

November 12, 2012

**RESS, EMAIL & COURIER**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, Suite 2700  
Toronto, ON M4P 1E4

Attention: Ms. Kristen Walli, Board Secretary

Dear Ms. Walli:

**Re: EB-2012-0002: Procedural Order No. 1**

We are legal counsel to Ontario Power Generation Inc. ("OPG"). This letter is in respect of the Ontario Energy Board's (the "OEB") Procedural Order No. 1 (the "Order") and the Board's schedule for the proceeding set out in the Order.

Pursuant to the Order, OPG files its responses to Board Staff's interrogatory questions on December 7, 2012. Intervenors have an additional 14 days to consider and file interrogatory questions on December 21. OPG requests that the Board amend the Order by changing the date for the submission of interrogatories by intervenors from December 21, 2012 to December 12, 2012.

OPG's submits that its proposed amendment is reasonable and should be adopted by the Board for the following reasons:

1. As reflected in the proposed Issues List, OPG's application is in respect of a discrete area relating to its deferral and variance accounts and adoption of USGAAP. The pre-filed evidence is not extensive especially when compared to OPG's typical cost of service application and proceeding.
2. Board's Staff's interrogatories will be provided to OPG and served on the intervenors on November 23, 2012. Based on the Order, it is the Board's desire that the intervenors, in posing their interrogatory questions, avoid duplication of the Board Staff's interrogatories and of each other's questions. Between November 23 and December 12 (OPG's proposed amended date, as set out in paragraph 3 below), the intervenors will have 19 days to review the Board Staff's interrogatories. Furthermore, as the avoidance of duplication is the Board's objective, it is not the Board's intention (and Intervenors should not expect otherwise) for the new process to provide intervenors with the opportunity to pose interrogatory questions on both the prefiled evidence and OPG's responses to Board Staff's interrogatory questions. As a result, the focus of the process is the review and coordination of the intervenor interrogatory questions in relation to the questions of Board Staff and not the responses provided by OPG to those questions.

Therefore, establishing the 5 day period based on OPG's proposed amendment is not prejudicial to intervenors, especially given the 19 day period referenced above.

3. OPG filed its application on September 24, 2012. The intervention period closed on October 29, 2012. By December 12, 2012, intervenors will have had over two and a half months to review the evidence from the date of the application and, in any event, at a minimum, will have had over 40 days from the end of the intervention period. The change from a 14 day period to a 5 day period (extending from the filing of OPG's interrogatory responses on December 7 to the submission of intervenor interrogatory questions on December 12) will not prejudice intervenors.
4. OPG takes its regulatory responsibilities very seriously. Although OPG will do its best, given the timing of the Board's ordered date of December 21 in conjunction with the holiday season, OPG is faced with a limited availability of its key personnel responsible for the evidentiary areas in question. OPG is concerned that its ability to respond to the intervenors' interrogatory questions in a timely manner may be affected.
5. OPG's proposed amendment to the Order would permit intervenors sufficient time to review the Board Staff's interrogatory questions, ensure OPG of its ability to answer the intervenors' interrogatories in a timely manner and maintain the overall schedule proposed by the OEB in the Order.

Based on the foregoing, OPG requests that the OEB amend the Order in accordance with OPG's proposed amendment.

Although not related directly to OPG's amendment request, OPG respectfully submits that it would be reasonable for the OEB to review the need for a Technical Conference after the conclusion of the Interrogatory phase of the proceeding. Particularly given the limited nature of the Application, such a step may not be necessary, further enhancing regulatory efficiency.

Yours truly,



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