



EB-2016-0152

Ontario Power Generation Inc.

**Application for payment amounts for the period from
January 1, 2017 to December 31, 2021**

**PROCEDURAL ORDER NO. 1
August 12, 2016**

Ontario Power Generation Inc. (OPG) filed an application with the Ontario Energy Board (OEB) on May 27, 2016 under section 78.1 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), seeking approval for changes in payment amounts for the output of its nuclear generating facilities and most of its hydroelectric generating facilities. The request seeks approval for nuclear payment amounts to be effective January 1, 2017 and for each following year through to December 31, 2021. The request seeks approval for hydroelectric payment amounts to be effective January 1, 2017 to December 31, 2017 and approval of the formula used to set the hydroelectric payment amount for the period January 1, 2017 to December 31, 2021. OPG filed supplemental evidence on July 29, 2016.

A Notice of Hearing was issued on June 29, 2016. Each of the following parties applied for intervenor status:

- Association of Major Power Consumers in Ontario (AMPCO)
- Canadian Manufacturers & Exporters (CME)
- Canadian Wind Energy Association and Canadian Solar Industries Association (jointly) (CanWEA/CanSIA)
- Consumers Council of Canada (CCC)
- Energy Probe Research Foundation (Energy Probe)
- Environmental Defence Canada Inc. (Environmental Defence)

- Green Energy Coalition (GEC)
- Independent Electricity System Operator (IESO)
- Lake Ontario Waterkeeper (LOW)
- London Property Management Association (LPMA)
- Ontario Association of Physical Plant Administrators (OAPPA)
- Power Workers' Union (PWU)
- Quinte Manufacturers Association (QMA)
- School Energy Coalition (SEC)
- Shell Energy North America (Canada) Inc. (Shell)
- SNC-Lavalin Nuclear Inc. and Aecon Construction Group Inc. (SNC/AECON JV)
- Society of Energy Professionals (Society)
- Sustainability-Journal
- Vulnerable Energy Consumers Coalition (VECC)

The SNC/AECON JV seeks status as an intervenor that is limited to participation in procedural steps that relate to or affect the confidentiality of the SNC/AECON JV confidential information.

AMPCO, CME, CanWEA/CanSIA, CCC, Energy Probe, Environmental Defence, GEC, LOW, LPMA, OAPPA, QMA, SEC, Sustainability-Journal and VECC also applied for cost eligibility.

No objection was received from OPG.

AMPCO, CME, CanWEA/CanSIA, CCC, Energy Probe, Environmental Defence, GEC, IESO, LOW, LPMA, OAPPA, PWU, QMA, SEC, Shell, SNC/AECON JV, Society, Sustainability-Journal and VECC are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order. Subject to the requirements outlined below with respect to cost eligibility for the participation in the proceeding by any experts retained by intervenors, the OEB has also determined that AMPCO, CME, CCC, Energy Probe, Environmental Defence, GEC, LOW, LPMA, OAPPA, QMA, SEC, Sustainability-Journal and VECC are eligible to apply for an award of costs under the OEB's [*Practice Direction on Cost Awards*](#).

In correspondence filed on August 4, 2016, CanWEA/CanSIA advised the OEB that its cost eligibility request relates to a need to engage a consultant to prepare financial models regarding the cost effectiveness of the proposed extended operation of Pickering in comparison to existing and planned renewables.

For the reasons provided below, the OEB will not grant cost eligibility to CanWEA/CanSIA.

CanWEA and CanSIA are both associations. In assessing the cost eligibility of an association, the OEB has previously stated that it will consider the association's membership rather than considering the association separate and apart from its members.¹

CanWEA is a national, non-profit association that promotes wind energy in Canada, and represents more than 450 corporate members including wind energy developers, owners and operators, wind turbine manufacturers and component suppliers, as well as a broad range of service providers to the industry.

CanSIA is a national trade association that represents solar energy companies involved with the delivery of solar energy products and services in Canada, or with the delivery of other products and services to Canada's solar energy sector, including manufacturers, installers, project developers, builders, architects, engineers, consultants, and a variety of other companies and organizations who contribute directly to solar projects in Canada.

The memberships of each of CanWEA and CanSIA consist principally of commercial service providers, generators and others (for example, utilities and government agencies).

Generators and utilities are *prima facie* not eligible for an award of costs under section 3.05 of the *Practice Direction on Cost Awards*. It has been the OEB's practice that commercial entities such as commercial service providers are also ineligible for an award of costs by reason that they primarily represent their own commercial interests rather than primarily representing an interest or policy perspective relevant to the OEB's mandate.

The OEB finds that, by virtue of their respective memberships, CanWEA and CanSIA are *prima facie* not eligible for an award of costs.

Under section 3.07 of the *Practice Direction on Cost Awards*, a party that is *prima facie* ineligible under section 3.05 may be found to be eligible for costs where "special circumstances" exist. The OEB is not of the view that there are special circumstances

¹ March 22, 2011 Decision on Issues and Cost Eligibility (EB-2011-0011).

that would justify granting CanWEA/CanSIA cost eligibility pursuant to section 3.07 in the context of this proceeding.

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.

If any cost eligible intervenor plans to file expert evidence in this proceeding, the intervenor shall file a letter with the OEB describing the nature of the evidence, whether the expert evidence will be commissioned jointly with other intervenors, and the estimated cost. The estimated cost should include an explanation of any assumptions regarding the purpose and scope of the participation of the expert in the proceeding, and should include an estimate of any incremental time that will be spent by the intervenor's counsel or any other consultant(s) in relation to the expert evidence. The OEB is also making provision for OEB staff to file a letter relating to any expert evidence OEB staff plans to file. After reviewing this material, the OEB will consider whether and to what extent any costs associated with the participation of any expert(s) or the preparation of any expert report(s) will be eligible for cost recovery in accordance with the OEB's Practice Direction on Cost Awards.

Being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of an OEB order, typically at the end of a hearing. As this proceeding is expected to be lengthy, the OEB may consider a cost award process for interim disposition prior to the end of this proceeding.

Issues List

OPG filed a prioritized draft issues list with its application at Exh A1-10-1. A non-prioritized version of the draft issues list is attached as Schedule B to this Procedural Order.

The OEB is making provision for written submissions on the non-prioritized draft issues list. The parties will have the opportunity to make written submissions on the draft issues list and propose changes for the OEB's consideration. In proposing additional issues parties should provide justification and give consideration to whether the item is already included under one of the proposed issues. Similarly, parties proposing to remove, change or limit the scope of an issue on the draft issues list should provide justification.

After reviewing the submissions, the OEB will issue a final issues list. Only matters that are on the final issues list will be considered in this proceeding.

As noted in [correspondence](#) issued on November 11, 2011, with the *Filing Guidelines for Ontario Power Generation Inc. in Setting Payment Amounts for Prescribed Generation Facilities* (Filing Guidelines), the OEB will make provision for interrogatories on all issues. Following the filing of interrogatory responses, the OEB will make provision for submissions on categorizing issues into primary and secondary issues. Generally, any unsettled primary issues will proceed by way of oral hearing. Any unsettled secondary issues will proceed by way of written hearing. The OEB will make a determination on the categorization of issues after considering the submissions filed following the filing of interrogatory responses, and may direct that certain issues be excluded from settlement consideration and proceed by way of oral hearing.

Confidential Filings

OPG is seeking confidential treatment for certain portions of documents it has filed as part of its pre-filed evidence. The documents are the following:

1. The 2016-2018 Business Plan located at Exh A2-2-1, Attachment 1 (Business Plan)
2. The 2016-2018 Business Planning Instructions located at Exh A2-2-1, Attachment 2 (Business Plan Instructions)
3. The revenue comparison tables located at Exh G2-1-1, Table 1 and Exh G2-1-2, Table 1 (Revenue Tables)
4. The engagement letter with Concentric Energy Advisors located at Exh C1-1-1, Attachment 2 for the Cost of Capital Report (the Concentric Cost of Capital Engagement Letter)
5. The nuclear business case summaries found at Exh D2-1-3, Attachment 1 and Exh F2-3 3, Attachment 1 (collectively, the BCSs)
6. The Darlington Refurbishment Program attachments (collectively, the DRP Attachments):
 - a. contract summaries at Exh D2-2-3, Attachments 1, 4 and 5 (DRP Contract Summaries)
 - b. major DRP contracts at Exh D2-2-3, Attachments 6 to 10 (DRP Contracts)
 - c. DRP Reports at Exh D2-2-8, Attachments 2, 3, 4 and at Exh D2-2-9, Attachment 2
 - d. The business case summary for Heavy Water Storage and Drum Handling Facility at Exh D2-2-10, Attachment 1, Tab 1

7. OPG's 2014 income tax returns located at Exh F4-2-1, Attachment 1 (the 2014 Income Tax Returns)

OPG requested confidential treatment for two additional documents (considered part of DRP Attachments) that were filed as part of its July 29, 2016 update. These include:

8. The engagement letter with Concentric Energy Advisors, Inc. located at Exh D2-2-11, Attachment 2 for the Updated Assessment of Commercial Strategies Developed for the Darlington Refurbishment Program Retube & Feeder Replacement Work Package (Concentric DRP Engagement Letter)
9. The engagement letter with Pegasus Global Holdings, Inc. located at Exh D2-2-11, Attachment 4 for an assessment of OPG's plan and approach to the execution of the Darlington Refurbishment Program (Pegasus-Global Engagement Letter)

In accordance with the OEB's [*Practice Direction on Confidential Filings*](#) (the "Practice Direction"), OPG has provided its reasons for the confidentiality request, including reasons why it considers the information at issue to be confidential and the reasons why public disclosure of that information would be detrimental. OPG has filed redacted versions of the documents as part of its public filing (with the exception of the Steam Generator Contract, discussed below) and un-redacted versions as part of its confidential filing.

OEB Review Only Document

OPG has also requested review by the OEB only of certain business plan information related to OPG's unregulated business. OPG seeks permanent redaction for this information. The OEB will not be accepting submissions on the redactions that are proposed for OEB Review Only and will address this matter at a later date.

2014 Income Tax Returns

The OEB has reviewed the redactions that are proposed in the 2014 Income Tax Returns and has determined that it will grant OPG's request for confidential treatment of this information. The OEB is accepting the request for confidentiality on the grounds the information being redacted in the 2014 Tax Returns largely pertains to OPG's unregulated businesses and that the request qualifies for confidential treatment under Appendix B of the Practice Direction. Later in this order, the OEB has made provision for submissions on other OPG confidentiality requests. However, given that the OEB has granted OPG's request for confidentiality for the tax returns, it will not accept submissions on this matter.

Engineering, Procurement and Construction Services Contract for the Steam Generator Project

OPG has entered into an agreement with Babcock & Wilcox Canada Ltd. (BWXT) and Candu Energy Inc. (Candu) for the provision of Engineering, Procurement and Construction services for the Darlington Refurbishment Steam Generator project (SG EPC Contract).

OPG states that it had originally planned to file a summary of the contract and the redacted contract as part of its public filing, but following notification from Candu that “it was asserting confidential protection over all or parts of the contract”, and so as to not prejudice Candu’s position, OPG removed both documents from its public filing. An un-redacted version of the contract and a contract summary have been provided as part of the confidential filing.

The OEB understands that OPG is not asking for the entire SG EPC Contract to be treated as confidential. The portions that OPG is requesting be treated as confidential are identified in the un-redacted SG EPC Contract that has been filed as part of its confidential filings. In regards to Candu’s position, the OEB does not know whether Candu intends to request confidential treatment for the entire contract or for portions of it, nor does it have an explanation for any such request. Accordingly, the OEB will grant intervenor status to Candu for the limited purpose of addressing the confidentiality of the SG EPC Contract. The OEB requires that Candu immediately notify the OEB whether it intends to participate in this proceeding.

If Candu participates in this proceeding, the OEB requires the following information from Candu. If it is Candu’s intention to seek confidential treatment for the entire SG EPC Contract, then pursuant to section 5.1.4(c)(ii) of the Practice Direction, the OEB requires that Candu file a summary of the contract on the public record. On the other hand, if it is Candu’s intention to request confidential treatment only for portions of the SG EPC Contract, then pursuant to section 5.1.4(c)(i) of the Practice Direction, Candu and OPG must jointly file a redacted version of the SG EPC Contract, that reflects the redactions that each is proposing, on the public record. An un-redacted version of the SG EPC Contract, identifying OPG’s redactions was filed by OPG as part its confidential filings. The OEB will require that Candu also file an un-redacted version of the SG EPC Contract identifying the redactions it is proposing.

Pursuant to section 5.1.4(a) of the Practice Direction, OPG and, if applicable, Candu are also required to provide their respective reasons for the confidentiality request (as it pertains to the portions for which each is requesting confidential treatment), including

the reasons why the information should be treated as confidential and the reasons why public disclosure of that information would be detrimental.

By not filing a redacted contract on the public record, OPG's request for confidentiality is not consistent with the requirements in the Practice Direction. Therefore, if Candu does not participate in this proceeding or if the OEB does not receive the stated notification from Candu within 5 days from the date of this Order, the OEB requires that OPG re-file the redacted SG EPC Contract on the public record.

The OEB notes that BWXT, also a party to the SG EPC Contract, has not applied for intervenor status and is not noted in OPG's letter on the matter as having expressed any concerns with OPG's request. The OEB notes that BWXT may have submissions on the matter and will therefore grant to BWXT intervenor status for the purpose of participating in the proceeding in respect of this specific request. If BWXT participates in this proceeding, it must make its request for confidentiality in accordance with the Practice Direction and follow the schedule for filings set out for Candu in this Order. Alternately, if BWXT does not wish to participate in this proceeding, it must notify the OEB of its intention within 5 days from the date of this Order.

The OEB does not have contact information for Candu or BWXT. Therefore, the OEB will require that OPG immediately provide a copy of this Order to Candu and BWXT.

Contracts with SNC Lavalin Nuclear Inc. and Aecon Construction Group Inc.

OPG is seeking confidential treatment for certain portions of the three contracts it has entered into with SNC Lavalin Nuclear Inc. and Aecon Construction Group Inc. Joint Venture (SNC/AECON JV). The three contracts are: (i) the Engineering Procurement and Construction Contract for Retube and Feeder Replacement project, (ii) the Engineering Procurement and Construction contract for Turbine Generators and (iii) the Extended Services Master Services Agreement. OPG has filed redacted and un-redacted versions of the contracts and contract summaries.

OPG states that it has requested certain redactions in these contracts on the basis of a specific request from SNC/AECON JV. Pursuant to section 5.1.4(a), the OEB requires that SNC/AECON JV file with the OEB its reasons for the confidentiality request, including the reasons why the information at issue is considered confidential and the reasons that public disclosure of that information would be detrimental.

Procedural Matters – Confidentiality

As an interim measure and consistent with OPG's request, counsel and consultants for intervenors that wish to review the information (excluding the OEB Review Only document) for which either OPG, Candu, BWXT or SNC/AECON JV are seeking confidential treatment may do so after signing a copy of the OEB's [Declaration and Undertaking](#), filing it with the OEB and providing a copy to OPG and the related counterparties to the subject contract. If any of OPG, Candu, BWXT or SNC/AECON JV has any objections with respect to sharing confidential information with any party that has signed the Declaration & Undertaking it must immediately and within 5 days from the receipt of the signed Declaration and Undertaking file its objections with the OEB and copy the relevant party. If the party to whom the objection is directed wishes to respond to the objection, it must file its reply within 5 days from the receipt of the objection.

Parties may make submissions on whether the information for which OPG, SNC/AECON JV, BWXT or Candu, respectively, are requesting confidential treatment, but excluding the OEB Review Only document and the 2014 Tax Returns, should be treated confidentially in accordance with the steps described below. The OEB will issue a decision on the confidential status of the information once it has considered any submissions.

Application Presentation

OPG requested an opportunity to present an overview of the key strategic and technical aspects of the application in its cover letter to the application.

The OEB is making provision for an untranscribed presentation of the application to the OEB panel, prior to interrogatories as set out in the order below. While parties to this proceeding as well as OEB staff may attend the presentation, the purpose of the presentation is not to provide an opportunity for cross-examination, but rather for OPG to present an overview of its application to the OEB panel and to respond to any questions of clarification.

Untranscribed Technical Conference

At this time, provision is being made for an untranscribed technical conference on the Darlington Refurbishment Program (DRP) and the rate smoothing deferral account. OPG shall make a presentation on the DRP contracts, schedule and cost in the 2017-2020 period as well as for the full DRP, and the mechanics of the rate smoothing

deferral account, to the parties as set out in the order below. Parties may request presentation of additional aspects of the DRP and rate smoothing deferral account prior to the conference. The OEB panel hearing the application will be in attendance.

The purpose of the conference is to provide an opportunity for all parties to have a sufficiently robust understanding of these two matters which will focus the examination of this major capital project and new account.

Interrogatories

Written interrogatories and interrogatory responses shall be filed as set out in the order below.

