



EB-2007-0905

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.

BEFORE: Gordon Kaiser
Vice-Chair and Presiding Member

Cynthia Chaplin
Member

DECISION AND ORDER ON COST AWARDS

The Ontario Energy Board (the "Board") received an application from Ontario Power Generation Inc. ("OPG") on November 30, 2007, under section 78.1 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B, seeking approval for increases in payment amounts for the output of certain of its generating facilities, to be effective April 1, 2008. The Board assigned the application file number EB-2007-0905 and issued a Notice of Application and Oral Hearing dated December 13, 2007.

The Board issued its EB-2007-0905 Decision with Reasons on November 3, 2008. On November 10, 2008 the Board issued a Decision and Order on Cost Awards, for claims filed pursuant to EB-2007-0905 Procedural Order No. 6.

The Board issued its Payment Amounts Order on December 2, 2008.

On December 8, 2008, the Board issued Procedural Order No.7 which set out the process for eligible intervenors to file their cost claims incurred in relation to the Payment Amounts Order. The Board received cost claims from the Association of Major Power Consumers in Ontario ("AMPCO"), the Canadian Manufacturers & Exporters ("CME") and the School Energy Coalition ("SEC"). OPG did not file any objections.

Board Findings

The following amounts were claimed:

- AMPCO \$17,917.75
- CME \$9,488.35
- SEC \$2,460.94

The Board finds that the costs claimed by SEC and CME are reasonable in the circumstances and will be awarded as claimed.

With respect to AMPCO, the Board finds that the approximate 14 hours claimed by counsel are reasonable in the circumstances. The Board notes that whereas SEC and CME have relied on counsel for this stage of the proceeding, AMPCO also made use of its expert and advisor. While additional costs associated with the activities of advisors and experts are acceptable, the Board finds that the 50 hours claimed by AMPCO for its advisor and expert are excessive in the circumstances. The Board will therefore allow 25 hours in advisor/expert time for this stage of the proceeding. The Board will reduce the AMPCO cost claim by \$6,982.50, which is equivalent to a 50% reduction in the time claimed by each of Mr. Adams and Dr. Murphy.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the Ontario *Energy Board Act*, 1998, OPG shall immediately pay:
 - AMPCO \$10,935.25;
 - CME \$9,488.35; and
 - SEC \$2,460.94.

2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, OPG shall pay the Board's costs of and incidental to this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, February 11, 2009.

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary