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June 19, 2017

## RESS & OVERNIGHT 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: Application by Ontario Power Generation Inc. for 2017-2021 Payment Amounts (EB-2016-0152) – Confidential Treatment re Reply Argument Submissions**

Given the citation of confidential information by the parties in their submissions, OPG was required to include some confidential information in its Reply Argument. In accordance with Procedural Order No. 8, OPG has sought to minimize the amount of confidential information referenced to the extent possible.

In accordance with Rule 10 of the Ontario Energy Board's ("**OEB**" or the "**Board**") *Rules of Practice and Procedure* and section 5.3 of the OEB's *Practice Direction on Confidential Filings* (the "**Practice Direction**"), OPG hereby requests confidential treatment for portions of its Reply Argument. **Appendix 'A'** identifies the specific page numbers where the redactions are located in the document and the specific reasons for each request.

Below, OPG sets out the reasons for its confidentiality requests, including the potential harm that could result from public disclosure of the relevant information.

In accordance with Procedural Order No. 4, OPG requests that the confidential information identified as "**Labour Relations Sensitivity**" in Appendix A not be provided to the consultants or counsel for the PWU or Society of Energy Professionals who have not signed the OEB's form of confidentiality undertaking nor the affidavit referenced in Procedural Order No. 4.

Based on the various categories of confidential information requests, OPG has organized the responses and documents into the following attachments, which are included with the hard copy of this letter. For the electronic copy of this letter, filed through the RESS, only this letter and the non-confidential attachments are included. The attachments are as follows:

**Attachment A:** Non-Confidential, redacted version of OPG's Reply Argument. This version may be placed on the public record.

**Attachment B:** Confidential, an unredacted version of OPG's Reply Argument, except for information identified as Labour Relations Sensitivity, which continues to be redacted. This version is intended to be treated confidentially, and

should be provided to consultants or counsel for the PWU or Society of Energy Professionals who have signed the OEB's form of confidentiality undertaking **but have not signed** the affidavit referenced in Procedural Order No. 4. The specific portions of these documents that constitute the confidential information are marked with red boxes.

**Attachment C:** Confidential, a fully unredacted version of OPG's Reply Argument. This version is intended to be treated confidentially, and should only be provided to:

- (1) consultants or counsel for the PWU or Society of Energy Professionals who have signed both the OEB's form of confidentiality undertaking and the affidavit referenced in Procedural Order No. 4, and
- (2) all other intervenors or their representatives who sign or have already signed, a Declaration and Undertaking in the prescribed form in this proceeding.

The specific portions of these documents that constitute the confidential information are marked with red boxes.

In this request, OPG references prior Board decisions on the confidential treatment of OPG's information. As copies of these referenced materials were submitted earlier in this proceeding, OPG has determined that it is not necessary to file further copies of these materials with the present request. The information requested to be treated as confidential in this submission is consistent with those approved by the OEB in its November 1, 2016 Decision on Confidential Filings and Procedural Order No. 3, Procedural Order No. 4, and the January 31, 2017 Decision and Order on Confidentiality.

On a final determination, should the OEB grant OPG's request for confidentiality, OPG proposes that the OEB order the confidential information to be disclosed, subject to any conditions the OEB may find appropriate, to only those persons that by then have signed, or that subsequently sign, a Declaration and Undertaking in the prescribed form in this proceeding.

At the conclusion of the proceeding, or in the event that the confidentiality request is refused, in whole or in part, and OPG in turn requests that some or all of the information that is the subject of this request be withdrawn in accordance with section 5.1.12 of the Practice Direction, all persons in possession of the said information will be required to promptly destroy or return the information to the OEB Secretary for destruction.

### **Reasons for Requesting Confidential Treatment**

OPG is requesting confidential treatment relating to confidential information contained its Reply Argument, which based on their nature can largely be categorized as (a) contractor or third party references that may lead to reputational harm to those persons, and (b) collective bargaining sensitive information. OPG's reasons for requesting confidential treatment are set out below for each of these categories. The specific rationale for each particular request, listed by page number, is set out in **Appendix 'A'**.

**(a) Contractor or Third Party References**

The Reply Argument contains certain commentary on the performance of specific contractors in the Darlington Refurbishment Program. Public disclosure of this information could potentially prejudice the competitive positions of the relevant parties and could also give rise to adverse impacts on existing relationships (contractual or otherwise) that OPG has with the parties or on relationships those parties have with others. In EB-2013-0321, the OEB agreed that disclosure of this type of information could lead to reputational harm to contractors. Accordingly, the OEB ordered this type of information to be treated as confidential (Hearing Transcript, Vol. 12). In this proceeding, the OEB also accepted confidential treatment of information relating to performance of contractors in the November 1, 2016 Decision on Confidential Filings and Procedural Order No. 3 and in the January 31, 2017 Decision and Order on Confidentiality.

**(b) Collective Bargaining Sensitive Information**

These items include information relating to OPG's labour strategies. If disclosed, this information has the potential to interfere with future collective bargaining negotiations between OPG and the unions that represent its employees.

Yours truly,

[Original signed by]

Saba Zadeh

Cc: John Beauchamp (OPG) via email  
Charles Keizer (Torys LLP) via email  
Crawford Smith (Torys LLP) via email

**APPENDIX 'A'**

**Affected Attachments**

<b>Document</b>	<b>Location of Confidential Information</b>	<b>Reason(s) for Confidentiality Request</b>
OPG Reply Argument	p. 79, lines 20-28 p. 80, lines 1-4, 9-13	Contractor/Vendor or third party references
	p. 154, lines 23-24 p. 155, lines 5-11, 16-17, 25-27, 30	Labour Relations Sensitivity - information sensitive to OPG's collective bargaining strategies

**ATTACHMENT 'A'**

**Non-Confidential, Redacted Documents**

**ATTACHMENT 'B'**

**Confidential, Unredacted Documents, Except for Labour Relations Sensitivity**

**ATTACHMENT 'C'**

**Confidential, Fully Unredacted Documents**