



EB-2011-0339

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

AND IN THE MATTER OF section 21 of the *Ontario Energy
Board Act, 1998*

AND IN THE MATTER OF an application by the Ontario
Power Authority for an Interim Fees Order.

INTERIM FEES ORDER

On December 20, 2011 the Ontario Power Authority (the "OPA") filed an application with the Ontario Energy Board, (the "Board") for an interim fee order (the "Interim Order") pursuant to subsection 21(7) of the Ontario Energy Board Act, 1998 for:

- (a) approval to continue to charge the usage fee approved by the Board in EB-2010-0279 (\$0.551 per MWh) until the end of the month in which the Board makes a final order approving a usage fee for 2012;
- (b) approval to continue to charge registration fees of up to \$10,000 per proposal for electricity supply and capacity procurements, subject to any final order made by the Board in this proceeding;
- (c) approval to continue to charge non-refundable application fees for the Feed-in-Tariff ("FIT") program of \$0.50/kW of proposed Contract Capacity, having a minimum of \$500 and to a maximum of \$5,000, subject to any final order made by the Board in this proceeding; and
- (d) approval of such further or other interim relief as the Board may deem appropriate.

BACKGROUND

Section 25.21 of the *Electricity Act, 1998* provides that the OPA shall, at least 60 days before the beginning of each fiscal year, submit its proposed expenditures and revenue requirements for the fiscal year and the fees it proposes to charge during the fiscal year to the Board for review, but shall not do so until after the Minister of Energy approves or is deemed to have approved the OPA's proposed business plan for the fiscal year.

The OPA advises that the Minister of Energy has not approved, at this time, the OPA's 2012-14 Business Plan and that the OPA will submit its application and proposed 2012 expenditures, revenue requirement and fees to the Board when its business plan is approved by the Minister. In the interim and pending final approval by the Board of its 2012 usage fee, the OPA is seeking an interim order confirming that it may continue to charge its 2011 usage fee.

The OPA requested that the Board issue the Interim Order without holding a hearing pursuant to subsection 25.21 of the *Electricity Act, 1998*. The OPA submitted that, in the circumstances, there is no prejudice because the Board's usual written or oral hearing process will be followed before any final relief is granted on its proposed 2012 expenditures, revenue requirement and fees. The OPA also noted that the final order can be framed to account for any differences between the interim relief and the final order.

BOARD FINDINGS

The Board finds that, under the circumstances, it is in the public interest to grant the OPA an interim order pursuant to section 21(7) of the *Ontario Energy Board Act, 1998*, allowing it to continue to charge the existing 2011 usage fee from January 1, 2012 as requested by the OPA.

The Board also finds that it is in the public interest to issue the interim order at this time without a hearing as, for the reasons described by the OPA, no party will be adversely affected in a material way by this order.

THE BOARD THEREFORE ORDERS THAT:

The OPA's current 2011 usage fee of \$0.551 per MWh, registration fees of up to \$10,000 per proposal for electricity supply and capacity procurements, non-refundable application fees for the FIT program of \$0.50/kW of proposed Contract Capacity, having a minimum

of \$500 and to a maximum of \$5,000 are approved on an interim basis, effective January 1, 2012, pending approval by the Board of its 2012 usage fees. The appropriate treatment of any difference between the interim usage fee and the approved final 2012 usage fee will be considered later in the proceeding.

ISSUED at Toronto, December 22, 2011

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary