



BY EMAIL and RESS

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Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
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March 5, 2020
Our File: EB20200290

Attn: Christine Long, Registrar

Dear Ms. Long:

Re: EB-2020-0290– Ontario Power Generation 2022-26 – Confidentiality Submissions

We are counsel to the School Energy Coalition (“SEC”). Pursuant to Procedural Order No. 1, these are SEC’s submissions on Ontario Power Generation’s (“OPG”) request for confidential treatment of certain portions of the pre-filed evidence.

SEC is concerned with OPG’s request for confidentiality over the forecast total cost for the Clarington Corporate Campus.¹ OPG is seeking confidentiality on the basis that it has not commenced the tendering process for the project and thus its competitive position to negotiate with potential contractors and others would be harmed by disclosure.

SEC understands the concern and does not wish to harm OPG in this respect, but as a practical matter, it does create a situation where the forecast total cost of a significant capital project sought for approval in this application is not on the public record. It is not clear from review of either the public or confidential versions of the evidence if the entire project (and thus the total cost) will go out for a single tender or simply portions of it will. If it is the latter, then SEC would assume that while the total forecast could be made public, it is the breakdown of the component costs that would need to be treated as confidential, as it is disclosure of that information that could potentially cause harm. This is similar to the rest of OPG’s evidence where total project costs are provided publicly, but certain components (i.e. contingency) it may seek confidential treatment over.

SEC requests OPG in its reply submission provide further information to help explain why it believes the total forecast cost of the Clarington Corporate Campus should be treated as confidential.

Yours very truly,
Shepherd Rubenstein P.C.

Mark Rubenstein

¹ Exhibit D3-1-2, p.3; Exhibit D3-1-2, Attachment 2, and Exhibit D3-1-2, Table 1a



cc: Wayne McNally, SEC (by email)
Applicant and intervenors (by email)