



Ontario Power Generation Inc.

**Application for payment amounts for the period from
January 1, 2022 to December 31, 2026**

**PROCEDURAL ORDER NO. 1
February 17, 2021**

Ontario Power Generation Inc. (OPG) filed an application dated December 31, 2020, with the Ontario Energy Board (OEB) 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 in each of the five years beginning January 1, 2022 and ending on December 31, 2026. OPG also requested approval to maintain, with no change, the base payment amount it charges for the output of its regulated hydroelectric generating facilities at the payment amount in effect on December 31, 2021 for the period from January 1, 2022 to December 31, 2026.

On December 17, 2020, OPG held an information session in which it provided an overview of the components of its application. On that same day, OEB staff held a session for interested parties to seek feedback on a proposed schedule for processing the OPG application. OEB staff was provided with a number of suggestions related to scheduling and various procedural steps. In some areas, there were competing views. As Registrar, I have considered those comments. In developing a schedule for this application, some, but not all of those suggestions have been incorporated into the schedule.

A Notice of Hearing was issued on January 14, 2021. The following parties applied for intervenor status:

- Association of Major Power Consumers in Ontario (AMPCO)
- Building Owners and Managers Association (BOMA)
- Canadian Manufacturers & Exporters (CME)
- Consumers Council of Canada (CCC)
- Energy Probe Research Foundation (Energy Probe)
- Environmental Defence Canada Inc. (Environmental Defence)

- Independent Electricity System Operator (IESO)
- London Property Management Association (LPMA)
- Ontario Association of Physical Plant Administrators (OAPPA)
- Ontario Sustainable Energy Association (OSEA)
- Power Workers' Union (PWU)
- Quinte Manufacturers Association (QMA)
- School Energy Coalition (SEC)
- SNC Lavalin Nuclear Inc. and Aecon Construction Group Inc. (CanAtom)
- Society of United Professionals (Society)
- Vulnerable Energy Consumers Coalition (VECC)

CanAtom seeks status as an intervenor that is limited to participation in any issues that may arise from the eligibility for recovery of costs regarding contracts related to the refurbishment or replacement of facilities at OPG's Darlington Nuclear Generating Station.

AMPCO, BOMA, CME, CCC, Energy Probe, Environmental Defence, LPMA, OAPPA, OSEA, QMA, SEC, and VECC also applied for cost eligibility.

By letter dated, February 11, 2021, OPG advised that it had no objections to the parties that requested intervenor status in this proceeding.

All requests for intervenor status are approved. The list of parties to this proceeding is attached as Schedule A to this Procedural Order. Subject to the requirements outlined below with respect to cost eligibility for participation in the proceeding by any experts retained by intervenors, the OEB has also approved all of the requests for cost eligibility.

Cost eligible intervenors should be aware that the OEB will not generally allow the recovery of costs for the attendance at procedural events of more than one representative of any party. If a party intends to have more than one representative attend an event, the party should file a letter explaining why that is necessary.

If any cost eligible intervenor plans to file expert evidence in this proceeding, the intervenor must 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.

Confidential Filings

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

1. The Amended 2020-2026 Business Plan located at Exh. A2-2-1 (the Business Plan)
2. The Amended 2020-2026 Business Planning Instructions located at Exh. A2-2-1, Attachment 2 (the Business Planning Instructions)
3. The revenue comparison tables located at Exh. G2-1-1, Table 1 and G2-1-2, Table 1 (the Revenue Comparison Tables)
4. The engagement letters with third party advisors located at Exh. C1-1-1, Attachment 2, Exh. D2-2-11, Attachment 2, and Exh. D2-2-11, Attachment 4 (collectively, the Expert Engagement Letters)
5. The nuclear business case summaries found at Exh. D2-1-3, Attachment 1 and Exh. F2-3-3, Attachment 1 (collectively, the Nuclear BCSs)
6. The Darlington Water Treatment Plant business case justification memorandum located at Exh. D2-1-3, Attachment 2 (the WTP Memorandum)
7. The Darlington Refurbishment Program attachments (collectively, the DRP Attachments), comprised of:
 - a. Contract summaries at Exh. D2-2-4, Attachments 3, 14, 18, and 20 (the Updated DRP Contract Summaries):

- i. Summary of RFR EPC
 - ii. Summary of TG EPC
 - iii. Summary of SG EPC
 - iv. Summary of ES MSA
 - b. Major DRP contract amendments at Exh. D2-2-4, Attachments 4, 7, 8, 9, 13, 15, 16, 17, 19, and 21 (the DRP Contract Amendments):
 - i. RFR EPC Amendment 7
 - ii. RFR EPC Amendment 10
 - iii. RFR EPC Amendment 11
 - iv. RFR EPC Amendment 12
 - v. TG ESEFSFA Amendment 5
 - vi. TG EPC Amendment 3
 - vii. TG EPC Amendment 4
 - viii. TG EPC Amendment 5
 - ix. SG Amendment 3
 - x. ES MSA, SNC / Aecon JV, Amended and Restated
 - c. The BMcD / Modus Report on Unit 3 Execution Estimate at Exh. D2-2-7, Attachment 3 (the DRP Report)
 - d. The business case summary for the Heavy Water Storage and Drum Handling Facility at Exh. D2-2-10, Attachment 2(k) (the D2O BCS)
 - e. The B&M Purchase Order located at Exh. D2-2-10, Attachment 2(f)
 - f. The B&M ES MSA located at Exh. D2-2-10, Attachment 2(d)
 - g. The original ES MSA, SNC / Aecon JV and Amending Agreement #2 located at Exh. D2-2-10, Attachments 2(g)&(i) (the Original JV ES MSA Documents)
8. OPG's 2019 income tax returns and tax information located at Exh. F4-2-1, Attachment 1 and Exh. F4-2-2-1, Table 4 (the 2019 Income Tax Returns and Tax Information)
9. The Planning Phase Clarington Corporate Campus business case summary located at Exh. D3-1-2, Attachment 2 (the Planning Phase BCS) and certain related information contained in the following tables (collectively, the Planning Phase BCS Information):
- a. Capital Projects – Support Services located at Exh. D3-1-2
 - b. Capital Projects Tables located at D3-1-1 Table 1, D3-1-1 Tables 2a and 2b, D3-1-2 Tables 1a and 1b, D3-1-2 Table 4, and D3-1-2 Tables 5a and 5b

10. The Willis Towers Watson Report located at Exh. F4-3-1, Attachment 3 (the Willis Towers Watson Report)
11. The Report on the Estimated Accounting Cost for Post-Employment Benefit Plans for Fiscal Years 2021 to 2026 located at Exh. F4-3-2, Attachment 1 (the Aon Report)

In accordance with the OEB's [Practice Direction on Confidential Filings](#), OPG has explained 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 and un-redacted versions as part of its confidential filing.

OEB Review Only Documents

OPG has also requested review, by the OEB only, of certain business plan information related to OPG's unregulated business and certain personal information under the *Freedom of Information and Protection of Privacy Act* contained in the DRP Attachments. OPG seeks permanent redaction for this information. The OEB will address the OEB Review Only documents at a later date.

Decision on 2019 Income Tax Returns and Tax Information

The OEB has reviewed the 2019 Income Tax Returns and Tax Information 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 2019 Income Tax Returns and Tax Information includes a significant amount of information that relates to OPG's unregulated businesses. The OEB notes that this type of information has been granted confidential treatment in three of OPG's previous payment amounts applications.¹

Willis Towers Watson Report

OPG requested temporary confidential treatment of the Willis Towers Watson Report in its entirety as the report contains information that is sensitive to labour-relations. OPG requested confidential treatment of this report through to January 31, 2021. As this date has passed, OPG is required to file a letter with the OEB confirming that the Willis Towers Watson Report no longer requires confidential treatment. If the report no longer requires confidential treatment, OPG shall file an unredacted version of the Willis

¹ EB-2010-0008, EB-2013-0321 and EB-2016-0152

Towers Watson Report for the public record. If OPG continues to require confidential treatment of the report, it shall provide detailed reasoning for why such treatment is needed.

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 documents) for which OPG is 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 OPG has any objections with respect to sharing confidential information with any party that has signed the Declaration and Undertaking, it must, within five days from the receipt of the signed Declaration and Undertaking, file its objection 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 five days from the receipt of the objection.

