

September 27, 2011

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Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street  
27th Floor  
Toronto, ON  
M4P 1E2

Dear Ms. Walli:

**Re: Ontario Power Generation Inc. - Consultation on 2013-2014 Payment Amounts  
Application EB-2011-0286**

We are counsel to the Consumers Council of Canada ("Council"). Pursuant to the Board's letter dated September 8, 2011, we are providing comments on the Board's proposed options to prioritize the issues for Ontario Power Generation's ("OPG") next payment amounts proceeding.

With respect to the filing guidelines we support the changes proposed by Board Staff.

The Board has set out two options to prioritize the issues for OPG and increase the efficiency of the hearing process. The Council supports the "Pre-Hearing Prioritization" approach primarily because it allows for the development of an issues list following the filing of the application and the pre-filed evidence. The "Early Prioritization" process would require parties to identify priority issues prior to the filing of the evidence. This might be appropriate if OPG's filings were largely identical year to year. This may not be the case, and in a given year new issues may arise. Issues should not be excluded until after parties have had an opportunity to review the pre-filed evidence.

The Pre-Hearing Prioritization approach set out by the Board appears reasonable and is likely to result in some streamlining of the regulatory process. Specifically, the Council supports an approach which allows parties to determine which issues are best dealt with through an oral hearing process and which can be adequately considered through a written process.

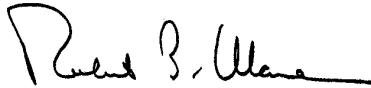
The Council supports the use of settlement negotiations and encourages the Board to incorporate a settlement process in the next OPG payment amounts proceeding. Having said that, the Council believes that a settlement process should only be scheduled if OPG is willing to participate in a meaningful way. OPG's applications, to date, have not included a settlement

conference. However, given the fact that parties are now more familiar with the operations of OPG, the evidence provided to support its application and the process itself, there may be more willingness on all parties, including OPG to settle many of the issues. The Council encourages the Board to determine OPG's willingness to settle issues prior to scheduling any settlement conference.

The Council appreciates the opportunity to comment on the Board's options to better streamline the OPG hearing process.

Yours very truly,

**WeirFoulds LLP**



Robert B. Warren

RBW/dh

cc: Ontario Power Generation Inc.

cc: Julie Girvan

cc: Joan Huzar

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