

August 20, 2021

**VIA RESS (LETTER ONLY)**

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

Dear Ms. Long

**Re: Application by Ontario Power Generation Inc. for 2022-2026 Payment Amounts (EB-2020-0290) – Filing of Hearing Undertaking Responses and Request for Confidential Treatment**

***Hearing Undertaking Responses***

The Hearing for EB-2020-0290 was held from August 4<sup>th</sup> to 6<sup>th</sup>, 2021. OPG filed all undertaking responses between August 6<sup>th</sup> to 18<sup>th</sup> and has submitted these responses through the Regulatory Electronic Submissions System. These responses are also made available on OPG's website at <https://www.opg.com/about-us/regulatory-affairs/oeb-applications/>.

***Confidentiality***

In accordance with Rule 10 of the Ontario Energy Board's ("**OEB**") *Rules of Practice and Procedure* and section 5.1 of the OEB's *Practice Direction on Confidential Filings* (the "**Practice Direction**"), Ontario Power Generation Inc. ("**OPG**") hereby requests confidential treatment for one undertaking response, J2.8, arising from the August 5<sup>th</sup>, 2021 hearing day in EB-2020-0290.

OPG requests that the redacted portions of the undertaking response, J2.8, related to OPG's heavy water processing volumes and costs, be protected as confidential because its disclosure will prejudice OPG's competitive position and interfere significantly with any future negotiations being carried out by OPG. The confidential nature of this information was approved by the OEB in EB-2020-0290, EB-2016-0152, and EB-2013-0321.

**Attachments**

In this regard, OPG attaches the following:

1. **Attachment 'A':** Confidential, unredacted version of the undertaking response, J2.8. This version is intended to be treated confidentially and should only be provided to intervenors or their representatives who sign, or have already signed, a Declaration and Undertaking in the prescribed form in this proceeding. The specific portions of the document constituting confidential information are marked with red boxes.

**OEB Procedure:**

As an interim measure for efficiency, prior to the OEB making its final determination on OPG's request for confidential treatment, OPG would be amenable to proceeding as though OPG's request for confidentiality has been granted.

On a final determination, should the OEB grant OPG's request for confidentiality, OPG proposes that the OEB order the documents be disclosed, subject to any conditions the OEB may find appropriate, to only those persons that by then have already signed, or that subsequently sign, a Declaration and Undertaking.

In addition, consistent with section 6.2 of the Practice Direction, OPG requests that during oral proceedings (if any) that any reference to information which the OEB has determined to be confidential, be conducted *in camera* to preserve its confidential nature.

In the event that OPG's confidentiality request is refused, in whole or in part, and OPG in turn requests that some or all of the information that is the subject of this request be withdrawn in accordance with section 5.1.12 of the Practice Direction, all persons in possession of the said information will be required to promptly destroy the information and confirm its destruction in accordance with the Declaration and Undertaking.

Should the OEB require any further information or clarification as to the requests made herein, please contact the Applicant's legal counsel as required.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Evelyn Wong', with a stylized, flowing script.

Evelyn Wong

cc:

Aimee Collier (OPG) via e-mail

Charles Keizer (Torys LLP) via e-mail

Crawford Smith (Lax O'Sullivan Lisus Gottlieb LLP) via email