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November 19, 2010

RESS and Overnight Courier

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

Dear Ms. Walli:

**Re: EB-2010-0008 – Ontario Power Generation Inc. Payment Amounts for Prescribed Facilities**

In accordance with Rule 10 of the Ontario Energy Board's (OEB) *Rules of Practice and Procedure* and section 5.1 of the Board's *Practice Direction on Confidential Filings* (the Practice Direction), Ontario Power Generation Inc. (OPG) requests the confidential treatment of certain of its information that has been requested by way of undertaking in the oral hearing in the above-noted proceeding. Specifically, OPG seeks confidential treatment, of its written responses, or the attachments, with respect to the undertakings listed below.

For the undertaking responses that are the subject of this letter, confidential, unredacted versions have been provided to individuals who have filed a Declaration and Undertaking in the form referenced in Procedural Order No. 1 and non-confidential, redacted versions have been filed on the public record.

- JX2.4 - confidential version filed Oct. 7; non-confidential version filed Nov. 10
- J3.5 - filed Oct. 27
- J4.8 - confidential version filed Oct. 22; non-confidential version filed Nov. 10
- J4.9 - confidential version filed Oct. 25; non-confidential version filed Nov. 10
- J4.11 - confidential version filed on Nov. 11; non-confidential version filed Nov. 17
- J4.12 - filed Nov. 1
- J5.1 - filed Nov. 4
- J5.4 - filed Nov. 4
- J5.5 - filed Nov. 4
- J5.6 - filed Nov. 4
- J5.7 - filed Nov. 9
- J5.10 - filed Nov. 12
- J5.13 - confidential version filed Oct. 26; non-confidential version filed Nov. 10
- J.6.1 - filed Nov. 10
- J10.1 - filed Nov. 19
- J10.8 - filed Nov. 11

In accordance with section 5 of the Practice Direction, the reasons for these confidentiality requests are set out below. With respect to Undertaking J10.1, OPG is proposing to retain certain redactions in the confidential filing, for reasons previously permitted by the OEB in this case, and as set out further below.

So as not to be duplicative, the confidential and non-confidential responses already filed as indicated above are not again attached to this letter. The information for which confidential treatment is being requested is to remain confidential at least until the OEB makes its determination on this request. A copy of this letter is being provided to each party to the proceeding.

As an interim measure and in the interests of efficiency, prior to the OEB making its final determination, OPG has already delivered the confidential information to all individuals that have filed a Declaration and Undertaking. On a final determination, should the OEB grant OPG's request for confidentiality, OPG proposes that the OEB order that the confidential information be disclosed, subject to any conditions the OEB may find appropriate, to only those persons that have signed the Declaration and Undertaking.

At the conclusion of the proceeding or in the event that the confidentiality request is refused and OPG requests that the information be withdrawn in accordance with 5.1.12 of the Practice Direction, all persons in possession of the information will be required to destroy or return to the OEB Secretary for destruction the confidential information in accordance with 6.1.6 of the Practice Direction.

#### Reasons for the Request for Confidential Treatment

The redacted portions of the responses to the undertakings listed above (with the exception of J10.1 which is separately addressed below) should be protected as confidential and not placed on the public record because OPG consistently treats this information as confidential and disclosure of it would prejudice OPG's competitive and negotiating positions, diminish its capacity to fulfill existing contractual obligations or produce a significant loss to it. Confidential treatment of this type of information is specifically contemplated by Appendix B, subsections (a) and (b) of the Practice Direction.

#### Reasons for Retaining Certain Redactions

With respect to the response to Undertaking J10.1, the "permanently" redacted portions of the 2010-2014 Business Plan Financial Overview and the 2001-2014 Business Plan Financial Outlook (Ex. J10.1 Attachments 1 and 2, respectively) include information that directly relates to, or is interwoven with OPG's unregulated business in such a way that the unregulated business information cannot be extracted and protected. This permanently redacted information relates to the unregulated business and is not relevant to the determination of OPG's payment amounts. It remains redacted from the confidential filing as well. OPG has consistently treated this information as confidential. Pursuant to Procedural Order No. 3, the OEB has protected disclosure of such information even from those who have signed the Undertaking and Declaration in this proceeding and the request is made that the same be ordered for J10.1 as well.

A completed unredacted version of the undertaking response is being provided to the OEB under separate cover letter for the OEB's review only in order to confirm the reasonableness of the permanent redactions.

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With respect to the other confidential information in this undertaking response which may be disclosed to only those persons who have signed the Declaration and Undertaking, it is confidential for the same reasons given for the balance of the confidential information in the other undertaking responses referenced in this letter.

Respectfully submitted,

[Original signed by]

Barbara Reuber  
Director, Ontario Regulatory Affairs  
Ontario Power Generation

cc: Charles Keizer      Torys LLP  
Carlton Mathias      OPG  
EB-2010-2008 Intervenors