

July 12, 2010

BY COURIER (2 COPIES) AND EMAIL

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
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Toronto, Ontario M4P 1E4
Fax: (416) 440-7656
Email: boardsec@oeb.gov.on.ca

Dear Ms. Walli:

**Re: Pollution Probe – Confidentiality Submissions
EB-2010-0008 – Ontario Power Generation – 2011-12 Payment Amounts**

Pursuant to *Procedural Order No. 2*, please find enclosed Pollution Probe's submissions regarding confidentiality in this matter.

For the Board's reference, Pollution Probe's submissions are limited to certain redactions in the "Economic Feasibility Assessment of Darlington Refurbishment" dated November 13, 2009, which is located at Exhibit D2, Tab 2, Schedule 1, Attachment 4. The specific redactions at issue are located on the following pages of the document:

- 2;
- 9;
- bottom of 26;
- top of 27;
- 32; and
- 34.

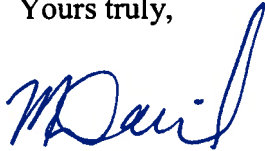
Pollution Probe submits that these specific redactions do not meet any of the limited confidentiality exceptions detailed in Appendix B of the Board's *Practice Direction on Confidentiality*, and they ought to be public. For example, the information contained in these redactions is of a high-level summary rather than specifics that would be prejudicial to OPG if they were public.¹ Pollution Probe also notes that CWIP for Darlington is expected to be a key issue in this proceeding, and thus high-level numbers regarding the

¹ Pollution Probe notes that it is not seeking that other underlying numbers be public, and Pollution Probe defers to the Board as to whether any other redactions in this document ought to be public.

underlying economic analysis (including LUEC numbers and comparisons) ought to be public and available to be tested publicly in a non-confidential forum. Pollution Probe thus submits that the balance in this confidentiality situation favours the public interests of transparency and openness for such high-level information, and this information should be part of the full public record.

We trust that these submissions are of assistance. Please do not hesitate to contact the undersigned if you wish to discuss this matter further.

Yours truly,



per: Basil Alexander

BA/ba

cc: Applicant and Intervenors per Appendix A to *Procedural Order No. 1*