

November 11, 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 Submission on Confidentiality Requests**

This is OPG's submission on confidentiality requests pursuant to Procedural Order No. 3 ("Order").

The disclosure of the information on the matters for which the OEB has stated it requires additional information, as set out on page 12 of the Order, will not cause commercial harm to OPG. That is, in respect of OPG's own commercial sensitivities, OPG is not seeking confidential protection of the subject information.

As OPG submitted in its confidentiality request first made on May 27, 2016, confidential protection was claimed by OPG because of its contractual relationships with the SNC/Aecon JV and with Candu and because these entities had advised OPG that they desired that the information be protected as confidential. It is not for OPG to ignore or to assert the commercial sensitivities of its contractual counterparties. OPG redacted the information in question to provide the SNC/Aecon JV and Candu with an opportunity to make such assertions.

In respect of the provisions of the ESES Contract for Turbine Generators between OPG and Alstom about which the OEB has required additional information (per page 14 of the Order), confidential protection of that information was sought by OPG in order to be consistent with the redactions desired by the SNC/Aecon JV and Candu. OPG submits that if the OEB rules that this type of information relating to the SNC/Aecon JV and Candu should be protected, then it should be protected for the Turbine Generator ESES Contract as well; if not for the SNC/Aecon JV and Candu, then not for the TG ESES Contract either.

As a separate matter, and for potential assistance for the OEB, OPG notes that with respect to page 13 of the Order in relation to bullets 5 and 7 of Amendment # 5 to the EPC Contract for RFR with the SNC/Aecon JV, the subject information has not actually

been redacted in the filing of the DRP Contracts. This applies to bullets 11 and 12 to Amendment # 4 as well. Additionally, in respect of Section 8.1(g) of the ES MSA with the SNC/Aecon JV, whereas the OEB has required additional information per page 13 of the Order, at page 11 of the Order in respect of Item No. 5 regarding the same contract, the OEB ruled that the subject information is 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