



**EB-2008-0312**

**IN THE MATTER OF** sections 25.20 and 25.21 of the  
*Electricity Act, 1998*;

**AND IN THE MATTER OF** a Submission by the Ontario Power  
Authority to the Ontario Energy Board for the review of its  
proposed expenditure and revenue requirements and the fees  
which it proposes to charge for the year 2009.

BEFORE: Paul Vlahos  
Presiding Member

Paul Sommerville  
Member

Cynthia Chaplin  
Member

**DECISION ON SETTLEMENT PROPOSAL AND  
PROCEDURAL ORDER NO. 2**

On November 2, 2008, the Ontario Power Authority (“OPA”) filed with the Ontario Energy Board (“Board”) its proposed 2009 expenditure and revenue requirement and fees for review pursuant to subsection 25.21(1) of the *Electricity Act, 1998*. The OPA sought approval for a proposed 2009 operating budget of \$65.073 million and a proposed fee of \$0.485/MWh.

The Board assigned file number EB-2008-0312 to this matter. The Board issued a Notice of Application on November 28, 2008. In Procedural Order No. 1 issued on December 19, 2008, the Board approved the proposed fees on an interim basis as of

January 1, 2009, and set out dates for the proceeding up to and including the filing of a Settlement Proposal.

The Settlement Conference was held at the Board's offices on February 23, 2009. The following parties participated: The Association of Major Power Consumers in Ontario (AMPCO), Energy Probe, and Ontario Power Generation Inc. The settlement proposal is dated February 27, 2009 and was filed with the Board the same date. OPA also filed an updated response to Energy Probe interrogatory 7.

Settlement was reached on Issues 1 through 6.3. The operating budget for 2009 proposed by OPA was accepted as part of the settlement. It was also agreed that Energy Probe and AMPCO would be allowed to make written submissions that "will address the overall level or trend of the budget and will request that the Board provide direction to the OPA regarding the budget for 2010, and other future years." OPA would have the right of reply to these submissions.

No settlement was reached on Issue 6.4 Workforce Hiring Practices. The parties have agreed to the following:

Energy Probe and AMPCO will make written submissions on issue 6.4, regarding OPA's response to the Board's expectations in respect of workforce hiring practices for 2009, and will request that the Board provide direction to the OPA regarding the budget for 2010 and future years. The OPA will have the right to reply to these submissions.

On March 5, 2009, the OPA filed with the Board and sent to intervenors certain revisions to its original filing. In its original filing the OPA had proposed to charge a registration fee of \$10,000 for electricity supply and capacity competitive procurement. The revised proposal is that the fee will be up to \$10,000. The OPA noted that this change will allow the OPA to establish an appropriate registration fee for a feed-in-tariff

("FIT") program if Bill 150<sup>1</sup> is passed by the legislature. The revenue from registration fees has not been altered, so there is no impact on the original proposed budget.

Having reviewed the record in the proceeding, the Board accepts the settlement proposal as reasonable subject to the submissions by Energy Probe and AMPCO as stipulated in the settlement proposal and subject to submissions by any party on the OPA's revised request regarding registration fees. The next steps are set below.

**THE BOARD ORDERS THAT:**

1. Energy Probe and AMPCO may make submissions as stipulated in the settlement proposal and all parties, including Board Staff, may make submissions on the OPA's revised registration fees proposal. All submissions shall be filed with the Board and delivered to the OPA and each intervenor no later than **Tuesday March 17, 2009**; and
2. The OPA's response shall be filed with the Board and delivered to each intervenor no later than **Friday March 27, 2009**.

All filings to the Board noted in this Procedural Order must be in the form of 2 hard copies and must be received by the Board by **4:45 p.m.** on the stated dates. An electronic copy of the filing must also be provided. If you already have a user ID, the electronic copy of your filing should be submitted through the Board's web portal at [www.errr.oeb.gov.on.ca](http://www.errr.oeb.gov.on.ca). If you do not have a user ID, please visit the "e-Filing Services" page on the Board's website at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca) and fill out a user ID password request. For instructions on how to submit and naming conventions, please refer to the RESS Document Guidelines also found on the "e-Filing Services" webpage. If the Board's web portal is not available, the electronic copy of your filing may be submitted by e-mail at [Boardsec@oeb.gov.on.ca](mailto:Boardsec@oeb.gov.on.ca). Those who do not have internet access are required to submit the electronic copy of their filing on a CD or diskette in PDF format.

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<sup>1</sup>: Bill 150, the proposed *Green Energy and Green Economy Act, 2009* was introduced in the legislature on

Ontario Energy Board  
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2300 Yonge Street, 27th Floor  
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Attention: Board Secretary

Filings: [www.errr.oeb.gov.on.ca](http://www.errr.oeb.gov.on.ca)  
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**ISSUED** at Toronto, March 6, 2009  
**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary