



Ontario Power Generation Inc.

**Application for payment amounts for the period from
January 1, 2022 to December 31, 2026**

**DECISION ON CONFIDENTIALITY – JULY 23 and AUGUST 20, 2021
CONFIDENTIALITY REQUEST LETTERS
August 30, 2021**

Ontario Power Generation Inc. (OPG) filed an application dated December 31, 2020, with the Ontario Energy Board (OEB) under section 78.1 of the *Ontario Energy Board Act, 1998*. OPG's application seeks approval for changes in payment amounts for the output of its nuclear generating facilities in each of the five years beginning January 1, 2022 and ending on December 31, 2026. OPG also requested approval to maintain, with no change, the base payment amount it charges for the output of its regulated hydroelectric generating facilities at the payment amount in effect December 31, 2021 for the period from January 1, 2022 to December 31, 2026.

July 23, 2021 Confidentiality Request Letter

OPG filed a letter, dated July 23, 2021, requesting the confidential treatment of certain portions of, or the entirety of, undertaking and interrogatory responses. OPG also proposed revisions to the redactions for the *in camera* portion of the Day 4 Technical Conference transcript. See Schedule A for a list of the forty documents at issue.

In addition to the documents identified in Schedule A, OPG also sought permanent redactions, without disclosure except to the OEB, of information contained in updated interrogatory responses. OPG updated its response to L-D2-02-AMPCO-079 by revising and filing additional attachments that contained personal information within the meaning of the *Freedom of Information and Protection of Privacy Act*. OPG revised its response to L-A2-02-CCC-014 by providing Attachment 1 which contains information related to OPG's unregulated acquisitions.

At the outset of the oral hearing on the unsettled issues, on August 4, 2021, the OEB requested parties to notify OEB staff if they intended to file an objection to OPG's confidentiality request. No party notified OEB staff of its intent to file an objection.

Findings

The OEB has reviewed the documents, listed in Schedule A, and finds that OPG's rationale (on page 4 of the July 23, 2021 request letter) sufficiently and accurately describe the proposed redactions, specifically:

- a. References to vendor / contractor performance
- b. Commercially-sensitive third party information
- c. Labour-sensitive information
- d. Combined regulated and unregulated assets and business of OPG
- e. Commercially-sensitive information with respect to office buildings and leases
- f. Clarington Corporate Campus information
- g. Other responses and documents that do not fall within these categories

The OEB finds that the redactions in L-D2-02-AMPCO-079 relate to personal information within the meaning of the *Freedom of Information and Protection of Privacy Act*. The OEB approves OPG's request for permanent redactions.

The OEB finds that the redactions in L-A2-02-CCC-014 relate to OPG's unregulated acquisitions, contain information that is not available to the public and is unrelated to the determination of payment amounts for OPG's regulated business. The OEB approves OPG's request for permanent redactions.

August 20, 2021 Confidentiality Request Letter

OPG filed undertaking responses arising from the oral hearing on August 20, 2021. Accompanying its responses, OPG filed a letter requesting the confidential treatment of portions of its response to Undertaking J2.8 as the information is related to OPG's heavy water processing volumes and costs.

Findings

The OEB finds the information in Undertaking J2.8 is of a similar nature to heavy water-related information that the OEB has granted confidential treatment in this proceeding.¹ The OEB approves the confidential treatment of the redacted information contained in Undertaking J2.8.

¹ Decision on Confidentiality / June 8, 2021.

THE ONTARIO ENERGY BOARD THEREFORE ORDERS THAT:

1. OPG's request for the confidential treatment of the forty documents in Schedule A, and permanent redactions within L-D2-02-AMPCO-079 and L-A2-02-CCC-014, as set out in its July 23, 2021 letter, is granted.
2. OPG's request for the confidential treatment of information contained in Undertaking J2.8, as set out in its August 20, 2021 letter, is granted.

DATED at Toronto, **August 30, 2021**

ONTARIO ENERGY BOARD

Original signed by

Christine E. Long
Registrar

Schedule A

Ontario Power Generation Inc.

EB-2020-0290

Documents Identified in July 23, 2021 Confidentiality Request Letter

Table 1: Affected Responses to Undertakings

No.	Undertaking
1	JT2.16
2	JT2.30
3	JT2.33
4	JT3.19
5	JT3.20
6	JT4.02
7	JT4.13
8	JTX4.15
9	JTX4.16
10	JTX4.17
11	JTX4.18
12	JTX4.19

Table 2: Affected Documents Attached to Response to Undertakings

No.	Undertaking	Attachment No.
13	JT4.14	1
14	JT4.14	2
15	JT4.14	3
16	JT4.14	5
17	JT4.14	9
18	JT4.14	11
19	JT2.30	1
20	JT2.32	1

21	JT2.15	1
22	JT2.15	2
23	Jl1.1	5
24	Jl1.1	12
25	Jl1.1	14

Table 3: Attachments to Interrogatory Responses

No.	Undertaking	Attachment No.
26	L-D2-02-AMPCO-081	3
27	L-D2-02-AMPCO-081	4
28	L-D2-02-AMPCO-081	5
29	L-D2-02-AMPCO-081	7
30	L-D2-02-CME-19	32
31	L-D2-02-CME-19	33
32	L-D2-02-CME-19	34
33	L-D2-02-CME-19	35
34	L-D2-02-CME-19	37
35	L-D2-02-CME-19	40
36	L-D2-02-CME-19	41
37	L-D2-02-CME-19	42

Table 4: Revised Interrogatory Response

No.	Interrogatory Response
38	L-D3-01-Society-007

Table 5: Revised Attachments to Interrogatory Response

No.	Interrogatory Response
39	L-A2-02-CCC-014

Table 6: Technical Conference Transcript

No.	Transcript
40	Technical Conference Day 4 (May 10, 2021) Transcript