Parties may make submissions on whether the information for which OPG is requesting confidential treatment, excluding the OEB Review Only document and 2019 Income Tax Returns and Tax Information, should be treated confidentially in accordance with the steps described below. The OEB will issue a decision on confidentiality once it has considered any submissions.

OPG Presentation

By letter dated February 11, 2021, OPG requested an opportunity to present an overview of its application to the OEB in advance of the oral hearing. OPG stated that scheduling the presentation prior to interrogatories would be appropriate, however, any time prior to the oral hearing would be effective.

OPG noted that the requested presentation is consistent with the format and timing of the presentation OPG made in its 2017-2021 Payment Amounts proceeding,² where the assigned OEB panel received an un-transcribed presentation of the application prior to interrogatories. Intervenors and OEB staff attended the presentation but were not permitted to ask questions.

A presentation to the OEB panel and intervenors has not been scheduled. While OPG did make a presentation to the OEB panel hearing its previous payments application, procedural steps are specific to each application. OPG states in its letter that the

² EB-2016-0152

presentation could provide context for the transformative change OPG expects to experience in the period covering the application related to the completion of the Darlington Refurbishment Program and shutdown of the Pickering Generating Station. It would be preferable if information of this type was presented in a forum that allows for cross-examination. Presentation days have not typically been used for that purpose.

Interrogatories

Written interrogatories and interrogatory responses must be filed as set out below.

Parties should not engage in detailed exploration of items that do not appear to be material. 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 should consult sections 26 and 27 of the OEB's [Rules of Practice and Procedure](#) regarding the naming and numbering conventions and other matters related to interrogatories. For this proceeding, the OEB will be using the exhibits as the reference for naming interrogatories. The numbering for each interrogatory should be continuous. Parties should not restart the numbering for interrogatories associated with each exhibit. As an example, OEB staff's fifth interrogatory is related to rate base. Therefore, it would be titled as 'B1-Staff-5'. OEB staff's 40th interrogatory is related to base OM&A. Therefore, it would be titled as 'F2-Staff-40'.

Interrogatory Refusals Hearing

The OEB is making provision for a hearing before the OEB with respect to any interrogatories which OPG refuses to answer. The hearing will be transcribed and will provide the forum by which the OEB will hear arguments on whether OPG will be required to provide a response.

OPG shall file an index with the OEB listing all refusals by April 19, 2021 (the same day that the interrogatory responses are filed). For each refusal, OPG shall include brief reasons (for instance, explaining why the interrogatory is, in OPG's view, not relevant). Intervenors and OEB staff will be required to file letters with the OEB identifying any interrogatories provided in the index that they dispute OPG's refusal to respond. The refusals hearing will be held on April 23, 2021. (If no letters are filed, the refusals hearing will be cancelled.) During the hearing, intervenors and OEB staff will have the opportunity to state their position for why they seek a response to the interrogatories identified in their letter and OPG will have an opportunity to reply.

Issues List Hearing

It is the OEB's expectation that parties will be best positioned to identify issues relevant to OPG's application after responses to interrogatories have been provided.

OPG, OEB staff and intervenors shall develop a proposed issues list for the OEB's consideration. The OEB intends to use OPG's proposed issues list from the pre-filed evidence, attached as Schedule B to this Procedural Order, as the basis for these conversations. OEB staff will email OPG and intervenors on April 22, 2021 to solicit views with respect to the draft issues list. Parties are encouraged to reach a consensus on the issues list.

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 May 13, 2021.

If parties and OEB staff have been unable to reach an agreement on a draft issues list, the OEB will hold a transcribed issues list hearing on May 18, 2021. Parties intending to participate are to notify the OEB and copy all parties by May 14, 2021.

The OEB will approve an issues list prior to the settlement conference.

Technical Conference

A technical conference will be held to provide for clarification on interrogatory responses. In preparation for the transcribed technical conference, the OEB will require parties to file a description of the specific areas that they will be focusing 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.

The technical conference will start on May 3, 2021 and continue on May 6 and 7, 2021, if necessary.

Motions Hearing

The OEB is making provision for a transcribed motions hearing, if necessary. The purpose of this hearing is to provide an opportunity for the OEB to address any motions that were filed with respect to interrogatory responses, technical conference responses, and other matters during the course of the proceeding. The OEB expects that the interrogatory refusals hearing may result in fewer motions being filed as some matters will have already been addressed.

Settlement Conference

The OEB is making provision for a settlement conference to be held from June 7 to June 9, 2021. Before 4:45 p.m. on the final day of the settlement conference (June 9, 2021), a letter from OEB staff shall be filed with the OEB (the settlement progress letter). The settlement progress letter will indicate, based on OEB staff's canvassing of the parties, whether parties believe that a full, or substantial but incomplete, settlement is achievable if additional time is granted.

The OEB panel will evaluate whether there is value in the settlement conference continuing based on the settlement progress letter. If there is the prospect of a full, or substantial but incomplete, settlement, the OEB panel may provide for the settlement conference to proceed on June 10, 2021 and beyond that date. However, if parties do not believe that a full, or substantial but incomplete, settlement is likely, the OEB panel may end the settlement conference on June 9, 2021 and proceed to an oral hearing.

Illustrative Schedules

The OEB has attached three illustrative hearing schedules in Schedule C. The three illustrative schedules are aligned until the settlement conference. Depending on the substance of the settlement progress letter filed by the parties and / or the outcome of the settlement conference (i.e. full settlement, substantial but incomplete settlement, or a letter advising that there is little prospect of a substantial settlement), the OEB has shown illustrative impacts to the remainder of the hearing schedule. There are other scenarios that may occur in this proceeding (e.g. the settlement progress letter advises that a substantial settlement is achievable and additional time is granted by the OEB, but in the end no, or a very limited, settlement is reached). Therefore, the procedural steps after the start of the settlement conference should be viewed as illustrative.

The Procedural Order only provides procedural steps to the end of the settlement conference as currently scheduled (June 9, 2021). The OEB will provide next steps after reviewing the settlement progress letter.

The OEB notes that the precise dates, or need, for an oral hearing will not be known until after the conclusion of the settlement conference. However, if an oral hearing is required, it will likely be held during the late-June to late-July 2021 period. The OEB expects OPG and intervenors to plan accordingly.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

IT IS THEREFORE ORDERED THAT:**Confidentiality**

1. The OEB approves OPG's proposed confidential treatment of the 2019 Income Tax Returns and Tax Information.
2. As an interim measure, counsel and consultants for intervenors that wish to review the information (excluding the OEB Review Only document) for which OPG is 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 OPG has objections with respect to sharing confidential information with any party that has signed the Declaration and Undertaking, it must file its objections with the OEB and provide a copy to the party whom the objection relates, within five 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 five days from the date the objection is filed with the OEB.
3. OPG shall file a letter with the OEB regarding the confidential treatment of the Willis Towers Watson Report by **February 26, 2021**. If OPG no longer requires confidential treatment of the report, it shall file an unredacted version of the Willis Towers Watson Report. If confidential treatment is still required, OPG shall provide detailed reasoning for why such treatment is needed.
4. OEB staff and intervenors wishing to make submissions on the requests for the confidential treatment (other than the 2019 Income Tax Returns and Tax Information and the OEB Review Only documents) shall file such submissions with the OEB and deliver them to OPG and all other parties on or before **March 5, 2021**.
5. If OPG wishes to respond to the submissions of OEB staff and intervenors, it shall file such submissions with the OEB and deliver them to the intervenors on or before **March 15, 2021**.

Interrogatories

6. OEB staff and 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 22, 2021**.

7. OPG shall file with the OEB complete written responses to all interrogatories and serve them on all intervenors and OEB staff by **April 19, 2021**.

Interrogatory Refusals Hearing

8. OPG shall file an index with the OEB listing all interrogatories that it did not provide responses to by **April 19, 2021**. OPG is also required to include brief reasons for why it did not respond to each interrogatory provided in the index.
9. OEB staff and intervenors shall file letters with the OEB listing the interrogatories for which no responses were provided by OPG that they wish to dispute by **April 22, 2021**.
10. A transcribed interrogatory refusals hearing will be held on **April 23, 2021** starting at 9:30 a.m. This event will likely be conducted virtually. Further information on how to connect to the event will be communicated to parties closer to the date.

