

**Ontario Energy  
Board**

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**Commission de l'énergie  
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**BY E-MAIL**

December 8, 2016

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

Dear Ms. Walli:

**Re: Ontario Power Generation Inc.  
2017-2021 Payment Amounts  
Ontario Energy Board File Number EB-2016-0152**

In accordance with Procedural Order No. 5, please find attached OEB staff's submission on confidential filings, specifically technical conference undertaking responses and the November 16, 2016 transcript. OPG and all intervenors have been copied on this filing.

Yours truly,

*Original signed by*

Violet Binette  
Project Advisor, Applications

Attach

**ONTARIO POWER GENERATION INC.**

**2017-2021 PAYMENT AMOUNTS**

**EB-2016-0152**

**Ontario Energy Board  
Staff Submission on Confidential Filings –  
Technical Conference Undertaking Responses  
and Transcript**

**December 8, 2016**

## **Introduction**

Ontario Power Generation Inc. (OPG) filed an application with the Ontario Energy Board (OEB) on May 27, 2016, 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.

In Procedural Order No. 5 the OEB made provision for submissions from OEB staff and intervenors on OPG's request for confidentiality for information contained in certain technical conference undertaking responses and attachments to undertakings. The OEB also invited submissions from OEB staff and the School Energy Coalition on the redactions that are proposed by OPG in the technical conference transcript, dated November 16, 2016.

## **OEB Staff Submission**

### *Confidentiality of Undertaking Responses and Attachments*

OEB staff does not object to OPG's request for confidentiality for information in the undertaking responses and related attachments. OEB staff observes that the redactions proposed by OPG have been applied selectively and pertain to the following:

- Commercially sensitive information of OPG and/or of third parties
- OPG or third party names of individuals
- Proprietary information belonging to third parties
- Contractor/vendor or third party references that may lead to reputational harm to those persons
- The identification of sensitive locations of OPG's Controlled Access Storage Areas or security related information
- Collective bargaining information

OEB staff submits that the *Practice Direction on Confidential Filings* (Practice Direction) favours the confidential treatment of this type of information and that the OEB has previously treated this type of information as confidential.

OPG is also seeking confidential treatment for information (in certain undertaking responses and attachments and in L-4.3-7-ED-004) which is the subject of a confidentiality request that is currently before the OEB and deals with information in certain Darlington Refurbishment Program contracts. As stated in the submissions of OEB staff in that matter, OEB staff does not object to the request for confidentiality for information contained in the subject contracts. In OEB staff's view the redacted

information in the multi-billion dollar contracts is of a commercially sensitive nature and the Practice Direction favours the confidential treatment of this type of information. Further, in OEB staff's view OPG and the contract counterparties have achieved a reasonable balance between transparency and the protection of confidential information.

*Confidentiality of technical conference transcript dated November 16, 2016*

In respect of OPG's request for confidentiality for information contained in the technical conference transcript, OEB staff has reviewed the redactions that are proposed by OPG and does not object to the request.

**All of which is respectfully submitted**