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BY EMAIL

November 21, 2016

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

Dear Ms. Walli:

**Re: Ontario Power Generation Inc.(OPG)
Ontario Energy Board File Number EB-2016-0152
OEB Staff Submission on Confidential Filings (Interrogatory Responses)**

In accordance with Procedural Order No. 4, please find attached OEB staff's submission. OPG and all intervenors are copied on this filing.

Yours truly,

Yours truly,

Original Signed By

Violet Binette
Project Advisor

c.c. All parties in EB-2016-0152

ONTARIO POWER GENERATION INC.
2017-2021 PAYMENT AMOUNTS
EB-2016-0152

Ontario Energy Board
Staff Submission on Confidential Filings

November 21, 2016

INTRODUCTION

This matter pertains to Ontario Power Generation Inc. (OPG)'s application with the Ontario Energy Board (OEB) filed on May 27, 2016, in which OPG is seeking approval for changes in payment amounts for the output of its nuclear generating facilities and most of its hydroelectric generating facilities for the period January 1, 2017 to December 31, 2021.

BACKGROUND

In letters dated October 27, 2016 and November 1, 2016, OPG set out its request for the confidential treatment for information in 18 interrogatory responses and 55 attachments to various interrogatory responses. OPG is requesting that certain attachments be held confidential in their entirety, such as income tax filings and collective bargaining materials.

OPG grouped the interrogatories and attachments under seven categories. Under each category, OPG identified the interrogatory response and attachments that contain confidential information and the reasons why the information should be held confidential and why public disclosure is detrimental.

The categories and a summary of the reasons as provided by OPG are noted below.

(i) OPG vendor/contractor name references in third party or internal oversight reports on Darlington Refurbishment Program (DRP)

- The documents under this category include oversight reports from Modus/Burns & McDonnell, CALM Management Consulting and OPG Internal Audit.
- The information at issue includes certain commentary on the performance of specific contractors in the DRP, as well as third-party commercially sensitive information.
- OPG states that public disclosure of the information could potentially prejudice the competitive positions of the contractors and could negatively impact its existing contractual relationships.

(ii) Project cost contingencies and other commercially sensitive information in business case summaries

- The documents include Nuclear Business Case Summaries for projects.
- The information includes “commercially sensitive information such as project cost contingencies, certain costs for contracted or purchased work or materials, or

aggregate information' that would allow determination of commercially sensitive information". Some of the documents also include commentary on the performance of specific contractors.

- OPG states that public disclosure of the information could prejudice OPG's competitive position and disclosure of the commentary could impact existing relationships and on-going negotiations.

(iii) OPG vendor/contractor name references in contracting strategies for major work bundles in the DRP

- The documents include information on contracting strategies for various aspects of the DRP.
- The information includes commentary about specific contractors, including their prior performance and experience.
- OPG states that public disclosure of the information could potentially prejudice the competitive positions of contractors and affect OPG's existing and future contractual relationships with the referenced contractors.

(iv) Collective bargaining-related documentation

- The documents contain information on OPG's collective bargaining strategies.
- OPG states that public disclosure of the information could potentially interfere with future collective bargaining negotiations.

(v) Internal OPG documentation regarding the DRP containing commercially sensitive information and potentially harmful commentary about vendors

- The information includes certain commentary on the performance of specific contractors in the DRP, as well as third-party commercially sensitive information.
- OPG states that public disclosure of the information could potentially prejudice the competitive positions of the contractors. Public disclosure of the commentary could impact existing contractual relationships.

(vi) Information for which OPG's contractors have specifically requested confidential treatment in this proceeding

- These documents contain information for which confidential treatment is being requested due to certain of OPG's DRP contract counterparties having specifically requested that the information of this type be protected. The request of the counterparties is currently before the OEB.

(vii) Other

This category includes interrogatory responses and documents not included above. OPG has provided the reasons for confidentiality with respect to most, as discussed below.

OEB STAFF SUBMISSION

OEB staff does not object to the request for confidentiality for information in the interrogatory responses and in the documents filed as attachments to interrogatory responses, except for items discussed below regarding which OEB staff invites OPG to provide further clarification in reply submissions.

OEB staff notes that the information for which OPG seeks confidential treatment deals with matters such as commentary on the performance of contractors, third party commercially sensitive information, business case summaries that include commercially sensitive information such as cost contingencies, costs for contracted or purchased work or materials, or aggregate information that would allow determination of commercially sensitive information, income tax filings and collective bargaining related material. OEB staff submits that the OEB's Practice Direction on Confidential Filings (Practice Direction) favours the confidential treatment of this type of information, and that OPG's request for the most part is consistent with information that the OEB has previously¹ treated as confidential.

OEB staff agrees that the public disclosure of OPG's commercially sensitive information and collective bargaining related information could potentially prejudice OPG's competitive position and affect current and future commercial and labour negotiations. OEB staff also agrees that the public disclosure of the commentary on contractor performance could adversely impact OPG's position and its relationship with contractors. OEB staff also supports the redactions related to third-party information.

OEB staff invites OPG to comment on the following matters:

L-0.3-2 AMPCO 045

This interrogatory response has been categorized under Collective Bargaining Documentation. It appears to OEB staff that the response may have been mis-categorized and if so, requests OPG to clarify the matter in its reply submissions.

¹ Various decisions on confidentiality in EB-2013-0321 and Decision on Confidential Filings and Procedural Order No. 3, EB-2016-0152, dated November 1, 2016.

L-06.6-1 Staff 157 (2 documents)

OPG is requesting confidential treatment for two reports related to its employee pension program. OPG is requesting that the titles of the reports as well as the reports in their entirety be treated as confidential. OEB staff invites OPG to comment on whether it would be reasonable to redact only portions of the reports as opposed to the complete reports and titles. Further, if it is OPG's intention to seek confidentiality for the documents in their entirety, OEB staff submits that consistent with the requirements of the Practice Direction, OPG should file summaries of the documents on the public record.

L-04.3-15 SEC 023

This interrogatory responds to the question: "Please detail all efficiency and productivity measures built into any of the major work bundle contracts for DRP. Please reference the specific sections of the contracts where they can be found?"

OEB staff observes that OPG has not provided a reason why the information at issue should be held confidential and invites OPG to do so in its reply submission.

OEB staff also notes that the first redacted paragraph, excluding the names of the specific contracts, contains information that appears to be of a general nature and staff invites OPG to comment on the reasonableness of redacting only selective portions and leaving the remainder un-redacted. For example, it is unclear to staff as to why the first two sentences of the first redacted paragraph need to be redacted.

L-06.3-2 AMPCO 116, L-06.6-15 SEC 085, L-06.7-2 AMPCO 115 and L-07.12-1 Staff 205

These interrogatories deal with costs of processing uranium bundles, pension benefits, corporate costs and fuel bundle volume forecasts, respectively. OEB staff observes that OPG has not provided its reasons explaining why the information should be held confidential and invites OPG to address the matter in its reply submissions.

L-04.3-15 SEC 022 and L-04.3-15 SEC 25

OEB staff observes that SEC interrogatory no. 22 is stated twice (in OPG's November 1, 2016 letter) under different categories and shows five documents (instead of four as per the Table of Contents). If the reasons for confidentiality require that it be noted under both categories as stated in OPG's letter, then OEB staff invites OPG to identify the specific attachments under each category. Further, the reasons explaining why the information in SEC interrogatory no. 25, Attachment 1, should be held confidential

appear not to have been provided. OEB staff invites OPG to clarify the noted matters in its reply submissions.

L-04.3-15 SEC 014

OEB staff invites OPG to comment on whether it would be reasonable to redact only portions of the documents as opposed to the entire document. If it is OPG's intention to seek confidentiality for the entire document, then OEB staff submits that OPG should refile the entire document printed on coloured paper, consistent with the requirements in the OEB's Practice Direction, and as OPG has done in other similar instances.

All of which is respectfully submitted.