Parties should not engage in detailed exploration of items that do not appear to be material. Parties should use the materiality thresholds documented in the Filing Guidelines for OPG as a guide. In making its decision on cost awards, the OEB will consider whether intervenors made reasonable efforts to ensure that their participation in the hearing was focused on material issues.

Parties must provide evidence references and sort their interrogatories and responses by issue. Parties should consult sections 26 and 27 of the OEB's [Rules of Practice and Procedure](#) regarding required naming and numbering conventions and other matters related to interrogatories.

Technical Conference

A technical conference will be held to provide for clarification on interrogatory responses as set out in the order below. In preparation for the transcribed technical conference, the OEB will require parties to file a description of the specific areas that they will be focussing on and an estimate of time required for each area of focus. This will allow a conference schedule to be developed. If parties wish to file specific questions in advance, they may do so.

Schedule of Procedural Steps

The balance of procedural steps, including provision for motions for further and better answers, the filing of OEB staff and intervenor evidence, a settlement conference and the oral hearing are set out in the orders below.

The schedule for all the procedural steps for this proceeding is summarized in a table in Schedule C to this Procedural Order.

While there is some uncertainty with respect to the specific dates in the schedule, the OEB believes that it is helpful to provide this information to all parties at this time as a general guide for planning purposes. Unless otherwise directed by the OEB, parties should plan toward these dates.

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

IT IS THEREFORE ORDERED THAT:

Issues List

1. OEB staff and intervenors may make submissions on the draft issues list at Schedule B to this Procedural Order, and shall file any submissions with the OEB and deliver them to all parties no later than **August 31, 2016**.
2. OPG may respond to the submissions of intervenors. Similarly, all other parties may respond to the submission of other parties. Those responses shall be filed with the OEB and delivered to all parties no later than **September 9, 2016**.

Confidentiality

1. Candu and BWXT shall immediately and within 5 days of the date of this Order, inform the OEB if they wish to participate in this proceeding.
2. If Candu is seeking confidential treatment for the SG EPC Contract in its entirety, then pursuant to section 5.1.4 (c)(ii) of the Practice Direction, Candu is directed to prepare a summary of the SG EPC Contract for the public record and to file with the OEB on or before **August 24, 2016**.
3. If Candu is seeking confidential treatment for portions of the SG EPC Contract, then pursuant to section 5.1.4 (c)(i) of the Practice Direction, OPG and Candu are directed to jointly file a redacted version of the SG EPC Contract on the public record, on or before **August 24, 2016**. At that time, Candu shall also file with the OEB an un-redacted version of the SG EPC Contract for the confidential record identifying the redactions it is proposing.
4. Pursuant to section 5.1.4 (a) of the Practice Direction, OPG and Candu shall file with the OEB, on or before **August 24, 2016**, their respective reasons for the confidentiality request pertaining to the SG EPC Contract, including the reasons

why the information should be treated as confidential and the reasons why public disclosure of that information would be detrimental.

5. SNC/AECON JV shall file with the OEB, on or before **August 24, 2016**, its reasons for the confidentiality request pertaining to the information contained in the contracts it has entered into with OPG, including the reasons why the information should be treated as confidential and the reasons why public disclosure of that information would be detrimental.
6. As an interim measure, counsel and consultants for intervenors that wish to review the information (excluding the OEB Review Only document) for which either OPG, BWXT, Candu or SNC/AECON JV are seeking confidential treatment may do so after signing a copy of the OEB's [Declaration and Undertaking](#), filing it with the OEB, and providing a copy to OPG. If any of OPG, Candu, BWXT or SNC/AECON JV has objections with respect to sharing confidential information with any party that has signed the Declaration & Undertaking, it must file its objections with the OEB and provide a copy to the party whom the objection relates, within 5 days from the date the Declaration and Undertaking is filed with the OEB. The party to whom the objection relates must file its reply with the OEB, within 5 days from date the objection is filed with the OEB.
7. Parties wishing to make submissions on the request for confidential treatment requests pertaining to information in the 2016-2018 Business Plan, Business Planning Instructions, Revenue Comparison Tables, Concentric Cost of Capital Engagement Letter, BCSs, and the DRP Attachments, shall file such submissions with the OEB and deliver them to OPG and the party that has requesting confidential treatment and all other parties on or before **August 31, 2016**. Parties are reminded that the OEB is not accepting submissions on the 2014 Tax Returns and the "OEB Review Only" document.
8. If the party (i.e OPG, SNC/AECON JV or Candu) requesting confidential treatment wishes to respond to the submissions directed to it, it shall file such submissions with the OEB and deliver them to the relevant intervenor and all other parties on or before **September 9, 2016**.

Application Presentation

9. An untranscribed presentation of the application will be held on **September 1, 2016** starting at 9:30 a.m. 2300 Yonge Street, 25th floor, Toronto for OPG to present its application to the OEB.

Untranscribed Technical Conference

10. An untranscribed technical conference on the Darlington Refurbishment Program and the rate smoothing deferral account will be held on **September 23, 2016** starting at 9:30 a.m. 2300 Yonge Street, 25th floor, Toronto. OPG shall make a presentation on these matters and intervenors and OEB staff may request presentation of information that is in addition to contracts, schedule and cost in the 2017-2020 period as well as for the full project by **September 16, 2016**.

Interrogatories

11. 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 **September 26, 2016**.
12. 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 **October 3, 2016**.
13. OPG shall file with the OEB complete written responses to all interrogatories and serve them on all intervenors and OEB staff by **October 26, 2016**.
14. OPG, OEB staff and intervenors may make submission on the prioritization of the issues list and shall file those submissions with the OEB and serve them on all intervenors and OEB staff by **November 9, 2016**.
15. OPG, OEB staff and intervenors may respond to all submissions of other parties. Those responses shall be filed with the OEB and served on all intervenors and OEB staff by **November 14, 2016**.

Technical Conference

16. A transcribed technical conference will be held on **November 14, 2016** starting at 9:30 a.m. 2300 Yonge Street, 25th floor, Toronto. If necessary, the technical conference will continue on November 15, 2016. Intervenors shall file with the

OEB a description of the subject areas they will focus on at the technical conference, and time estimates by **November 10, 2016**.

17. Any technical conference undertakings shall be file with the OEB no later than **November 21, 2016**.

OEB Staff and Intervenor Evidence

18. OEB staff shall inform the OEB by letter of their plans to file expert evidence in this proceeding by **September 14, 2016**. Intervenors shall inform the OEB by letter of their plans to file expert evidence in this proceeding, and the estimated costs including assumptions regarding the participation of the expert in the proceeding and incremental time that will be spent by the intervenor's counsel or any other consultant(s) in relation to the expert evidence by **September 14, 2016**.
19. If OEB staff or any intervenor would like to file evidence that is relevant to this proceeding, that evidence shall be filed with the OEB, and copied to OPG and intervenors, by **November 21, 2016**.
20. If any party is seeking information and material with respect to any evidence filed by OEB staff or any intervenor that is in addition to the evidence filed with the OEB, and that is relevant to this proceeding, that information shall be requested by written interrogatories filed with the OEB, and copied to OPG and intervenors, by **November 30, 2016**.
21. Any party that receives interrogatories on its evidence shall file with the OEB complete responses to the interrogatories and copy the responses to OPG and intervenors by **December 12, 2016**.

Motion Hearing

22. In the event that motions, including for further and better answers, are filed in this proceeding, the motions will be heard on **December 16, 2016** starting at 9:30 a.m. 2300 Yonge Street, 25th floor, Toronto.

Settlement Conference

23. A Settlement Conference among the parties and OEB staff, for those issues that have not been deemed oral hearing issues, will be convened on **January 9, 2017** starting at 9:30 a.m., at 2300 Yonge Street, 25th floor, Toronto. The parties and

OEB staff will only consider those issues that If necessary, the Settlement Conference will continue on January 10 and 11, 2017.

24. Any settlement proposal arising from the Settlement Conference shall be filed with the OEB on or before **January 30, 2017**.
25. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties on or before **February 10, 2017**.

Oral hearing

26. The oral hearing for this proceeding will begin on **February 21, 2017** starting at 9:30 a.m., at 2300 Yonge Street, 25th floor, Toronto. Any settlement proposal resulting from the settlement conference will be presented to the OEB on this day. The oral hearing will continue for additional days as determined by the OEB, for unsettled primary issues and for issues deemed oral hearing only. Parties are advised that the OEB will not sit for hearing days on Wednesdays or on any day during the weeks of March 13 and March 20, 2017. The hearing will resume on Tuesday, March 28, 2017 and continue thereafter, as required.

All filings to the OEB must quote the file number, **EB-2016-0152**, be made in searchable / unrestricted PDF format electronically through the OEB's web portal at <https://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 <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 and OEB Counsel, Michael Millar at michael.millar@ontarioenergyboard.ca.

ADDRESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Board Secretary

E-mail: boardsec@ontarioenergyboard.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto, **August 12, 2016**

ONTARIO ENERGY BOARD

By delegation, before: Kristi Sebalj

Original signed by

Kristi Sebalj
Registrar

**Schedule A
Ontario Power Generation Inc.
EB-2016-0152**

APPLICANT & LIST OF INTERVENORS

August 12, 2016

APPLICANT

Rep. and Address for Service

Ontario Power Generation Inc. Barbara Reuber

Vice President, Regulatory Affairs
Ontario Power Generation Inc.
700 University Ave.
H18-G2
Toronto ON M5G 1X6

Tel: 416-592-5419
Fax: 416-592-8519
opgregaffairs@opg.com

APPLICANT COUNSEL

Charles Keizer

Torys LLP
79 Wellington St. W.
Suite 3000, TD South Tower
P.O. Box 270
Toronto ON M5K 1N2
Tel: 416-865-0040
Fax: 416-865-7380
ckeizer@torys.com

Crawford Smith

Counsel
Torys LLP
79 Wellington St. W.
Suite 3000, Maritime Life Tower
P.O. Box 270, Toronto Dominion Centre
Toronto ON M5K 1N2
Tel: 416-865-8209
Fax: 416-865-7380
csmith@torys.com

**Schedule A
Ontario Power Generation Inc.
EB-2016-0152**

APPLICANT & LIST OF INTERVENORS

August 12, 2016

Carlton Mathias

Assistant General Counsel
Ontario Power Generation Inc.
700 University Avenue
H18-G2
Toronto ON M5G 1X6
Tel: 416-592-4964
Fax: 416-592-1466
carlton.mathias@opg.com

INTERVENORS

**Association of Major Power
Consumers in Ontario**

Rep. and Address for Service

Shelley Grice

Consultant
C/O AMPCO
65 Queen St. W.
Suite 1510
Toronto ON M5H 2M5
Tel: 647-880-9942
Fax: 416-260-0442
shelley.grice@rogers.com

Raymond Lukosius

Consultant
Association of Major Power Consumers in Ontario
1308 Hazelton Blvd.
Burlington ON L7P 4V5
Tel: 905-645-4586
Fax: 416-260-0442
rlukosius@cogeco.ca

David Goldsmith

Consultant
Association of Major Power Consumers in Ontario
9 Bajan St.
Nepean ON K2J 2E5
Tel: 514-975-6230
Fax: 416-260-0442
david@goldsmith.ca

**Schedule A
Ontario Power Generation Inc.
EB-2016-0152**

APPLICANT & LIST OF INTERVENORS

August 12, 2016

**Canadian Manufacturers &
Exporters**

Paul Clipsham

Director of Policy, Ontario Division
Canadian Manufacturers & Exporters
55 Standish Court
Suite 620
Mississauga ON L5R 4B2
Tel: 289-566-9538
Fax: 905-672-1764
paul.clipsham@cme-mec.ca

Vincent DeRose

Borden Ladner Gervais LLP
100 Queen St.
Suite 1300
Ottawa ON K1P 1J9
Tel: 613-787-3589
Fax: 613-230-8842
vderose@blg.com

Emma Blanchard

Borden Ladner Gervais LLP
100 Queen Street
Suite 1300
Ottawa ON K1P 1J9
Tel: 613-369-4755
Fax: 613-230-8842
eblanchard@blg.com

CanWEA & CanSIA

Brandy Giannetta

Ontario Regional Director
Canadian Wind Energy Association
1600 Carling Ave.
Suite 710
Ottawa ON K1Z 1G3
Tel: 647-281-4288
Fax: 613-234-5642
brandygiannetta@canwea.ca

**Schedule A
Ontario Power Generation Inc.
EB-2016-0152**

APPLICANT & LIST OF INTERVENORS

August 12, 2016

Ben Weir

Director of Policy & Regulatory Affairs
Canadian Solar Industries Association
150 Isabella St.
Suite 605
Ottawa ON K1S 1V7
Tel: 647-922-9839
Fax: Not Provided
bweir@cansia.ca

**Consumers Council of
Canada**

Julie Girvan

Consultant
Consumers Council of Canada
62 Hillside Ave. East
Toronto ON M4S 1T5
Tel: 416-322-7936
Fax: 416-322-9703
jgirvan@uniserve.com

Michael Buonaguro

Counsel
The Energy Boutique
24 Humber Trail
Toronto ON M6S 4C1
Tel: 416-767-1666
Fax: 416-767-1666
mrb@mrb-law.com

**Energy Probe Research
Foundation**

Lawrence Schwartz

Consulting Economist
82 Ridge Hill Drive
Toronto ON M6C 2J8
Tel: 416-785-4985
Fax: Not Provided
lschwartz5205@rogers.com

Schedule A
Ontario Power Generation Inc.
EB-2016-0152

APPLICANT & LIST OF INTERVENORS

August 12, 2016

Norman Rubin

Senior Consultant
Energy Probe Research Foundation
478 Brunswick Avenue
Toronto ON M5R 2Z5
Tel: 416-964-3761
Fax: Not Provided
normrubin.energyprobe@gmail.com

Brady Yauch

Energy Probe Research Foundation
225 Brunswick Avenue
Toronto ON M5S 2M6
Tel: 416-964-9223 Ext: 236
Fax: 416-964-8239
bradyyauch@consumerpolicyinstitute.org

Environmental Defence

Jack Gibbons

Ontario Clean Air Alliance
160 John Street, Suite 300
Toronto ON M5V 2E5
Tel: 416-260-2080 Ext: 2
Fax: 416-598-9520
jack@cleanairalliance.org

Murray Klippenstein

Klippensteins, Barristers & Solicitors
160 John St. Suite 300
Toronto ON M5V 2E5
Tel: 416-598-0288
Fax: 416-598-9520
murray.klippenstein@klippensteins.ca

**Schedule A
Ontario Power Generation Inc.
EB-2016-0152**

APPLICANT & LIST OF INTERVENORS

August 12, 2016

Kent Elson

Klippensteins, Barristers & Solicitors
160 John Street
Suite 300
Toronto ON M5V 2E5
Tel: 416-598-0288
Fax: Not Provided
kent.elson@klippensteins.ca

Green Energy Coalition

David Poch

Barrister
Green Energy Coalition
1649 Old Brooke Road
Maberly ON K0H 2B0
Tel: 613-264-0055
Fax: 613-264-2878
dpoch@eelaw.ca

Shawn-Patrick Stensil

Greenpeace Canada
33 Cecil St.
Toronto ON M5T 1N1
Tel: 416-884-7053
Fax: Not Provided
shawn.patrick.stensil@greenpeace.org

Frank Greening

Green Energy Coalition
12 Uplands Ave.
Hamilton ON L8S 3X7
Tel: 905-317-4544
Fax: Not Provided
greening@sympatico.ca

**Schedule A
Ontario Power Generation Inc.
EB-2016-0152**

APPLICANT & LIST OF INTERVENORS

August 12, 2016

**Independent Electricity
System Operator**

Miriam Heinz

Senior Regulatory Advisor
Independent Electricity System Operator
1600-120 Adelaide St. W.
Toronto ON M5H 1T1
Tel: 416-969-6045
Fax: Not Provided
miriam.heinz@ieso.ca

Lake Ontario Waterkeeper

Pippa Feinstein

Counsel
Lake Ontario Waterkeeper
166 Howland Ave.
Toronto ON M5R 3B6
Tel: 647-923-4927
Fax: Not Provided
pippa.d.feinstein@gmail.com

**London Property
Management Association**

Randy Aiken

Aiken & Associates
578 McNaughton Ave. W.
Chatham ON N7L 4J6
Tel: 519-351-8624
Fax: 519-351-4331
randy.aiken@sympatico.ca

**Ontario Association of
Physical Plant
Administrators**

Scott Walker

President and CEO
E2 Energy Inc.
104-6711 Mississauga Rd.
Mississauga ON L5N 2W3
Tel: 905-542-2250 Ext: 222
Fax: 905-542-8250
swalker@e2energyinc.com

**Schedule A
Ontario Power Generation Inc.
EB-2016-0152**

APPLICANT & LIST OF INTERVENORS

August 12, 2016

Bruce Sharp

Consultant
E2 Energy Inc.
2035 Country Lane Court
Moffat ON L0P 1J0
Tel: 905-854-4645
Fax: Not Provided
bruce@brucesharpenergy.com

Power Workers' Union

John Sprackett

Staff Officer, President's Office
Power Workers' Union
244 Eglinton Avenue East
Toronto ON M4P 1K2
Tel: 416-322-4787
Fax: 416-481-7914
jsprackett@pwu.ca

Richard Stephenson

Counsel
Paliare Roland Rosenberg Rothstein LLP
155 Wellington Street West, 35th Floor
Toronto ON M5V 3H1
Tel: 416-646-4325
Fax: 416-646-4335
richard.stephenson@paliareroland.com

Bayu Kidane

Senior Consultant
Elenchus Research Associates Inc.
34 King Street East
Suite 600
Toronto ON M5C 2X8
Tel: 416-348-8777
Fax: 416-348-9930
bkidane@elenchus.ca

Schedule A
Ontario Power Generation Inc.
EB-2016-0152

APPLICANT & LIST OF INTERVENORS

August 12, 2016

Kim McKenzie

Consultant
Elenchus Research Associates Inc.
34 King Street East
Suite 600
Toronto ON M5C 2X8
Tel: 416-640-1894
Fax: 416-348-9930
kmckenzie@elenchus.ca

**Quinte Manufacturers
Association**

Rene Veillette

Chair, QMA Steering Committee
Quinte Manufacturers Association
c/o Hanon Systems
360 University Ave.
Belleville ON K8N 5T6
Tel: 613-969-1460
Fax: Not Provided
rveillet@hanonsystems.com

Michael McLeod

Quinte Manufacturers Association
1838 County Road 3
Carrying Place ON K0K 1L0
Tel: 613-847-5563
Fax: Not Provided
mdmcl@kos.net

School Energy Coalition

Wayne McNally

SEC Coordinator
Ontario Public School Boards' Association
439 University Avenue
18th Floor
Toronto ON M5G 1Y8
Tel: 416-340-2540
Fax: 416-340-7571
wmcnally@opsba.org

**Schedule A
Ontario Power Generation Inc.
EB-2016-0152**

APPLICANT & LIST OF INTERVENORS

August 12, 2016

Jay Shepherd

Counsel
Jay Shepherd Professional Corporation
2200 Yonge St.
Suite 1302
Toronto ON M4S 2C6
Tel: 416-483-3300
Fax: 416-483-3305
jay.shepherd@canadianenergylawyers.com

Mark Rubenstein

Counsel
Jay Shepherd Professional Corporation
2200 Yonge St.
Suite 1302
Toronto ON M4S 2C6
Tel: 416-483-3300
Fax: 416-483-3305
mark.rubenstein@canadianenergylawyers.com

**Shell Energy North America
(Canada) Inc.**

Paul Kerr

General Manager, Market Affairs
Shell Energy North America (Canada) Inc.
90 Sheppard Ave E.
Suite 600
Toronto ON M2N 6Y2
Tel: 416-227-7312
Fax: 877-397-0413
paul.kerr@shell.com

SNC & Aecon JV

M. Philip Tunley

Stockwoods LLP Barristers
77 King St. West
Suite 4130
Toronto ON M5K 1H1
Tel: 416-593-3495
Fax: 416-593-9345
philt@stockwoods.ca

**Schedule A
Ontario Power Generation Inc.
EB-2016-0152**

APPLICANT & LIST OF INTERVENORS

August 12, 2016

Niguel Mousseau

Senior Counsel
AECON Utilities
20 Carlson Court
Suite 800
Toronto ON M9W 7K6
Tel: 519-740-7477 Ext: 3621
Fax: 416-940-2290
nmousseau@aecon.com

Linda Kardum

Senior Legal Counsel
SNC-Lavalin Nuclear Inc.
2285 Speakman Dr.
Mississauga ON K5K 1B1
Tel: 905-823-9040 Ext: 36778
Fax: 905-403-7407
linda.kardum@snclavalin.com

Sustainability-Journal.ca

Ron Tolmie

Editor
Sustainability-Journal.ca
217 Petrie Lane
Kanata ON K2K 1Z5
Tel: 613-271-9543
Fax: Not Provided
tolmie129@rogers.com

**The Society of Energy
Professionals**

Dan Kellar

Staff Officer, Policy
The Society of Energy Professionals
2239 Yonge St.
Toronto ON M4S 2B5
Tel: 416-979-2709 Ext: 3005
Fax: 416-979-5794
kellard@thesociety.ca

**Schedule A
Ontario Power Generation Inc.
EB-2016-0152**

APPLICANT & LIST OF INTERVENORS

August 12, 2016

Joseph Fierro

Vice-President, OPG Local
The Society of Energy Professionals
2239 Yonge St.
Toronto ON M4S 2B5
Tel: 416-979-2709
Fax: 416-979-5794
joseph.fierro@sympatico.ca

Bohdan Dumka

Consultant
The Society of Energy Professionals
276 Beresford Ave.
Toronto Ontario M6S 3B3
Tel: 416-854-1317
Fax: Not Provided
bohdan.dumka@gmail.com

**The Society of Energy
Professionals**

Colin Fraser

Consultant
The Society of Energy Professionals
2828 Huntingdon Trail
Oakville ON L6J 6Y4
Tel: 905-465-5302
Fax: Not Provided
tresckow44@gmail.com

**Vulnerable Energy
Consumers Coalition**

Michael Janigan

Special Counsel
Public Interest Advocacy Centre
31 Hillside Avenue East
Toronto ON M4S 1T4
Tel: 416-840-3907
Fax: Not Provided
mjanigan@piac.ca

**Schedule A
Ontario Power Generation Inc.
EB-2016-0152**

APPLICANT & LIST OF INTERVENORS

August 12, 2016

Mark Garner
Project Manager
Econalysis Consulting Services
34 King Street East, Suite 630
Toronto ON M5C 2X8
Tel: 647-408-4501
Fax: 416-348-0641
markgarner@rogers.com

Schedule B

Ontario Power Generation Inc. 2017-2021 Payment Amounts for Prescribed Generating Facilities EB-2016-0152

DRAFT ISSUES LIST (NON-PRIORITIZED)

1. GENERAL

- 1.1 Has OPG responded appropriately to all relevant Board directions from previous proceedings?
- 1.2 Are OPG's economic and business planning assumptions appropriate for the nuclear assets?
- 1.3 Is the overall increase in nuclear payment amounts reasonable given the overall bill impact on customers?

2. RATE BASE

- 2.1 Are the amounts proposed for nuclear rate base appropriate?

3. CAPITAL STRUCTURE AND COST OF CAPITAL

- 3.1 Are OPG's proposed capital structure and rate of return on equity appropriate?
- 3.2 Are OPG's proposed costs for the long-term and short-term debt components of its capital structure appropriate?

4. CAPITAL PROJECTS

- 4.1 Do the costs associated with the nuclear projects that are subject to section 6(2)4 of O. Reg. 53/05 and proposed for recovery meet the requirements of that section?
- 4.2 Are the proposed nuclear capital expenditures and/or financial commitments reasonable?
- 4.3 Are the proposed test period in-service additions for nuclear projects (excluding those for the Darlington Refurbishment Program) appropriate?
- 4.4 Are the proposed test period in-service additions for the Darlington Refurbishment Program appropriate?

5. PRODUCTION FORECASTS

- 5.1 Is the proposed nuclear production forecast appropriate?

6. OPERATING COSTS

- 6.1 Is the test period Operations, Maintenance and Administration budget for the nuclear facilities appropriate?
- 6.2 Are the benchmarking results and targets flowing from OPG's nuclear benchmarking reasonable?
- 6.3 Is the forecast of nuclear fuel costs appropriate?
- 6.4 Is the test period Operations, Maintenance and Administration budget for the Darlington Refurbishment Program appropriate?
- 6.5 Are the test period expenditures related to extended operations for Pickering appropriate?

Corporate Costs

- 6.6 Are the test period human resource related costs for the nuclear facilities (wages, salaries, benefits, incentive payments, FTEs and pension costs) appropriate?
- 6.7 Are the corporate costs allocated to the nuclear businesses appropriate?
- 6.8 Are the centrally held costs allocated to the nuclear business appropriate?

Depreciation

- 6.9 Is the proposed test period nuclear depreciation expense appropriate?

Income and Property Taxes

- 6.10 Are the amounts proposed to be included in the test period nuclear revenue requirement for income and property taxes appropriate?

Other Costs

- 6.11 Are the asset service fee amounts charged to the nuclear businesses appropriate?

7. OTHER REVENUES

Nuclear

- 7.1 Are the forecasts of nuclear business non-energy revenues appropriate?

Bruce Nuclear Generating Station

- 7.2 Are the test period costs related to the Bruce Nuclear Generating Station, and costs and revenues related to the Bruce lease appropriate?

8. NUCLEAR WASTE MANAGEMENT AND DECOMMISSIONING LIABILITIES

- 8.1 Is the revenue requirement impact of the nuclear liabilities appropriately determined?

9. DEFERRAL AND VARIANCE ACCOUNTS

- 9.1 Is the nature or type of costs recorded in the deferral and variance accounts appropriate?
- 9.2 Are the balances for recovery in each of the deferral and variance accounts appropriate?
- 9.3 Are the proposed disposition amounts appropriate?
- 9.4 Is the disposition methodology appropriate?
- 9.5 Is the proposed continuation of deferral and variance accounts appropriate?
- 9.6 Are the deferral and variance accounts that OPG proposes to establish appropriate?

10. REPORTING AND RECORD KEEPING REQUIREMENTS

- 10.1 Are the proposed reporting and record keeping requirements appropriate?

11. METHODOLOGIES FOR SETTING PAYMENT AMOUNTS

- 11.1 Has OPG responded appropriately to OEB direction on establishing incentive regulation?
- 11.2 Is the design of the regulated hydroelectric and nuclear payment amounts appropriate?
- 11.3 Is OPG's proposal for smoothing nuclear payment amounts consistent with O. Reg. 53/05?

12. IMPLEMENTATION

- 12.1 Are the effective dates for new payment amounts and riders appropriate?

Schedule C

Table of Procedural Steps

Procedural Step	Date
OPG/Candu - filings and reasons re confidentiality	August 24, 2016
SNC/Aecon JV - reasons for confidentiality	August 24, 2016
Submissions on issues	August 31, 2016
Submissions on confidentiality	August 31, 2016
Untranscribed Application Presentation	September 1, 2016
Reply submissions on issues	September 9, 2016
Reply submissions on confidentiality	September 9, 2016
Letter from parties - expert evidence	September 14, 2016
Letter from parties - untranscribed technical conf	September 16, 2016
Untranscribed Technical Conference	September 23, 2016
Interrogatories Issued OEB Staff	September 26, 2016
Interrogatories issued by intervenors	October 3, 2016
Applicant's response to interrogatories	October 26, 2016
Submissions on issue prioritization	November 9, 2016
Letter from parties - tech conf areas and times	November 10, 2016
Transcribed Technical Conference	November 14, 2016
Reply submissions on issue prioritization	November 14, 2016
Technical Conference Undertakings	November 21, 2016
OEB Staff and Intervenor Evidence	November 21, 2016
Interrogatories on Evidence	November 30, 2016
Responses to Interrogatories	December 12, 2016
Motion Hearing	December 16, 2016
Settlement Conference	January 9, 2017
Filing of Settlement Proposal	January 30, 2017
OEB staff submission on settlement proposal	February 10, 2017
Oral Hearing	February 21, 2017