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May 23, 2014

**RESS, EMAIL (non-confidential information only) AND OVERSIGHT COURIER**

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
27th Floor  
2300 Yonge Street  
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: EB-2013-0321 – Application by Ontario Power Generation Inc.  
for 2014-2015 Payment Amounts**

In accordance with Rule 10 of the OEB's Rules of Practice and Procedure and section 5.1 of the OEB's Practice Direction on Confidential Filings, Ontario Power Generation Inc. requests confidential treatment for certain portions of the following information filed, in redacted form, with the OEB:

1. Updated and new Ex. D2-2-1 attachments filed on May 14, 2014 in relation to OPG's Darlington Refurbishment Project (collectively, "**DRP Attachments**"), namely:
  - a. Contracting Strategy for Fuel Handling Refurbishment Revision 1 (found at Ex. D2-2-1 Attachment 6-5);
  - b. Contracting Strategy for Steam Generators Revision 1 (found at Ex. D2-2-1 Attachment 6-6);
  - c. Contracting Strategy for Balance of Plant Revision 1 (found at Ex. D2-2-1 Attachment 6-7);
  - d. Centric Energy Advisor's Assessment of Commercial Strategies Developed for the Darlington Refurbishment Project's Steam Generators Work Package (found at Ex. D2-2-1 Attachment 7-4); and
  - e. Centric Energy Advisor's Assessment of Commercial Strategies Developed for the Darlington Refurbishment Project's Balance of Plant Work Package (found at Ex. D2-2-1 Attachment 7-5).
2. OPG's second Impact Statement filed on May 16, 2014.

OPG has set out below the reasons for the confidentiality request and the reasons why public disclosure would be detrimental to OPG. In accordance with the Practice

Direction, this letter is being provided to the OEB along with six (6) copies of each of the documents.

As an interim measure and in the interest of efficiency, prior to the OEB making its final determination on OPG's request for confidential treatment of the documents, OPG would support the OEB making provisions so that the intervenors could proceed as though OPG's request had 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.

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 or discussion of the confidential information occur during an in camera session of the hearing so as to preserve its confidential nature.

### **Reasons for Requested Redactions**

#### **Reasons for Confidential Treatment of the DRP Attachments**

The DRP Attachments found in Ex. D2-2-1 contain redactions in relation to contingencies, vendor references and specific and aggregate costs which the OEB has previously held to be confidential information in Procedural Order No. 4.

In addition to the above information, total estimated project cost and point estimates for each work bundle have been redacted from the DRP Attachments. In the course of preparing these documents for filing, OPG realized that it had inadvertently omitted to seek to protect this type of information in its earlier filed information. Given the passage of time and the expected difficult logistics, OPG has decided that this is an omission it cannot attempt to correct now with respect to the information already filed. However, as the information is commercially sensitive, OPG seeks to protect it going forward.

As OPG outlined in its letter of March 10, 2014, the disclosure of contingencies and point estimates for both pending and awarded contracts would negatively affect the remaining procurement process as estimated costs may influence vendors' bids or provide vendors with an advantage when negotiating the execution phase target or reimbursable costs. In Procedural Order No. 4, the OEB accepted OPG's submissions and agreed that knowledge of contingency amounts could affect contract price within OPG's ongoing contractor negotiation process. OPG submits that the total estimated project costs and point estimates for each work bundle of the Darlington Refurbishment Project is commercially sensitive for the same reasons and should be held confidential going forward.

Reasons for Confidential Treatment of OPG's Second Impact Statement

The only redactions in OPG's second Impact Statement are found in Tables 2 and 3 of Ex. N2-1-1, which are updated versions of Tables 2 and 3 of Ex. I1-1-1, the prior versions of which were both filed in redacted form. The information proposed for redaction is the same heavy water sales and proceeds and information that would otherwise allow determination of the sales and proceeds amounts which the OEB has accepted as confidential information in Procedural Order No. 4. OPG submits that this information should again be protected as confidential in the updated tables.

**Conclusion**

At the conclusion of the proceeding or in the event that all or part of this confidentiality request is refused, OPG requests that accordingly, the information be withdrawn in accordance with 5.1.12 of the Practice Direction, and that all persons in possession of the information be required to destroy or return to the OEB Secretary for destruction in accordance with 6.1.6 of the Practice Direction.

Respectfully submitted,

[Original signed by]

Colin Anderson  
Director, Ontario Regulatory Affairs  
Ontario Power Generation

cc: Carlton Mathias OPG  
Charles Keizer Torys LLP  
Intervenors of Record (EB-2013-0321)