



EB-2010-0008

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. pursuant to section 78.1 of the *Ontario Energy Board Act, 1998* for an order or orders determining payment amounts for the output of certain of its generating facilities.

PROCEDURAL ORDER NO. 13

Ontario Power Generation Inc. ("OPG") filed an application, dated May 26, 2010, with the Ontario Energy Board under section 78.1 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B (the "Act") seeking approval for increases in payment amounts for the output of certain of its generating facilities, to be effective March 1, 2011.

On June 29, 2010, the Board issued Procedural Order No. 1 which stated that counsel and consultants for intervenors would have the opportunity to execute and submit a Declaration and Undertaking that is Appendix D of the Board's *Practice Direction on Confidential Filings* (the "Declaration and Undertaking") to review unredacted versions of documents for which OPG had requested confidential treatment.

The oral hearing for this proceeding commenced on October 4, 2010. On November 19, 2010, OPG filed correspondence requesting confidential treatment of certain information that has been requested by way of undertaking in the oral hearing. The undertakings are: JX2.4, J3.5, J4.8, J4.9, J4.11, J4.12, J5.1, J5.4, J5.5, J5.6, J5.7, J5.10, J5.13, J6.1, J10.1 and J10.8.

As an interim measure, (1) a confidential, partially unredacted version of undertaking J10.1 and (2) confidential, unredacted versions of all other undertakings have been provided only to those persons who have signed the Declaration and Undertaking. OPG has filed non-confidential, redacted versions of the undertaking responses for the public record. OPG states that it consistently treats the redacted information as confidential and that disclosure of the information would among other things, prejudice competitive and negotiating positions.

The Board will make provision for submissions on the request for confidential treatment for these undertaking responses. Until the Board renders a decision regarding confidentiality, the responses will be considered confidential.

Response to Undertaking 10.1

The response to undertaking 10.1 consists of the 2010-2014 Business Plan Financial Overview and the 2010-2014 Business Plan Financial Outlook. OPG is proposing to retain certain redactions in the confidential version of the filing. OPG states that these redactions relate to or are interwoven with OPG's unregulated business.

Similar to the process established in Procedural Order No. 3 and No. 7, OPG has provided the Board with a completely unredacted version of the undertaking response so that the Board can determine whether the redactions are limited to or interwoven with the unregulated business. This document will not be made available to the parties. The Board will inform all parties following the review, and the Board will return the unredacted documents to OPG.

THE BOARD ORDERS THAT:

1. Board staff and parties wishing to make submissions on the request for confidential treatment of the undertaking responses shall file such submissions with the Board and deliver them to OPG and all other parties on or before **Monday, November 29, 2010**.
2. If OPG wishes to respond to any submissions on its request for confidential treatment of the undertaking responses, it shall file such submissions with the Board and deliver them to the relevant intervenor and all other parties on or before **Wednesday, December 1, 2010**.

All filings to the Board must quote file number EB-2010-0008, be made through the Board's web portal at www.errr.oeb.gov.on.ca, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties shall use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.oeb.gov.on.ca. If the web portal is not available, parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

ADDRESS

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Board Secretary

E-mail: Boardsec@oeb.gov.on.ca
Tel: 1-888-632-6273 (toll free)
Fax: 416-440-7656

ISSUED at Toronto, November 25, 2010

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary