

December 18, 2013

**VIA RESS and OVERNIGHT COURIER (non-confidential information only)**

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
27th Floor - 2300 Yonge Street  
Toronto, Ontario M4P 1E4

Dear Ms. Walli:

**Re: EB-2013-0321 - Application by Ontario Power Generation Inc.  
For 2014-2015 Payment Amounts (the "Application")**

In accordance with Rule 10 of the Ontario Energy Board's ("**OEB**" or the "**Board**") *Rules of Practice and Procedure* and section 5.1 of the OEB's *Practice Direction on Confidential Filings* (the "**Practice Direction**"), Ontario Power Generation Inc. ("**OPG**") requests confidential treatment for certain portions of the following 2014-2016 business plans (the "**Business Plans**"):

1. Corporate Business Plan - Exhibit N1-1-1, Attachment 4; and
2. Hydro Thermal Operations Business Plan – Exhibit N1-1-1, Attachment 6.

OPG has set out below the reasons for the confidentiality request, and the reasons why public disclosure would be detrimental to OPG.

Also, as set out further below, OPG is retaining certain redactions in the confidential version of the documents, except that disclosure will be made to the OEB. Disclosure is made to the OEB so that it may approve the redactions persisting in the confidential version of the documents. These particular redactions relate to OPG's unregulated business. They are similar in nature to certain redactions accepted by the OEB in OPG's last payment amounts application (EB-2010-0008) as provided for in Procedural Order No. 3 for such matters.

As a result of the two categories of redactions in its filing, OPG attaches with the hard copy of this letter (for the electronic copy filed through RESS, only this letter is filed) the following:

1. **Attachment A - Confidential** - Unredacted, confidential versions of the Business Plans. Pursuant to the Board's Practice Direction, the portions of these documents for which OPG seeks confidential treatment are indicated by red boxes around such information. The redactions relating to the unregulated business and irrelevant confidential information continue to show as redacted,

since as described above, the fully unredacted version in respect of this particular information is for the OEB's review only. The documents in Attachment A are intended for review by those intervenors who sign the OEB's confidentiality undertaking.

2. **Attachment B – Confidential** - One fully unredacted hard copy of each of the Business Plans for the **OEB's consideration only**. These documents are sent to the attention of the OEB Panel in a sealed envelope. Those portions which are requested to be for the OEB's review only are identified in the document by blue shading. For ease of reference, the red boxes in respect of the information per the Attachment A documents described above are also included.

In accordance with the Practice Direction, this letter is being provided to the OEB along with seven (7) copies of each of the documents (except for Attachment B for which 3 hard copies are provided to the OEB Panel in a sealed envelope).

As an interim measure and in the interests of efficiency, prior to the OEB making its final determination on OPG's request for confidential treatment of the documents as requested, OPG is content that the OEB makes provision that intervenors proceed as though OPG's request has been granted. In so doing, OPG requests that the OEB provide that each intervenor requesting a copy of the confidential documents complete and sign a Declaration and Undertaking in the form included as Attachment E to OPG's letter dated October 2, 2013, being the form set out in Appendix D of the Practice Direction and file it with the Board in order to be given a copy of the documents. However, intervenors should not be permitted to review the documents which are for the OEB's review only.

On a final determination, should the OEB grant OPG's request for confidentiality, OPG proposes that the OEB order the documents be disclosed, subject to any conditions the OEB may find appropriate, to only those persons that by then have already signed, or that subsequently sign, the Declaration and Undertaking referenced in the paragraph above.

In addition, OPG requests that any reference to the confidential information, if determined to be such, be conducted in camera so as to preserve its confidential nature.

In the event that the confidentiality request is refused and OPG in turn requests that the information be withdrawn in accordance with section 5.1.12 of the Practice Direction, all persons in possession of the said information will be required to destroy or return to the OEB Secretary for destruction the confidential information in accordance with section 6.1.6 of the Practice Direction.

### **Reasons for Requested Redactions**

#### **Reasons for Confidential Treatment of the Business Plans (Documents at Attachment A)**

Similar to redactions in the 2013-2015 business plans found in Exhibit A2-2-1, Attachment 1 and Exhibit F1-1-1, Attachment 1 of OPG's pre-filed evidence in this proceeding, the redacted portions of the 2014-2016 Hydro Thermal Operations Business Plan and Corporate Business Plan relate to information reflecting the combined regulated and unregulated assets and business of OPG.

This information should be protected as confidential because disclosure of this aggregated information (combined with information regarding the regulated business already disclosed) would allow for the disclosure of information related to OPG's unregulated business and facilities. OPG consistently treats information relating to its unregulated business as confidential financial information and commercially sensitive. Similar requests for confidential treatment of such combined information was accepted by the Board in EB-2010-0008, as provided for in Procedural Order No. 3. As set out above, this aggregated information is disclosed in the *confidential* unredacted versions attached as Attachment A.

Additionally, certain information on slides 5 and 9 of the Hydro Thermal Operations Business Plan have been redacted as its content is confidential and commercially sensitive, and the disclosure of which may prejudice OPG's competitive position. This information is disclosed in the *confidential* unredacted versions attached as Attachment A.

Reasons for Retaining Redactions in the 2014-2016 Hydro Thermal Business Plan and Corporate Business Plan (Documents at Attachment B)

As described in OPG's above-referenced letter dated October 2, 2013 (including specifically Attachments C and D to the letter), OPG has previously received OEB approval in EB-2010-0008 with respect to certain permanent redactions in OPG's filings. In EB-2010-0008, the OEB approved that redactions relating solely to OPG's unregulated business and facilities, continue to be redacted in the confidential versions of such documents.

Consistent with its request for confidential treatment made on October 2, 2013, OPG seeks similar confidential treatment of similar information in its 2014-2016 Hydro Thermal Operations and Corporate Business Plans.

As provided in EB-2010-0008, Attachment B hereto is being provided solely to the OEB Panel. It is for the purpose of allowing the OEB to determine whether the information in these Business Plans which continues to be redacted is in fact related solely to the unregulated business (or redacted so that such information cannot be uncovered) and/or is irrelevant to this Application. OPG requests that the manner in which the OEB determines this request be the same as it did in EB-2010-0008.

Respectfully submitted,

[Original signed by]

Colin Anderson  
Director, Ontario Regulatory Affairs  
Ontario Power Generation

Attach:

cc: Carlton D. Mathias, OPG  
Charles Keizer, Torys