

**BY RESS – PUBLIC VERSION OF COVER LETTER ONLY****BY EMAIL**

April 30, 2021

Ms. Christine Long  
Registrar  
Ontario Energy Board  
27th Floor - 2300 Yonge Street  
Toronto, Ontario M4P 1E4

Dear Ms. Long:

**Re: EB-2020-0290 – Application by Ontario Power Generation Inc. (“OPG”)  
For 2022-2026 Payment Amounts (the “Application”)  
Confidential Information for the OEB’s Review Only**

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**Overview**

OPG respectfully submits this letter to the panel of the Ontario Energy Board (“OEB”) for review of OPG’s request to permanently redact certain information in the following documents:

1. The Amended 2020-2026 Business Plan (the “**Business Plan**”) located at Ex. A2-2-1, Attachment 1 of OPG’s pre-filed evidence and the Amended 2026-2026 Business Planning Instructions (the “**Business Planning Instructions**”) located at Ex. A2-2-1, Attachment 2 of OPG’s pre-filed evidence, in each case re-submitted hereunder in response to the OEB’s order in its Decision on Confidentiality dated April 15, 2021 (the “**Decision**”); and
2. Certain interrogatory responses and documents filed in connection with a separate letter dated April 30, 2021, for which OPG requests permanent redaction of:
  - a) personal information within the meaning of *Freedom of Information and Protection of Privacy Act* (Ontario) (“**FIPPA**”); and
  - b) information contained in an OPG board memo dated October 19, 2020 relating to the Business Plan and attached to the interrogatory response filed in L-A2-02-CCC-015 (the “**Board Memo**”).

**1. Permanent Redactions in the Business Plan and Business Planning Instructions**

On December 31, 2020, OPG requested confidential treatment for certain information filed in this Application. OPG also sought permanent redaction of certain information in the Business Plan and Business Planning Instructions for disclosure only to the OEB panel. In the Decision, the OEB requested that OPG re-submit these documents with additional supporting rationale for the permanent redactions sought by OPG.

In response to the OEB's request, OPG is re-submitting the Business Plan and Business Planning Instructions, attached in Appendix A and Appendix B, respectively. The portions of these documents for which OPG seeks permanent redaction are highlighted in green. Generally, the information for which OPG continues to seek permanent redaction is not public information, is wholly related to the unregulated business of OPG and therefore, not relevant to the determination of payment amounts under this Application. In addition, as a reporting issuer under Canadian provincial securities law, OPG may be subject to liability (and securities regulatory proceedings) in relation to forward-looking disclosures of financial performance, referred to as "financial outlook". For ease of reference, detailed justification for each remaining proposed permanent redaction is included as an annotation in the margins of each of the attached Business Plan and Business Planning Instructions. In the alternative, and to the extent the OEB does not grant one or more of OPG's permanent redaction requests, OPG asks that such information be afforded confidential treatment on the basis that it is commercially sensitive information as more particularly described in the annotations to the Business Plan and Business Planning Instructions.

Notably, OPG is significantly reducing the number of permanent redactions being sought. As detailed in Appendices A and B, OPG is in some cases requesting that information instead be afforded confidential treatment, and in other cases, withdrawing the request for confidential treatment altogether. The information for which OPG seeks confidential treatment instead of permanent redaction is commercially sensitive information that is not otherwise publicly available. Disclosing this information may prejudice OPG's competitive position, particularly where such information is future-looking and/or relates in part to aspects of OPG's unregulated business. In order to help the OEB panel distinguish information for which it has already granted confidential protection in EB-2020-0290 (Decision on Confidentiality – Pre-Filed Evidence) this additional confidential information in the Business Plan and Business Planning Instructions is identified by blue boxes and will be revealed only to those intervenors that sign a Declaration and Undertaking.

Lastly, OPG identified unredacted information in the Business Plan [REDACTED] for which it intended to seek permanent redaction in its original submissions. This proposed redaction was omitted in error. OPG consistently treats this information as commercially sensitive information and had previously proposed permanent redactions of this information in every other instance. OPG now seeks confidential treatment of this information instead of permanent redactions and is redacting this information to correct the previous oversight.

## **2. Permanent Redactions in Interrogatory Responses and Documents**

In a separate letter of April 30, 2021, OPG is requesting confidential treatment of certain information filed in responses to interrogatories in this Application. OPG indicated in that letter that it would write to the OEB and provide it alone with the information for which OPG seeks permanent protection.

### **A. Permanent Redaction of Personal Information**

In accordance with Rule 9A of the OEB's *Rules of Practice and Procedure* and section 4.3.1 of the OEB's *Practice Direction on Confidential Filings*, OPG attaches unredacted copies of the specific pages listed in Appendix C to this letter containing personal information.

The proposed permanent redactions in these documents contain personal information based on the meaning given in *FIPPA*, including identifying numbers assigned to an individual, views or opinions of another individual

about the individual, and/or names of individuals where it appears with other personal information relating to such individuals.

The portions of these documents for which OPG seeks a permanent redaction in Appendix C are highlighted in green. Confidential information that will be revealed to those that sign a Declaration and Undertaking are indicated by red boxes.

*B. Permanent Redactions in the Board Memo*

The information contained in the Board Memo for which OPG seeks permanent redaction is highlighted in green and generally reflects the same or similar information proposed for permanent redaction in the revised Business Plan and Business Planning Instructions attached in Appendices A and B, respectively. Confidential information that will be revealed to parties signing a Declaration and Undertaking is outlined in red boxes.

An annotated version of the Board Memo is attached in Appendix D and includes specific rationales for the permanent redactions sought. Alternatively, and to the extent the OEB does not grant one or more of OPG's permanent redaction requests, OPG asks that such information be afforded confidential treatment on the basis that it is commercially sensitive information, as more particularly described in the annotations.

OPG respectfully requests that the OEB follow its past practice and not make these documents available to the parties. OPG requests that the OEB destroy all copies of the unredacted originals (including electronic and any hard copies) following the OEB's review of the documents and provide OPG with written confirmation of completion by e-mail to the attention of:

Aimee Collier  
Assistant General Counsel, Law Division  
Email: [Aimee.Collier@opg.com](mailto:Aimee.Collier@opg.com)

Yours truly,



Aimee Collier

cc: Evelyn Wong, OPG  
Charles Keizer, Torys LLP