

December 15, 2010

**RESS, EMAIL & COURIER**

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

Attention: Ms. Kirsten Walli

Dear Ms. Walli:

**Re: EB-2010-0008 - Ontario Power Generation Inc. ("OPG")  
2011-2012 Payment Amounts for Prescribed Facilities**

This letter is to advise that OPG believes that there has been a breach of Procedural Order No. 12 and of one or more of the Declarations and Undertakings signed by one of the lawyers and/or consultants to the intervenor, AMPCO. The Declaration and Undertaking (in the form provided in Procedural Order No.1) has been signed by David Crocker, Andrew Lord, Shelley Grice and Tom Adams.

The breach is in respect of certain information with respect to the cafeteria modifications project in JT1.7 part 1 of 3, which was ordered to be confidential pursuant to Procedural Order No. 12. Specifically, it is at paragraph 138 on page 31 in AMPCO's written submission dated December 6, 2010 submitted by David Crocker under cover letter signed by Adam White.

OPG notes that in filing its submissions, AMPCO filed an un-redacted version in confidence, which version contained confidential information. However, the above-described breach occurred with respect to the redacted version which AMPCO filed on the public record.

OPG understands that the OEB has removed electronic copies of the AMPCO submission in its currently filed form from its website. OPG further requests that the OEB direct the destruction of all written and electronic copies of same in the possession of the OEB and its staff pending an amended filing by AMPCO. AMPCO may be directed to file a new redacted version of its submissions which contains no confidential information.

As was provided in the Procedural Order No. 5 respecting the breach in that circumstance, OPG requests that the OEB order that all persons who received confidential information on or about December 6, 2010 and who have not executed the requisite Declaration and Undertaking in this proceeding destroy any electronic and hard copies of the document containing the confidential information and file a certificate of destruction by December 21, 2010.

OPG requests that the OEB take such necessary steps in respect of this breach as it deems appropriate, having regard to the protection of OPG's commercial interests and the integrity of the OEB process.

Yours truly,

A handwritten signature in black ink, appearing to read 'Crawford Smith', with a long horizontal flourish extending to the right.

Crawford Smith

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CS/tm