



EB-2016-0152

Ontario Power Generation Inc.

**Application for payment amounts for the period from
January 1, 2017 to December 31, 2021.**

**PROCEDURAL ORDER NO. 4
November 4, 2016**

Ontario Power Generation Inc. (OPG) filed an application with the Ontario Energy Board (OEB) on May 27, 2016 under section 78.1 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), seeking approval for changes in payment amounts for the output of its nuclear generating facilities and most of its hydroelectric generating facilities. The request seeks approval for nuclear payment amounts to be effective January 1, 2017 and for each following year through to December 31, 2021. The request seeks approval for hydroelectric payment amounts to be effective January 1, 2017 to December 31, 2017 and approval of the hydroelectric payment amount setting formula for the period January 1, 2017 to December 31, 2021.

Confidential Filings

Interrogatory Responses

Pursuant to Procedural Order No. 1, OPG filed responses to interrogatories filed by intervenors and OEB staff. In letters dated October 27, 2016 and November 1, 2016, OPG requests confidential treatment for 18 interrogatory responses and 55 documents or portions thereof that are included as attachments to certain interrogatories (collectively Confidential Documents). A complete list of affected interrogatory responses and affected documents is attached as Schedule A to this Order.

In accordance with the OEB's Practice Direction on Confidential Filings (the Practice Direction), OPG has filed redacted versions of the documents as part of its public filing

(except for the documents that OPG seeks confidential treatment in their entirety) and un-redacted versions as part of its confidential filing.

In keeping with the provisions of the Practice Direction, OPG requests that as an interim measure and following the OEB's determination of confidentiality, only representatives (counsel, consultants or experts) of parties to the proceeding that have signed the OEB's Declaration and Undertaking, in the prescribed form and filed it with the OEB be provided access to the Confidential Documents. OPG notes two exceptions.

Collective Bargaining Documentation

OPG requests that certain information in the interrogatory responses and in attachments to interrogatory responses¹ that it believes could interfere with the collective bargaining negotiations (Collective Bargaining Documentation) only be disclosed to the representatives (counsel, consultants or experts) of the Power Workers' Union (PWU) and the Society of Energy Professionals (Society), OPG's labour unions and intervenors in this proceeding, that have signed the OEB's Declaration and Undertaking, and on the additional condition that these representatives "are external to and at arms-length from PWU or the Society, as applicable, and that such individuals are not and will not be involved in any collective bargaining-related activities on their behalf". This requirement only applies to the representatives for PWU and the Society.

The OEB grants OPG's request for limited access to the Collective Bargaining Documentation. Accordingly, as an interim measure and while the OEB is considering OPG's request, the OEB requires that representatives for the PWU and the Society that wish to gain full access to the Collective Bargaining Documentation, must in addition to filing the OEB's Declaration and Undertaking, also file an affidavit affirming that they are external to and at arms-length from PWU or the Society, as applicable, and are not and will not be involved in any collective bargaining-related activities on their behalf.

The OEB has previously received signed Declaration and Undertakings from representatives of the PWU. If the PWU's representatives who have already filed a Declaration and Undertaking with the OEB wish to fully access the Collective Bargaining Documents, they must file an affidavit with the OEB as set out above.

¹ As noted in OPG's October 27, 2016 letter: "Collective bargaining-related documents are being filed in: L-06.6-1 Staff 147 (2 documents), L-06.6-1 Staff 157 (2 documents) and L-06.6-15 SEC 074 (2 documents). Interrogatory responses containing information relating to labour relations and collective bargaining are being filed in L-04.3-2 AMPCO 045, L-06.6-1 Staff 147, L-06.6-1 Staff 157, L-06.6-1 Staff 149, L-06.6-1 Staff 160, L-06.6-2 AMPCO 122, L-06.6-2 AMPCO 145, L-06.6-3 CME 005, L-06.6-13 PWU 016, L-06.6-15 SEC 070, L-06.6-15 SEC 072, L-06.6-15 SEC 079 and L-06.6-19 SEP 013".

OEB Review Only Document

OPG also requests review by the OEB only of certain sections of the business planning instructions filed as Exh L-1.2-Staff-3 Attachment 1 (OEB Review Only Document).

OPG requests that the redacted information only be disclosed to the OEB and that it be redacted permanently on the public record and in confidential documents provided to those intervenors, or their representatives, who have signed a Declaration and Undertaking in the prescribed form in this proceeding.

The OEB is reviewing the noted document and will determine if the information in the document should be permanently redacted.

Submissions on Request for Confidentiality

The OEB is making provision for submissions on the request for confidential treatment for the 18 interrogatory responses and 55 documents, but not the OEB Review Only document. The interrogatory responses and documents that are the subject of the confidentiality request will be considered confidential until the OEB renders a decision.

Technical Conference

In Procedural Order No. 1, issued on August 12, 2016, the OEB made provision for a transcribed Technical Conference on November 14, 2016 and continuing on November 15, 2016. The OEB is making provision for an additional day for the technical conference on November 16, 2016. The OEB has not amended the dates for any other procedural steps in this proceeding.

Motion Hearing

In Procedural Order No. 1, the OEB made provision for a Motion Hearing for motions, including for further and better answers, on December 16, 2016. The OEB is making provision for the filing of any motions and submissions.

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

THE ONTARIO ENERGY BOARD THEREFORE ORDERS THAT:

1. Representatives (counsel, consultants or experts) for the PWU and the Society who wish to gain full access to the Collective Bargaining Documentation must, in addition to filing the OEB's Declaration and Undertaking, also file an affidavit affirming that they are external to and at arms-length from PWU or the Society, as applicable, and are not and will not be involved in any collective bargaining-related activities on their behalf.

2. As an interim measure and until the OEB has made its determination on confidentiality, the OEB will treat all of the documents for which confidentiality is requested as confidential. Parties wishing to access these documents must sign the OEB's Declaration and Undertaking and file it with the OEB and provide a copy to OPG.
3. If OEB staff or intervenors wish to make submissions on OPG's request for confidentiality in relation to the Confidential Documents (excluding the OEB Review Only Document) they shall file their respective submissions with the OEB and deliver them to OPG and all other parties by **November 21, 2016**.
4. If OPG wishes to respond to any of the submissions, the reply submissions shall be filed with the OEB and delivered to all other parties by **November 28, 2016**.
5. A transcribed technical conference will be held on **November 14, 2016** starting at 9:30 a.m. 2300 Yonge Street, 25th floor, Toronto. If necessary, the technical conference will continue on November 15, 2016 and November 16, 2016.
6. Any motions, including for further and better answers, shall be filed with the OEB and delivered to all other parties by **December 2, 2016**.
7. Parties that are in support of the motions shall file their submissions and motion materials on the matters with the OEB and deliver them to all other parties by **December 9, 2016**.
8. Parties that oppose the motions shall file their submissions and motion materials on the matters with the OEB and deliver them to all other parties by **December 13, 2016**.

All filings to the OEB must quote the file number, **EB-2016-0152**, be made in searchable / unrestricted PDF format electronically through the OEB's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed at the OEB's address provided below. 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 <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 and OEB Counsel, Michael Millar at michael.millar@ontarioenergyboard.ca and Ian Richler at ian.richler@ontarioenergyboard.ca.

ADDRESS

Ontario Energy Board
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Attention: Board Secretary

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Tel: 1-888-632-6273 (Toll free)
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DATED at Toronto, **November 4, 2016**

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Schedule A
List of Affected Interrogatory Responses and List of Affected Documents
Attached to Interrogatory Responses.

