



September 23, 2011

Ms. Kirsten Walli  
Board Secretary  
P.O. Box 2319  
Ontario Energy Board  
2300 Yonge Street, 27th Floor  
Toronto, Ontario M4P 1E4

Dear Ms. Walli:

**Re: Ontario Power Generation Inc. (OPG)  
Consultation on 2013-2014 Payment Amounts Application  
Submission of AMPCO Comments  
Board File No. EB-2011-0268**

AMPCO has reviewed the Board's letter dated September 8, 2011 regarding Options for Prioritization of Issues and revised Filing Guidelines and makes the following comments.

#### **Prioritization of Issues**

The Board's letter dated September 8, 2011 contains two options for the prioritization of issues. AMPCO agrees with the Board that updated filing guidelines and the prioritization of the issues will likely lead to a more efficient hearing process. AMPCO proposes an alternative process for the Board's consideration that focuses on early prioritization of issues but contains elements from each of the options contained in the Board's letter.

#### AMPCO Alternative

- Prior to the filing of the application, OPG would initiate a one-day consultation process to provide an overview of the draft application for the 2013-2014 payment amounts case. OPG would identify significant changes from the last filing including drivers of significant increases/decreases in the application.

*AMPCO found OPG's stakeholder consultation session held in advance of the filing of the 2011-2012 payment amounts case very beneficial and information provided was used by AMPCO to develop a draft list of priority issues and a preliminary strategy for the case early in the process.*

- The filing guidelines would be similar in scope to those previously issued.

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- After OPG files the application, the Board would initiate an Issues Prioritization Process. The outcome of the process would be a working definition of primary and secondary issues as well as the identification of primary and secondary issues and potentially issues that the parties agree should not be considered by the Board. A proposed issues list indicating primary and secondary issues would be presented to the Board for approval.

*AMPCO submits that the identification of priority issues would be more efficient after OPG files an application rather than before to allow parties an opportunity to review and understand the Applicant's evidence before engaging in discussions to prioritize issues.*

- The Board would initiate the interrogatory process on the above primary and secondary issues, followed by a Technical Conference to further clarify the application and interrogatories.

*AMPCO submits that parties need to have the opportunity to clarify the application and interrogatories related to both the primary and secondary issues in order to permit a full understanding of the application. The expectation is that parties make an effort to focus on the primary issues unless the evidence related to a secondary issue is sufficiently unclear.*

- A Settlement Conference would be held and unsettled issues would proceed to hearing. Parties would have an opportunity to make submissions as part of the Settlement Conference process to re-categorize the issues as primary or secondary prior to the hearing.
- Unsettled issues categorized as primary would be part of the oral hearing to be heard by the Board first.
- Secondary issues would be addressed through written submissions with the expectation that as part of the Issues Prioritization Process and Settlement Conference, parties have had an opportunity to re-categorize the issues as primary or secondary and the list is not in dispute. However, provision should be made for the Board to determine that a secondary issue could be heard at the end of the hearing if required.

*Under the second option regarding secondary issues, the Board's letter states that the "expectation is that generally the impact on revenue requirement related to secondary issues would remain as filed". AMPCO has deleted this expectation from its alternative option as there may be secondary issues that involve a small amount of dollars that impact revenue requirement.*

### **Revised Filing Guidelines - Section 2.5 Exhibit D Capital Projects, Page 13**

The revised Filing Guidelines adjust the dollar value from \$10 million and more to \$20 million and more for capital projects that require additional details such as need, start date, in-service date and a business case for each project. AMPCO submits that the threshold should remain at \$10 million to allow parties sufficient information to assess the reasonableness of the project and related expenditures. Changing the limit would likely have the outcome of an increased number of interrogatories.

Please do not hesitate to contact me if you have any questions or require any further information.

Sincerely yours,

*(ORIGINAL SIGNED BY)*

Adam White  
President  
Association of Major Power Consumers in Ontario

Copy to: Ontario Power Generation Inc.