



Ontario  
Energy  
Board | Commission  
de l'énergie  
de l'Ontario

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# **DECISION AND ORDER ON COST AWARDS**

## **EB-2023-0209**

### **ONTARIO POWER GENERATION**

**Motion to Review and Vary the Decision and Order in EB-2023-0098**

**BEFORE:** **Fred Cass**  
Presiding Commissioner

**Lynne Anderson**  
Chief Commissioner

**Robert Dodds**  
Commissioner

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**January 9, 2024**

## OVERVIEW

This is a decision of the Ontario Energy Board (OEB) on cost claims filed with respect to a motion to review filed by Ontario Power Generation Inc. (OPG) on July 17, 2023. The motion was in respect of the OEB's June 27, 2023 Decision and Order in proceeding EB-2023-0098 relating to an application by OPG for the establishment of a variance account to record the nuclear revenue requirement impacts resulting from the overturning of Bill 124.<sup>1</sup> The motion also included a request to reinstate the interim order previously granted on March 22, 2023.

In its July 25, 2023 Notice of Hearing and Procedural Order No. 1, the OEB indicated that intervenors in the EB-2023-0098 proceeding were approved as intervenors in this proceeding and that their cost award eligibility was extended accordingly. The Association of Major Power Consumers in Ontario (AMPCO), Canadian Manufacturers & Exporters (CME), Consumers Council of Canada (CCC), School Energy Coalition (SEC) and the Vulnerable Energy Consumers Coalition (VECC) were approved as intervenors and eligible for a cost award on that basis.

The OEB's October 24, 2023, Decision on OPG's motion to review set out, among other things, the process for addressing cost awards. Cost claims were due no later than October 31, 2023.

On November 2, 2023, the OEB received a letter from CCC indicating that they did not intend to file a cost claim. Cost claims were filed by AMPCO, CME, SEC and VECC.

The OEB did not receive any objections to those cost claims from OPG.

## Findings

The OEB has reviewed the cost claims filed to ensure that they are compliant with the OEB's *Practice Direction on Cost Awards*.

The OEB finds that the cost claims of AMPCO, SEC and VECC are reasonable and shall be reimbursed by OPG.

In its consideration of the cost claim made by CME, the OEB recognizes that CCC, which did not file a cost claim, relied on and supported the submissions made on the review motion by CME. Nevertheless, the hours claimed by CME for preparation of submissions (38 hours) are close to double the next-highest number of hours claimed

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<sup>1</sup> *Protecting a Sustainable Public Sector for Future Generations Act, 2019*.

by any intervenor for written submissions (20.3 hours claimed by SEC). Based on its review of the cost claims and the EB-2023-0209 record, the OEB finds that it is reasonable and appropriate to reduce the fees claimed by CME by \$2,500, resulting in a cost award to CME of \$6,470 plus HST.

**THE ONTARIO ENERGY BOARD ORDERS THAT:**

Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, OPG shall promptly pay the following amounts to the intervenors for their costs:

• Association of Major Power Consumers in Ontario	\$4,008.68
• Canadian Manufacturers & Exporters	\$7,311.10
• School Energy Coalition	\$6,955.15
• Vulnerable Energy Consumers Coalition	\$5,316.53

**DATED** at Toronto January 9, 2024

**ONTARIO ENERGY BOARD**

Nancy Marconi  
Registrar