

Toronto

September 6, 2013

Montréal

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Our Matter Number: 1145084

Ottawa

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Calgary

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

New York

Dear Ms. Walli:

APPrO and Intervenor Consultation (EB-2013-0301)

We are counsel to the Association of Power Producers of Ontario (“APPrO”). Further to the Board’s August 22, 2013 letter initiating the above-noted proceeding, please note that it is APPrO’s intention to participate in the review, and seek an award of costs (within the parameters set out in Appendix A to the August 22nd Notice).

APPrO regularly intervenes in OEB proceedings on the following bases:

- APPrO represents the largest natural gas customer group in the province. Gas-fired generation presently accounts for approximately 20% of the natural gas consumed in Ontario. APPrO, therefore, routinely intervenes in the rate and facilities proceedings of Union Gas Limited and Enbridge Gas Distribution Inc.
- APPrO plays a more limited intervenor role in electricity proceedings, typically only intervening in Hydro One transmission rate proceedings that involve setting the Export Transmission Service (“ETS”) charge, since APPrO’s members are the primary ratepayers of the ETS. From time to time, APPrO also intervenes in other electricity-related proceedings (e.g., OPA and IESO fee hearings) or policy initiatives (e.g., Renewed Regulatory Framework, TSC and DSC amendment proceedings) where these other matters may impact power generators.

APPrO is eligible to apply for a cost award because it represents the direct interests of ratepayers in relation to services that are regulated by the OEB (section 3.03(a), OEB *Practice Direction on Cost Awards*). The OEB has normally found APPrO to be cost award eligible (both before and after the 2012 amendments to the OEB’s *Practice Direction on Cost Awards*) because in its interventions, APPrO is not representing its commercial interests, other than as a ratepayer (as per section 3.04(b) of the OEB’s *Practice Direction on Cost Awards*). In addition, other public interest factors warrant

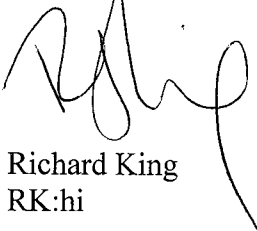
awarding costs to APPrO. The members of APPrO represent more than 98% of Ontario's generating capacity and are active in all generation technologies: gas, wind, cogeneration, district heat and power, nuclear, hydroelectric, coal, solar, geothermal, energy from waste, and fuel cells. APPrO brings the perspectives of the generation sector to Board proceedings and initiatives, and has a direct interest in the promotion of economic efficiency and cost-effectiveness of the electricity infrastructure of Ontario.

APPrO members have (in all but exceptional circumstances) organized themselves to intervene and participate through APPrO, ensuring the most efficient use of the Board's and other Parties' time and resources. This not only reduces the level of active involvement by individual generators, but also hopefully gives the OEB the benefit of understanding the consensus view of generators on a variety of issues.

APPrO is a non-profit entity, and OEB cost awards typically cover only a portion of APPrO's true costs of participating in OEB proceedings. The balance comes from the dues paid by APPrO's members, or other ancillary revenue sources (e.g., event sponsorship).

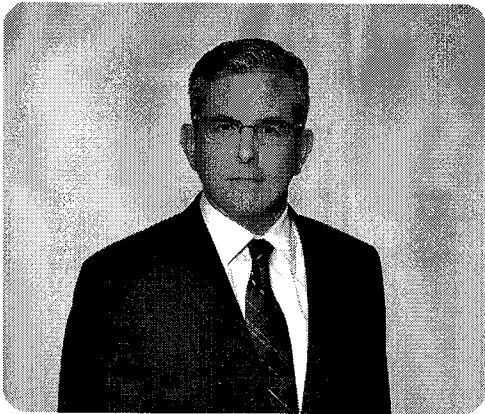
In terms of staffing this file, it is APPrO's current intention to only utilize myself (brief biography attached), with some research assistance from a junior associate lawyer.

Yours very truly,



Richard King
RK:hi

c: Dave Butters, APPrO

Richard J. King, Partner, Corporate**Contact Information**

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Areas of Expertise

- Energy (Electrical Power)
- Energy (Oil and Gas)
- Energy (Renewable) and Environmental Financing
- Environmental, Regulatory and Aboriginal

Bar Admission

Ontario, 1996

Education

London School of Economics and Political Science, LL.M.

Osgoode Hall Law School, LL.B.

York University, M.E.S.

University of Western Ontario, B.Sc.

Office Language(s)

Toronto English

Biography

Richard King practises energy, Aboriginal and environmental law. He has been extensively involved in the Ontario energy sector for many years and advises clients on commercial and regulatory matters related to power project development, power trading and utility regulation (rates and compliance). He also advises clients on power transmission and generation projects in Ontario and regularly appears on behalf of clients before the Ontario Energy Board and the National Energy Board in project approval and rate regulation matters.

Richard's Aboriginal law practice focuses on consultation and accommodation of Aboriginal groups regarding large natural resource projects (primarily in the energy and mining sectors). He assists clients with advice on the duty to consult, the preparation of Aboriginal consultation policies and reports, and negotiating and developing impact benefit agreements.

Similarly, Richard's environmental practice focuses on the environmental aspects of major infrastructure projects.

Richard is a former adjunct professor of International Environmental Law at Osgoode Hall Law School, and at University of Western Ontario.

Richard J. King, Partner, Corporate

Notable Matters

- ◊ **Association of Power Producers of Ontario** in the Ontario Energy Board proceeding to set export transmission service rates in Ontario.
- ◊ **NextEra Energy Canada ULC** in consultation matters and contractual arrangements with host Aboriginal communities regarding the development of NextEra's eight wind farms in southern Ontario.
- ◊ **Electricity Distributors Association** in negotiations with Ontario Power Authority to conclude Master Agreement governing the creation and delivery of conservation and demand management programs in Ontario.
- ◊ **Natural Resource Gas Limited** in its application to Ontario Energy Board to renew contested gas distribution franchise agreement with Town of Aylmer.
- ◊ **Five Nations Energy Inc.** in all regulatory and rate matters related to the development and construction of a greenfield power transmission project along the James Bay coast to connect remote First Nation communities.
- ◊ **Power trading companies** in settlement and trading disputes with, and investigations led by, the Independent Electricity System Operator.
- ◊ **Greenfield Energy Centre LP** in obtaining environmental and regulatory approvals for the construction and operation of a 1,005 MW combined-cycle gas-fired power plant in St. Clair Township.
- ◊ **Town of Essex** in proceeding before the Ontario Energy Board to purchase the shares of electricity distribution company E.L.K. Energy Inc.
- ◊ **TransAlta Energy Corporation** in obtaining regulatory and environmental approvals associated with the construction and operation of its 660 MW Sarnia Regional Cogeneration Project.

Affiliations

- ◊ Association of Power Producers of Ontario
- ◊ Ontario Energy Association
- ◊ Ontario Waterpower Association (former committee member Class EA for Waterpower)
- ◊ Ontario Bar Association (Aboriginal section)

Industry Recognition

- ◊ *Chambers Global: The World's Leading Business Lawyers 2013: Aboriginal Law*
- ◊ *The Canadian Legal Lexpert Directory 2013: Energy (Electricity)*
- ◊ *The Best Lawyers in Canada 2013: Environmental Law*
- ◊ London School of Economics, Law Award of Merit
- ◊ Osgoode Hall Law School, Environmental Law Prize
- ◊ Osgoode Hall Law School, Rights of Indigenous Peoples Prize

Richard J. King, Partner, Corporate

Publications/Events/Education

Richard is a regular speaker at conferences on Aboriginal consultation, and electricity and natural gas regulation in Ontario.

- ✦ Energy Sector Update: What's New in Aboriginal Law, Ontario Bar Association's 2012 Institute, February 2012.
- ✦ Legal Aspects of Electricity Conservation and Demand Management, Electricity Distributors Association CDM Delivery Strategies, May 2011.
- ✦ Ontario Rolls Out Bold New Feed-In Tariff, *North American Windpower*, April 2009.
- ✦ Energy Regulation in Ontario Under the McGuinty Government (2003 to 2007), *Energy and the Law*, Queen's University, 2008.
- ✦ First Nation Rights in Canadian Energy Projects, *Counsel to Counsel Magazine*, May 2008.

Pro Bono/Community Work

- ✦ Sustainability Program Advisory Council, Ryerson Polytechnic University
- ✦ Environmental Defence Canada (former director)
- ✦ Canadian Institute for Environmental Law and Policy (former director)