



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. 8

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 that is Appendix D of the Board's *Practice Direction on Confidential Filings* (the "Declaration and 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.

The Board has issued decisions on confidential filings in the following: Decisions and Orders on Confidential Filings and Issues List and Procedural Order No. 3 (July 21, 2010), Procedural Order No. 6 (August 20, 2010) and Decision and Order on Confidential Filings and Procedural Order No. 7 (August 26, 2010).

Responses to Undertakings Related to Documents with Confidential Status

A technical conference was held on August 26, 2010, and in the interim, OPG has filed responses to undertakings. In correspondence filed on September 13, 2010, OPG stated that 4 responses include information which the Board had determined would receive confidential treatment in its July 21, 2010 and August 20, 2010 decisions. The specific undertaking responses are:

- JT1.5
- JT1.13
- JTX1.1
- JTX1.2

OPG has filed a redacted version of the first 3 responses for the public record and has provided full responses only to those persons who have signed the Declaration and Undertaking. The entire response to undertaking JTX1.2 has been filed in confidence and has been provided to those persons who have signed the Declaration and Undertaking.

The Board has reviewed the responses to the undertakings and agrees that they include information declared confidential pursuant to the decisions on confidential filings issued on July 21, 2010 and August 20, 2010. The full responses to the 4 undertakings will remain confidential.

Request for Confidential Treatment of Undertaking Response

In the correspondence filed on September 13, 2010, OPG requested confidential treatment for the response to technical conference undertaking JT1.7 part 1 of 3. In accordance with section 5 of the Board's *Practice Direction on Confidential Filings*, OPG provided the reasons why it requested confidential treatment.

JT1.7 part 1 of 3 is a response to the Association of Major Power Consumers in Ontario technical conference question #3. The question sought production of the business case and follow up analysis relating to the Cafeteria Modifications Project. The response consists of the full release business case summary, two superseding business case summaries, and the post implementation review.

OPG seeks confidential treatment for certain redactions in the two superseding business case summaries, and confidential treatment for the post implementation review in its entirety.

As an interim measure, OPG has filed the full release business case summary and redacted versions of the two superseding business case summaries for the public record and has provided the full response only to those persons who have signed the Declaration and Undertaking.

The Board will make provision for submissions on the request for confidential treatment for this undertaking response. Until the Board renders a decision regarding confidentiality, the response will be considered confidential.

THE BOARD ORDERS THAT:

1. Board staff and parties wishing to make submissions on the request for confidential treatment of the undertaking response shall file such submissions with the Board and deliver them to OPG and all other parties on or before **Monday, September 20, 2010**.
2. If OPG wishes to respond to any submissions on its request for confidential treatment of the undertaking response, it shall file such submissions with the Board and deliver them to the relevant intervenor and all other parties on or before **Wednesday, September 22, 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, September 16, 2010

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary