

December 3, 2010

RESS, EMAIL & COURIER

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

Attention: Ms. Kirsten Walli

Dear Ms. Walli:

**Re: EB-2010-0008 - Ontario Power Generation Inc. ("OPG")
2011-2012 Payment Amounts for Prescribed Facilities**

This letter is in response to the letter of Mr. Peter Thompson, legal counsel to Canadian Manufacturers and Exporters ("CME"), the letter of Mr. Jay Shepherd, legal counsel to School Energy Coalition and the letter of David Macintosh, Case Manager of Energy Probe Research Foundation ("Energy Probe"), all dated December 2, 2010. These parties request an extension of the filing of their respective arguments in this matter until December 8, 2010. Ontario Power Generation ("OPG") opposes these requests and submits that the Board deny the same.

The scheduling problem set out in Mr. Thompson's letter is of his own making and based on dates previously scheduled in this proceeding and the Union Gas proceeding referenced in his letter (EB-2010-0039), Mr. Thompson could have avoided the circumstances in question.

Based on our review of the public record in the Union Gas Proceeding, by way of a Decision and Order of the Board dated September 3, 2010, Mr. Thompson knew that the Board scheduled the hearing of the Union Gas proceeding for December 6 and 7, 2010. On November 19, 2010 Union filed a Notice of Motion for an adjournment in its proceeding. By way of Procedural Order dated November 23, 2010, the Board ordered that the motion was returnable for December 3, 2010. On November 25, 2010, Mr. Thompson provided a letter to Union's legal counsel advising of his intention to bring a cross motion returnable for the same date.

The argument schedule in the current proceeding was set on November 2, 2010 and was known by all parties. There was no objection from CME at the time even though it was known by CME that there was a proceeding scheduled for December 6, 2010 the same day as the submissions were due. OPG disagrees that there is no prejudice if the argument schedule is adjusted to provide two additional days for OPG to respond. OPG has an internal protocol for senior management

approval. This can be accommodated within the current schedule. However, with the holiday season, it becomes difficult for this process to be completed if there is a delay in OPG's receipt of intervenor submissions.

Mr. Thompson had significant advance notice of the timelines in this proceeding and also in the Union matter. He could have organized his affairs accordingly as well as the resources available to him to meet those time lines. Especially since he was well aware of the timing when he advised of his motion in the Union Gas Proceeding on November 25, 2010. It is unfair to change the entire argument schedule for the current proceeding because of the approach taken by Mr. Thompson in respect of actions in another proceeding that was fully under his control.

Mr. Shepherd was also well aware of the timelines for the various proceedings in which his client is involved. As a result, for the same reasons as set out above, OPG submits that the Board should deny the requests for extension.

By the time the filing deadline for intervenor reply occurs, parties will have had 16 days from the date that the argument in chief was filed and a full 33 days from the end of the hearing. A significant amount of time for parties to review evidence, organize their affairs and prepare a reply. It is OPG's position that all of the requests lack merit. In particular, SEC and Energy Probe appear to be merely using the request of Mr. Thompson as a convenient forum to seek a delay because of their own work commitments unrelated to this proceeding and not for reasons that are outside of their control.

Yours truly,

Original signed by

Charles Keizer

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**cc: All Intervenors
Michael Millar
Ted Antonopolous**