



EB-2011-0090
EB-2011-0091

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B;

AND IN THE MATTER OF an application by Ontario Power Generation Inc. pursuant to section 78.1 of the *Ontario Energy Board Act, 1998* for an Order or Orders determining payment amounts for the output of certain of its generating facilities;

AND IN THE MATTER OF a motion by Ontario Power Generation Inc. pursuant to Rule 42 of the Ontario Energy Board's *Rules of Practice and Procedure* for an order or orders to vary the Decision with Reasons EB-2010-0008 dated March 10, 2011;

AND IN THE MATTER OF a motion by the School Energy Coalition pursuant to Rule 42 of the Ontario Energy Board's *Rules of Practice and Procedure* for an order or orders to vary the Decision with Reasons EB-2010-0008 dated March 10, 2011.

PROCEDURAL ORDER NO. 2

Ontario Power Generation Inc. ("OPG") filed an application with the Ontario Energy Board (the "Board") on May 26, 2010. The application was filed under section 78.1 of the *Ontario Energy Board Act, 1998*, S.O 1998, c. 15 (Schedule B) (the "Act"), seeking approval for payment amounts for OPG's prescribed generation facilities for the test period January 1, 2011 through December 31, 2012, to be effective March 1, 2011. The Board assigned the application file number EB-2010-0008. The Board issued its Decision with Reasons ("Decision") on March 10, 2011.

On March 30, 2011, OPG filed a Notice of Motion to review and vary the Decision in relation to certain findings with regard to the pension and other post employment benefits (“OPEB”) costs, and in relation to OPG’s request for a variance account for pension and OPEB costs. The Board assigned this motion file number EB-2011-0090.

On March 30, 2011, the School Energy Coalition (“SEC”) filed a Notice of Motion to review and vary the Decision in relation to tax matters, specifically the treatment of tax deductions taken by OPG prior to April 1, 2008 and disposition of the tax loss variance account. The Board assigned this motion file number EB-2011-0091.

The Board issued a Notice of Hearing and Procedural Order No. 1 on April 15, 2011. The procedural order provided for submissions on the threshold question and merits of the OPG and SEC motions (together, the “Motions”), and for oral hearing. On April 18, 2011, OPG and SEC (the “Moving Parties”) filed correspondence with the Board, requesting the opportunity to file a full factum to support the Motions, and the opportunity to file written reply on the submissions of Board staff and other responding parties.

The Board will provide the Moving Parties with the opportunity to file a full factum as requested. The Board has amended the schedule for submissions to accommodate the additional procedural step.

The Board has not amended the schedule to include an opportunity for the Moving Parties to file written reply submission. The oral hearing will be held, as originally scheduled, on June 2, 2011, and continuing on June 3, 2011 if required. Reply submissions from the Moving Parties will be heard at the oral hearing.

The Board considers it necessary to make provisions for the following procedural matters related to these Motions. The Board may issue further procedural orders from time to time.

THE BOARD THEREFORE ORDERS THAT:

1. OPG and SEC may file any further material in support of their motions by **May 6, 2011**. The material shall be filed with the Board and copied to all other parties.

2. Board staff may file submissions on the Motions by **May 17, 2011**. The submissions shall be filed with the Board and copied to all other parties.
3. Intervenors and OPG may file submissions on the Motions by **May 24, 2011**. The submissions shall be filed with the Board and copied to all other parties.

All filings to the Board must quote file number EB-2011-0090 and/or file number EB-2011-0091, be made through the Board's web portal at www.errr.ontarioenergyboard.ca, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties shall use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.ontarioenergyboard.ca. If the web portal is not available, parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

ADDRESS

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

E-mail: Boardsec@ontarioenergyboard.ca
Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656

ISSUED at Toronto, April 21, 2011

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary