



EB-2018-0243

**Ontario Power Generation Inc.**

**Application for 2019 Hydroelectric Payment Amount  
Adjustment and Recovery of Deferral and Variance  
Account Balances effective January 1, 2019**

**PROCEDURAL ORDER NO. 1  
October 16, 2018**

Ontario Power Generation Inc. (OPG) filed an application with the Ontario Energy Board (OEB) on August 9, 2018 under section 78.1 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B) seeking approval for an order or orders related to deferral and variance accounts, including disposition of account balances related to its nuclear generating facilities and most of its hydroelectric generating facilities as at December 31, 2017. OPG has also applied to increase the amount it charges for the output of most of its hydroelectric generating facilities effective January 1, 2019 using an OEB-approved formula that is tied to inflation and other factors intended to promote efficiency.

The OEB issued a Notice of Hearing on September 13, 2018. Each of the following parties applied for intervenor status:

- Association of Major Power Consumers in Ontario (AMPCO)
- Canadian Manufacturers & Exporters (CME)
- Consumers Council of Canada (CCC)
- Energy Probe Research Foundation (Energy Probe)
- Independent Electricity System Operator (IESO)
- Power Workers' Union (PWU)
- School Energy Coalition (SEC)
- Vulnerable Energy Consumers Coalition (VECC)

AMPCO, CME, CCC, Energy Probe, SEC and VECC also applied for cost eligibility.

No objection was received from OPG.

AMPCO, CME, CCC, Energy Probe, IESO, PWU, SEC and VECC are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this procedural order. AMPCO, CME, CCC, Energy Probe, SEC and VECC are eligible to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#).

Cost eligible intervenors should be aware that the OEB will not generally allow the recovery of costs for the attendance of more than one representative of any party, unless a compelling reason is provided when cost claims are filed.

### **Issues List**

It is the OEB's expectation that parties will be best positioned to identify issues relevant to OPG's application after the applicant has responded to interrogatories, and following a technical conference, should it be required. OPG has filed a draft issues list as part of its application. OPG, OEB staff and the intervenors shall use OPG's draft issues list as a starting point to develop a proposed issues list, which OEB staff shall file for the OEB's consideration. The OEB will approve an issues list prior to the settlement conference and will identify any issues that will be excluded from settlement.

### **Interrogatories**

At this time, provision will be made for written interrogatories. Parties should consult sections 26 and 27 of the OEB's [Rules of Practice and Procedure](#) regarding required naming and numbering conventions and other matters related to interrogatories.

### **Presentation of Settlement Proposal**

Following the settlement conference, provision will be made for the presentation of any settlement proposal filed by OPG, whether full or partial, and for the presentation of any unsettled issues to be adjudicated by the OEB. OPG's presentation is intended to summarize and provide any salient information for the OEB's consideration in reviewing the settlement proposal. The purpose of the presentation is not to provide an opportunity for cross-examination by the parties, but rather for OPG to present any settlement and any remaining issues in the case.

It is necessary to make provision for the following matters related to this proceeding. The OEB may issue further procedural orders from time to time.

**IT IS THEREFORE ORDERED THAT:**

1. OEB staff shall request any information and documentation from OPG that is in addition to OPG's evidence and that is relevant to the hearing by written interrogatories filed with the OEB and served on all other parties by **October 26, 2018**.
2. Intervenors shall request any information and documentation from OPG that is in addition to OPG's evidence and that is relevant to the hearing by written interrogatories filed with the OEB and served to OPG and all other parties by **October 31, 2018**.
3. OPG shall file with the OEB complete written responses to all interrogatories and serve them on all intervenors by **November 19, 2018**.
4. A transcribed technical conference will be held on **November 29, 2018** starting at 9:30 a.m. at 2300 Yonge Street, 25th floor, Toronto, Ontario to clarify any matters arising from the interrogatories only. If required, the technical conference will continue on **November 30, 2018**. Parties intending to participate are to notify OPG, and copy all parties, of the topic areas for questioning by **November 22, 2018**.
5. OPG shall file with the OEB complete written responses to all undertakings from the technical conference and serve them on all intervenors by **December 7, 2018**.
6. OEB staff shall file a proposed issues list, or, alternatively, shall advise the OEB in writing that the parties and OEB staff have been unable to reach an agreement on a draft issues list by **December 12, 2018**.
7. A settlement conference among the parties and OEB staff will be convened on **January 8, 2019** starting at 9:30 a.m. at 2300 Yonge Street, 25th floor, Toronto. If necessary, the settlement conference will continue on **January 9, 2019 and January 10, 2019**.
8. Any settlement proposal arising from the settlement conference shall be filed with the OEB by **January 29, 2019**. In addition to outlining the terms of any

settlement, the settlement proposal should contain a list of any unsettled issues, indicating with reasons whether the parties believe those issues should be dealt with by way of oral or written hearing.

9. Any written submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties by **February 5, 2019**.
10. If there is no settlement proposal arising from the settlement conference, OPG shall file a statement to that effect with the OEB by **January 18, 2019**. In that event, parties shall file and serve on the other parties by **January 22, 2019** any submissions on which issues shall be heard in writing, and for which issues the OEB should hold an oral hearing.
11. The OEB is setting a tentative date of **February 11, 2019** starting at 9:30 a.m. at 2300 Yonge Street, 25<sup>th</sup> floor, Toronto, for OPG to present to the OEB any settlement proposal and a summary of any unsettled issues in the case. OEB staff will, at the direction of the OEB, confirm or amend this date in subsequent correspondence.

All filings to the OEB must quote the file number, **EB-2018-0243** and be made electronically in searchable/unrestricted PDF format through the OEB's web portal at <https://pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed at the OEB's address provided below. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <https://www.oeb.ca/industry/tools-resources-and-links/e-filing-services>. If the web portal is not available, electronic copies of filings may be filed by email at [registrar@oeb.ca](mailto:registrar@oeb.ca). Those who do not have internet access are required to submit all filings on a USB stick 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 Registrar at the address below, and be received no later than 4:45 p.m. on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Georgette Vlahos at [Georgette.Vlahos@oeb.ca](mailto:Georgette.Vlahos@oeb.ca) and OEB Counsel, Michael Millar at [Michael.Millar@oeb.ca](mailto:Michael.Millar@oeb.ca).

**ADDRESS**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27th Floor  
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E-mail: [registrar@oeb.ca](mailto:registrar@oeb.ca)  
Tel: 1-888-632-6273 (Toll free)  
Fax: 416-440-7656

**DATED** at Toronto, **October 16, 2018**

**ONTARIO ENERGY BOARD**

**By delegation, before: Rudra Mukherji**

*Original signed by*

Rudra Mukherji  
Acting Manager, Registrar

**SCHEDULE 'A'**

**Ontario Power Generation Inc.**

**Board File No. EB-2018-0243**

**APPLICANT & INTERVENORS**

**Dated: October 16, 2018**

Ontario Power Generation Inc.  
EB-2018-0243

**APPLICANT & LIST OF INTERVENORS**

October 16, 2018

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**APPLICANT**

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**INTERVENORS**

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**Vulnerable Energy  
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