



**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. 5**

**April 3, 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.

### **Prioritization of Issues List**

On March 21, 2014, the Board issued Procedural Order No. 4 which made provision for submissions on prioritization of the issues list set out in Procedural Order No. 3 issued on February 19, 2014. Eleven submissions were filed.

Board staff, Green Energy Coalition, the Society of Energy Professionals and Environmental Defence prioritized the issues list into primary and secondary issues. Any unsettled primary issues would proceed by way of oral hearing and any unsettled secondary issues would proceed by way of written hearing. OPG had provided a

categorization with the draft issues list filed at Exh A1-10-1. In its submission, OPG restated the issues it felt were priority issues using the issue numbering set out in the issues list appended to Procedural Order No. 3.

The School Energy Coalition (“SEC”), Consumers Council of Canada (“CCC”), Association of Major Power Consumers in Ontario (“AMPCO”) and Canadian Manufacturers & Exporters (“CME”) submitted that due to the volume of interrogatory responses filed on March 19, 2014 and March 26, 2014, the parties have not had an opportunity to review all of the responses. While CCC and CME did identify a few secondary issues, SEC, CCC and CME stated that it was premature to determine the hearing process for each issue. These parties proposed that issue prioritization would be more appropriate following the settlement conference. AMPCO stated that it was confident that when the discovery phase was completed, i.e. the technical conference, AMPCO would be in a position to prioritize the issues.

Energy Probe Research Foundation’s submission was limited to stating that it agreed with and adopted the SEC submission.

The Board will revise the timing for the prioritization of issues. All submissions filed to date will be retained on the record of this proceeding for consideration by the Board. All parties will have an opportunity to file further submissions on issues prioritization following the technical conference and the filing of the related undertakings. The technical conference undertakings are due to be filed no later than May 2, 2014. The Board encourages OPG to file the undertakings as they are completed to facilitate review by the parties.

Sustainability Journal did not prioritize the issues list but provided a list of new issues in its submission. The Board reminds Sustainability Journal that the un-prioritized issues list was finalized and issued on February 19, 2014.

### **Scheduling of Next Procedural Steps**

The Board is making provision for a settlement conference on all issues and an oral hearing on any unsettled primary issues. To promote efficiency, Board staff shall consult with parties following the settlement conference to develop a hearing plan that will identify the estimated time required by each party for each witness panel.

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

**THE BOARD ORDERS THAT:**

1. OPG, Board staff and intervenors may make further submissions on the prioritization of the issues list and shall file those submissions with the Board and deliver them to all parties no later than **May 7, 2014**.
2. OPG, Board staff and intervenors may respond to all submissions of other parties. Those responses shall be filed with the Board and delivered to all parties no later than **May 12, 2014**.
3. A Settlement Conference among the parties and Board staff will be convened on **May 21, 2014** starting at 9:30 a.m., at 2300 Yonge Street, 25th floor, Toronto. If necessary, the Settlement Conference will continue on **May 22, 23, 26 and 27, 2014**.
4. The oral hearing for this proceeding will begin on **June 9, 2014** starting at 9:30 a.m., at 2300 Yonge Street, 25<sup>th</sup> floor, Toronto. Any agreement resulting from the settlement conference will be presented to the Board on this day. The oral hearing will continue on **June 10, 12, 13, 16, 17, 19, 20, 23, 24, 26 and 27, 2014**, as required.

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/](http://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](http://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](mailto:violet.binette@ontarioenergyboard.ca) and Board Counsel, Michael Millar at [michael.millar@ontarioenergyboard.ca](mailto:michael.millar@ontarioenergyboard.ca).

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**DATED** at Toronto, April 3, 2014

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary