



March 31, 2014

Ms Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
Toronto ON

RE: Ontario Energy Board File EB-2013-0321

Dear Ms Walli,

Pursuant to Procedural Order No. 4, issued by the Board on March 21, 2014, please find attached the submission of the Society of Energy Professionals on the prioritization of the issues identified in the unprioritized Issues List for this proceeding.

Please do not hesitate to contact me if there are any matters that you need to clarify.

Sincerely,

Mike Belmore
External Relations Officer
The Society of Energy Professionals

2239 Yonge St
Toronto, Ontario M4S 2B5
www.thesociety.ca
Tel 416-979-2709
Toll Free 1-866-288-1788
Fax 416-979-5794

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 s.78.1 of the *Ontario Energy Board Act*, 1998 for an order or orders determining payments amounts for the output of certain of its generating facilities.

SUBMISSION OF THE SOCIETY OF ENERGY PROFESSIONALS WITH REGARD TO THE PRIORITIZATION OF ISSUES

In Procedural Order No. 4 (“PO4”) the Ontario Energy Board (the “Board”) indicates that it is making provisions for submissions on categorizing issues into primary and secondary issues. The Board notes that parties proposing primary issues should provide justification and give consideration to whether the issue requires an oral hearing.

The Society respectfully submits that the following issues be categorized as primary issues; 6.1, 6.2, 6.3, 6.4, 6.6, 6.7, 6.8, 6.9 and 6.10.

The Board does not set out in PO4 any specific criteria for justifying proposed classifications other than the need to consider whether or not an oral hearing is required. The *Ontario Energy Board Act (OEBA)* sets out general criteria that govern all proceedings, whether oral or not. The Board’s **Rules of Practice and Procedure** do not provide any criteria for the choice of hearing type. In general, the Society submits, the choice of type of hearing depends on a balance between two key factors: cost and natural justice. The latter is concerned with fairness.

The Society submits that in the case of the issues identified above, the balance strongly favours natural justice considerations. All of the issues concern operating costs. Given past proceedings on the setting of OPG’s revenues (EB-2007-0095 and EB-2010-0008), recent events in the public sphere, most notably the 2013 Report of the Auditor General of Ontario (specifically section 3.05), and the tenor of many Interrogatories in this proceeding (such as those of Board Staff), the Society anticipates that there will be substantial interest regarding staffing and compensation. Without in any way prejudging the Board’s Decision, the Society submits that it is reasonable to assume that matters of staffing and compensation will be addressed. The material interests of the Society’s membership may be affected. The ability to cross-examine orally in relation to such matters is vital to ensure that the record before the Board, when it makes its Decision, reflects the facts and not unsubstantiated opinion.

All of which is respectfully submitted.