

By e-mail



August 18, 2010

Kirsten Walli  
Board Secretary  
Ontario Energy board  
2300 Yonge Street  
27<sup>th</sup> floor  
Toronto, ON M4P 1E4

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PETER C.P. THOMPSON, Q.C.  
direct tel.: (613) 787-3528  
e-mail: pthompson@blgcanada.com

Dear Ms Walli,

**Ontario Power Generation Inc. ("OPG")**  
**2011-2012 Payment Amounts Application**  
**Board File No.: EB-2010-0008**  
**Our File No.: 339583-000064**

This firm's representation of Canadian Manufacturers & Exporters ("CME") in this proceeding will be conducted by Vince DeRose, Jack Hughes and myself. Mr. DeRose is well known to the Board. A copy of Mr. Hughes' Biography is attached.

To facilitate this firm's representation of CME, we enclose Confidentiality Undertakings that have been executed by Mr. DeRose and Mr. Hughes. Neither of these individuals saw the Interrogatories submitted by the Schools Energy Coalition ("SEC") that form the subject matter of Procedural Order No. 5 that issued on August 16, 2010.

I provided a Certification of Destruction pertaining to those SEC Interrogatories on August 10, 2010, being a date before the issuance of Procedural Order No. 5. I am assuming that I do not need to file anything further to comply with paragraph no. 2 of that Procedural Order.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Peter Thompson', is written over the words 'Yours very truly,'.

Peter C.P. Thompson, Q.C.

PCTslc  
enclosures

c. Barbara Reuber (OPG)  
Carlton Mathias (OPG)  
Charles Keizer (Torys)  
Paul Clipsham (CME)  
Vince DeRose  
Jack Hughes

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CALGARY • MONTRÉAL • OTTAWA • TORONTO • VANCOUVER • WATERLOO REGION



## Jack Hughes

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**vCard**



### | BACKGROUND

Jack Hughes is the National Leader of the firm's Defence & Security Industry Group and a lawyer in our Ottawa office. Jack received a Bachelor of Social Sciences in Political Science and History at the University of Ottawa in 1997. He graduated from the University of Ottawa Faculty of Law in 2004, and was called to the Bar of the Province of Ontario in 2005.

Jack is also a member of our International Trade and Arbitration Group, and was recognized in both the 2009 and 2010 editions of *Chambers Global – The World's Leading Lawyers for Business* as being an up-and-coming associate (International Trade/WTO) and was praised by both clients and peers for his policy work and tactical thinking.

### | AREAS OF PRACTICE

International Trade Law

Government Contracting and Procurement Law

Public and Regulatory Law

### | PROFESSIONAL EXPERIENCE

Appeared as counsel for the Right Honourable Brian Mulroney, P.C., C.C., before the Oliphant Commission.

Appeared as counsel for both Canadian and multi-national corporations on dumping, subsidy and safeguard cases before the Canadian International Trade Tribunal.

Appeared as counsel on many complex federal government bid challenges before the Canadian International Trade Tribunal, the Federal Court and the Federal Court of Appeal.

Advises both private and public sector organizations on all aspects of tendering and contracting, including bid proposal design, bid response design, procurement administration and evaluation processes.

### | LINKS FOR PRACTICE AREAS TO WHICH JACK HUGHES BELONGS

Regulatory Law

Public Law

International Trade Law

Government Relations

Construction, Engineering, Surety and Fidelity

Privacy and Access to Information

Commercial Litigation

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

**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.

### **DECLARATION AND UNDERTAKING**

I, Vincent J. DeRose, am counsel of record or a consultant for Canadian Manufacturers & Exporters ("CME").

#### **DECLARATION**

I declare that:

1. I have read the *Rules of Practice and Procedure* of the Ontario Energy Board (the "Board") and all Orders of the Board that relate to this proceeding.
2. I am not a director or employee of a party to this proceeding for which I act or of any other person known by me to be a party in this proceeding.
3. I understand that this Declaration and Undertaking applies to all information that I receive in this proceeding and that has been designated by the Board as confidential and to all documents that contain or refer to that confidential information ("Confidential Information").
4. I understand that execution of this Declaration and Undertaking is a condition of an Order of the Board, that the Board may apply to the Superior Court of Justice to enforce it.

#### **UNDERTAKING**

I undertake that:

5. I will use Confidential Information exclusively for duties performed in respect of this proceeding.
6. I will not divulge Confidential Information except to a person granted access to such Confidential Information or to the Board.

7. I will not reproduce, in any manner, Confidential Information without the prior written approval of the Board. For this purpose, reproducing Confidential Information includes scanning paper copies of Confidential Information, copying the Confidential Information onto a diskette or other machine-readable media and saving the Confidential Information onto a computer system.
8. I will protect Confidential Information from unauthorized access.
9. I will, promptly following the end of this proceeding or within 10 days after the end of my participation in this proceeding:
  - (a) return to the Board Secretary, under the direction of the Board Secretary, all documents and materials in all media containing Confidential Information, including notes, charts, memoranda, transcripts and submissions based on such Confidential Information; or
  - (b) destroy such documents and materials and file with the Board Secretary a certification of destruction in the form prescribed by the Board pertaining to the destroyed documents and materials.

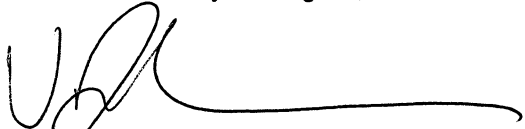
For this purpose, the end of this proceeding is the date on which the period for filing a review or appeal of the Board's final order in this proceeding expires or, if a review or appeal is filed, upon issuance of a final decision on the review or appeal from which no further review or appeal can or has been taken.

10. I will inform the Board Secretary immediately of any changes in the facts referred to in this Declaration and Undertaking.

Dated at Ottawa, Ontario, this 18<sup>th</sup> day of August, 2010.

Signature:

Name:

  
 Vincent J. DeRose

Company/Firm:

Address:

Telephone:

Fax:

E-mail:

Borden Ladner Gervais LLP  
 1100-100 Queen Street  
 Ottawa, ON K1P 1J9  
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**IN THE MATTER OF** the *Ontario Energy Board Act* 1998, S.O. 1998, c. 15, (Schedule B) (the "Act");

**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.

### **DECLARATION AND UNDERTAKING**

I, Jack Hughes, am counsel of record or a consultant for Canadian Manufacturers & Exporters ("CME").

#### **DECLARATION**

I declare that:

1. I have read the *Rules of Practice and Procedure* of the Ontario Energy Board (the "Board") and all Orders of the Board that relate to this proceeding.
2. I am not a director or employee of a party to this proceeding for which I act or of any other person known by me to be a party in this proceeding.
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10. I will inform the Board Secretary immediately of any changes in the facts referred to in this Declaration and Undertaking.

Dated at Ottawa, Ontario, this 18<sup>th</sup> day of August, 2010.

Signature:

Name:

Jack Hughes

Company/Firm:

Borden/Ladner Gervais LLP

Address:

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Ottawa, ON K1P 1J9

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