Table 1: List of Affected Interrogatory Responses	
No.	Exhibit
1.	L-04.3-2 AMPCO 045
2.	L-04.3-15 SEC 023
3.	L-06.3-2 AMPCO 116
4.	L-06.6-1 Staff 147
5.	L-06.6-1 Staff 157
6.	L-06.6-1 Staff 149
7.	L-06.6-1 Staff 160
8.	L-06.6-2 AMPCO 122
9.	L-06.6-2 AMPCO 145
10.	L-06.6-3 CME 005
11.	L-06.6-13 PWU 016
12.	L-06.6-15 SEC 70
13.	L-06.6-15 SEC 72
14.	L-06.6-15 SEC 79
15.	L-06.6-15 SEC 85
16.	L-06.6-19 SEP 13
17.	L-06.7-2 AMPCO 115
18.	L-07.12-1 Staff 205

Table 2: List of Affected Documents Attached to Interrogatory Responses		
#	Exhibit	Attachment #
1.	L-01.2-1 Staff 003	Attachment 1
2.	L-01.2-5 CCC 008	Attachment 2
3.	L-04.2-1 Staff 028	Attachment 1
4.	L-04.2-1 Staff 040	Attachment 1
5.	L-04.2-1 Staff 041	Attachment 1
6.	L-04.2-1 Staff 043	Attachment 1
7.	L-04.2-13 PWU 006	Attachment 1
8.	L-04.2-13 PWU 006	Attachment 2
9.	L-04.3-1 Staff 072	Attachment 1
10.	L-04.3-1 Staff 072	Attachment 2
11.	L-04.3-1 Staff 072	Attachment 3
12.	L-04.3-1 Staff 072	Attachment 4
13.	L-04.3-1 Staff 072	Attachment 5
14.	L-04.3-1 Staff 072	Attachment 6

#	Exhibit	Attachment #
15.	L-04.3-1 Staff 072	Attachment 8
16.	L-04.3-1 Staff 072	Attachment 9
17.	L-04.3-1 Staff 072	Attachment 11
18.	L-04.3-1 Staff 072	Attachment 22
19.	L-04.3-1 Staff 072	Attachment 23
20.	L-04.3-1 Staff 072	Attachment 25
21.	L-04.3-1 Staff 072	Attachment 29
22.	L-04.3-2 AMPCO 044	Attachment 1
23.	L-04.3-15 SEC 029	Attachment 1
24.	L-04.3-15 SEC 031	Attachment 3
25.	L-04.3-15 SEC 031	Attachment 5
26.	L-04.3-15 SEC 031	Attachment 6
27.	L-04.3-15 SEC 031	Attachment 7
28.	L-04.3-15 SEC 37	Attachment 2
29.	L-04.4-15 SEC 048	Attachment 1
30.	L-04.5-5 CCC 022	Attachment 1
31.	L-04.5-8 GEC 13	Attachment 1
32.	L-06.1-1 Staff 093	Attachment 1
33.	L-06.6-1 Staff 147	Attachment 1
34.	L-06.6-1 Staff 147	Attachment 2
35.	L-06.6-1 Staff 157	Attachment 1
36.	L-06.6-1 Staff 157	Attachment 2
37.	L-06.6-15 SEC 74	Attachment 1
38.	L-06.6-15 SEC 74	Attachment 2
39.	L-06.10-1 Staff 184	Attachment 1
40.	L-01.2-2 AMPCO 1	Attachment 2
41.	L-04.2-2 AMPCO 17	Attachment 1
42.	L-04.3-1 Staff 73	Attachment 7
43.	L-04.3-7 ED 4	Attachment 1
44.	L-04.3-15 SEC 14	Attachment 1
45.	L-04.3-15 SEC 22	Attachment 2- Tab
46.	L-04.3-15 SEC 22	Attachment 2- Tab
47.	L-04.3-15 SEC 22	Attachment 2-
48.	L-04.3-15 SEC 22	Attachment 2- Tab
49.	L-04.3-15 SEC 25	Attachment 1
50.	L-04.3-15 SEC 26	Attachment 3
51.	L-04.3-15 SEC 26	Attachment 4
52.	L-04.3-15 SEC 32	Attachment 2
53.	L-04.3-15 SEC 34	Attachment 1
54.	L-04.3-15 SEC 34	Attachment 2
55.	L-04.4-15 SEC 46	Attachment 2