



**EB-2008-0298**

**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. for approval, pursuant to Part 1,  
Paragraph 5.2 of Ontario Power Generation Inc.'s  
Generation Licence EG-2003-0104, of a Reliability Must-  
Run Agreement for the Lennox Generating Station facilities  
between Ontario Power Generation Inc. and the  
Independent Electricity System Operator.

**BEFORE:** Pamela Nowina  
Vice Chair and Presiding Member

Ken Quesnelle  
Member

## **DECISION AND ORDER ON COST AWARDS**

### **Background**

Ontario Power Generation ("OPG") filed an application on September 15, 2008 with the Ontario Energy Board (the "Board") seeking approval of a reliability must-run contract (the "2009 RMR Contract") entered into with the Independent Electricity System Operator in relation to OPG's Lennox generating station. The Application was made under section 5 of OPG's generation licence, which requires that any reliability must-run contract be approved by the Board prior to its implementation. The Board has assigned file number EB-2008-0298 to the application.

Of the parties granted intervenor status in this proceeding, the following were also determined by the Board to be eligible for an award of costs: the Association of Major

Power Consumers in Ontario ("AMPCO"); the Canadian Manufacturers & Exporters ("CME") and Energy Probe Research Foundation ("Energy Probe").

By oral decision given on December 15, 2008, the Board approved the 2009 RMR Contract and established the process for the filing of cost claims and of any objections to those claims. Cost claims were to be filed by January 7, 2009.

Energy Probe did not actively participate in this proceeding, and did not file a cost claim. The Board received a cost claim from CME on December 18, 2008 and from AMPCO on March 2, 2009. By letter dated March 13, 2009, the Board indicated that it would consider AMPCO's cost claim notwithstanding that it was filed late, subject to any objections that OPG might file.

No objections were received from OPG in relation to CME's or AMPCO's cost claims.

The Board finds that the cost claims of each of CME and AMPCO are reasonable in light of their respective participation in this proceeding, and that both parties are entitled to 100% of their reasonably incurred costs.

**THE BOARD THEREFORE ORDERS THAT:**

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Ontario Power Generation Inc. shall immediately pay the following:
  - \$7,449.75 to the Association of Major Power Consumers in Ontario; and
  - \$7,779.89 to the Canadian Manufacturers & Exporters.
2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Ontario Power Generation Inc. shall pay the Board's costs of and incidental to this proceeding, immediately upon receipt of the Board's invoice.

**DATED** at Toronto, April 15, 2009

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary