

**BY EMAIL AND MAIL**

May 12, 2014

**Attn: Ms. Kirsten Walli, Board Secretary**

Ontario Energy Board  
P.O. Box 2319, 2300 Yonge St. 27th Floor  
Toronto, ON M4P 1E4  
E-mail: [BoardSec@ontarioenergyboard.ca](mailto:BoardSec@ontarioenergyboard.ca)

To Ms. Walli,

**Re: Ontario Power Generation, 2014/2015 Payment Amounts  
Application, Prioritization of Issues List, Board File Number:  
EB-2013-0321**

Lake Ontario Waterkeeper (Waterkeeper) supports Ontario Power Generation's (OPG) request that issues 4.9 and 4.10 be included as priority issues, requiring an oral hearing. As the associated in-service additions and capital expenditures for the Darlington Refurbishment Project (DRP) comprise a significant percentage of OPG's overall requested rates, these issues should be given priority.

Waterkeeper also requests that that issue 6.7 be included as a priority issue for oral hearing. Costs for the operation, maintenance, and administration (OM&A) of the DRP are a significant aspect of OPG's nuclear operations for the test period. Further, we submit that issues 4.9, 4.10, and 6.7 are closely related as they provide an opportunity for the Board to holistically assess the reasonableness of OPG's proposed environmental monitoring and mitigation costs for the DRP. As such all three should be given similar treatment.

OPG in their reply submissions from earlier today (May 12, 2014), assert the OM&A for the Darlington Refurbishment project does not constitute a significant percentage of OPG's overall requested rate amounts. However, we submit this is not the only consideration when determining the priority of issues.

OPG also notes that the costs associated with DRP OM&A are subject to true up via the Capacity Refurbishment Variance Account. However, we submit the appropriateness of the true up and the adequacy of the Capacity Refurbishment Variance Account should still be assessed via oral hearing.

The Board has not had an opportunity to examine the reasonableness of OPG's specific environmental management costs in past rate hearings. As such, these issues have not already been determined in previous rate hearings.

Via oral hearing in the current proceeding, Waterkeeper could provide unique insight that could help the Board in their examination of the adequacy of OPG's expected environmental management costs. We have significant expertise concerning the potential environmental impacts of the DRP, as well as the project's Environmental Assessment (EA) and EA Follow-up requirements. Our expertise would assist the Board in assessing the adequacy of the funds OPG has allocated to manage the environmental impacts of the DRP and meet its EA Follow-up requirements.

In closing, we respectfully submit that for the reasons outlined above, it would be most useful to the Board to allow issues 4.9, 4.10, and 6.7 to be addressed via oral hearing.

Thank you for your consideration. If you have any further questions or concerns, please contact our articling student Pippa Feinstein at [articling@waterkeeper.ca](mailto:articling@waterkeeper.ca), or call our office at 416 861 1237.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Mattson', with a stylized flourish at the end.

Mark Mattson  
President and Waterkeeper

cc: OPG and all Intervenors via email