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April 3, 2006

**DELIVERED BY E-MAIL AND COURIER**

Ontario Energy Board  
2300 Yonge Street  
26<sup>th</sup> Floor  
Toronto, ON M4P 1E4

**Attention: Mr. John Zych, Board Secretary**

Dear Sirs:

**Re: Ontario Energy Board (“OEB”) Proposed Regulatory Process for Setting  
Payment Amounts for Ontario Power Generation Inc.’s Prescribed  
Generation Assets  
OEB File No.: EB-2006-0064**

We are counsel to the Association of Major Power Consumers in Ontario (“AMPCO”). AMPCO is a province-wide industry association that advocates competitive electricity rates and promotes a reliable supply of electricity for all customers. AMPCO’s members represent a wide range of resource, manufacturing and processing industries that use very large amounts of electrical energy (over 5 MW of demand each). Collectively, AMPCO members consume approximately 17% of the province’s annual electricity supply (or approximately 25 TWh of electricity annually) – consumption worth well in excess of \$1 Billion per annum.

AMPCO and its approximately 55 member companies, which comprise the largest industrial electricity consumer advocacy group in Canada, are well known to the Board. AMPCO is a frequent participant in OEB proceedings in which matters of relevance to Ontario’s large energy consumers are being addressed.

**AMPCO’s Participation in the OEB’s Process**

The OEB intends to hold a consultation process to be followed by either a written or oral hearing. AMPCO would like to participate in this consultation process and requests intervenor status in this ensuing proceeding regardless of whether the OEB proceeds by written or oral hearing. All AMPCO members will be directly affected by any Order

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made by the OEB with respect to payment amounts to OPG in connection with its Prescribed Generation Assets.

**Participant/Intervenor’s Request for Costs:**

AMPCO hereby applies for eligibility for an award of costs in this matter. Our client offers the following comments with respect to its eligibility for costs.

As noted above, any OEB order relating to payment amounts to OPG in connection with its Prescribed Generation Assets affect all AMPCO members directly. AMPCO is an organization that (to use the wording of Section 3.03 of the OEB’s Practice Direction on Cost Awards) primarily represents the direct interests of Ontario’s industrial electricity consumers in relation to electricity services. In the absence of AMPCO’s participation in this proceeding, large electricity consumers will be at risk of not having a coordinated voice in this matter. We note that AMPCO has been granted cost awards in many other OEB proceedings.

AMPCO representatives receive their instructions from the AMPCO Board that is elected by the AMPCO members to represent their interests. The President of AMPCO has daily contact with many AMPCO members and communicates with the Executive Committee of the Board of Directors on a frequent basis, and no less than once per week, typically via conference calls and/or face-to-face meetings. Important issues are debated among the executive members under the President’s or the Chairman’s facilitation, and policy decisions are made generally through consensus of the Board of Directors. Instructions with respect to this proceeding will primarily come via this method. Approximately six to eight times per year, AMPCO holds a meeting of its Board of Directors, during which important energy issues are debated and policy decisions are made; this is influenced by the ongoing work of the Executive Committee and the President.

AMPCO communicates with members on current issues via newsletters and emails, as well as via the members-only section of the organization’s website; members typically provide direct feedback on such issues via email and phone calls; as well, AMPCO holds two formal members’ meetings per year, during which information on current issues is shared.

**Scope of Participation:**

AMPCO intends to participate in all stages of the OEB’s consultation and hearing process in respect of this matter.

In addition to my representation of AMPCO as its counsel, AMPCO intends to retain consultants in this proceeding. Given the complex nature of the consultation and proceeding, it is important that AMPCO have expert assistance. At this time AMPCO has retained Dr. Lawrence Murphy of Henley International Inc. and AMPCO may retain other consultants as AMPCO considers appropriate.



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### **Coordination with Other Parties of Like Interest:**

AMPCO has traditionally worked collaboratively with various stakeholders involved in OEB proceedings through the development of practical policy solutions. Where appropriate, AMPCO will attempt to cooperate with other participants and intervenors in this consultation and proceeding.

### **Notice**

We request that copies of all documents and correspondence pertaining to this proceeding be served on AMPCO as follows:

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President, AMPCO  
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We thank you for your attention to this matter, and we trust that this letter will be sufficient for the granting of intervenor status to AMPCO, and for the OEB's confirmation of AMPCO's eligibility for a cost award in this proceeding. Should you have any questions or require any further information, please do not hesitate to contact me.



Yours very truly,

**BORDEN LADNER GERVAIS LLP**

J. Mark Rodger

Copies to:     Mr. Adam White, AMPCO President  
                  Mr. Mike Kuriychuk, AMPCO Chairman  
                  Mr. Andrew Barrett, OPG

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