SEC Interrogatory #155

Interrogatory

Reference: H1-1-1, p.22

Please confirm that the orders of the Board in EB-2016-0152 were final orders. Please describe the legal basis for the proposed $23.7 million additional charge to customers that is inconsistent with the EB-2016-0152 Payment Amounts Order.

Response

The amount of $23.7M recorded in the CRVA with respect to the FCLE project represents the difference between the amounts in EB-2016-0152, Ex. L-4.1-1 Staff-024 and the EB-2016-0152 pre-filed evidence. The amounts at the EB-2016-0152 pre-filed evidence form part of the OEB's decision regarding total OM&A costs. The amount reported in EB-2016-0152, Ex. L-4.1 Staff-024 represents OM&A amounts for the FCLE Project updated during the hearing and do not form part of the OEB's decision. The correct amount (i.e. the amount per the pre-filed evidence) would have formed part of the final Payment Amounts Order but for an error in the Draft Payment Amounts Order in which the updated OM&A was incorrectly set out.

The amount recorded in the CRVA appropriately represents the OEB's decision and appropriately forms part of the OEB's Final Payment Amount Order, and as such is correctly recorded in the CRVA. Furthermore, as the amount recorded is consistent with the decision, the account has not yet been disposed of and OPG is entitled to recover such amounts (subject to prudence), the amount is appropriately recorded. Finally, the amount recorded is an amount that OPG is entitled to recover under Section 6(2)4 of O. Reg. 53/05.