



EB-2014-0370

Ontario Power Generation

Application to dispose of balances in certain deferral and variance accounts

PROCEDURAL ORDER NO. 1

February 23, 2015

Ontario Power Generation Inc. (OPG) filed an application with the Ontario Energy Board (OEB) on December 18, 2014 under section 78.1 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), seeking approval for an order or orders related to deferral and variance accounts, including disposition of account balances as at December 31, 2014.

The OEB issued a Notice of Application and Hearing on January 16, 2015. Each of the following parties applied for intervenor status:

- Association of Major Power Consumers in Ontario (AMPCO);
- Canadian Manufacturers & Exporters (CME);
- Consumers Council of Canada (CCC);
- Just Energy Ontario L.P. (Just Energy);
- London Property Management Association (LPMA);
- Planet Energy (Ontario) Corp. (Planet Energy);
- Power Workers' Union (PWU);
- School Energy Coalition (SEC);
- Society of Energy Professionals (Society); and
- Summitt Energy Management Inc. (Summitt).

AMPCO, CME, CCC, LPMA, SEC and Summitt also applied for cost eligibility. No objection was received from OPG.

I approve AMPCO, CME, CCC, Just Energy, LPMA, Planet Energy, PWU, SEC, Society and Summitt as intervenors. The list of parties in this proceeding is attached as Appendix A to this Procedural Order. I have also determined that AMPCO, CME, CCC, LPMA and SEC are eligible to apply for an award of costs under the OEB's *Practice Direction on Cost Awards* (Practice Direction). Summitt seeks cost award eligibility under section 4.01 of the Practice Direction. However section 3.05(b) states that electricity retailers are not eligible for cost award, and accordingly Summitt's request for cost eligibility is denied.

Cost eligible intervenors should be aware that the OEB will not generally allow the recovery of costs for the attendance of more than one representative of any party, unless a compelling reason is provided when cost claims are filed.

Issues List

The OEB expects that parties will be best positioned to identify issues relevant to OPG's application after the applicant has responded to interrogatories, and following a technical conference, should it be required. OPG has filed a draft issues list as part of its application at Exh A1-1-4 which is similar to the approved final issues list from the last OPG deferral and variance account disposition proceeding (EB-2012-0002). Subject to any further orders from the OEB, I have determined that OPG, OEB staff and the intervenors shall use OPG's draft issues list as a starting point to develop a proposed issues list, which shall be filed by OEB staff for the OEB's consideration. The OEB will approve an issues list prior to the settlement.

Interrogatories

At this time, I am making provision for written interrogatories.

I remind parties to consult sections 26 and 27 of the OEB's *Rules of Practice and Procedure* (as revised April 24, 2014) regarding required naming and numbering conventions and other matters related to interrogatories.

I consider it necessary to make provision for the following matters related to this proceeding.

IT IS THEREFORE ORDERED THAT:

1. OEB staff shall request any relevant information and documentation from OPG that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **March 6, 2015**.
2. Intervenors shall request any relevant information and documentation from OPG that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **March 13, 2015**.
3. OPG shall file with the OEB complete written responses to all interrogatories and serve them on all intervenors and OEB staff by **March 27, 2015**.
4. Following its review of OPG's responses to interrogatories, the OEB will determine if a technical conference is required. If required, a transcribed Technical Conference will be held **April 9, 2015** starting at 9:30 a.m. in the OEB's Offices at 2300 Yonge Street, 25th floor, Toronto, Ontario to clarify any matters arising from the interrogatories only. If required, the Technical Conference will continue on **April 10, 2015**. Parties intending to participate are to notify OPG, and copy all parties, of the topic areas for questioning by **April 2, 2015**.
5. OEB staff shall file a proposed issues list, or, alternatively, shall advise the OEB in writing that the parties and OEB staff have been unable to reach an agreement on a draft issues list by **April 20, 2015**.
6. A Settlement Conference among the parties and OEB staff will be convened on **May 4, 2015** starting at 9:30 a.m., at 2300 Yonge Street, 25th floor, Toronto. If necessary, the Settlement Conference will continue on **May 5** and **May 6, 2015**.
7. Any settlement proposal arising from the Settlement Conference shall be filed with the OEB by **May 22, 2015**. In addition to outlining the terms of any settlement, the settlement proposal should contain a list of any unsettled issues, indicating with reasons whether the parties believe those issues should be dealt with by way of oral or written hearing.

8. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties within 7 days from when a settlement proposal is filed.
9. If there is no settlement proposal arising from the Settlement Conference, OPG shall file a statement to that effect with the OEB by **May 11, 2015**. In that event, parties shall file and serve on the other parties by **May 13, 2015** any submissions on which issues shall be heard in writing, and for which issues the OEB should hold an oral hearing.

All filings to the OEB must quote the file number, **EB-2014-0370**, be made in searchable/unrestricted PDF format electronically through the OEB's web portal at www.pes.ontarioenergyboard.ca/eservice/. Two paper copies must also be filed at the OEB's address provided below. 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 OEB Counsel, Michael Millar at michael.millar@ontarioenergyboard.ca.

ADDRESS

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DATED at Toronto, **February 23, 2015**

ONTARIO ENERGY BOARD

By delegation, before: Kristi Sebalj

Original signed by

Kristi Sebalj
Registrar

**Appendix A
Ontario Power Generation Inc.
EB-2014-0370**

APPLICANT & LIST OF INTERVENORS

February 23, 2015

APPLICANT

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**Appendix A
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February 23, 2015

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February 23, 2015

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Power Workers' Union

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