



EB-2009-0347

**NOTICE OF APPLICATION AND HEARING
ONTARIO POWER AUTHORITY
PROPOSED 2010 REVENUE REQUIREMENT SUBMISSION FOR REVIEW**

The Ontario Power Authority (“OPA”) is a non-profit agency of the Ontario Government established to ensure an adequate, reliable and secure supply of electricity in Ontario. The OPA has submitted to the Ontario Energy Board (“Board”) its proposed expenditures for fiscal 2010 and its proposed fees and request for disposition of certain deferral accounts. It has done so pursuant to subsection 25.21(1) of the *Electricity Act, 1998*. The Board has the authority to approve the proposed fee or to refer it back to the OPA for further consideration with the Board’s recommendations.

The OPA is seeking the following approvals from the Board:

- approval of a net revenue requirement comprised of the proposed 2010 operating budget of \$65.127 million and a number of adjustments that result in a net amount of \$76.027 million;
- approval of a \$0.551/MWh usage fee, which is an increase from the approved usage fee of \$0.485/MWh for 2009;
- if necessary, interim approval of the usage fee described above, or such further or other interim orders as the Board may deem appropriate;
- approval of registration fees of \$10,000 per proposal for electricity supply and capacity procurements;
- approval of non-refundable application fees for the Feed-in-Tariff program of \$0.50/kWh of proposed Contract Capacity, having a minimum of \$500 and to a maximum of \$5,000;
- approval of proposed 2010 capital expenditures of \$1.8 million;

- approval of its proposal to recover through fees the balances of the Government Procurement Costs Deferral Account and the 2009 Forecast Variance Deferral Account;
- approval to continue to recover the balance of Retailer Settlement Deferral Accounts over three years;
- approval of establishment of the 2010 Retailer Contract Settlement Deferral Account, of the 2010 Retailer Discount Settlement Deferral Account, of the 2010 Government Procurement Costs Deferral Account and of the 2010 Forecast Variance Deferral Account, and approval or continuation of such further or other deferral accounts as the Board may deem appropriate; and
- all necessary orders and directions, pursuant to the *Ontario Energy Board Act, 1998* and the Board's Rules of Practice and Procedure, as may be necessary in relation to this submission, and execution of the approvals requested in the Business Plan.

The Board has assigned File No. EB-2009-0347 to this application.

How to see the OPA's Pre-filed Evidence

Copies of the Application and pre-filed evidence are available for public inspection:

- at the Board's offices and on its website at www.oeb.gov.on.ca; and
- at the OPA's offices in Toronto and on its website at www.powerauthority.on.ca.

For the office locations, see the addresses below.

How to Participate

You may participate in this proceeding in one of three ways:

1. Send a Letter of Comment to the Board

Your letter of comment will be provided to the Board members deciding the application and will be part of the public record for the application. If you wish to make an oral presentation to the Board, your letter should include this request. Your letter must be received by the Board no later than **10 days** from the publication or

service date of this notice. The Board accepts letters of comment by either post or e-mail at the addresses below.

2. Become an Observer

Observers do not actively participate in the proceeding but monitor the progress of the proceeding by receiving documents issued by the Board. You may request observer status in order to receive documents issued by the Board in this proceeding. If you become an observer, you need to contact the applicant and others in order to receive documents that they file in this proceeding and they may charge you for this. Most documents filed in this application will also be available on the Board's website. Your request for observer status must be made in writing and be received by the Board no later than **10 days** from the publication or service date of this notice. The Board accepts observer request letters by either post or e-mail at the addresses below; however, two paper copies are also required. You must also provide a copy of your letter to the applicant.

3. Become an Intervenor

You may ask to become an intervenor if you wish to actively participate in the proceeding. Intervenors are eligible to receive evidence and other material submitted by participants in the hearing. Likewise, intervenors will be expected to send copies of any material they file to all parties to the hearing. Your request for intervenor status must be made by letter of intervention and be received by the Board no later than **10 days** from the publication or service date of this notice. Your letter of intervention must include a description of how you are, or may be, affected by the outcome of this proceeding; and if you represent a group, a description of the group and its membership. The Board may order costs in this proceeding. You must indicate in your letter of intervention whether you expect to seek costs from the applicant and the grounds for your eligibility for costs. You must provide a copy of your letter of intervention to the applicant.

The Board may choose to proceed with this application by way of written or oral hearing. The Board will not hold a written hearing if a party satisfies the Board that there is good reason for holding an oral hearing.

You must file two paper copies and an electronic copy of your intervention request with the Board. If you already have a user ID, please submit the electronic copy of

your intervention request through the Board's web portal at 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 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 intervention request may be submitted by e-mail at the address below. Those who do not have internet access are required to submit the electronic copy of their intervention request on a CD or diskette in pdf format.

Draft Issues List

Board Staff has prepared a draft issues list that can be accessed on both the Board's website at www.oeb.gov.on.ca and OPA's website at www.powerauthority.on.ca. If you would like a hard copy of the draft issues list, please contact Michael Bell at 416-440-7688. If you are requesting intervenor status, please review the draft issues list and provide any comments/additions to this list **along with your letter of intervention**. The applicant may also provide comments/additions to the draft issues list no later than **17 days** from the publication or service date of this notice. The Board will determine the final issues list and only those issues on the approved issues list will be considered during the review.

How to Contact Us

In responding to this Notice, please include Board file number EB-2009-0347 in the subject line of your e-mail or at the top of your letter. It is also important that you provide your name, postal address and telephone number and, if available, an e-mail address and fax number. All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

Need More Information?

Further information on how to participate may be obtained by visiting the Board's website at www.oeb.gov.on.ca or by calling our Consumer Relations Centre at 1-877- 632-2727.

IMPORTANT

IF YOU DO NOT REQUEST TO PARTICIPATE IN ACCORDANCE WITH THIS NOTICE, THE BOARD MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE OF THESE PROCEEDINGS.

ADDRESSES (for viewing of the OPA's submission)

Ontario Energy Board

2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4

Attn: Ms. Kirsten Walli
Board Secretary
Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656
E-mail: BoardSec@oeb.gov.on.ca

The Ontario Power Authority

120 Adelaide Street West, Suite 1600
Toronto ON M5H 1T1

Attn: Mr. Miriam Heinz
Regulatory Coordinator
Tel: 416-969-6045
Fax: 416-967-1947
E-mail: miriam.heinz@powerauthority.on.ca

Counsel for the OPA

Aird & Berlis LLP
Brookfield Place, Suite 1800
181 Bay Street
Toronto, ON M5j 2T9

Attn: Mr. Fred Cass
Tel: 416-865-7742
Fax: 416-863-1515
E-mail: fcass@airdberlis.com

DATED at Toronto November 27, 2009

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary