



EB-2010-0279

IN THE MATTER OF sections 25.20 and 25.21 of the
Electricity Act, 1998;

AND IN THE MATTER OF a Submission by the Ontario Power
Authority to the Ontario Energy Board for the review of its
proposed expenditure and revenue requirements and the fees
which it proposes to charge for the year 2011.

PROCEDURAL ORDER NO. 5

BACKGROUND

On November 2, 2010, the Ontario Power Authority (the “OPA”) filed with the Ontario Energy Board (the “Board”) its proposed 2011 expenditure and revenue requirement and fees for review pursuant to subsection 25.21(1) of the *Electricity Act, 1998* (the “Act”). Pursuant to subsection 25.21(2) of the Act, the OPA is seeking the following approvals from the Board:

- approval of a net revenue requirement comprised of the proposed 2011 operating budget of \$64.1 million and a number of adjustments that result in a net amount of \$79.861 million;
- approval of a \$0.523/MWh usage fee, which is a decrease from the approved usage fee of \$0.551/MWh for 2010 and to recover its usage fees from export customers, in addition to Ontario customers;
- 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 up to \$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/kW of proposed Contract Capacity, having a minimum of \$500 and to a maximum of \$5,000;
- approval of proposed 2011 capital expenditures of \$2.2 million;
- approval of its proposal to recover through fees the balances of the 2010 Forecast Variance Deferral Account;
- approval to continue to recover the balance of Retailer Settlement Deferral Accounts over three years;
- approval of establishment of the 2011 Retailer Contract Settlement Deferral Account, of the 2011 Retailer Discount Settlement Deferral Account, of the 2011 Government Procurement Costs Deferral Account and of the 2011 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 issued a Notice of Application dated November 24, 2010 with respect to this proceeding.

On December 13, 2010, the Board issued its original Decision on intervenor requests and Cost Eligibility. Supplemental Board Decisions on intervenor requests and Cost Eligibility were issued on December 14, 16 and 21, 2010.

On January 11, 2011, the Board issued its Board Approved Issues List and Procedural Order No. 2. Procedural Order No. 2 outlined the dates for written interrogatories and a settlement conference.

On January 20, 2011, the Board issued Procedural Order No. 3 that outlined the dates

for the filing of intervenor evidence and interrogatories on the intervenor evidence.

On February 7, 2011, the OPA requested an extension for filing interrogatory responses that were due February 8, 2011. The OPA requested a revised date of February 11, 2011.

On February 8, 2011, the Board issued Procedural Order No. 4 that outlined the dates for filing interrogatories and subsequent responses as well as the Settlement Conference.

From March 30, 2011 to March 31, 2011, parties participated in the Settlement Conference. On April 1, 2011, the OPA filed a letter notifying the Board that no settlement was reached. The OPA did mention however, that no party had any issues with respect to Deferral and Variance Accounts (Issues 8.1 and 8.2 in the Issues List).

The Board received letters from the Association of Power Producers of Ontario, the Consumers Council of Canada, the Canadian Energy Efficiency Alliance, Canadian Manufacturers and Exporters, Pollution Probe, Energy Probe, Green Energy Coalition, Hydro Quebec Energy Marketers, Low-Income Energy Network, Ontario Sustainable Energy Association and the School Energy Coalition all requesting the Board hold an oral hearing.

On April 6, 2011, the OPA responded to these requests noting that it opposed an oral hearing. To the extent that the Board determined an oral hearing was appropriate, the OPA asked that parties be required to particularize the areas that they wished to pursue through an oral hearing to allow the OPA to efficiently prepare for the hearing.

The Board has determined that an oral hearing is appropriate.

The Board expects the OPA to work with Board Staff and the parties to establish a detailed and effective hearing schedule reflecting the Issues List adopted in the Board's Decision of January 11, 2011, referenced above. Parties are encouraged to define with as much particularity as is reasonably possible their specific areas of interest, so that an efficient schedule can be developed.

In its correspondence of April 6, 2011, the OPA indicated its intention to file additional evidence with respect to Issue 7.2, which concerns the extension of fees liability to exporters. It is the Board's view that if the OPA intends to file such evidence that it must do so sufficiently in advance of the hearing to enable interested parties to consider it and prepare cross-examination. Accordingly, the Board requires that the OPA file any such additional evidence no later than April 29, 2011.

The Board considers it necessary to make provisions for the following procedural matters. The Board may issue further procedural orders from time to time.

THE BOARD THEREFORE ORDERS THAT:

1. An Oral Hearing will be held at the Board's offices located at 2300 Yonge Street, Toronto, Ontario on the 25th floor in the **North Hearing Room** commencing on **Monday, May 9, 2011** at 9:30 a.m. and continuing on Tuesday, May 10, 2011 Thursday, May 12, 2011 and Friday, May 13, 2011, if necessary.
2. If the OPA wishes to file additional evidence with respect to Issue 7.2, it must do so on or prior to April 29, 2011.

If you have a user ID, please submit your interrogatories or submission through the Board's web portal at www.errr.ontarioenergyboard.ca in searchable/unrestricted PDF format. Please use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.ontarioenergyboard.ca. You may also send your submission by e-mail to the following address: boardsec@ontarioenergyboard.ca. Additionally, two paper copies are required and should be sent to the addresses below. Those who do not have Internet access are asked to submit their interrogatories or submissions on a CD in PDF format, along with three paper copies by 4:00pm on the date indicated, and copy all parties. Parties must also include the Case Manager, Michael Bell michael.bell@ontarioenergyboard.ca and Board Counsel, Michael Millar michael.millar@ontarioenergyboard.ca on all electronic correspondence related to this case.

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

Filings: www.errr.oeb.gov.on.ca
E-mail: boardsec@oeb.gov.on.ca

Tel: 1-888-632-6273
Fax : 416-440-7656

DATED at Toronto, April 8, 2011.
ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary