



EB-2012-0002

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.

BEFORE: Marika Hare
Presiding Member

DECISION AND ORDER ON COST AWARDS
May 23, 2013

Background

The Ontario Energy Board (the “Board”) released updated *Filing Guidelines for Ontario Power Generation Inc. in Setting Payment Amounts for Prescribed Generation Facilities* (the “Filing Guidelines”) on November 11, 2011. The Filing Guidelines set out the information that the Board expected Ontario Power Generation Inc. (“OPG”) to file for purposes of the setting of payment amounts for 2013-2014. The Board assigned File Number EB-2012-0002 to the 2013-2014 payment amounts application.

On March 12, 2012, OPG filed correspondence with the Board seeking the Board’s concurrence with OPG’s proposal to file a separate application in 2013 to review the reasonableness of the costs associated with the Niagara Tunnel Project (“NTP”). While the in-service date for the NTP was expected to be within the two-year test period, OPG stated that a separate, dedicated proceeding in 2013 was appropriate.

In correspondence issued on March 26, 2012, the Board stated that cost awards would be available to eligible persons under section 30 of the *Ontario Energy Board Act, 1998* for their comments on the OPG NTP Proposal. The Board also stated that persons eligible for costs awards in EB-2011-0286 were eligible for cost awards in this comment process.

In correspondence issued on April 13, 2012, the Board agreed with OPG and the parties that, given the scale and complexity of the NTP, it was appropriate for the Board to consider the NTP separate from the rest of the 2013-2014 payment amounts application.

On March 25, 2013, the Board issued an oral decision, in which it set out the process for intervenors to file their cost claims with respect to the NTP review proposed by OPG on March 12, 2012, and to respond to any objections raised by OPG.

Cost claims were submitted by the Association of Major Power Consumers in Ontario ("AMPCO"), Canadian Manufacturers & Exporters ("CME"), Consumers Council of Canada ("CCC"), Energy Probe Research Foundation ("Energy Probe") and School Energy Coalition ("SEC"). No comments were received from OPG.

Board Findings

The Board finds that all parties are eligible for 100% of their reasonably incurred costs of participating in this proceeding. The Board finds that the claims of AMPCO, CME, CCC, Energy Probe and SEC are reasonable and each of these claims shall be reimbursed by OPG.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, OPG shall immediately pay:

- Association of Major Power Consumers in Ontario \$905.13;
- Canadian Manufacturers & Exporters \$1,643.02;
- Consumers Council of Canada \$559.35;
- Energy Probe Research Foundation \$694.91; and

- School Energy Coalition \$1,551.00.
2. Pursuant to section 30 of the Ontario *Energy Board Act, 1998*, OPG shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, May 23, 2013

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary