

March 31, 2014

Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
P.O. Box 2319
Toronto, Ontario
M4P 1E4

Dear Ms. Walli:

Re: EB-2013-0321 – Ontario Power Generation 2014-2015 Payment Amounts – Issues

The Consumers Council of Canada (“Council”) is an intervenor in the above-referenced proceeding. On March 21, 2014, the Ontario Energy Board requested submissions regarding the prioritization of the approved issues for the Ontario Power Generation (“OPG”) proceeding. The Board is seeking input on what issues should be deemed “primary” and what issues should be deemed “secondary”. The Board has indicated that unsettled primary issues will proceed by way of an oral hearing and unsettled secondary issues will proceed by way of a written hearing. These are the submissions of the Council regarding the prioritization of the issues.

OPG, in its application proposed that a number of issues be designated as primary. The Council agrees that the issues identified by OPG should be considered primary issues. At this time, however, the Board should not make a final determination as to what other issues should be deemed primary. The complete set of interrogatories was not filed until March 26. We assume that like the Council, most other parties have not had an opportunity to review all of those answers. Until parties have had an opportunity to review the answers, it would be premature to determine the process by which each issue should be considered by the Board. In addition, the Board has allowed for further discovery by proposing a technical conference. The discovery phase will not be completed until after the technical conference. At that time parties will be in a better position to assess what issues should move to an oral hearing phase.

The Board has made a provision for a settlement conference prior to the oral hearing phase of the proceeding. The Council proposes that it would be more appropriate, following the settlement conference, for parties to propose how the unsettled issues should be designated.

The Council is supportive of making the proceeding focused and efficient. The Council is also mindful of the Board’s direction to parties not to engage in detailed exploration of issues that do not appear to be material. We are confident that once the discovery phase is complete we will be in a better position to determine what issues are of specific interest to the Council and sufficiently important, or material, to require them to be considered in an oral hearing.

At this time the Council is of the view that the following issues do not need to be considered at the oral hearing stage of the process:

1. Issue 6.11 – Is the proposed test period depreciation expense appropriate?

2. Issue 6.12 – Are the depreciation studies and associated proposed changes to depreciation expense appropriate?
3. Issue 6.13 – Are the amounts proposed to be included in the test period revenue requirement for income and property taxes appropriate?
4. Issue 10.1 – What additional reporting and record keeping requirements should be established for OPG?
5. Issue 11.2 – Is the design of the regulated hydroelectric and nuclear payment amounts appropriate?
6. Issue 12.1 – Are the effective dates for new payment amounts and riders appropriate?

The Council does not believe these issues are sufficiently contentious to require cross-examination.

Yours truly,

Julie E. Girvan

Julie E. Girvan

CC: OPG Regulatory
Intervenors
Charles Keizer, Tories