



EB-2010-0008

IN THE MATTER OF the *Ontario Energy Board Act*, 1998, S. O. 1998, c. 15, Schedule B;

AND IN THE MATTER OF an application by Ontario Power Generation Inc. pursuant to section 78.1 of the *Ontario Energy Board Act*, 1998 for an order or orders determining payment amounts for the output of certain of its generating facilities.

PROCEDURAL ORDER NO. 6

Ontario Power Generation Inc. ("OPG") filed an application, dated May 26, 2010, with the Ontario Energy Board under section 78.1 of the *Ontario Energy Board Act*, 1998, S.O. 1998, c.15, Schedule B (the "Act") seeking approval for increases in payment amounts for the output of certain of its generating facilities, to be effective March 1, 2011.

On June 29, 2010, the Board issued Procedural Order No. 1 which stated that counsel and consultants for intervenors would have the opportunity to execute and submit a Declaration and Undertaking (the "Undertaking") to review unredacted versions of documents for which OPG had requested confidential treatment. The procedural order also set out a schedule for the proceeding. On July 21, 2010, the Board issued Decisions and Orders on Confidential Filings and Issues List.

Interrogatory Responses Related to Documents with Confidential Status

OPG filed responses to the interrogatories of Board staff and intervenors on August 12 and August 17, 2010. In correspondence filed with the interrogatory responses, OPG stated that 9 of the responses include information which the Board had determined

would receive confidential treatment in its July 21, 2010 decision. The specific interrogatory responses are:

- Board Staff #120
- Board Staff #121
- Board Staff #122
- Association of Major Power Consumers in Ontario (“AMPCO”) #16
- Canadian Manufacturers & Exporters #27 and #32
- Green Energy Coalition (“GEC”) #8
- School Energy Coalition (“SEC”) #3 and #49 (question only)

OPG has filed a redacted version of the responses for the public record and has provided the full responses only to those persons who have signed the Undertaking.

The Board has reviewed the interrogatory responses and SEC interrogatory #49, and agrees that they include information declared confidential pursuant to the Decisions and Orders on Confidential Filings and Issues List issued on July 21, 2010. The full responses (and the question in SEC #49) will remain confidential.

Request for Confidential Treatment of Interrogatory Responses

In correspondence filed with the interrogatory responses, OPG also requested confidential treatment for certain information that was requested in 8 interrogatories. In accordance with section 5 of the Board’s *Practice Direction on Confidential Filings*, OPG provided the reasons why it requested confidential treatment and the reasons why public disclosure of the information would be detrimental to OPG. The specific interrogatory responses are:

- Board Staff #25
- SEC #47
- Vulnerable Energy Consumers Coalition #20 and #28
- Consumers Council of Canada #1
- AMPCO #26
- GEC #28
- Pollution Probe #11

As an interim measure, OPG has filed redacted versions of the responses for the public record and has provided the full responses only to those persons who have signed the Undertaking.

The Board will make provision for submissions on the request for confidential treatment for these interrogatory responses. Until the Board renders a decision regarding confidentiality, the responses will be considered confidential.

Breach of Declaration and Undertaking respecting confidentiality

In response to a breach of the Undertaking by counsel for SEC, Mr. Shepherd, the Board determined that Mr. Shepherd would be required to pay a portion of the Board's costs in this proceeding. The Board determined that the amount of \$10,000 would be paid by Mr. Shepherd to the Board by August 30, 2010.

In correspondence dated August 19, 2010, Mr. Shepherd requested permission to make four payments of \$2,500 dated the last day of August, September, October and November, 2010. The Board will grant this request.

THE BOARD ORDERS THAT:

1. Board staff and parties wishing to make submissions on the request for confidential treatment of interrogatory responses shall file such submissions with the Board and deliver them to OPG and all other parties on or before **Monday, August 23, 2010**.
2. If OPG wishes to respond to any submissions on its request for confidential treatment of interrogatory responses, it shall file such submissions with the Board and deliver them to the relevant intervenor and all other parties on or before **Wednesday, August 25, 2010**.
3. Mr. Shepherd shall make four personal payments of \$2,500 towards the Board's costs in this proceeding. Those payments shall be made on August 31, 2010, September 30, 2010, October 31, 2010 and November 30, 2010.

All filings to the Board must quote file number EB-2010-0008, be made through the Board's web portal at www.errr.oeb.gov.on.ca, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties shall use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.oeb.gov.on.ca. If the web portal is not available, parties may email their documents to the address below.

Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

ADDRESS

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

E-mail: Boardsec@oeb.gov.on.ca

Tel: 1-888-632-6273 (toll free)

Fax: 416-440-7656

ISSUED at Toronto, August 20, 2010

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary