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August 31, 2016

VIA RESS AND OVERNIGHT COURIER

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

Dear Ms. Walli:

**Re: EB-2016-0152 - Application by Ontario Power Generation Inc.
For 2017-2021 Payment Amounts (the “Application”)**

This is OPG’s submission on confidentiality requests pursuant to Procedural Order No. 1. This submission addresses:

- (1) A response to the submission of the SNC/Aecon JV dated August 24, 2016;
- (2) A response to the submission of Candu dated August 24, 2016; and
- (3) OPG’s information on whether the content of redactions requested by Candu have already been publically disclosed elsewhere in OPG’s pre-filed evidence.

OPG Response to the Submission of the SNC/Aecon JV

The basis of OPG’s confidentiality request made on May 27, 2016 and its submission made on August 24, 2016 is that:

“OPG has requested the redaction of certain information included in this part of its filing largely on the basis that one of OPG’s counterparties to the DRP Contracts has specifically requested that the information be protected... OPG does not want to prejudice the position of the SNC/Aecon JV before the OEB, and so has made the redactions as requested.”

OPG notes that in the SNC/Aecon JV submission, the SNC/Aecon JV makes statements that may imply that OPG and the SNC/Aecon JV are working in concert with respect to the merits of the confidentiality request.

It is true as stated at paragraph 14 of the SNC/Aecon JV’s submission that subsequent to Order PO-3311, OPG and the SNC/Aecon JV were able to agree to reduce the provisions of the RFR Agreement for which the SNC/Aecon JV had a claim for

confidential treatment. However, no inference should be drawn that OPG's stated position (as re-stated in the first paragraph above) extends beyond OPG's acknowledgement of the SNC/Aecon JV's request for confidential treatment. In OPG's May 27, 2016 request, OPG requested the redaction of such information in order to preserve for the SNC/Aecon JV the opportunity for it to express its concerns relating to public disclosure.

Contrary to the SNC/Aecon JV's reference to OPG's position in paragraphs 8 and 16 of the SNC/Aecon JV submission, OPG does not agree with the inference that OPG is joined with the JV in claiming the redactions requested beyond OPG's position stated above. Likewise, OPG does not agree with the JV's assertion that for purposes of OPG's Application, the reasoning and findings of Order PO-3311 were strictly and mutually applied by OPG and the JV in claiming confidential treatment with respect to provisions of the DRP Attachments considered by the Information and Privacy Commissioner of Ontario ("IPCO") or to equivalent or analogous provisions of the DRP Attachments that were not before the IPCO.

OPG Response to the Submission of Candu

Candu filed a confidential unredacted version of the Engineering, Procurement and Construction Agreement for the Darlington Refurbishment Steam Generator Project dated December 30, 2013 (the "SG EPC Contract") on August 24, 2016. This version of the SG EPC Contract indicated in blue-coloured boxes the redactions requested by Candu and in red-coloured boxes the redactions of OPG from its confidential filing of May 27, 2016. Where proposed redactions are indicated by red-coloured boxes only, such redactions may relate to information in respect of BWXT Canada Ltd. ("BWXT"), the joint venture partner of Candu in the SG EPC Contract. OPG submits that information in respect of BWXT should be provided the same treatment as information in respect of the other Darlington Refurbishment Program contractors.

Also, the confidential version of the SG EPC Contract found at Exhibit D2-2-3 Attachment 9, filed by OPG on May 27, 2016, included a page that stated: "Notwithstanding red box indications signalling confidential information within the document, in fact, this entire Agreement at Exhibit D2-2-3, Attachment 9 is confidential information." Given Candu's filing of the confidential unredacted version of the SG EPC Contract on August 24, 2016 that included the blue-coloured box redactions requested by Candu as well as the red-coloured box redactions of OPG, this page no longer applies.

Public Disclosure of Information Sought to be Redacted by Candu

In its submission of August 24, 2016, OPG noted that it is possible that in respect of the redactions Candu is requesting in the SG EPC Contract as well as the summary of that contract, where the redactions are incremental to what OPG indicated in red-coloured boxes in OPG's confidential filing, the substance of the proposed redactions may have already been publically disclosed elsewhere in OPG's pre-filed evidence. OPG undertook to review Candu's request for redactions in this respect and advise where this may be the case, if at all, as part of OPG's submission on August 31, 2016.

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In this respect, OPG advises that it has not publically disclosed in its pre-filed evidence the information which Candu has requested to be treated as confidential.

Yours truly,

[Original signed by]

Barbara Reuber

cc: Carlton Mathias (OPG) via e-mail
Charles Keizer (Torys) via e-mail
Crawford Smith (Torys) via e-mail