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December 16, 2010

DELIVERED BY E-MAIL

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

Dear Ms. Walli:

**Re: EB-2010-0008 - Ontario Power Generation Inc. ("OPG")
2011-2012 Payment Amounts for Prescribed Facilities**

We are writing in response to Mr. Smith's letter to you of December 15, 2010 concerning our breach of Procedural Order No. 12.

In the first place, we did, inadvertently, include reference to information which was deemed by the Board to be confidential at the request of OPG. We sincerely apologise for our error. We were fully aware of our obligations to redact in our final written submissions any reference to material which was ruled to be confidential. As a result, we filed two versions of our submissions: one redacted and one not redacted in confidence. In our rush to meet our filing deadline, we neglected to redact the reference to the confidential information at paragraph 138 of our submissions. Once again, for that, we sincerely apologise. We will re-submit our final argument with the reference redacted and promise that, in the future, there will be a back-up review done so this does not happen again.

The information in our final argument of concern relates to a Post-Implementation Review ("PIR") of a cafeteria project in Pickering. Earlier in this hearing, OPG indicated that it was concerned about the release of confidential information because it could cause harm to its competitive position and its ability to fulfill existing contractual obligations, effect negotiations with which it was engaged or produce a significant loss. We do not believe that reference to the PIR described above will cause any of that kind of harm to OPG.

We did, however, mistakenly fail to redact reference in our final submissions to confidential information and we regret our mistake. There was no intention to harm either the commercial interests of OPG or the integrity of the Board's process.

Yours truly,

DAVIS LLP

Per:


David Crocker
DDC/szp

cc: Crawford Smith - Torys - (via email)