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February 22, 2013

Kirsten Walli, Board Secretary
Ontario Energy Board
P.O. Box 2319, 26th Floor
2300 Yonge Street
Toronto, Ontario
M4P 1E4

Dear Ms Walli:

Re: EB-2013-0029 – Review of Market Rule Amendments

We are writing again on behalf of the Ontario Power Authority (OPA) in connection with the EB-2013-0029 proceeding. This letter arises out of Procedural Order No. 3 issued by the Board on February 12, 2013.

In Procedural Order No. 3, the Board required the Independent Electricity System Operator (IESO) to file certain "materials in its possession" by today. The Procedural Order indicated that the filing of these materials should, where applicable, comply with Rule 10 of the Board's *Rules of Practice and Procedure* and the *Practice Direction on Confidential Filings* (the Practice Direction).

The OPA makes a confidentiality request, in respect of certain of the documents to be filed by the IESO today, on the same grounds as set out in our letter to the Board dated February 6, 2013 with respect to the OPA's earlier confidentiality request. Those grounds, as stated in the February 6th letter, are as follows:

The OPA and the applicants in this proceeding are engaged in negotiations regarding the settlement of issues raised by the applicants with regard to existing contracts for the purchase of electricity generated by the applicants. Counsel for the applicants in this proceeding is counsel for [one of] the applicants in the settlement negotiations. The redactions made by the OPA from the documents enclosed with this letter are for the purpose of maintaining the confidentiality of information about the settlement negotiations and of information that, if disclosed, would prejudice the settlement negotiations. Disclosure of the unredacted versions of the documents enclosed with this letter would result in a breach of settlement privilege.

The grounds for the OPA's confidentiality request have been further elaborated upon in submissions filed with the Board on behalf of the OPA on February 13th and 20th.

The OPA's confidentiality request is made in respect of six documents to be filed by the IESO today. Of these six documents, there are two spreadsheets for which the

confidentiality request relates to the entire document. Accordingly, the OPA has enclosed with this letter the following:

- (1) unredacted versions of the six documents in respect of which the OPA claims confidentiality, which have been marked "confidential";
- (2) a non-confidential description or summary of each of the two spreadsheets for which the confidentiality request relates to the entire document; and
- (3) non-confidential, redacted versions of the four other documents.

As well, the OPA is delivering to all parties to this proceeding the following:

- (1) the non-confidential description or summary of each of the two spreadsheets for which the confidentiality request relates to the entire document,
- (2) the non-confidential, redacted versions of the four other documents in respect of which the OPA claims confidentiality; and
- (3) a copy of this letter.

As in the case of the earlier confidentiality request, the OPA objects to confidential or unredacted versions of the documents being provided to counsel for a party in this proceeding that has filed a Declaration and Undertaking in accordance with the Practice Direction, because counsel for the applicants in this proceeding is also counsel for one of the applicants in the settlement negotiations with the OPA.

If the Board has any questions in this regard, please do not hesitate to contact us.

Yours truly,

AIRD & BERLIS LLP



Fred D. Cass
FDC/

c.c. All EB-2013-0029 Parties (with enclosures but excluding unredacted documents)
M. Lyle, Ontario Power Authority