



BY EMAIL and RESS

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
M4P 1E4

Attn: Nancy Marconi, Registrar

Dear Ms. Marconi:

Re: EB-2023-0098 – OPG Bill 124 Accounting Order – SEC Interrogatories

We are counsel to the School Energy Coalition (“SEC”). Attached, please find a copy of SEC’s interrogatories in the above-captioned matter.

Yours very truly,
Shepherd Rubenstein P.C.

Mark Rubenstein

cc: Brian McKay, SEC (by email)
Applicant and intervenors (by email)

Mark Rubenstein
mark@shepherdrubenstein.com
Dir. 647-483-0113

April 20, 2023
Our File: EB20230098

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c. 15, Schedule B;

AND IN THE MATTER OF an application by Ontario Power
Generation Inc. (“OPG”) pursuant to section 78.1 of the *Ontario
Energy Board, 1998* for an Order or Orders determining payment
amounts for the output of certain of its generation facilities.

INTERROGATORIES

ON BEHALF OF THE

SCHOOL ENERGY COALITION

1. Please place on the record, in this proceeding, all EB-2022-0290 compensation related evidence, including pre-filed evidence, interrogatory responses, technical conference transcripts, and undertaking responses. [Note: It is acceptable to SEC for OPG to simply agree to deem such evidence on the record in this proceeding].
2. [p.6] With respect to the legal challenge to Bill 124:
 - a. Please provide the date on which OPG first became aware of the legal challenge to Bill 124; i) generally, and ii) specifically the challenges brought by each of the Power Workers Union (“PWU”) and the Society of United Professionals (“Society”).
 - b. Please provide a copy of any evidence filed in the legal challenge that was prepared, in full or in part, by OPG (e.g. affidavits).
3. [p.6] Please provide all references to the evidentiary record in EB-2020-0290 that mention the legal challenge to Bill 124.
4. [EB-2020-0290, F4-3-1, p.14] Please confirm that for the purpose of forecasting the 2022-2026 compensation amounts in EB-2022-0290, OPG assumed a “moderation period” for the PWU in effect, between April 1, 2021 and March 31, 2024, and for the Society in effect between January 1, 2022 and December 31, 2024.
5. [EB-2020-0290, F4-3-1, p.14] What is OPG’s understanding of the impact of the Superior Court’s decision regarding Bill 124 on management salaries?
6. [p.2] Would additional compensation paid because of Superior Court’s decision related to the pre-March 1, 2023 time period be recorded in the proposed variance account? For example, in a scenario in which because of the re-opener provision in the current collective agreement (January

1, 2022, to December 31, 2023) with the Society, an arbitrator awards Society members an additional 2% increase, would OPG include the entire amount in the proposed account or just the amounts attributable to the period beginning March 1, 2023?

7. [p.11] OPG discusses the account operation and references the approach applied in L-F4-03-PWU-023 (EB-2020-0290). Is OPG seeking approval in this proceeding for the referenced calculation methodology for the account, or is OPG simply indicating how it plans to record amounts, but in a subsequent proceeding the issue of calculation methodology will be examined?
8. Please provide OPG's actual 2022 nuclear regulated ROE, and the full underlying calculation.

Respectfully, submitted on behalf of the School Energy Coalition this April 20, 2023.

Mark Rubenstein
Counsel for the School Energy
Coalition