Issues List

11. OEB staff shall email OPG and intervenors on **April 22, 2021** to solicit views with respect to the draft issues list.
12. OEB staff shall file an agreed upon 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 **May 13, 2021**.
13. If necessary, a transcribed issues list hearing will be held on **May 18, 2021** starting at 9:30 a.m. This event will likely be conducted virtually. Further information on how to connect to the event will be communicated to parties closer to the date. Parties intending to participate are to notify the OEB and copy all parties by **May 14, 2021**.

Technical Conference

14. A transcribed technical conference will be held on **May 3, 2021** starting at 9:30 a.m. If necessary, the technical conference will continue on **May 6-7, 2021**. OEB staff and intervenors shall file with the OEB, and provide to OPG, a description of the specific areas they will focus on at the technical conference, and time

estimates by **April 28, 2021**. This event will likely be conducted virtually. Further information on how to connect to the event will be communicated to parties closer to the date.

OEB Staff and Intervenor Evidence

15. OEB staff shall inform the OEB by letter of its plans to file expert evidence in this proceeding by **March 10, 2021**. 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 **March 24, 2021**.
16. If OEB staff or any intervenor would like to file expert evidence that is relevant to this proceeding, that evidence shall be filed with the OEB, and copied to OPG and intervenors, by **May 14, 2021**.
17. 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 **May 25, 2021**.
18. OEB staff or intervenors that receive interrogatories on their evidence shall file with the OEB complete responses to the interrogatories and copy the responses to OPG and intervenors by **June 3, 2021**.

Motions Hearing

19. If necessary, a transcribed motions hearing will be held on **May 21, 2021** starting at 9:30 a.m. to hear any motions that have been filed. This event will likely be conducted virtually. Further information on how to connect to the event will be communicated to parties closer to the date.

Settlement Conference

20. A settlement conference will be convened on **June 7, 2021** starting at 9:30 a.m. The settlement conference is currently being scheduled to end on **June 9, 2021** (subject to the OEB's determination on the value of additional settlement time based on the substance of the settlement progress letter). This event will likely

be conducted virtually. Further information on how to connect to the event will be communicated to parties closer to the date.

21. OEB staff shall file the settlement progress letter with the OEB by **June 9, 2021**. The settlement progress letter will indicate if parties believe that a full, or substantial but incomplete, settlement is achievable if additional time is granted.

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, do not include personal information (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's *Rules of Practice and Procedure*.

All materials filed with the OEB must quote the file number, **EB-2020-0290**, and be submitted in a searchable/unrestricted PDF format with a digital signature through the OEB's web portal at <https://p-pes.ontarioenergyboard.ca/PivotalUX/>. Filings must clearly state the sender's name, postal address, telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at www.oeb.ca/industry. The use of RESS is encouraged; however, parties who have not yet [set up an account](#), may email their documents to registrar@oeb.ca.

All communications should be directed to the attention of the Registrar 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, Lawrie Gluck at Lawrie.Gluck@oeb.ca and OEB Counsel, Michael Millar at Michael.Millar@oeb.ca and Ian Richler at Ian.Richler@oeb.ca.

Email: registrar@oeb.ca
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DATED at Toronto, **February 17, 2021**

ONTARIO ENERGY BOARD

By delegation, before: Christine E. Long

Original Signed By

Christine E. Long
Registrar

Schedule A

Ontario Power Generation Inc.

EB-2020-0290

Applicant and List of Intervenors

Ontario Power Generation Inc.
EB-2020-0290

APPLICANT & LIST OF INTERVENORS

February 17, 2021

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February 17, 2021

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APPLICANT & LIST OF INTERVENORS

February 17, 2021

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Ontario Power Generation Inc.
EB-2020-0290

APPLICANT & LIST OF INTERVENORS

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APPLICANT & LIST OF INTERVENORS

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Ontario Power Generation Inc.
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Ontario Power Generation Inc.
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February 17, 2021

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Schedule B

Ontario Power Generation Inc.

EB-2020-0290

OPG Proposed Issues List

DRAFT ISSUES LIST¹

1. GENERAL

- 1.1. Has OPG responded appropriately to all relevant OEB directions from previous proceedings?
- 1.2. Are OPG's economic and business planning assumptions that impact the nuclear facilities appropriate?
- 1.3. Is the overall increase in nuclear payment amounts including rate riders 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 (excluding those for the Darlington Refurbishment Program) reasonable?
- 4.3. Are the proposed nuclear capital expenditures and/or financial commitments for the Darlington Refurbishment Program reasonable?

¹ Consistent with the OEB's direction in EB-2016-0152, Procedural Order No. 1, OPG has filed these Draft Issues without categorization into primary and secondary issues.

- 1 4.4. Are the proposed test period in-service additions for nuclear projects (excluding those
2 for the Darlington Refurbishment Program) appropriate?
3 4.5. Are the proposed test period in-service additions for the Darlington Refurbishment
4 Program appropriate?
5 4.6. Are the proposed test period in-service additions for the D2O Project reasonable?
6

7 **5. PRODUCTION FORECASTS**
8

- 9 5.1. Is the proposed nuclear production forecast appropriate?
10

11 **6. OPERATING COSTS**
12

- 13 6.1. Is the test period Operations, Maintenance and Administration budget for the nuclear
14 facilities appropriate?
15 6.2. Is the nuclear benchmarking methodology reasonable? Are the benchmarking results
16 and targets flowing from OPG's nuclear benchmarking reasonable?
17

18 **Corporate Costs**

- 19 6.3. Are the test period human resource related costs for the nuclear facilities (including
20 wages, salaries, payments under contractual work arrangements, benefits, incentive
21 payments, overtime, FTEs and pension costs) appropriate?
22 6.4. Are the corporate costs allocated to the nuclear business appropriate?
23 6.5. Are the centrally held costs allocated to the nuclear business appropriate?
24

25 **Depreciation**

- 26 6.6. Is the proposed test period nuclear depreciation expense appropriate?
27

28 **Income and Property Taxes**

- 29 6.7. Are the amounts proposed to be included in the test period nuclear revenue
30 requirement for income and property taxes appropriate?

1 **Other Costs**

2 6.8. Are the asset service fee amounts charged to the nuclear business appropriate?
3

4 **7. OTHER REVENUES**

5

6 **Nuclear**

7 7.1. Are the forecasts of nuclear business non-energy revenues appropriate?
8

9 **Bruce Generating Station**

10 7.2. Are the test period costs related to the Bruce Generating Station, and costs and
11 revenues related to the Bruce lease appropriate?
12

13 **8. NUCLEAR WASTE MANAGEMENT AND DECOMMISSIONING LIABILITIES**

14

15 8.1. Is the revenue requirement impact of the nuclear liabilities appropriately determined?
16

17 **9. DEFERRAL AND VARIANCE ACCOUNTS**

18

19 9.1. Is the nature or type of costs recorded and the methodologies used to record costs in
20 the deferral and variance accounts appropriate?

21 9.2. Are the balances for recovery and the proposed disposition amounts in each of the
22 deferral and variance accounts appropriate?

23 9.3. Is the proposed continuation of deferral and variance accounts appropriate?

24 9.4. Are the deferral and variance accounts that OPG proposes to establish appropriate?
25

26 **10. REPORTING AND RECORD KEEPING REQUIREMENTS**

27

28 10.1. Are the proposed reporting and record keeping requirements, including performance
29 scorecards proposed by OPG, appropriate?

1 **11. METHODOLOGIES FOR SETTING PAYMENT AMOUNTS AND RATE SMOOTHING**

2 11.1. Is OPG's approach to incentive rate-setting for establishing the nuclear payment
3 amounts appropriate?

4 11.2. Is OPG's proposal for smoothing nuclear payment amounts consistent with O. Reg.
5 53/05 and appropriate?

6

7 **12. IMPLEMENTATION**

8

9 12.1. Are the effective dates for new payment amounts and riders appropriate?

Schedule C

Ontario Power Generation Inc.

EB-2020-0290

Illustrative Hearing Schedules

Illustrative Hearing Schedule – Scenario 1

Settlement progress letter advises that full, or substantial but incomplete, settlement is achievable. The OEB extends the settlement conference end date from June 9, 2021 to June 18, 2021. A full settlement is ultimately reached.

	Calendar Date	Calendar Days Elapsed
Application Filed	Thursday, December 31, 2020	-14
Preliminary Review Start Date	Monday, January 4, 2021	-10
Letter acknowledging receipt of application	Friday, January 8, 2021	-6
Completeness Letter Issued	Thursday, January 14, 2021	0
Notice of Application issued	Thursday, January 14, 2021	0
Affidavits of Service received	Tuesday, January 19, 2021	5
Notice of Application last day of publication	Saturday, January 23, 2021	9
Interventions received	Tuesday, February 2, 2021	19
Procedural Order No. 1 issued	Wednesday, February 17, 2021	34
Interrogatories issued	Monday, March 22, 2021	67
Applicant's responses to interrogatories received	Monday, April 19, 2021	95
Interrogatory Refusals Hearing	Index Filed: Monday, April 19, 2021 Letters re: IR Refusals: Thursday, April 22, 2021 Hearing Day: Friday, April 23, 2021	99
Technical Conference	Start: Monday, May 3, 2021 End: Friday, May 7, 2021	113
Draft Issues List Agreement Letter	Thursday, May 13, 2021	119
Intervenor and OEB staff evidence filed	Friday, May 14, 2021	120
Issues List Hearing	Tuesday, May 18, 2021	124
Motions Hearing	Friday, May 21, 2021	127
Interrogatories on intervenor and OEB staff evidence issued	Tuesday, May 25, 2021	130
Intervenors' and OEB staff's responses to interrogatories received	Thursday, June 3, 2021	140
Settlement Conference	Start: Monday, June 7, 2021 Settlement Progress Letter: Wednesday, June 9, 2021 End: Friday, June 18, 2021	155
Settlement proposal filed with OEB (full settlement)	Friday, July 2, 2021	169
OEB staff submission on settlement proposal	Friday, July 9, 2021	176
Presentation of settlement proposal	Friday, July 16, 2021	183
Decision Issued	Thursday, August 19, 2021	217
Draft Payment Amount Order received	Wednesday, September 1, 2021	230
Intervenor and OEB staff comments on Draft Payment Amount Order	Friday, September 10, 2021	239
Applicant's responses to comments on Draft Payment Amount Order	Wednesday, September 22, 2021	251
Issue Final Payment Amount Order	Thursday, October 7, 2021	266

Illustrative Hearing Schedule – Scenario 2

Settlement progress letter advises that full, or substantial but incomplete, settlement is achievable. The OEB extends the settlement conference end date from June 9, 2021 to June 18, 2021. A substantial but incomplete settlement is ultimately reached.

	Calendar Date	Calendar Days Elapsed
Application Filed	Thursday, December 31, 2020	-14
Preliminary Review Start Date	Monday, January 4, 2021	-10
Letter acknowledging receipt of application	Friday, January 8, 2021	-6
Completeness Letter Issued	Thursday, January 14, 2021	0
Notice of Application issued	Thursday, January 14, 2021	0
Affidavits of Service received	Tuesday, January 19, 2021	5
Notice of Application last day of publication	Saturday, January 23, 2021	9
Interventions received	Tuesday, February 2, 2021	19
Procedural Order No. 1 issued	Wednesday, February 17, 2021	34
Interrogatories issued	Monday, March 22, 2021	67
Applicant's responses to interrogatories received	Monday, April 19, 2021	95
Interrogatory Refusals Hearing	Index Filed: Monday, April 19, 2021 Letters re: IR Refusals: Thursday, April 22, 2021 Hearing Day: Friday, April 23, 2021	99
Technical Conference	Start: Monday, May 3, 2021 End: Friday, May 7, 2021	113
Draft Issues List Agreement Letter	Thursday, May 13, 2021	119
Intervenor and OEB staff evidence filed	Friday, May 14, 2021	120
Issues List Hearing	Tuesday, May 18, 2021	124
Motions Hearing	Friday, May 21, 2021	127
Interrogatories on intervenor and OEB staff evidence issued	Tuesday, May 25, 2021	130
Intervenor's and OEB staff's responses to interrogatories received	Thursday, June 3, 2021	140
Settlement Conference	Start: Monday, June 7, 2021 Settlement Progress Letter: Wednesday, June 9, 2021 End: Friday, June 18, 2021	155
Settlement proposal filed with OEB (substantial but incomplete settlement)	Friday, July 2, 2021	169
OEB staff submission on settlement proposal	Friday, July 9, 2021	176
Oral Hearing on limited unsettled issues (including presentation of settlement)	Start: Monday, July 19, 2021 End: Friday, July 23, 2021	190
Applicant's written argument-in-chief received	Friday, August 6, 2021	204
OEB staff submission received	Friday, August 20, 2021	218
Intervenor arguments received	Friday, August 27, 2021	225
Applicant's written reply argument received	Friday, September 10, 2021	239
Decision Issued	Thursday, October 28, 2021	287
Draft Payment Amount Order received	Wednesday, November 10, 2021	300
Intervenor and OEB staff comments on Draft Payment Amount Order	Friday, November 19, 2021	310
Applicant's responses to comments on Draft Payment Amount Order	Wednesday, December 1, 2021	321
Issue Final Payment Amount Order	Thursday, December 16, 2021	336

Illustrative Hearing Schedule – Scenario 3

Settlement progress letter advises that full, or substantial but incomplete, settlement is not likely achievable. The OEB ends the settlement conference on June 9, 2021. A limited partial settlement or no settlement agreement is filed.

	Calendar Date	Calendar Days Elapsed
Application Filed	Thursday, December 31, 2020	-14
Preliminary Review Start Date	Monday, January 4, 2021	-10
Letter acknowledging receipt of application	Friday, January 8, 2021	-6
Completeness Letter Issued	Thursday, January 14, 2021	0
Notice of Application issued	Thursday, January 14, 2021	0
Affidavits of Service received	Tuesday, January 19, 2021	5
Notice of Application last day of publication	Saturday, January 23, 2021	9
Interventions received	Tuesday, February 2, 2021	19
Procedural Order No. 1 issued	Wednesday, February 17, 2021	34
Interrogatories issued	Monday, March 22, 2021	67
Applicant's responses to interrogatories received	Monday, April 19, 2021	95
Interrogatory Refusals Hearing	Index Filed: Monday, April 19, 2021 Letters re: IR Refusals: Thursday, April 22, 2021 Hearing Day: Friday, April 23, 2021	99
Technical Conference	<i>Start:</i> Monday, May 3, 2021 <i>End:</i> Friday, May 7, 2021	113
Draft Issues List Agreement Letter	Thursday, May 13, 2021	119
Intervenor and OEB staff evidence filed	Friday, May 14, 2021	120
Issues List Hearing	Tuesday, May 18, 2021	124
Motions Hearing	Friday, May 21, 2021	127
Interrogatories on intervenor and OEB staff evidence issued	Tuesday, May 25, 2021	130
Intervenor's and OEB staff's responses to interrogatories received	Thursday, June 3, 2021	140
Settlement Conference	<i>Start:</i> Monday, June 7, 2021 Settlement Progress Letter: Wednesday, June 9, 2021 <i>End:</i> Wednesday, June 9, 2021	146
Settlement proposal filed with OEB (limited settlement) or letter reporting no settlement	Tuesday, June 15, 2021	152
OEB staff submission on settlement proposal, if any	Friday, June 18, 2021	155
Oral Hearing (including presentation of settlement, if any)	<i>Start:</i> Monday, June 28, 2021 <i>End:</i> Friday, July 23, 2021	190
Applicant's written argument-in-chief received	Friday, August 13, 2021	211
OEB staff submission received	Friday, September 3, 2021	232
Intervenor arguments received	Friday, September 10, 2021	239
Applicant's written reply argument received	Friday, October 1, 2021	260
Decision Issued	Thursday, December 23, 2021	343
Draft Payment Amount Order received	Wednesday, January 5, 2022	356
Intervenor and OEB staff comments on Draft Payment Amount Order	Monday, January 17, 2022	366
Applicant's responses to comments on Draft Payment Amount Order	Wednesday, January 26, 2022	377
Issue Final Payment Amount Order	Thursday, February 10, 2022	392