



EB-2014-0369

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;

AND IN THE MATTER OF a motion by Ontario Power Generation Inc. pursuant to Rule 42 of the Ontario Energy Board's *Rules of Practice and Procedure* for an order or orders to vary the Decision with Reasons EB-2013-0321.

NOTICE OF HEARING AND PROCEDURAL ORDER NO. 1

January 13, 2015

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, seeking approval for increases in payment amounts for the output of its nuclear generating facilities and previously regulated hydroelectric generating facilities, to be effective January 1, 2014. The application also sought approval for payment amounts for newly regulated hydroelectric generating facilities, to be effective July 1, 2014. The Board assigned the application file number EB-2013-0321. The Board issued its Decision with Reasons (Decision) on November 20, 2014.

On December 10, 2014, OPG filed a Notice of Motion to review and vary the Decision in relation to certain findings with regard to the disallowance of the addition to rate base of \$88M for the Niagara Tunnel Project and the direction to reduce the 2014 income tax provision to account for the carry-forward of a regulatory tax loss in 2013. OPG requested that the motion be heard orally. The Board has assigned this motion file number EB-2014-0369.

The Board will adopt as intervenors and observers in this proceeding, the intervenors and observers from the EB-2013-0321 proceeding. A list of the parties of record in that proceeding is attached as Appendix A. Any party that was determined to be eligible for costs in the EB-2013-0321 proceeding shall be eligible for costs in this proceeding.

Under Rule 45.01 of the Board's *Rules of Practice and Procedure*, the Board may determine, with or without a hearing, a threshold question of whether the matter should be reviewed before conducting any review on the merits.

The Board has decided to consider the threshold question for the motion at the same time it will hear submissions on the merits. The Board therefore invites parties to make submissions on both the threshold issue and the ultimate merits of the motion. Any party wishing to make submissions must pre-file these submissions with the Board on the dates listed below. The reply submission from OPG will be heard at the oral hearing.

The Board considers it necessary to make provisions for the following procedural matters related to the motion.

THE BOARD ORDERS THAT:

1. OPG may file any further material or initial submissions relating to the motion by **January 26, 2015**. The material shall be filed with the Board and copied to all parties of record in the EB-2013-0321 proceeding.
2. Board staff may file a submission (with any relevant materials) on the motion by **February 20, 2015**. The submission shall be filed with the Board and copied to all parties of record in the EB-2013-0321 proceeding.
3. Intervenors may file submissions (with any relevant materials) on the motion by **March 2, 2015**. The submissions shall be filed with the Board and copied to all parties of record in the EB-2013-0321 proceeding.
4. The Board will hear all parties' submissions on the motion at an oral hearing to be held on **March 24, 2015** and continuing on **March 25, 2015**, if necessary. The hearing will commence at 9:30 am in the Board's hearing room at 2300 Yonge Street, Toronto.

All filings to the Board must quote the file number, **EB-2014-0369**, 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.

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DATED at Toronto, January 13, 2015

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

APPENDIX A

ONTARIO POWER GENERATION INC.

MOTION TO REVIEW AND VARY BOARD DECISION EB-2013-0321

EB-2014-0369

APPLICANT & CURRENT LIST OF INTERVENORS

Ontario Power Generation Inc.
EB-2014-0369

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January 13, 2015

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Ontario Power Generation Inc.
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