



**EB-2009-0038**

**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** an application by Ontario Power Generation Inc. pursuant to Rule 42 of the *Rules of Practice and Procedure* for an Order varying part of the Ontario Energy Board's Decision with Reasons made November 3, 2008.

**BEFORE:** Howard Wetston  
Presiding Member and Chair

Pamela Nowina  
Member and Vice-Chair

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

On January 28, 2009, Ontario Power Generation Inc. ("OPG") filed a Notice of Motion (the "Motion") for a review and variance of the Ontario Energy Board's (the "Board") Decision with Reasons dated November 3, 2008, file number EB-2007-0905. The Motion has been assigned file number EB-2009-0038.

The Board in its Notice of Motion and Procedural Order No.1 for EB-2009-0038 adopted as intervenors the same parties with the same cost eligibility as in the EB-2007-0905 proceeding.

The Board issued its Decision and Order on the Motion on May 11, 2009.

The Board received cost claims from CME and SEC. No comments were received from OPG.

The Board has reviewed the cost claims and has found that CME and SEC are eligible for 100% of their reasonably incurred costs of participating in this proceeding. The Board finds that CME's and SEC's claims are reasonable and both parties will be reimbursed by the OPG.

**THE BOARD THEREFORE ORDERS THAT:**

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, the OPG shall immediately pay:
  - CME \$10,995.40; and
  - SEC \$ 8,866.20.
2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, the OPG shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

**DATED** at Toronto, July 7, 2009.

ONTARIO ENERGY BOARD

*Original signed by*

John Pickernell  
Assistant Board Secretary