

November 10, 2010

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
Suite 2700, 2300 Yonge Street
P.O. Box 2319
Toronto, ON M4P 1E4

Dear Ms. Walli:

Re: OPG EB-2010-008 Nov. 8, 2010 Letter from AMPCO re Undertaking J3.5

This letter is in response to AMPCO's letter of November 8, 2010 requesting a supplemental response to undertaking J3.5, suggesting this information will assist the OEB in monitoring OPG's compliance with its Memorandum of Agreement (MOA) with its shareholder dated August 17, 2005.

As a general comment, OPG is concerned that accommodation of requests for additional information subsequent to the hearing of evidence may be unfair and create delay and place further pressure on timelines set out by the OEB, especially where such requests relate to questions or undertakings that were not properly asked or put to the witnesses during the hearing. In J 3.5, OPG was requested to, and did provide the 2010 Benchmarking Report. As noted below, in this case, OPG has already compiled the information requested in the AMPCO letter; in other circumstances, supplemental requests could involve significant additional work for the applicant which could result in delay.

Furthermore, OPG rejects AMPCO's premise that the OEB has a role in monitoring OPG's compliance with the MOA. OPG submits that the OEB has no jurisdiction in monitoring, nor is it charged with enforcing, the bilateral agreement between OPG and its shareholder, where the OEB is not a party to that agreement and has not been authorized by the Province to do so.

OPG also believes that a supplemental response is unnecessary as OPG has already provided the information AMPCO is requesting.

As noted in the AMPCO letter, table 3 on page 76 of the 2010 Benchmarking report ranks OPG's NPI results against 20 major nuclear operators for the years 2006 through 2009. The results from 2006-2008 in the final 2010 Benchmarking report do repeat an earlier error that was identified and corrected by OPG after preparation of the report. OPG confirms that the 2009 rankings are accurate.

The corrected table that AMPCO is requesting can be found in Undertaking JT1.7, Part 2 of 3, where OPG responded to an AMPCO technical conference question requesting 2006-2009 numerical NPI results and relative rankings by generation technology. For ease of reference, the table is reproduced below:

AVERAGE WANO NPI RANKINGS

Operator	2006	2007	2008	2009	2006 Ranking	2007 Ranking	2008 Ranking	2009 Ranking
U.S. PWR 1	85.7	88.9	100.0	94.1	10	9	1	6
U.S. PWR 2	94.3	92.3	97.9	96.7	4	5	2	2
U.S. PWR 3	95.5	96.7	97.8	95.7	2	1	3	4
U.S. PWR 4	87.5	94.8	93.7	89.1	8	3	4	12
U.S. PWR 5	66.3	71.8	92.5	96.5	19	17	5	3
U.S. PWR 6	83.1	85.4	92.1	82.5	13	14	6	15
U.S. PWR 7	90.2	88.7	90.6	92.5	5	10	7	8
U.S. PWR 8	95.4	93.9	90.4	85.5	3	4	8	13
U.S. PWR 9	87.7	88.6	90.4	95.3	7	11	9	5
U.S. PWR 10	84.2	90.4	88.8	92.6	12	7	11	7
U.S. PWR 11	87.0	86.5	88.2	90.4	9	12	12	10
U.S. PWR 12	84.9	90.1	88.0	91.1	11	8	13	9
U.S. PWR 13	96.1	95.7	86.7	98.6	1	2	14	1
U.S. PWR 14	83.1	85.5	86.6	80.8	14	13	15	16
U.S. PWR 15	80.6	81.9	83.8	83.1	15	15	16	14
Int'l CANDU	88.5	92.0	90.0	90.2	6	6	10	11
OPG CANDU	77.7	71.9	74.8	78.3	16	16	17	17
Canada CANDU 1	60.4	67.1	71.1	70.6	20	19	18	18
Canada CANDU 2	75.8	66.9	63.2	50.6	17	20	19	19
Canada CANDU 3	69.0	68.3	40.7	28.8	18	18	20	20

Given that no supplemental information is required to address the concern raised by AMPCO, OPG submits that the OEB should deny AMPCO's request to require OPG to produce additional information.

Yours truly,

A handwritten signature in black ink, appearing to read 'Charles Keizer', with a stylized flourish at the end.

Charles Keizer

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CK/sb

c.c. All Intervenors