



EB-2010-0008

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.

PROCEDURAL ORDER NO. 9

Ontario Power Generation Inc. ("OPG") filed an application, dated May 26, 2010, with the Ontario Energy Board under section 78.1 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B (the "Act") seeking approval for increases in payment amounts for the output of certain of its generating facilities, to be effective March 1, 2011.

On September 15, 2010, OPG filed a notice of motion in respect of the report "Update to Report on Methodologies for Setting Ontario Power Generation Payment Amounts". The report was prepared by Power Advisory LLC and was filed by Board staff as evidence in the current proceeding. OPG seeks an order excluding the evidence, and all related interrogatories and responses, from this proceeding. OPG also seeks an order prohibiting the attendance of the authors of Power Advisory LLC as witnesses in this proceeding.

The Board has decided to hear the motion in writing. The Board will make provision for OPG to file any further material in support of its motion, and the Board will make provision for submissions from parties and Board staff.

THE BOARD ORDERS THAT:

1. If OPG wishes to file any further material in support of its motion, it shall file such material with the Board and deliver that material to all other parties on or before **Tuesday, September 21, 2010.**
2. Board staff and parties wishing to make submissions on the notice of motion shall file such submissions with the Board and deliver them to OPG and all other parties on or before **Thursday, September 23, 2010.**
3. If OPG wishes to respond to any submissions on its notice of motion, it shall file such submissions with the Board and deliver them to all other parties on or before **Friday, September 24, 2010.**

All filings to the Board must quote file number EB-2010-0008, be made through the Board's web portal at www.errr.oeb.gov.on.ca, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties shall 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, parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD 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 at the address below, and be received no later than 4:45 p.m. on the required date.

ADDRESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Board Secretary

E-mail: Boardsec@oeb.gov.on.ca
Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656

ISSUED at Toronto, September 17, 2010

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary