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**From:** Ontario Energy Board <webmaster@oeb.ca>

**Sent:** Sunday, August 27, 2023 8:13 PM

**To:** Office of the Registrar <Registrar@oeb.ca>

**Cc:** cboyle@blg.com

**Subject:** Intervention Form: EB-2022-0335 - Association of Power Producers of Ontario

# Intervention Form

## Case Number:

EB-2022-0335

## Intervenor Name:

Association of Power Producers of Ontario

## Mandate and Objectives:

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.

APPrO focuses on the business issues of power producers in Ontario. APPrO members build independent power projects and are premier electricity suppliers in Ontario, across Canada and elsewhere in the world. Our varied membership provides an all-inclusive view of the market and positions APPrO as the leading advocacy group for generators in Ontario, giving voice to all parts of Ontario's generation sector.

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. Some of APPrO's other objectives are to:

- Encourage efficient and timely investment in Ontario's power system to ensure adequacy and reliability;
- Deliver good value to consumers and to the Ontario economy in the supply of electricity; and
- Be the leading source of ideas, solutions and policy advice in the Ontario electricity sector.

## **Membership of the Intervenor and Constituency**

### **Represented:**

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 or Activities Carried Out by the Intervenor:**

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.

### **Governance Structure:**

APPrO's principal authorized representative in proceedings before the Ontario Energy Board (the "Board") is Borden Ladner Gervais LLP ("BLG"), represented by Colm Boyle with support from other BLG associates. BLG will provide support to APPrO for this proceeding EB-2022-0335. BLG's representation of APPrO in proceedings before the Board is pursuant to written retainer agreements.

APPrO is governed by a Board of Directors, each a representative of member generator companies. The President and CEO, David Butters will solicit instructions from its Board of Directors, as well as its member generators generally, and convey those instructions directly to its legal representative of record in this proceeding.

### **Representatives:**

Colm Boyle  
[cboyle@blg.com](mailto:cboyle@blg.com)

David Butters  
[david.butters@appro.org](mailto:david.butters@appro.org)

## **Other Contacts:**

Brady Yauch  
[byauch@poweradvisoryllc.com](mailto:byauch@poweradvisoryllc.com)

Lana DeLuca  
[ldeluca@blg.com](mailto:ldeluca@blg.com)

## **Frequent Intervenor Form:**

### **OEB Proceedings:**

APPPrO has a record of participating in Board proceedings in a responsible and efficient manner and the Board determined that APPPrO was eligible for cost awards in other proceedings in the last 24 months, including EB-2022-0157, EB-2021-0243, EB-2021-0148, EB-2021-0002, EB-2020-0181 and EB-2020-0091. APPPrO 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 APPPrO's members.

### **Issues:**

Among APPPrO's members are gas-fired generators in EGI's franchise area. In the EGD rate zone, 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. In addition, 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.

The evidence filed by the Enbridge Gas indicates that the changes proposed in the Application will have bill impacts for gas-fired generators, including APPPrO's members. Enbridge Gas has proposed harmonized cost allocation methodologies in the 2024 Rebasing application that are different than the cost allocation methodologies in this application. If the OEB approves cost allocation methodologies that are different than described in this application, Enbridge Gas may propose a change to the allocation methodology as part of the Non-Commodity Deferral Account Clearance and Earnings Sharing Mechanism application where disposition is requested for actual IRP Pilot Project costs. It is not clear what impact this change may have

on APPrO members.

APPrO was an active participant in the prior OEB proceeding EB-2020-0091 regarding the the first iteration of the IRP Framework for Enbridge Gas and APPrO has an interest in ensuring that the the cost consequences of the IRP Pilot Projects in the Town of Parry Sound and the City of Sarnia are: (i) in accordance with the Board's Decision in that proceeding; (ii) prudent; and (iii) do not negatively affect the reliability and quality of service to APPrO members.

Finally, the impacts of the Application are potentially wide reaching, as Enbridge Gas notes the IRP Projects "...will provide learnings on the selected IRPAs regarding future IRPA design, performance and potential for scalability [...] and offer transferrable learnings". (See application at PDF pages 6 and 14)

## **Policy Interests:**

There is not a standard issues list for this proceeding and APPrO intends to be engaged in all material issues as they arise.

## **Hearings:**

APPrO reserves its right to make submission on the form of hearing after interrogatories have been answered by Enbridge Gas.

## **Evidence:**

APPrO intends to participate by requesting information with respect to the issues identified above, participating in any requisite motions, testing evidence through the stipulated processes, submitting written interrogatories and providing argument in accordance with the OEB's procedures. APPrO does not currently anticipate to file evidence in the proceeding, however it reserves the right to present evidence as it may deem necessary.

## **Coordination with Other Intervenors:**

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.

## **Cost Awards:**

Pursuant to s. 3.06 of the Board's Practice Direction on Cost Awards, APPrO intends to seek an award of costs from Enbridge Gas. 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 Enbridge Gas' regulated services. APPrO's members are among the largest consumers of the Enbridge Gas' services.

Furthermore, although subsection 3.05b 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.

**Language Preference:**

N/A