



EB-2009-0010

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 Rule 42 of the of the Ontario
Energy Board's *Rules of Practice and Procedure*.

NOTICE OF MOTION AND PROCEDURAL ORDER NO. 1

On December 2, 2008 the Association of Major Power Consumers of Ontario ("AMPCO") filed a Notice of Motion (the "Motion") for a review and variance of the Ontario Energy Board's ("Board") Decision and Order on Cost Awards ("Decision"), file number EB-2007-0905, dated November 10, 2008 . The Motion seeks an order from the Board to vary the Decision with respect to the eligibility of AMPCO's costs for time spent by Mr. Adam White in the EB-2007-0905 proceeding.

The Motion has been assigned file number EB-2009-0010.

The Board has decided to hear the motion in writing and invites submissions from AMPCO, Board Staff and Ontario Power Generation ("OPG"). AMPCO is eligible to claim costs for this proceeding.

The Board considers it necessary to make provision for the following procedural matters. The Board may issue further Procedural Orders from time to time.

THE BOARD THEREFORE ORDERS THAT:

1. If AMPCO wishes to make a submission which is in addition to its Motion materials, it shall file the submission with the Board and copy the submission to OPG by February 3, 2009.
2. If Board staff or OPG wish to make a submission on the Motion, it shall file the submission with the Board by February 10, 2009 and copy the submission to AMPCO and OPG (in the case of Board staff).
3. If AMPCO wishes to reply to any submission, it shall file its reply submission with the Board by February 18, 2009 and copy the reply submission to OPG.
4. The Board may order costs in this proceeding for AMPCO. Determination of cost awards will be addressed in accordance with the Board's Practice Direction on Cost Awards.

All filings to the Board must quote file number EB-2009-0010, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format filed through the Board's web portal at www.errr.oeb.gov.on.ca. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.oeb.gov.on.ca. If the web portal is not available you may e-mail your document to Boardsec@oeb.gov.on.ca. Those who do not have internet access are required to submit all filings on a CD or diskette 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, and be received no later than **4:45 p.m.** on the required date. Parties must also include the Case Manager, Richard Battista richard.battista@oeb.gov.on.ca and Board Counsel, Michael Millar michael.millar@oeb.gov.on.ca in electronic correspondence related to this proceeding.

ISSUED at Toronto, January 27, 2009

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary