



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. 5
December 2, 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 FILLINGS

In this Order the OEB addresses the following matters:

1. OPG's request for confidentiality for certain undertaking responses and attachments
2. OPG's request for confidentiality for interrogatory response, L-04.3-7 ED 004, Attachment 1
3. OPG's request for confidentiality for portions of the technical conference transcript, dated November 16, 2016
4. Submissions of Candu Energy Inc. (Candu) in respect of its request for confidentiality for portions of the Engineering, Procurement, and Construction Agreement for the Steam Generator Project (EPC Contract for Steam Generators)

OPG's request for confidentiality for certain undertaking responses and attachments (Item 1)

OPG filed its responses to undertakings from the technical conference that was held November 14-16, 2016, on November 21, 2016 and on November 30, 2016.

In letters dated November 21, 2016 and November 30, 2016, OPG requests confidential treatment for 2 undertaking responses and 26 documents or portions thereof that are included as attachments to certain undertaking responses. A complete list of affected undertaking responses and attachments 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 and un-redacted versions as part of its confidential filing.

As requested by OPG, 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 (and affidavit as relevant), in the prescribed form and filed it with the OEB will be provided access to the confidential filings¹.

As set out later in this order, the OEB has made provision for the filing of submissions on OPG's request for confidentiality for the undertaking responses and attachments.

OEB Review Only Document

In addition to the undertaking responses and attachments noted above, OPG is also requesting permanent redactions for information contained in the attachment filed in response to JT3.1². 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.

¹ As an exception to the above, OPG requests that the confidential portion of the responses to undertakings JT2.26, JT2.34, JTX3.17 and JT3.20, not be disclosed to the Society of Energy Professionals who have not executed the OEB's Declaration and Undertaking and affidavit as set out in Procedural Order No. 4.

² By letter dated November 25, 2016, OPG withdrew its request for permanent redactions to JT2.1 – Attachment 1.

The OEB is reviewing the noted document and will determine if the information in the document should be permanently redacted. The OEB will not accept submissions from parties on this matter.

OPG's request for confidentiality for Interrogatory Response, L-04.3-7 ED 004, Attachment 1 (Item 2)

By letter dated November 25, 2016, OPG requests that certain information in L-04.3-7 ED 004, Attachment 1 be treated as confidential. In its letter OPG has set out its reasons for the request and has filed redacted and un-redacted versions of the noted attachment. The OEB invites further submissions on this matter as set out in this Order.

OPG's request for confidentiality for portions of the technical conference transcript, dated November 16, 2016 (Item 3)

By letter dated November 24, 2016, and pursuant to section 6.2.4 of the Practice Direction, OPG requests confidential treatment for certain portions of the transcript from the technical conference held on November 16, 2016. In its letter OPG has set out its reasons for the request.

The OEB notes that the portions for which OPG is requesting confidential treatment relate to matters that were raised by Mr. Jay Shepherd, counsel for School Energy Coalition (SEC) and Mr. Michael Millar, counsel for OEB Staff. Therefore the OEB is making provision in this Order for the SEC and OEB staff to make submissions on OPG's request for confidentiality.

Submissions of Candu in respect of its request for confidentiality for portions of the EPC Contract for Steam Generators (Item 4)

On November 29, 2016, the OEB received further submissions from Candu in relation to its request for confidentiality for portions of the EPC Contract for Steam Generators with OPG. The OEB notes that Candu has adopted the submissions of SNC Lavalin Nuclear Inc. and Aecon Construction Group Inc. Joint Venture (the "JV") that were filed by the JV pursuant to Procedural Order No. 3. The OEB has determined that it has sufficient information to proceed in this matter and is not making provision for further submissions from parties on this matter.

THE ONTARIO ENERGY BOARD THEREFORE ORDERS THAT:

1. If OEB staff or intervenors wish to make submissions on OPG's request for confidentiality in relation to the undertaking responses and attachments (excluding the OEB Review Only Document) and L-4.3-7 ED 004 Attachment 1, they shall file their respective submissions with the OEB and deliver them to OPG and all other parties by **December 8, 2016**.
2. If OEB staff or SEC wish to make submissions on OPG's request for confidentiality for portions of the technical conference transcript dated November 16, 2016 they shall file their respective submissions with the OEB and deliver them to OPG and all other parties by **December 8, 2016**.
3. If OPG wishes to respond to any of the submissions, the reply submissions must be filed with the OEB and delivered to all other parties by **December 14, 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
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Board Secretary

E-mail: boardsec@ontarioenergyboard.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto, **December 2, 2016**

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Schedule A
List of Undertaking Responses and List of Attachments to Undertaking Responses.

Table 1: List of Undertaking Responses	
No.	Exhibit
1.	JT-1.6
2.	JT-2.6

Table 2: List of Attachments to Undertaking Responses		
#	Exhibit	Attachment #
1.	JT-1.4	Attachment 1
2.	JT-1.4	Attachment 2
3.	JT-1.4	Attachment 3
4.	JT-1.7	Attachment 1
5.	JT-1.20	Attachment 1
6.	JT-2.10	Attachment 1
7.	JT-2.34	Attachment 1
8.	JTX-3.17	Attachment 1
9.	JT-3.20	Attachment 1
10.	JT-1.8	Attachment 1
11.	JT-1.8	Attachment 2
12.	JT-1.8	Attachment 3
13.	JT-1.8	Attachment 4
14.	JT-1.8	Attachment 5
15.	JT-1.8	Attachment 6
16.	JT-1.8	Attachment 7
17.	JT-1.8	Attachment 12
18.	JT-1.8	Attachment 14
19.	JT-1.8	Attachment 18
20.	JT-1.8	Attachment 24
21.	JT-1.8	Attachment 31
22.	JT-1.8	Attachment 33
23.	JT-1.13	Attachment 2
24.	JT-1.13	Attachment 3
25.	JT-1.13	Attachment 4
26.	JT-3.4	Attachment 1