantial interest in this proceeding because NOMA:

1. understands and can speak to the direct interests of the industrial, business, commercial and residential ratepayers throughout the Northwest Region (population approximately 250,000);
2. through the Energy Task Force (ETF: formerly a sub-committee of NOMA) NOMA has created a regional research committee of interested and experienced individuals who by living and working in the northwest are keenly aware of the geographical and technical issues relating to electricity generation, transmission and distributions in the Northwest Region; and
3. can provide important and unique perspectives of ratepayers in the selection of the most qualified and cost-effective transmission company to develop the East-West Tie Line.

### Collaboration





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The City of Thunder Bay, NOACC and NOMA will collaborate, represented by Weiler, Maloney, Nelson, to provide their collective questions, submissions and argument in relation to not only issues related to energy but also to environmental and other social imperatives, including but not limited to social imperatives that are peculiar to the geographical, economic and commercial needs of the Northwest Region. The City, NOACC and NOMA have been and will continue to be proponents of coordinated, comprehensive planning in the development of electricity infrastructure in the Northwest as a Region.

The City, NOACC and NOMA and their respective memberships are directly affected by the outcome of this proceeding given their proximity to, and reliance on, the proposed East-West Tie Line. The selection of the most qualified and cost-effective transmission company to develop the East-West Tie Line as an option to meet the long term supply needs of Northwestern Ontario will have a profound impact, economically, socially and practically, on the City, NOACC and NOMA.

### Cost Awards

The City of Thunder Bay, NOACC and NOMA will, individually, seek designation as persons, under Section 30 of the *Ontario Energy Board Act, 1998*, eligible to receive costs. The basis for the designation would be the representative nature of the City, NOACC and NOMA throughout the Northwest Region. Each represents the direct interests of consumers, as ratepayers, in relation to regulated services, and each of the City, and the members of NOACC and NOMA can offer important and unique perspectives to the Board.

The City, NOACC and NOMA each represent the direct interest of ratepayers throughout The Northwest Region. Those ratepayers are often dependent for their livelihood on a single industrial employer in a town. They depend also on the robust mineral exploration





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programs now operating in the Northwest Region. The development of adequate electricity system reliability in the Northwest Region is essential for the viability of those enterprises, for advanced mineral exploration, and certainly for the construction and operation of any mine that reaches production. A reliable and affordable supply of electricity is a necessity for economic wellbeing. Virtually all of the NOMA municipalities, and the businesses and commercial interests of the members of NOACC are not ineligible by reason of any of the criteria contained in section 3.05 of the *Practice Direction on Cost Awards* and efficiency gained by the collaborative representation in the Proceeding should allow for costs to be granted given the diversity of membership.

The City, NOACC and NOMA represent a public interest in seeking to ensure the adequacy and security of electricity transmission for both the businesses in the Northwest Region and the industries that they supply with goods and services. In addition, the City, NOACC and NOMA are or represent persons with a significant interest in land that is, or may be, affected by the East-West Tie Line. That interest in some instances may be a private interest, but in every case is a public interest.

Yours very truly,

WEILER, MALONEY, NELSON

Per:

John A. Cyr

 JAC/mm