SUP Interrogatory #3

Interrogatory

Reference: 1.1

The following is stated on p6:

Bill 124 was applicable to OPG based on the Complementary Amendments of Bill 124. Section 41(1) amended the Labour Relations Act, 1995 to apply sections 1 to 16 and 24 to 38 of Bill 124 ***to OPG, its subsidiaries, trade unions and employees represented by those trade unions****. Section 42(1) repealed and substituted a revised section 143(1) of the Employment Standards Act, 2000 to apply the provisions of Bill 124* ***to OPG, its subsidiaries and their employees****.*

The above indicates that the Bill 124 related amendments apply to all of OPG, including its OEB regulated Hydroelectric business, and not just the OEB regulated Nuclear business.

Please clarify:

1) Whether OPG intends to apply to the OEB for a variance account to capture the hydroelectric revenue requirement impacts of the overturning of Bill 124, similar to this EB-2023-0098 application.
2) If yes, please explain whether the substance of this application would be similar to this EB-2023-0098 application. If it won't be similar, please explain why and outline substantial differences.
3) If no, please explain in detail why OPG does not intend to apply to the OEB for a variance account to capture the hydroelectric revenue requirement impacts of the overturning of Bill 124, similar to this EB-2023-0098 application.

Response

1) OPG does not intend to apply for a variance account to capture the hydroelectric revenue requirement impacts resulting from the overturning of Bill 124.

2) N/A

3) As noted in OPG's Application, the 2022-2026 nuclear payment amounts approved in EB-2020-0290 are underpinned by compensation cost forecasts premised on the known requirement of Bill 124. The 2022-2026 regulated hydroelectric payment amounts approved in EB-2020-0290 are set equal to the

payment amount in effect on December 31, 2021, as required by Ontario Regulation 53/05. Thus, the regulated hydroelectric payment amounts in place for the 2022-2026 period do not reflect any assumption regarding the effects of Bill 124.