

February 7, 2014

**BY COURIER (2 COPIES) AND EMAIL**

**Ms. Kirsten Walli**  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, Suite 2700  
Toronto, Ontario M4P 1E4  
BoardSec@ontarioenergyboard.ca

Dear Ms. Walli:

**Re: Environmental Defence Correspondence  
EB-2013-0321 – Ontario Power Generation Inc. (“OPG”)  
2014-2015 Payment Amounts Application**

Enclosed please find an executed Declaration and Undertaking regarding confidentiality in the above matter.

Please advise if anything further is required or would be of assistance.

Yours truly,



Kent Elson

Encl.

cc: Applicant

KLIPPENSTEINS

## **ONTARIO ENERGY BOARD**

**EB-2013-0321**

**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.

### **DECLARATION AND UNDERTAKING**

I, Kent Elson, am counsel of record or a consultant for Environmental Defence.

#### **DECLARATION**

I declare that:

1. I have read the Rules of Practice and Procedure of the Ontario Energy Board (the "Board") and all Orders of the Board that relate to this proceeding.
2. I am not a director or employee of a party to this proceeding for which I act or of any other person known by me to be a party in this proceeding.
3. I understand that this Declaration and Undertaking applies to all information that I receive in this proceeding and that has been designated by the Board as confidential and to all documents that contain or refer to that confidential information ("Confidential Information").
4. I understand that execution of this Declaration and Undertaking is a condition of an Order of the Board, that the Board may apply to the Superior Court of Justice to enforce it.

## **UNDERTAKING**

I undertake that:

1. I will use Confidential Information exclusively for duties performed in respect of this proceeding.
2. I will not divulge Confidential Information except to a person granted access to such Confidential Information or to the Board.
3. I will not reproduce, in any manner, Confidential Information without the prior written approval of the Board. For this purpose, reproducing Confidential Information includes scanning paper copies of Confidential Information, copying the Confidential Information onto a diskette or other machine-readable media and saving the Confidential Information onto a computer system.
4. I will protect Confidential Information from unauthorized access.
5. With respect to Confidential Information other than in electronic media, I will, promptly following the end of this proceeding or within 10 days after the end of my participation in this proceeding:
  - a. return to the Board Secretary, under the direction of the Board Secretary, all documents and materials in all media containing Confidential Information, including notes, charts, memoranda, transcripts and submissions based on such Confidential Information; or
  - b. destroy such documents and materials and file with the Board Secretary a certification of destruction in the form prescribed by the Board pertaining to the destroyed documents and materials.
6. With respect to Confidential Information in electronic media, I will:
  - a. promptly following the end of this proceeding or within 10 days after the end of my participation in this proceeding, expunge all documents and materials

containing Confidential Information, including notes, charts, memoranda, transcripts and submissions based on such Confidential Information, from all electronic apparatus and data storage media under my direction or control and file with the Board Secretary a certificate of destruction in the form prescribed by the Board pertaining to the expunged documents and materials; and

- b. continue to abide by the terms of this Declaration and Undertaking in relation to any such documents and materials to the extent that they subsist in any electronic apparatus and data storage media under my direction or control and cannot reasonably be expunged in a manner that ensures that they cannot be retrieved.
7. For the purposes of paragraphs 5 and 6, the end of this proceeding is the date on which the period for filing a review or appeal of the Board's final order in this proceeding expires or, if a review or appeal is filed, upon issuance of a final decision on the review or appeal from which no further review or appeal can or has been taken.
8. I will inform the Board Secretary immediately of any changes in the facts referred to in this Declaration and Undertaking.

Dated at Toronto this 7<sup>th</sup> day of February, 2014.



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**Kent Elson**

**KLIPPENSTEINS**  
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**Lawyers for Environmental Defence**