



Ontario Power Generation Inc.

**Application for variance account to capture the nuclear revenue requirement
impact of the overturning of Bill 124**

**NOTICE OF HEARING AND PROCEDURAL ORDER NO. 1
March 22, 2023**

Ontario Power Generation Inc. (OPG) filed an application with the Ontario Energy Board (OEB) on March 1, 2023, under section 78.1 of the *Ontario Energy Board Act, 1998* seeking approval to establish a variance account to record the nuclear revenue requirement impacts resulting from the Ontario Superior Court overturning the *Protecting a Sustainable Public Sector for Future Generations Act, 2019* (Bill 124).

Effective November 8, 2019, Bill 124 set a 1% maximum for annual increases in both wages and total compensation for unionized and non-unionized employees in the Ontario public sector for a three-year period. Bill 124 also applied to employees at OPG. The bill was legally challenged by unions and other organizations. On November 29, 2022 the Ontario Superior Court overturned Bill 124 and declared it to be “void and of no effect.”

OPG has proposed that a new variance account be approved to record the nuclear revenue requirement impact effective March 1, 2023 until the effective date of the OEB's next nuclear payment amounts order. The proposed variance account would record the difference between the forecast compensation costs included in OPG's last nuclear payment amounts order and the compensation costs for the nuclear facilities resulting from the overturning of Bill 124.

OPG has also requested that the OEB issue an interim order effective March 1, 2023, approving the establishment of the requested variance account on an interim basis. On March 22, 2023, the OEB approved the establishment of the new variance account on an interim basis effective March 1, 2023.

Interventions and Cost Eligibility

Intervenors of record in OPG's 2022-2026 payments amount proceeding¹, will be accepted as intervenors in this proceeding if they notify the OEB of their intention to participate in writing by emailing the Registrar at registrar@oeb.ca by **April 7, 2023**. Any party that was determined to be eligible for costs in the 2022-2026 payment amounts proceeding will be eligible for costs in this proceeding.

Any other party that wishes to participate as an intervenor must apply by April 7, 2023 or the hearing will go ahead without you and you will not receive further notice of the proceeding. For information on how to apply for intervenor status and cost award eligibility, please refer to the OEB's [Rules of Practice and Procedure](#) and the OEB's [Practice Direction on Cost Awards](#).

How to See the Application

To access OPG's application and evidence, please enter the file number **EB-2022-0098** on the OEB website: www.oeb.ca/notice. You can also phone our Consumer Relations Centre at 1-877-632-2727 with any questions.

Format of the Hearing

There are three types of OEB hearings – oral, written and electronic. The OEB intends to proceed by way of a written hearing. If you think an oral hearing or an electronic hearing is needed, you can write to the OEB to explain why by **March 28, 2023**.

Interrogatories and Submissions

At this time, the OEB is making provision for written interrogatories and submissions. Further procedural orders may be issued by the OEB.

Parties should consult sections 26 and 27 of the OEB's [Rules of Practice and Procedure](#) regarding required naming and numbering conventions and other matters related to interrogatories.

¹ EB-2020-0290

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Intervenor of record in EB-2020-0290 that wish to participate in the proceeding shall notify the OEB by letter by **April 7, 2023**. A copy of the letter must be sent to OPG. Any other party that wishes to intervene, shall apply by **April 7, 2023**.
2. 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 OPG and all other parties by **April 20, 2023**.
3. OPG shall file with the OEB complete written responses to all interrogatories and serve them on all other parties by **May 4, 2023**.
4. Any written submissions by OEB staff and intervenors shall be filed with the OEB and served on OPG and all other parties by **May 19, 2023**.
5. Any reply submissions by OPG, shall be filed with the OEB and served on all other parties by **May 30, 2023**.

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*.

Please quote file number, **EB-2023-0098** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address;
- Please use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [Filing Systems page](#) on the OEB's website;
- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact registrar@oeb.ca for assistance;

- Cost claims are filed through the OEB's online filing portal. Please visit the [File documents online page](#) of the OEB's website for more information. All participants shall download a copy of their submitted cost claim and serve it on all required parties as per the [Practice Direction on Cost Awards](#).

All communications should be directed to the attention of the Registrar and be received by end of business, 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, Vithooshan Ganesanathan at Vithooshan.Ganesanathan@oeb.ca and OEB Counsel Michael Millar at Michael.Millar@oeb.ca

Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, **March 22, 2023**

ONTARIO ENERGY BOARD

Before: Nancy Marconi

Nancy Marconi
Registrar