



EB-2009-0174

**NOTICE OF APPLICATION AND HEARING AND
PROCEDURAL ORDER NO. 1**

Ontario Power Generation Inc.

Ontario Power Generation Inc. ("OPG") filed an application with the Ontario Energy Board, (the "Board") on June 9, 2009 under section 78.1 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15 (Schedule B). The application seeks an accounting order to address the treatment of deferral and variance accounts approved in the payment amounts proceeding (EB-2007-0905) ("Payment Amounts proceeding"), for the period after December 31, 2009. The Board has assigned the application File No. EB-2009-0174.

On December 2, 2008, as part of the Payment Amounts proceeding, the Board issued a Payment Amounts Order which described the treatment of approved variance and deferral accounts for a 21 month period ending December 31, 2009. OPG has deferred the filing of its next payment amounts application by one year. It requires an accounting order to address the treatment of deferral and variance accounts from January 1, 2010 and seeks an order approving:

- Continued amortization of the balances in certain nuclear deferral and variance accounts;
- Continuation of nuclear payment rider A;
- Establishment of a nuclear variance and deferral over/under recovery variance account; and
- The basis for recording entries in approved deferral and variance accounts after December 31, 2009.

The Board will adopt as intervenors in this proceeding the intervenors and any other parties of record from the Payments Amount proceeding. A list of the parties of record in that proceeding is attached as Appendix A. Any party that is not automatically

adopted as an intervenor by the Board in this proceeding and wishes to participate as an intervenor or observer must notify the Board Secretary's Office immediately.

The Board finds it appropriate to hear this matter by way of written hearing unless any party provides a good reason why it should proceed by way of an oral hearing.

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. Intervenor who want the Board to proceed by way of an oral hearing shall submit written reasons why it is necessary to do so to the Board and to all other parties to the proceeding no later than **July 10, 2009**.
2. Board staff and intervenors who wish information and material from OPG that is in addition to OPG's pre-filed evidence with the Board, and that is relevant to the hearing, shall request it by written interrogatories filed with the Board and delivered to OPG on or before **July 24, 2009**. Where possible, the questions should specifically reference the pre-filed evidence.
3. OPG shall file with the Board complete responses to the interrogatories and deliver them to all other parties to the proceeding no later than **August 7, 2009**.
4. Board staff and intervenors who wish to file a written submission shall file the submission with the Board and deliver it to all other parties to the proceeding on or before **August 21, 2009**.
5. If OPG wishes to respond to any submissions, it may do so by filing a response with the Board and delivering it to all other parties to the proceeding on or before **September 4, 2009**.
6. The Board may order costs in this proceeding. Any party that was determined to be eligible for costs in the Payment Amounts proceeding shall be eligible for costs in this proceeding. Any party that is not automatically eligible for costs but expects to seek costs in this proceeding shall file a letter with the Board and copy OPG no later than **July 10, 2009** which letter shall provide the grounds for the party's eligibility for costs. OPG will have until **July 17, 2009** to object to any new

cost eligibility request. Requests for cost eligibility and the determination of cost awards will be addressed in accordance with the Board's Practice Direction on Cost Awards. OPG will be ordered to pay costs for this proceeding.

All filings to the Board must quote file number EB-2009-0174, 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, Violet Binette violet.binette@oeb.gov.on.ca and Board Counsel, Donna Campbell donna.campbell@oeb.gov.on.ca in electronic correspondence related to this proceeding.

ISSUED at Toronto, June 30, 2009

ONTARIO ENERGY BOARD

Original Signed By

John Pickernell
Assistant Board Secretary

APPENDIX "A"
TO
NOTICE OF APPLICATION AND HEARING AND
PROCEDURAL ORDER NO. 1
BOARD FILE NO: EB-2009-0174
ISSUED: JUNE 30, 2009

EB-2007- 0905
Ontario Power Generation Inc. –
Payment Amounts for OPG’s Prescribed Facilities

List of Applicant and Intervenors

Applicant	Rep. and Address for Service
Ontario Power Generation Inc.	Barbara Reuber Director, Ontario Regulatory Affairs H18 G2 700 University Avenue Toronto ON M5G 1X6 Tel: 416-592-5419 Fax: 416-592-6379 Email: opgregaffairs@opg.com

	Applicant’s Counsel
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AND

Ontario Power Generation	Josephina D. Erzetic Assistant General Counsel H18 A24 700 University Avenue Toronto ON M5G 1X6 Tel: 416-592-5885 Fax: 416-592-1466 Email: j.erzetic@opg.com
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Ontario Energy Board
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List of Intervenor – EB-2007-0905

Intervenor	Rep. and Address for Service
1. Association of Major Power Consumers in Ontario	Adam White Sterling Tower 372 Bay Street, Suite 1702 Toronto ON M5H 2W9 Tel: 416-260-0225 Fax: 416-260-0442 E-mail: awhite@ampco.org
AND	Shelley Grice AMPCO Case Manager 372 Bay Street, Suite 1702 Toronto, ON M5H 2W9 Tel: 416-260-5395 Fax: 416-260-0442 E-mail: sgrice@ampco.org
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AND	
SanZoe Consulting Inc.	Wayne Clark 25 Priest Avenue Minesing ON L0L 1Y0 Tel: 705-728-3284 Fax: 705-721-0974 E-mail: wayne.clark@xplornet.com
AND	
	Tom Adams 12 Sidford Court Toronto ON M6S 2J4 Tel: 416-604-8517 E-mail: tom.adams.energy@gmail.com

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Intervenor	Rep. and Address for Service
AND	
Henley International Inc.	Dr. Lawrence Murphy 11-1019 North Shore Blvd. East Burlington ON L7T 1X8 Tel: 905-639-7233 E-mail: l.jmurphy@cogeco.ca
2. Association of Power Producers of Ontario (APPRO)	David Butters President 25 Adelaide Street East Suite 1602 Toronto ON M5C 3A1 Tel: 416-322-6549 Fax: 416-481-5785 E-mail: david.butters@appro.org
AND	
MacLeod Dixon LLP	Elisabeth De Marco Toronto Dominion Centre Canadian Pacific Tower 100 Wellington Street West, Ste. 500 P. O. Box 128 Toronto ON M5K 1H1 Tel: 416-360-8511 Fax: 416-360-8277 E-mail: Elisabeth.demarco@macleoddixon.com
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AND	
	Nicole Bryant E-Mail: Nicole.bryant@macleoddixon.com

Intervenor	Rep. and Address for Service
3. Canadian Manufacturers & Exporters (CME)	Paul Clipsham Director of Policy 6725 Airport Road, Ste., 200 Mississauga ON L4V 1V2 Tel: 905-672-3466 Ext. 3236 Fax: 905-672-1764 E-mail: paul.clipsham@cme-mec.ca
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AND WeirFoulds LLP	Robert B. Warren The Exchange Tower, Suite 1600 P. O. Box 480 130 King Street West Toronto ON M5X 1J5 Tel: 416-947-5075 Fax: 416-365-1876 E-mail: rwarren@weirfoulds.com

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Intervenors	Rep. and Address for Service
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6. Energy Probe Research Foundation	David MacIntosh 225 Brunswick Avenue Toronto ON M5S 2M6 Tel: 416-964-9223 Ext. 235 Fax: 416-964-8239 E-Mail: DavidMacIntosh@nextcity.com
AND	Peter T. Faye Barrister & Solicitor 42 Eastwood Crescent Markham ON L3P 5Z7 Tel: 905-294-2013 Fax: E-Mail: pfaye@rogers.com
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7. Green Energy Coalition	David Poch Counsel to the GEC 1649 Old Brooke Road Maberly ON K0H 2B0 Tel: 613-264-0055 Fax: 613-264-2878 E-mail: dpoch@eelaw.ca
Resource Insight Inc.	Paul Chernik 5 Water Street Arlington MA 02746 USA Tel: 781-646-1505 E-mail: pchernik@resourceinsight.com
8. Hydro One Networks	Glen E. MacDonald Senior Advisor – Regulatory Research & Administration 483 Bay Street., 8 th Floor, South Tower Toronto ON M5G 2P5 Tel: 416-345-5913 Fax: 416-345-5866 E-mail: regulatory@HydroOne.com
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List of Applicant and Observers

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