



EB-2009-0331

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c.15 (Schedule B);

AND IN THE MATTER OF cost awards for eligible
participants in the consultation process regarding Filing
Guidelines for Ontario Power Generation Inc. – Setting
Payment Amounts for Prescribed Generation Facilities.

BEFORE: Paul Sommerville
Presiding Member

DECISION AND ORDER ON COST AWARDS

On September 24, 2009, the Ontario Energy Board (the “Board”) initiated a consultative process to discuss the filing requirements for Ontario Power Generation Inc.’s (“OPG”) next payment amounts application and the most efficient means by which issues and evidence might be reviewed and tested in the course of that proceeding. The Board’s September 24, 2009 letter also stated that cost awards would be available to eligible persons under section 30 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15 (Schedule B) to a maximum of 30 hours per eligible participant. The letter indicated that participants eligible for cost awards in the first payment amounts proceeding (EB-2007-0905) are eligible for cost awards in this consultative process.

On November 30, 2009, the Board issued a letter which set out the process for participants to file their cost claims for their participation in the October 22, 2009 stakeholder meeting and for written comments on the staff scoping paper and filing guidelines. The letter also set out the process to respond to any objections raised by OPG.

The Board received cost claims from the Association of Major Power Consumers in Ontario ("AMPCO"); the Canadian Manufacturers & Exporters ("CME"); the Consumers Council of Canada ("CCC"); Energy Probe Research Foundation ("Energy Probe"); the Green Energy Coalition ("GEC"); the School Energy Coalition ("SEC") and the Vulnerable Energy Consumers Coalition ("VECC").

All claims, with the exception of that filed by VECC, were received by the due date of December 8, 2009 set out in the Board's letter. VECC's claim was received on December 21, 2009.

No comments were received from OPG.

Board Findings on the Cost Claims of the Eligible Participants

The Board reviewed the cost claims filed by AMPCO, CME, CCC, Energy Probe, GEC, SEC and VECC to ensure they were compliant with the Board's *Practice Direction on Cost Awards*. Following the review, the Board requested and received curriculum vitae from CCC and Energy Probe. The Board also requested and received documentation in support of Energy Probe's cost claim in relation to section 6.05 of the Practice Direction, and the costs associated with Mr. Norm Rubin.

AMPCO has exceeded the maximum number of hours set out in the Board's September 24, 2009 and November 30, 2009 letters. The Board will not award costs to AMPCO in excess of the 30 hour maximum. This reduces AMPCO's total claim from 32 hours to 30 hours.

The Board accepts the cost claim filed by VECC notwithstanding that it was filed after the deadline specified in the Board's letter.

The Board finds that all parties are eligible for 100% of their reasonably incurred costs of participating in this consultation. The Board finds that each party's claims, adjusted as described above, are reasonable and should be reimbursed by OPG.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, OPG shall immediately pay:
 - Association of Major Power Consumers in Ontario \$10,059.00;
 - Canadian Manufacturers & Exporters \$ 5,325.86;
 - Consumers Council of Canada \$ 6,583.50;
 - Energy Probe Research Foundation \$ 4,449.13;
 - Green Energy Coalition \$ 2,878.02;
 - School Energy Coalition \$ 9,108.00; and
 - Vulnerable Energy Consumers Coalition \$ 2,003.88.

2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, OPG shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, February 18, 2010

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary