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February 28, 2022

Nancy Marconi
Acting Registrar, Ontario Energy Board
P.O. Box 2319, 2300 Yonge Street
Toronto ON, M4P 1E4

Dear Ms. Marconi,

**Re: EB-2020-0290 OPG 2022-2026 Payment Amounts
Energy Probe Reply to the Cost Claim Objection by OPG**

In its letter of February 24, 2022, OPG objected to the cost claim of Energy Probe Research Foundation (Energy Probe) for the EB-2020-0290 proceeding. This letter is the reply of Energy Probe to the assertions made by OPG.

The following are the responses of Energy Probe to assertions made by OPG which are shown in italics.

“OPG objects to the quantum of Energy Probe’s cost claim. Energy Probe has the fourth highest intervention cost in this proceeding (third if combining AMPCO/CCC), with cost claims approaching \$100,000. All intervenors, other than SEC, AMPCO and CCC, are below \$70,000.”

This objection is puzzling. OPG is not objecting to the claim of Energy Probe because it is the highest claim, but that it is the fourth highest claim out of eleven claims. It then combines AMPCO and CCC, for which there is no basis, to suggest that it is the third highest claim. They are separate intervenors with the second and third highest costs. The OEB should note that total claim of the intervenor with the highest total, SEC, is more than double the amount claimed by Energy Probe. OPG’s assertion seems to be based on a premise that there are two classes of intervenors, an upper class that includes SEC, AMPCO, and CCC and a lower class that includes all other intervenors. This assertion is based on a false and unsubstantiated premise and Energy Probe submits that the OEB should reject it.

“Other than for the steps of the proceeding that are time-limited by the OEB’s process, Energy Probe has generally claimed more hours than other parties. For example, Energy Probe’s cost claims for review of application, discovery, and oral hearing preparations and attendance were notably higher than average.”

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This assertion deals with hours claimed for four specific categories based on OEB's new system for filing cost claims:

1. Review Application and Evidence
2. Discovery
3. Hearing Preparation, and
4. Hearing Attendance.

To assist the OEB in evaluating the merits of the assertions made by OPG, Energy Probe has prepared the following table based on the information from cost claims submitted by intervenors in the EB-2020-0290 proceeding. Parties are listed in descending order based on Total Claim dollars. Two of the intervenors, VECC and QMA, did not use the new filing system for cost claims so Energy Probe allocated their hours to the appropriate new cost claim categories.

EB-2020-0290 Cost Claim Analysis

	Intervenor	Total Claim	Review	Discovery	Hearing	Hearing
			Application		Preparation	Attendance
			and Evidence			
		Dollars	Hours	Hours	Hours	Hours
1	SEC	244,362.50	59.700	258.500	101.600	26.600
2	AMPCO	130,515.00	20.500	142.750	29.250	22.500
3	CCC	114,577.48	25.000	108.000	55.000	21.000
4	EP	89,619.75	24.000	106.000	18.000	18.000
5	VECC	69,029.15	29.500	69.250	4.000	21.000
6	LPMA	65,220.21	10.800	80.800	0.000	0.600
7	OSEA	59,121.02	12.750	63.050	0.000	0.000
8	CME	56,011.84	55.500	41.600	8.800	19.300
9	OAPPA	31,137.12	5.000	12.750	3.500	6.250
10	ED	28,236.00	1.800	26.700	1.000	0.000
11	QMA	19,437.41	16.000	36.500	0.000	6.000

Review Application and Evidence

OPG states that Energy Probe has claimed more hours for the Review Application and Evidence category than other parties. This is not supported by the facts. Four out of eleven parties claimed more hours than Energy Probe.

Discovery

OPG states that Energy Probe has claimed more hours for the Discovery category than other parties. This is not supported by the facts. Three parties out of eleven claimed more hours than Energy Probe.

Hearing Preparation

OPG states that Energy Probe has claimed more hours for the Hearing Preparation category than other parties. This is not supported by the facts. Three parties out of eleven claimed more hours than Energy Probe.

Hearing Attendance

OPG states that Energy Probe has claimed more hours for the Hearing Attendance category than other parties. This is not supported by the facts. Five parties out of eleven claimed more hours than Energy Probe.

The assertions made by OPG are based on a false premise and a faulty analysis which is not supported by the facts. Energy Probe believes that it has acted responsibly, and that its hours and costs claimed are reasonable.

Respectfully submitted on behalf of Energy Probe.

Tom Ladanyi
TL Energy Regulatory Consultants Inc.

cc. Patricia Adams (Energy Probe)
Roger Higgin (Sustainable Planning Associates Inc.)
Evelyn Wong (OPG)