



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

DECISION AND ORDER ON COST AWARDS

EB-2018-0085

ONTARIO POWER GENERATION INC.

**Motion to review and vary the Decision and Order on the 2017-
2021 payment amounts (EB-2016-0152)**

BEFORE: Ken Quesnelle
Presiding Member

Allison Duff
Member

Lynne Anderson
Member

October 9, 2018

INTRODUCTION AND SUMMARY

This is a decision of the Ontario Energy Board (OEB) on cost claims filed with respect to an Ontario Power Generation Inc. (OPG) motion proceeding.

OPG filed an application with the 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 on December 28, 2017.

On January 17, 2018, OPG filed a Notice of Motion to review and vary the EB-2016-0152 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 assigned this motion file number EB-2018-0085.

In its Notice of Hearing and Procedural Order No. 1 dated February 27, 2018, the OEB stated that it would adopt as intervenors in this proceeding, the intervenors from the EB-2016-0152 proceeding and any party that was determined to be eligible for costs in the EB-2016-0152 proceeding would be eligible for costs in this proceeding.

On August 30, 2018, 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 objections raised by OPG.

The Association of Major Power Consumers in Ontario (AMPCO), Canadian Manufacturers & Exporters (CME), Energy Probe Research Foundation (Energy Probe) and School Energy Coalition (SEC) each filed cost claims by the September 13, 2018 deadline specified in the Decision and Order. Consumers Council of Canada's (CCC) cost claim was filed on September 19, 2018 and Sustainability-Journal's on September 26, 2018. CCC's and Sustainability-Journal's cost claims are accepted by the OEB notwithstanding the late filing.

On September 24, 2018 and on September 27, 2018, OPG filed correspondence stating it had no objections to the cost claims filed.

Findings

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

The OEB approves the cost claims of CCC and Energy Probe as submitted. The OEB notes that cost awards will not be granted for activities after the Decision was issued. A proceeding is closed with the issuance of the Decision. This is consistent with the OEB's decision in the EB-2017-0364 proceeding. Therefore costs will be reduced by 0.6 hours for AMPCO, 1.5 hours for CME using a blended rate of \$175.60 an hour¹ and 0.4 hours for SEC using a blended rate of \$243.69 per hour².

Sustainability-Journal is granted costs of \$450. This includes 5 hours for the review of the motion and making notes at an hourly rate of \$80 per hour. This is consistent with the time claimed by CCC for the same activity. Sustainability-Journal is also granted \$50 for disbursements. The motion filed by OPG was for the review and vary of the EB-2016-0152 decision on the effective date of the payments amounts. The submission filed by Sustainability-Journal was out of scope as it argued for matters other than the effective date.

The OEB finds that the claims of CCC and Energy Probe and the adjusted claims of AMPCO, CME, SEC and Sustainability-Journal 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*, Ontario Power Generation Inc. shall immediately pay the following amounts to the intervenors for their costs:

• Association of Major Power Consumers in Ontario	\$5,165.07
• Canadian Manufacturers & Exporters	\$6,508.35
• Consumers Council of Canada	\$4,101.90
• Energy Probe Research Foundation	\$2,694.45
• School Energy Coalition	\$10,016.53
• Sustainability-Journal	\$450.00

¹ The blended rate is based on the total fees claimed divided by total hours incurred.

² The blended rate is based on the total fees claimed divided by total hours incurred.

DATED at Toronto October 9, 2018

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary