



EB-2011-0090
EB-2011-0091

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 a motion by Ontario Power Generation Inc. pursuant to Rule 42 of the Ontario Energy Board's *Rules of Practice and Procedure* for an order or orders to vary the Decision with Reasons EB-2010-0008 dated March 10, 2011;

AND IN THE MATTER OF a motion by the School Energy Coalition pursuant to Rule 42 of the Ontario Energy Board's *Rules of Practice and Procedure* for an order or orders to vary the Decision with Reasons EB-2010-0008 dated March 10, 2011.

NOTICE OF HEARING AND PROCEDURAL ORDER NO. 1

Ontario Power Generation Inc. ("OPG") filed an application with the Ontario Energy Board (the "Board") on May 26, 2010. The application was filed under section 78.1 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15 (Schedule B) (the "Act"), seeking approval for payment amounts for OPG's prescribed generation facilities for the test period January 1, 2011 through December 31, 2012, to be effective March 1, 2011. The Board assigned the application file number EB-2010-0008. The Board issued its Decision with Reasons ("Decision") on March 10, 2011.

On March 30, 2011, OPG filed a Notice of Motion to review and vary the Decision in relation to certain findings with regard to the pension and other post employment

benefits (“OPEB”) costs, and in relation to OPG’s request for a variance account for pension and OPEB costs. The Board has assigned this motion file number EB-2011-0090.

On March 30, 2011, the School Energy Coalition (“SEC”) filed a Notice of Motion to review and vary the Decision in relation to tax matters, specifically the treatment of tax deductions taken by OPG prior to April 1, 2008 and disposition of the tax loss variance account. The Board has assigned this motion file number EB-2011-0091.

Both OPG and SEC requested that their motions (together, the “Motions”) be heard orally.

Pursuant to its powers under section 21(5) of the Act, the Board has decided that it will hear the Motions together in a joint proceeding. The Board will adopt as intervenors and observers in the joint proceeding, the intervenors and observers from the EB-2010-0008 proceeding. A list of the parties of record in that proceeding is attached as Appendix A.

Under Rule 45.01 of the Board’s *Rules of Practice and Procedure*, the Board may determine, with or without a hearing, a threshold question of whether the matter should be reviewed before conducting any review on the merits.

The Board has decided to consider the threshold question for the Motions. The Board therefore invites parties to make submissions on both the threshold issue and the ultimate merits of the Motions. Any party wishing to make submissions must pre-file these submissions with the Board on the dates listed below.

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

THE BOARD THEREFORE ORDERS THAT:

1. Board staff may file submissions on the Motions by **May 10, 2011**. The submissions shall be filed with the Board and copied to all parties of record in the EB-2010-0008 proceeding.

2. Intervenors and OPG may file submissions on the Motions by **May 12, 2011**. The submissions shall be filed with the Board and copied to all parties of record in the EB-2010-0008 proceeding.
3. The Board will hear all parties' submissions on the Motions at an oral hearing to be held on **June 2, 2011** and continuing on **June 3, 2011**, if necessary. The hearing will commence at 9:30 am in the Board's hearing room at 2300 Yonge Street, Toronto.
4. The Board may order costs in these proceedings. Any party that was determined to be eligible for costs in the EB-2010-0008 proceeding shall be eligible for costs in these proceedings.

All filings to the Board must quote file number EB-2011-0090 and/or file number EB-2011-0091, be made through the Board's web portal at www.errr.ontarioenergyboard.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.ontarioenergyboard.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.

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ISSUED at Toronto, April 15, 2011

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

APPENDIX A

TO NOTICE OF HEARING AND PROCEDURAL ORDER NO. 1

EB-2011-0090

EB-2011-0091

DATED: APRIL 15, 2011

APPLICANT & LIST OF PARTIES IN EB-2010-0008

**Ontario Power Generation Inc.
EB-2010-0008
APPLICANT & LIST OF INTERVENORS**

Updated

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**Ontario Power Generation Inc.
EB-2010-0008**

APPLICANT & LIST OF INTERVENORS

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Ontario Power Generation Inc.
EB-2010-0008

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APPLICANT & LIST OF INTERVENORS**

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**Ontario Power Generation Inc.
EB-2010-0008**

APPLICANT & LIST OF INTERVENORS

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