



**Ontario Energy Board  
Commission de l'énergie de l'Ontario**

---

**DECISION AND ORDER ON COST  
AWARDS**

**EB-2015-0374**

**ONTARIO POWER GENERATION INC.**

**Application for deferral account related to nuclear liabilities, depreciation and  
amortization expenses**

**BEFORE: Allison Duff**  
Presiding Member

**Christine Long**  
Member

---

**April 8, 2016**

---

## INTRODUCTION AND SUMMARY

Ontario Power Generation Inc. (OPG) filed an accounting order application with the Ontario Energy Board (OEB) on December 22, 2015 under section 78.1 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, (Schedule B). The application sought approval to establish a deferral account to record changes to nuclear liabilities and depreciation and amortization expenses arising from changes to station end-of-life dates for Bruce Power, Pickering and Darlington that are effective December 31, 2015.

On January 27, 2016, the OEB issued its Notice of Application and Hearing, Interim Order and Procedural Order No. 1 and stated that it would adopt as intervenors and observers in this proceeding, the same intervenors and observers from the 2014-2015 payment amounts proceeding.

On March 10, 2016, the OEB issued its Decision and Order, in which it set out the process for intervenors to file their cost claims, for OPG to object to the claims and for intervenors to respond to any objection raised by OPG.

The OEB received cost claims from the Association of Major Power Consumers in Ontario (AMPCO) and Canadian Manufacturers & Exporters (CME).

### OEB Findings

The OEB has reviewed the claims filed by AMPCO and CME to ensure that they are compliant with the OEB's *Practice Direction on Cost Awards*.

CME has claimed 0.2 hours of counsel's time for reading the final decision in this case. The OEB does not find that the reading of a final decision provides any value to the panel and therefore will disallow the corresponding amount. The OEB will therefore reduce the claim by \$51.98.

The OEB will also disallow the Lawyers' Professional Indemnity Company Civil Litigation Transaction Levy (LPIC) surcharge of \$50 claimed by CME. The OEB is unclear why this charge is applicable nor how it provides value to ratepayers. In making this finding, the OEB is aware that this charge has been approved by other OEB panels in previous cases. However, each OEB panel makes its decision based on the circumstances of each case and because a cost is accepted in a previous case does not mean that it will be accepted in a subsequent case.

---

Subject to the preceding disallowances, the OEB finds that both parties are eligible for their reasonably incurred costs of participating in this proceeding. The OEB finds that the claim of AMPCO and the adjusted claim of CME are reasonable and each of these claims shall be reimbursed by OPG.

**THE ONTARIO ENERGY BOARD ORDERS THAT:**

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, OPG shall immediately pay the following amounts to the intervenors for their costs:
  - Association of Major Power Consumers in Ontario \$1,474.65
  - Canadian Manufacturers & Exporters \$1,411.37
  
2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, OPG shall pay the OEB's costs of, and incidental to, this proceeding immediately upon receipt of the OEB's invoice.

**DATED** at Toronto April 8, 2016

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary