

700 University Avenue, Toronto, ON M5G 1X6

Tel: 416-592-3326 Fax: 416-592-8519
colin.anderson@opg.com

August 1, 2014

RESS AND COURIER

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

Dear Ms. Walli:

Re: EB-2013-0321 - Application by Ontario Power Generation Inc. for 2014-2015 Payment Amounts

We are writing in response to the late submission filed by Environmental Defence in respect of OPG's request for the confidential treatment of its responses to undertakings J14.1 and J14.2.

Background

At the conclusion of the oral hearing on July 18, 2014, the Board instructed OPG to file submissions by July 22 as to why certain undertaking responses should be treated confidentially. The Board also established that intervenor and staff submissions must be filed by July 24, followed by OPG reply submissions on July 28 (See Transcript Vol. 16 at pp. 110-111).

In response to the Board's directions, OPG filed its submission on the confidential treatment of undertaking responses on July 22. On July 23, OPG filed a letter indicating that it had inadvertently omitted to reference its responses to undertakings J14.1 and J14.2 in its July 22 submissions. The July 23 letter went on to provide an explanation for the reasons it seeks confidential treatment for those items and was, therefore, supplemental to the July 22 letter. On July 28 OPG filed a letter indicating that it had not received any responses to its submissions on confidential treatment of the undertaking responses and that confidential treatment should therefore be granted as requested. On that same day, the evidentiary phase of the proceeding came to a close with OPG's filing of its Argument-in-Chief.

Responding Submissions

Environmental Defence filed submissions in respect of OPG's request for confidential treatment of its responses to undertakings J14.1 and J14.2 on July 31, 2014. This was one week after the deadline established by the Board and 3 days after the filing of

OPG's responding submissions on confidentiality, as well as its Argument-in-Chief in the proceeding. In his letter, Mr. Elston claims that OPG did not serve its July 23rd supplemental submissions on Environmental Defence and that, if served, Environmental Defence would have responded within the required timeframe.

With respect, Mr. Elston's claim that OPG did not serve Environmental Defence with a copy of the July 23 supplemental submissions is not correct. As shown in the attached copy of the email by which OPG effected service, it is clear that Mr. Elson, along with Mr. Klippenstein and Mr. Gibbons were each properly served by OPG just after noon on July 23. Moreover, OPG has confirmed that it did not receive any 'non-deliverable' email notices from any of these Environmental Defence representatives.

Environmental Defence was not deprived of the opportunity to make submissions in accordance with the timelines established by the Board. Accordingly, the Board should not accept the late submissions on confidentiality from Environmental Defence and OPG's request for confidential treatment of undertakings J14.1 and J14.2 should be granted as requested.

Best Regards

[Original signed by]

Colin Anderson
Director, Ontario Regulatory Affairs
Ontario Power Generation

Enclosure

cc: Carlton Mathias, OPG
Charles Keizer, Torys LLP
Crawford Smith, Torys LLP
Intervenors of Record (EB-2013-0321)

ANDERSON Colin -REGAFFAIRS

From: OPG REG AFFAIRS
Sent: Wednesday, July 23, 2014 12:12 PM
To: 'boardsec@ontarioenergyboard.ca'
Cc: 'violet.bINETTE@ontarioenergyboard.ca'; 'michael.millar@ontarioenergyboard.ca'; 'ckeizer@torys.com'; 'CSMITH@torys.com'; MATHIAS Carlton -LAWDIVOPS&AD; ANDERSON Colin -REGAFFAIRS; (AMPCO) David Crocker ; (AMPCO) Shelley Grice; (CCC) Julie Girvan; (CME) Kim Dullet; (CME) Paul Clipsham; (CME) Peter Thompson; (CME) Vincent DeRose; (Energy Probe) David MacIntosh; (Energy Probe) Lawrence Schwartz; (Energy Probe) Norman Rubin; (Energy Probe) Peter Faye; (Env Defence) Jack Gibbons; (Env Defence) Kent Elson; (Env Defence) Murray Klippenstein; (EnWin) Andrew Sasso; (GEC) David Poch; (GEC) Kai Millyard; (GEC) Shawn-Patrick Stensil; (Haudenosaunee DI) Aaron Detlor; (HQ) H?I?ne Cossette; (HQ) Matthieu Plante; (IESO) Tam Wagner; (Lake Ontario Waterkeeper) Mark Mattson; (London Prop MA) Randy Aiken; (OPA) Miriam Heinz; (PWU) Bayu Kidane; (PWU) John Sprckett; (PWU) Kim McKenzie; (PWU) Richard Stephenson; (Retail CofC) Gary Rygus; (Retail CofC) Jonathan Farkouh; (Retail CofC) Laura Zizzo; (Retail CofC) Travis Allan; (SEC) Jay Shepherd; (SEC) Mark Garner; (SEC) Mark Rubenstein; (SEC) Wayne McNally; (Shell Energy) Paul Kerr; BELMORE Mike -SOCIETY; (Society) Paul Cavalluzzo; (Sustainability-Journal) Ron Tolmie; (VECC) James Wightman; (VECC) Michael Janigan
Subject: EB-2013-0321-Application by Ontario Power Generation Inc. for 2014-2015 Payment Amounts re Request for Confidential Treatment

Please see attached letter re above subject filed by RESS today. The confirmation number is 24096.



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Regards

Sheila O'Neill

Business Support Supervisor for
Colin Anderson, Director
Ontario Regulatory Affairs
Ontario Power Generation
700 University Ave., H18-F1, Toronto, ON M5G 1X6
Tel: (416) 592-5121 Fax: (416) 592-8519 sheila.oneill@opg.com