



EB-2012-0002

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. for an order or orders related
to deferral and variance accounts and the adoption of
USGAAP for regulatory accounting purposes.

**DECISION AND ORDER ON CONFIDENTIAL FILING
AND PROCEDURAL ORDER NO. 5
February 25, 2013**

Ontario Power Generation Inc. (“OPG”) filed an application, dated September 24, 2012 with the Ontario Energy Board under section 78.1 of the *Ontario Energy Board Act*, 1998, S.O. 1998, c.15 (Schedule B) seeking approval for an order or orders related to deferral and variance accounts, including disposition of balances as at December 31, 2012, and the adoption of the Generally Accepted Accounting Principles of the United States (“USGAAP”) for regulatory accounting purposes.

Request for Confidential Treatment of Undertaking JT1.6

In correspondence filed on February 1, 2013, OPG requested confidential treatment of technical conference undertaking JT1.6, which relates to OPG’s corporate financial data. OPG stated that the Board’s Practice Direction specifically contemplates this type of information. In accordance with the Board’s *Practice Direction on Confidential Filings* (the “Practice Direction”), OPG filed redacted versions of the responses for the public record.

As an interim measure, the Board allowed any external counsel or external consultant for the intervenors who wished to review the confidential material, to do so after signing the Board’s Declaration and Undertaking, that is Appendix C of the Practice Direction,

and filing it with the Board and serving it on OPG. In Procedural Order No. 4, issued on February 4, 2013, the Board made provision for submissions on the request for confidential treatment of the undertaking response. No submissions were filed.

The undertaking response includes forward looking financial information presented on a corporate wide basis. As the Board's authority is limited to setting payment amounts for the prescribed generation facilities only, and as section 6 of Appendix B of the Practice Direction contemplates confidential treatment of forward looking financial information, the Board finds that it is appropriate to afford confidential status to undertaking JT1.6.

Procedural Matters

In Procedural Order No. 1, issued on November 6, 2012 and Procedural Order No. 2, issued on November 22, 2012, the Board set out a timetable of events which included interrogatories, a technical conference, a settlement conference and an oral hearing for unsettled issues.

On February 22, 2013, OPG filed correspondence stating that, as of February 21, 2013, OPG and the intervenors are in a position to prepare a written settlement proposal. As the original timetable set February 25, 2013 as the date to file a settlement proposal, an extension to March 8, 2013 was requested. OPG requested that the Board schedule at its earliest convenience a time to present the settlement proposal. The Board grants the extension and has provided for a settlement hearing for the presentation of the settlement proposal to the Board.

The Board may issue further procedural orders from time to time.

THE BOARD ORDERS THAT:

1. The response to undertaking JT1.6 will be treated as confidential. Following the end of the proceeding, parties in receipt of confidential information shall either return the subject information to the Board for destruction, or destroy the information and execute a Certificate of Destruction. The Certificate of Destruction, that is Appendix D of the Practice Direction, must be filed with the Board.
2. The procedural dates set out in Procedural Order No. 1 are cancelled.

3. The Settlement Proposal arising from the Settlement Conference shall be filed with the Board no later than **March 8, 2013**.
4. The Board will sit on **March 12, 2013** at 10:00 a.m. in the Board's hearing room on the 25th Floor at 2300 Yonge Street, Toronto, to review the Settlement Proposal.

All filings to the Board must quote file number **EB-2012-0002**, be made through the Board's web portal at www.pes.ontarioenergyboard.ca/eservice/, 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 must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.ontarioenergyboard.ca/OEB/Industry. If the web portal is not available parties may email their documents to BoardSec@ontarioenergyboard.ca. 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.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Violet Binette at violet.binette@ontarioenergyboard.ca and Board Counsel, Michael Millar at michael.millar@ontarioenergyboard.ca.

DATED at Toronto, February 25, 2013

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary