



Zizzo Allan Climate Law LLP

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August 7, 2012

Kirsten Walli
Board Secretary, Ontario Energy Board
P.O. Box 2319
27th floor – 2300 Yonge Street
Toronto, Ontario M4P 1E4

Dear Ms. Walli,

**Re: Consultation regarding Incentive Rate Making Options for Ontario Power Generation's Prescribed Generation Assets
Retail Council of Canada - Request for Participant Status and Cost Award Eligibility
Board File No.: EB-2012-0340**

We are writing to seek participant status and cost award eligibility with regard to the Ontario Energy Board (the "Board")'s consultation regarding incentive rate making options for Ontario Power Generation ("OPG")'s prescribed generation assets on behalf of our client, the Retail Council of Canada ("RCC"). If successful, RCC intends to attend the stakeholder meeting on August 28, 2012 and to provide written comments on options and next steps in relation to incentive rate mechanisms for OPG, as further specified by the Board.

Request for Participant Status

RCC requests intervenor status based on the following:

1. RCC represents Ontario and Canada's retail sectors. RCC's members account for 80% of total retail sales in the country.
2. The retail sector provides jobs for over 800,000 people in Ontario and is the Province's second largest employer. Ontario is home to Canada's largest collection of best-in-class retail chain head offices, distribution centres and store locations, vital links in Ontario's economy.
3. As ratepayers, Ontario retailers of all sizes and varieties are dependent on electricity to operate, remain competitive and provide jobs and economic activity.

As a result, retailers, their employees and the communities they serve have an important stake in issues relating to the efficient pricing of electricity generated by OPG and, by extension, incentive regulation as it applies to OPG's unique circumstances.

4. Further to these interests, RCC seeks to work with the Board, OPG and other interested stakeholders toward an efficient incentive rate making regime for OPG's prescribed assets.

Request for Cost Award Eligibility

RCC is seeking a determination of cost award eligibility based on the following grounds:

1. RCC is a not-for-profit organization funded by membership, sponsorships fees and revenues that it derives from the services it provides to Federal and Provincial Governments and Agencies in furtherance of the retail trade in Canada.
2. RCC is the premier policy voice for retailers across Ontario and Canada. As such, RCC represents the direct interests of Ontario retailers as ratepayers in relation to the regulated services covered by this consultation process.
3. Retailers have an important perspective on the cost and quality of electricity generation because of their specific electricity consumption patterns, which differ in material respects from other industrial and commercial electricity users. Hearing a retailer perspective will be helpful to the Board throughout this consultation.
4. RCC's ability to actively participate in this proceeding is dependent upon a determination that it is eligible for a Cost Award. The Board has previously found RCC eligible for a Cost Award in the Renewed Regulatory Framework for Electricity consultation.

RCC Contacts & Representative

If the relief requested in this letter is granted, RCC intends to retain Zizzo Allan Climate Law LLP to represent it in this matter.

In your July 31, 2012 letter, you requested the names and credentials of intended representatives. To that end, both Laura Zizzo and I are lawyers called to the bar in Ontario with experience in a broad range of energy, corporate and environmental law matters, including representing clients in previous Board consultation proceedings, such as the Renewed Regulatory Framework for Electricity. Our contact information is listed in the table below. If requested to do so, we would be pleased to provide further details relating to our experience.

RCC requests that further communications related to this matter be sent to the following:

Retail Council of Canada
Suite 800 – 1255 Bay Street
Toronto, ON M5R 2A9

Zizzo Allan Climate Law LLP
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Gary Rygus

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Laura Zizzo

Partner
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Please contact me if the Board requires any further information in relation to these requests.

Sincerely,

Zizzo Allan Climate Law LLP

[Signed Original Sent to Board]

Travis J. Allan

CC: G. Rygus, RCC
J. Farkouh, RCC
L. Zizzo, Zizzo Allan Climate Law LLP