



**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.

**PROCEDURAL ORDER NO. 6**

**April 10, 2014**

Ontario Power Generation Inc. ("OPG") filed an application, dated September 27, 2013, with the Ontario Energy Board under section 78.1 of the *Ontario Energy Board Act*, 1998, S.O. 1998, c.15, Schedule B (the "Act") seeking approval for increases in payment amounts for the output of its nuclear generating facilities and the currently prescribed hydroelectric generating facilities, to be effective January 1, 2014. The application also seeks approval for payment amounts for newly prescribed hydroelectric generating facilities, to be effective July 1, 2014.

**Request for Confidential Treatment of Interrogatory Responses**

OPG filed responses to interrogatories on March 19, 2014 and March 26, 2014. In correspondence filed on April 4, 2014, OPG requested confidential treatment for certain information that was requested in 18 interrogatories. Confidential copies of the responses to the 18 interrogatories were provided to the Board on April 8, 2014. The specific interrogatory responses are:

1. Board staff Interrogatory #4 Attachment 1 (Exh L-1.2-Staff-4)
2. Board staff Interrogatory #49 (Exh L-4.9-Staff-49)

3. Board staff Interrogatory #50 (Exh L-4.9-Staff-50)
4. Board staff Interrogatory #139 Attachment 1 (Exh L-6.10-Staff-139)
5. Association of Major Power Consumers in Ontario ("AMPCO") Interrogatory #4 Attachment 1 (Exh L-1.2-AMPCO-4)
6. AMPCO Interrogatory #71 Attachment 1 (Exh L-6.10-AMPCO-71)
7. Environmental Defence ("ED") Interrogatory #11 (Exh L-4.12-ED-11)
8. Consumers Council of Canada Interrogatory #22 (Exh L-6.8-CCC-22)
9. School Energy Coalition ("SEC") Interrogatory #13 (Exh L-1.2-SEC-13)
10. SEC Interrogatory #17 (Exh L-1.2-SEC-17)
11. Society of Energy Professionals Interrogatory #4 (Exh L-6.1-SEP-4)
12. Board staff Interrogatory #76 (Exh L-6.3-Staff-76)
13. Board staff Interrogatory #176 (Exh L-7.1-Staff-176)
14. Board staff Interrogatory #181 (Exh L-8.2-Staff-181)
15. AMPCO Interrogatory #81 (Exh L-8.1-AMPCO-81)
16. ED Interrogatory #3 Attachment 2 (Exh L-2.1-ED-3)
17. SEC Interrogatory #51, Attachments 1-5 (Exh L-4.7-SEC-51)
18. SEC Interrogatory #119, Attachment 1 (Exh L-6.8-SEC-119)

In accordance with section 5 of the Board's *Practice Direction on Confidential Filings* ("Practice Direction"), OPG provided the reasons why it requested confidential treatment and the reasons why public disclosure of the information would be detrimental to OPG.

OPG has requested review by the "Board only" of certain information contained within items 1, 5, 10 and 11 in the list above. OPG seeks permanent redaction for this information.

In addition, OPG has requested review by the "Board only" of item #18 in the list above. OPG seeks confidential treatment of Exh L-6.7-SEC-119 in entirety, to be disclosed to persons who have signed the Declaration and Undertaking (that is Appendix C of the Practice Direction) but not the Power Workers' Union or the Society of Energy Professionals. As an interim measure, prior to final determination by the Board, OPG requested that item 18 be reviewed by the Board only.

The Board will make provision for submissions on the request for confidential treatment for these interrogatory responses. The interrogatory responses will be considered confidential until the Board renders a decision.

## Correspondence from Sustainability Journal

On April 4, 2014, Sustainability Journal filed correspondence stating that Procedural Order No. 5 was in error, specifically the statement, “Sustainability Journal did not prioritize the issues list but provided a list of new issues in its submission. The Board reminds Sustainability Journal that the un-prioritized issues list was finalized and issued on February 19, 2014.” Sustainability-Journal indicated that it had made two submissions before February 19, 2014.

The Board acknowledges that it received correspondence dated December 16, 2013 in which Sustainability Journal proposed “*Exergy stores could radically improve the efficiency of the hydro power generating stations in Eastern Ontario*” be added to the issues list. The December 16, 2013 correspondence was mistakenly labeled as a Letter of Comment rather than a proposal of an issue. As Sustainability Journal did meet the deadline for submitting a new issue, the Board is seeking comment on the following issue:

*Could the storage of energy improve the efficiency of hydroelectric generating stations?*

The Board considers it necessary to make provision for the following matters related to this proceeding.

### THE BOARD ORDERS THAT:

1. Board staff and parties wishing to make submissions on the request for confidential treatment of interrogatory responses shall file such submissions with the Board and deliver them to OPG and all other parties on or before **April 17, 2014**.
2. If OPG wishes to respond to any submissions on its request for confidential treatment of interrogatory responses, it shall file such submissions with the Board and deliver them to the relevant intervenor and all other parties on or before **April 24, 2014**.
3. Board staff and parties wishing to make submissions on the issue related to the storage of energy shall file such submissions with the Board and deliver them to all other parties on or before **April 15, 2014**.

4. If Sustainability-Journal wishes to respond to any submissions on the issue related to the storage of energy, it shall file such submissions with the Board and deliver them to all other parties on or before **April 17, 2014**.

All filings to the Board must quote the file number, **EB-2013-0321**, be made through the Board's web portal at [www.pes.ontarioenergyboard.ca/eservice/](http://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](http://www.ontarioenergyboard.ca/OEB/Industry). If the web portal is not available parties may email their documents to the address below. 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](mailto:violet.binette@ontarioenergyboard.ca) and Board Counsel, Michael Millar at [michael.millar@ontarioenergyboard.ca](mailto:michael.millar@ontarioenergyboard.ca).

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**DATED** at Toronto, April 10, 2014

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary