



EB-2018-0085

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 40 of the Ontario Energy Board's *Rules of Practice and Procedure* for an order or orders to vary the Decision and Order EB-2016-0152.

NOTICE OF HEARING AND PROCEDURAL ORDER NO. 1

February 27, 2018

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 sought approval for nuclear payment amounts to be effective January 1, 2017 and for each following year through to December 31, 2021. The request sought approval for hydroelectric payment amounts to be effective January 1, 2017 to December 31, 2017 and approval of the hydroelectric payment amount setting formula for the period January 1, 2017 to December 31, 2021. The OEB assigned the application file number EB-2016-0152. The OEB issued its Decision and Order (the Decision) on December 28, 2017.

On January 17, 2018, OPG filed a Notice of Motion to review and vary the Decision in relation to the approval of an effective date of June 1, 2017 for new payment amounts rather than the January 1, 2017 effective date requested in OPG's application. OPG requested that the motion be heard orally. The OEB has assigned this motion file number EB-2018-0085.

The OEB will adopt as intervenors in this proceeding, the intervenors from the EB-2016-0152 proceeding. A list of the parties of record in that proceeding is attached as Schedule A. Any party that was determined to be eligible for costs in the EB-2016-0152 proceeding shall be eligible for costs in this proceeding.

Under Rule 43.01 of the OEB's *Rules of Practice and Procedure*, the OEB 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 OEB has decided to consider the threshold question for the motion at the same time it will hear submissions on the merits. The OEB 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 file these submissions with the OEB on the dates listed below.

The OEB has scheduled an oral hearing to ask questions regarding the motion and the submissions. After the question period, the OEB will hear reply submission from OPG.

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

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. OPG may file any further material or submissions relating to the motion by **March 6, 2018**. The material shall be filed with the OEB and copied to all parties.
2. OEB staff may file a submission (with any relevant materials) on the motion by **March 16, 2018**. The submission shall be filed with the OEB and copied to all parties.
3. Intervenors may file submissions (with any relevant materials) on the motion by **March 22, 2018**. The submissions shall be filed with the OEB and copied to all parties.
4. An oral hearing will be held on **April 10, 2018**. The hearing will commence at 9:30 am in the OEB's hearing room at 2300 Yonge Street, Toronto. At the oral hearing, the OEB will ask questions regarding the motion and the submissions, before hearing OPG's reply submission.

All filings to the OEB must quote the file number, **EB-2018-0085** and be made electronically through the OEB's web portal at <http://www.pes.ontarioenergyboard.ca/eservice/> in searchable/unrestricted PDF format. 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 https://www.oeb.ca/oeb/Documents/e-Filing/RESS_Document_Guidelines_final.pdf. 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 USB flash drive in PDF format, along with two paper copies. Those who do not have computer access are required to file seven 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@oeb.ca and OEB Counsel, Michael Millar at michael.millar@oeb.ca and Ian Richler at ian.richler@oeb.ca.

ADDRESS

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

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

DATED at Toronto, **February 27, 2018**

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Schedule A
Ontario Power Generation Inc.
EB-2018-0085

APPLICANT & LIST OF INTERVENORS

February 27, 2018

APPLICANT

Rep. and Address for Service

Ontario Power Generation Inc. Saba Zadeh

Ontario Power Generation Inc.
700 University Avenue
H18-G1
Toronto ON M5G 1X6
Tel: 416-592-2976
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

John Beauchamp

Counsel
Ontario Power Generation Inc.
700 University Ave.
H18 G25
Toronto ON M5G 1X6
Tel: 416-592-5006
Fax: 416-592-1466
john.beauchamp@opg.com

Schedule A
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APPLICANT & LIST OF INTERVENORS

February 27, 2018

INTERVENORS

Rep. and Address for Service

**Association of Major Power
Consumers in Ontario**

Shelley Grice

Consultant
Econalysis Consulting Services
34 King Street East
Suite 630
Toronto ON M5C 2X8
Tel: 647-880-9942
Fax: 416-348-0641
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

Ian Mondrow

Gowling WLG
1 First Canadian Place
100 King S. W. Suite 1600
Toronto ON M5X 1G5
Tel: 416-369-4670
Fax: 416-862-7661
ian.mondrow@gowlingwlg.com

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APPLICANT & LIST OF INTERVENORS

February 27, 2018

**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

Emma Blanchard

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

Scott Pollock

Borden Ladner Gervais LLP
World Exchange Plaza
100 Queen Street Suite 1300
Ottawa ON K1P 1J9
Tel: 613-787-3541
Fax: 613-230-8842
spollock@blg.com

Vincent DeRose

Tereposky & DeRose LLP
World Exchange Plaza
100 Queen Street, Suite 1080
Ottawa ON K1P 1J9
Tel: 613-903-7015 Ext: 102
Fax: 613-701-2997
vderose@tradeisds.com

Schedule A
Ontario Power Generation Inc.
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APPLICANT & LIST OF INTERVENORS

February 27, 2018

Candu Energy Inc.

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

Ben Weir
Director
Canadian Solar Industries Association
215 Spadina Avenue
Suite 127
Toronto ON M5T 2C7
Tel: 289-460-2614
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

Schedule A
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APPLICANT & LIST OF INTERVENORS

February 27, 2018

**Consumers Council of
Canada**

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

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

Schedule A
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APPLICANT & LIST OF INTERVENORS

February 27, 2018

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

Environmental Defence

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
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February 27, 2018

**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
regulatoryaffairs@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

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February 27, 2018

**Ontario Association of
Physical Plant
Administrators**

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 Sprckett

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

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APPLICANT & LIST OF INTERVENORS

February 27, 2018

Power Workers' Union

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

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APPLICANT & LIST OF INTERVENORS

February 27, 2018

School Energy Coalition

Jay Shepherd

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

Mark Rubenstein

Counsel
Shepherd Rubenstein Professional Corporation
2200 Yonge St.
Suite 1302
Toronto ON M4S 2C6
Tel: 416-483-0113
Fax: 416-483-3305
mark@shepherdrubenstein.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: 1 877-397-0413
paul.kerr@shell.com

SNC & Aecon JV

Philip Tunley

St. Lawrence Barristers
144 King St. East
Toronto ON M5C 1G8
Tel: 647-245-8282
Fax: Not Provided
phil.tunley@stlbarristers.ca

Schedule A
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APPLICANT & LIST OF INTERVENORS

February 27, 2018

SNC & Aecon JV

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

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February 27, 2018

**The Society of Energy
Professionals**

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

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**

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

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February 27, 2018

**Vulnerable Energy
Consumers Coalition**

Cynthia Khoo

Counsel
Public Interest Advocacy Centre
One Nicholas Street
Suite 1204
Ottawa ON K1N7B7
Tel: 613-562-4002
Fax: Not Provided
ckhoo@piac.ca