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August 12, 2010

RESS and Overnight Courier

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
PO Box 2319  
2300 Yonge Street, Suite 2700  
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: EB-2010-0008 – Ontario Power Generation Inc. Payment Amounts for Prescribed Facilities**

In accordance with Rule 10 of the Ontario Energy Board's (OEB) *Rules of Practice and Procedure* and section 5.3 of the Board's *Practice Direction on Confidential Filings* (the Practice Direction), Ontario Power Generation Inc. (OPG) requests the confidential treatment of certain of its information that has been requested by way of interrogatories in the above-noted proceeding. Specifically, OPG seeks confidential treatment, of its written responses, or the attachments, with respect to the following interrogatories:

- OEB Staff Interrogatory #25 Attachment 1, found at Ex. L-01-25 Attachment 1
- SEC Interrogatory #47, found at Ex. L-12-047
- VECC Interrogatory #20, found at Ex. L-14-020
- CCC Interrogatory #1, found at Ex. L-04-001

In accordance with section 5 of the Practice Direction, the reasons for these confidentiality requests, including the reasons why OPG considers the responses to the interrogatories listed above as confidential and the reasons why public disclosure of the information would be detrimental to OPG, are set out below. In addition, confidential, un-redacted interrogatory responses are provided as attachments.

In accordance with the Practice Direction, this letter is being provided to the OEB along with all attachments identified below. The information for which confidentiality is being requested, which is included at Attachments A.1, B.1, C.1 and D.1 is to remain confidential at least until the OEB makes its determination on this request. A copy of

this letter, including all attachments other than the confidential information, is being provided to each party to the proceeding.

As an interim measure and in the interests of efficiency, prior to the OEB making its final determination, OPG is content that the OEB makes provision that Board Staff and intervenors proceed as though OPG's request has been granted. In so doing, OPG is providing the confidential information to all parties that have filed a Declaration and Undertaking in the form referenced in Procedural Order No. 1.

On a final determination, should the OEB grant OPG's request for confidentiality, OPG proposes that the OEB order that the confidential information be disclosed, subject to any conditions the OEB may find appropriate, to only those persons that have signed the Declaration and Undertaking.

OPG requests that any reference to confidential information contained in the documents produced be conducted *in camera* so as to preserve its confidential nature.

At the conclusion of the proceeding or in the event that the confidentiality request is refused and OPG requests that the information be withdrawn in accordance with 5.1.12 of the Practice Direction, all persons in possession of the information will be required to destroy or return to the OEB Secretary for destruction the confidential information in accordance with 6.1.6 of the Practice Direction.

#### **Reasons for the Request for Confidential Treatment**

##### **Darlington New Maintenance Facility Partial Release BCS – Exhibit L-01-25 Attachment 1**

Interrogatory #25 from OEB Staff, along with the OPG response, is provided at **Attachment A.1**. OPG requests confidential treatment for the redactions in the Darlington New Maintenance Facility Partial Release BCS because they consist of contingency information and projected cost information. OPG consistently treats this information as confidential and disclosure of it could prejudice OPG's competitive and negotiating positions. Confidential treatment of this type of information is specifically contemplated by Appendix B, subsections (a) i, ii and iv and (b) of the Practice Direction. A non-confidential redacted version of the BCS is provided at **Attachment A.2**.

##### **SEC Interrogatory #47, found at Ex. L-12-047**

Interrogatory #047 from SEC, along with the OPG response, is provided at **Attachment B.1**. The portion of the interrogatory response for which OPG is seeking confidential treatment relates to the System Economic Values (SEV). The SEV are developed using OPG commercially sensitive data, which is input into OPG models and simulations. OPG consistently treats this information as confidential and disclosure of it would prejudice OPG's competitive and negotiating positions. Confidential treatment of this type of information is specifically contemplated by Appendix B, subsections (a) i, ii and iv and (b) of the Practice Direction. A non-confidential redacted version of the response to this interrogatory is provided at **Attachment B.2**.

**VECC Interrogatory #20, found at Ex. L-14-020**

Interrogatory #020 from VECEC, along with the OPG response, is provided at **Attachment C.1**. The portion of the interrogatory response for which OPG is seeking confidential treatment relates to breakdown of the quantities subject to market related pricing and the quantities subject to indexation with respect to uranium concentrate for contracts B, C and D as asked in part (b) of this interrogatory. OPG consistently treats this information as confidential and disclosure of it would prejudice OPG's competitive and negotiating positions. Confidential treatment of this type of information is specifically contemplated by Appendix B, subsections (a) i, ii and iv and (b) of the Practice Direction. A non-confidential redacted version of the response to this interrogatory is provided at **Attachment C.2**.

**CCC Interrogatory #001, found at L-04-001**

With respect to Interrogatory #001 from CCC, OPG is seeking confidential treatment of the redacted information at page 3 of a letter from the President and CEO of OPG to the Minister of Energy and Infrastructure dated June 4, 2010. OPG has filed the response to this interrogatory on the public record along with the letter of June 4, 2010, with redactions as stated. OPG has continued to redact this information in **Attachment D.1** to this letter, for ease of reference.

The foregoing is similar to OPG's confidential filing with the OEB in respect of its confidential and unredacted Hydroelectric 2010-2014 Business Plan (Exhibit F1-1-1, Attachment 1) filed with the Board on July 2, 2010. OPG continued to redact certain information in this document on the basis that the redactions relate solely to the unregulated facilities and reflect no aspect of the regulated business. Because the redacted information in the June 4, 2010 letter filed in response to L-04-001 is wholly irrelevant to OPG's payment amounts proceeding, OPG continues to redact this information in the confidential version filed.

Respectfully submitted,

[Original signed by]

Barbara Reuber  
Director, Ontario Regulatory Affairs  
Ontario Power Generation

Attach:

cc: Charles Keizer                      Torys LLP  
Carlton Mathias                      OPG  
EB-2010-2008 Intervenors (attachments A.1, B.1, and C.1, not included for parties who have not signed the Declaration and Undertaking)