



EB-2013-0321

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.

PROCEDURAL ORDER NO. 2

February 7, 2014

Ontario Power Generation Inc. (“OPG”) filed an application, dated September 27, 2013, with the Ontario Energy Board under section 78.1 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B (the “Act”) seeking approval for increases in payment amounts for the output of its nuclear generating facilities and the currently prescribed hydroelectric generating facilities, to be effective January 1, 2014. The application also seeks approval for payment amounts for newly prescribed hydroelectric generating facilities, to be effective July 1, 2014. The Board assigned the application file number EB-2013-0321.

On December 20, 2013, the Board issued Procedural Order No. 1 which made provision for submissions on the draft issues list.

Submissions on the draft issues list were received from the following parties: Board staff, OPG, the Power Workers’ Union, the Green Energy Coalition, Environmental Defence, Lake Ontario Waterkeeper, School Energy Coalition (“SEC”), Energy Probe Research Foundation, Haudenosaunee Development Institute (“HDI”), and the

Association of Major Power Consumers in Ontario. Reply submissions were received from Board staff, OPG and SEC.

In an email sent to the Board and parties to the proceeding on February 5, 2014, HDI indicated that it intended to file a surreply to the reply submission of Board staff on or before February 7, 2014. In correspondence filed on February 6, 2014, OPG objected to the filing of a surreply by HDI. OPG noted that the process established in Procedural Order No. 1 did not make provision for surreply and that HDI has not sought a variance of the order or provided the reasons why the process established in the first procedural order was unfair or deficient.

OPG observed that all other parties have adhered to the process established in Procedural Order No. 1. If HDI is provided with an opportunity to submit surreply, other parties should have the same opportunity. OPG notes however, that HDI has already made its position clear in its intervention request and its submission.

The Board has considered the matter and will make provision for surreply and reply submissions.

The Board considers it necessary to make provision for the following matters related to this proceeding.

THE BOARD ORDERS THAT:

1. Board staff, OPG and intervenors may file surreplies on the reply submissions filed by Board staff, OPG and SEC, and shall file any surreplies with the Board and deliver them to all parties no later than **February 11, 2014**.
2. All parties may respond to the surreplies of other parties. Those responses shall be filed with the Board and delivered to all parties no later than **February 13, 2014**.

All filings to the Board must quote the file number, **EB-2013-0321**, be made through the Board's web portal at www.pes.ontarioenergyboard.ca/eservice/, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax

number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.ontarioenergyboard.ca/OEB/Industry. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Violet Binette at violet.binette@ontarioenergyboard.ca and Board Counsel, Michael Millar at michael.millar@ontarioenergyboard.ca.

ADDRESS

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DATED at Toronto, February 7, 2014

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary