

August 2, 2014

BY COURIER (2 COPIES) AND EMAIL

Ms. Kirsten Walli

Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, Suite 2700
Toronto, Ontario M4P 1E4
BoardSec@ontarioenergyboard.ca

Dear Ms. Walli:

**Re: Environmental Defence Correspondence
EB-2013-0321 – Ontario Power Generation Inc. (“OPG”)
2014-2015 Payment Amounts Application**

I am writing regarding the confidentiality of the responses to undertakings J14.1 and J14.2 in response to the letter from OPG dated August 1, 2014.

In its letter, OPG requests that the Board not accept Environmental Defence’s late submissions regarding confidentiality dated July 31, 2014. OPG notes that it had in fact properly served its submissions of July 23, 2014. On further review, I now note that I did receive those submissions by email. I inadvertently missed them because the attachment file was mislabelled as “OPG_Covltr_DRP BCS_20140723.pdf,” and therefore I assumed that the submissions did not pertain the undertaking responses in question.¹ I apologize for the inadvertent oversight.

We nevertheless respectfully request that the Board consider our submissions of July 31, 2014 for the following reasons:

1. The lateness of the submissions was due to an inadvertent oversight on my part and OPG’s mislabelling of the attachment file, as described above.
2. I emailed OPG on three occasions inquiring about the status of public redacted versions of the responses undertakings J14.1 and J14.2 (on July 21, 28, and 29, 2014). I received no responses to those inquiries. We acted diligently by making

¹ The mislabelling of the attachment file as “OPG_Covltr_DRP BCS_20140723.pdf” can be seen at the end of the email attached to OPG’s letter of August 1, 2014. On the Board website the attachment file has been renamed to “OPG_Confidential Treatment_J14_1-J14-2_covltr_20140723.pdf.”

those inquiries and by immediately writing to the Board after learning of OPG's submissions of July 23, 2014.

3. OPG's own submissions regarding J14.1 and J14.2 were provided after the July 22, 2014 deadline for doing so.
4. Our submissions raise an important issue. OPG has withheld the *entire responses* to J14.1 and J14.2 from the public record even though most of the responses could be released with appropriate redactions (see our submissions of July 31, 2014 for more details).
5. OPG will not be prejudiced by the Board considering our submissions of July 31, 2014. OPG has ample opportunity to respond to those submissions.

We therefore respectfully request that the Board consider our submissions of July 31, 2014 regarding the confidentiality of the responses to undertakings J14.1 and J14.2.

Please advise if anything further is required or would be of assistance.

Yours truly,



Kent Elson

cc: Applicant and Intervenors