

March 25, 2024

VIA RESS (LETTER AND APPENDIX A AND B ONLY)

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

Dear Ms. Marconi:

Re: Application by OPG for an order or orders relating to impacts from the Market Renewal Program on prescribed generating facilities, and the disposition of balances in its deferral and variance accounts as of December 31, 2022 (EB-2023-0336) – Request for Confidential Treatment of Interrogatory Responses

In accordance with Rule 10 of the Ontario Energy Board's ("**OEB**") *Rules of Practice and Procedure* and the OEB's *Practice Direction on Confidential Filings* (the "**Practice Direction**"), Ontario Power Generation Inc. ("**OPG**") hereby requests confidential treatment for one interrogatory response, 13 documents, and 1 Excel file, or portions thereof, that are included as part of OPG's responses to five interrogatories.

More particularly, OPG requests, and has identified accordingly, (a) permanent redactions of personal information in accordance with section 10 of the Practice Direction (red boxed and highlighted in blue), (b) permanent redactions of information not relevant to the proceeding in accordance with section 11 of the Practice Direction (red boxed and highlighted in green), and (c) confidential treatment for portions of certain documents where disclosure on the public record would be detrimental to OPG and/or third parties (red boxed). A table identifying each piece of information for which confidential treatment is requested, the interrogatory response to which it corresponds, and the basis for the request is provided in **Appendix 'A'**.

Consistent with the Practice Direction, it is OPG's expectation that access to confidential information in this proceeding will only be available to representatives of parties that file Declarations and Undertakings in the prescribed form. In respect of any Declarations and Undertakings that may be filed, OPG reserves its right to make submissions regarding the need for limitations on access to any of the confidential information. As an interim efficient measure, prior to the OEB making its final determination on OPG's request for confidential treatment herein, OPG is content that the OEB makes provision that intervenors proceed as though OPG's request has been granted, including with respect to proposed permanent redactions.

OPG has attached hereto one appendix containing all of the redacted documents for the public record (**Appendix 'B'**) and another appendix with the confidential non-redacted versions for the OEB only (**Appendix 'C'**, excluded from the public version of this letter). 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,

Matt Kirk

cc: Peter Cuff (OPG) via e-mail
Charles Keizer (Torys LLP) via e-mail

Appendix A – Table of Redactions

Document for which Confidentiality is sought (Attachment #)	PDF Page No.	Basis for Request	Reasons
Ex. L-H-CCC-08			
Ex. L-H-CCC-08 (part (g) of response)	2	Confidential – Commercially Sensitive – prejudice to a third party’s competitive position, leading to potential economic harm	The proposed redactions relate to the names of technology providers that OPG considered. This information has consistently been treated as confidential by OPG, and OPG’s assessment of such technology is not public knowledge. Disclosure of OPG’s assessment of unsuccessful proponents in a developing market could prejudice the competitive position of the third parties.
Small Modular Reactor (SMR) Project – Option Development Assessment Workplan, Attachment 1	Entire document	Confidential Presumptively Confidential Information – information relating to proponents’ bids in a competitive procurement process Commercially Sensitive – prejudice to a third party’s competitive position, leading to potential economic harm	The entirety of this document relates to OPG’s procurement process where public disclosure could be damaging to OPG and third parties. OPG’s procurement process is commercially sensitive and public disclosure could open OPG to litigation risk. Similar information was filed entirely in confidence in EB-2020-0290 (see EB-2020-0290, OEB Decision on Confidentiality re: JT4.14, Attachment 3, August 30, 2021).
	24	Permanent Redactions for Non-Relevant Third Party Information	This information consists of the name, address and phone number of a person not party to the proceeding.
	30, 34, 45, 54, 62, 65	Permanent Redactions for Non-Relevant Information: Information of a third party	The proposed redactions relate to third party names that are not relevant to the Application. These parties participated as observers only and were not part of the selection process. As such, the information provides no probative value to any issues to be decided by the OEB.

	39-42, 47, 62, 69, 73, 79, 87-121	Permanent Redactions for Non-Relevant Information: Commercially Sensitive and Proprietary Information of a Third Party	OPG is seeking approval of the costs associated with the technology selection process, and not approval of the technology that was selected. As such, OPG's assessment and evaluation of particular technologies and their characteristics and potential vulnerabilities are irrelevant, and moreover, contain highly technical, confidential information proprietary to third parties and OPG, disclosure of which could lead to significant commercial harm.
Small Modular Reactors – Approval of Funds and Update of SMR Projects, Attachment 2	1, 2, 4, 10	Permanent Redactions for Non-Relevant Information: Information of a Third Party	The proposed redactions relate to third parties and their potential commercial interests that are not relevant to the Application. OPG's collaboration with third parties have no impact on the cost OPG is seeking for disposition in this application. As such, this information provides no probative value to any issues to be decided by the OEB.
	2, 4, 6	Confidential – Commercially Sensitive – Prejudice to a third party's competitive position, leading to potential economic harm	The proposed redactions relate to the name of a technology provider that OPG considered. This information has consistently been treated as confidential by OPG, and the assessment of this technology is not public knowledge. Disclosure of OPG's assessment of an unsuccessful proponent in a developing market could prejudice the competitive position of the third party.
	4-6	Permanent Redactions for Non-Relevant Information	OPG is seeking approval of the costs associated with the technology selection process, and not approval of the technology that was selected. As such, OPG's assessment and evaluation of particular technologies and their characteristics and potential vulnerabilities are irrelevant, and moreover, contain highly technical, confidential information proprietary to third parties and OPG, disclosure of which could lead to significant commercial harm.

Ex. L-H-SEC-01			
G10 Major Overhaul & Upgrade BCS, Attachment 1	1	Confidential – Commercially Sensitive (prejudice to OPG’s competitive position in the market) and Previously Held Confidential	The proposed redactions relate to expected efficiency gains, which is commercially sensitive information. This information has been previously held confidential by the OEB (see EB-2013-0321, Decision and Order on Confidentiality & Procedural Order No. 4, March 21, 2014, p. 5).
G10 Major Overhaul & Upgrade, Attachment 2	3	Confidential – Commercially Sensitive (prejudice to OPG’s competitive position in the market) and Previously Held Confidential	The proposed redactions relate to expected efficiency gains, which is commercially sensitive information. This information has been previously held confidential by the OEB (see EB-2013-0321, Decision and Order on Confidentiality & Procedural Order No. 4, March 21, 2014, p. 5).
G10 Major Overhaul and Upgrade, Attachment 3	2	Confidential – Commercially Sensitive (prejudice to OPG’s competitive position in the market which may significantly interfere with current and future negotiations)	The redacted information provides indication of what OPG may choose to pursue with a vendor. Disclosing this information on the public record could jeopardize future negotiations or claim disputes with the vendor.
	4, 7	Confidential – Commercially Sensitive (prejudice to OPG’s competitive position in the market) and Previously Held Confidential	The proposed redactions relate to expected efficiency gains, which is commercially sensitive information. This information has been previously held confidential by the OEB (see EB-2013-0321, Decision and Order on Confidentiality & Procedural Order No. 4, March 21, 2014, p. 5).
G5 Overhaul – Capital, Non-Std, Full Execution Release, Attachment 8	9	Confidential – Commercially Sensitive (prejudice to OPG’s competitive position in the market) and Previously Held Confidential	The proposed redactions relate to expected efficiency gains, which is commercially sensitive information. This information has been previously held confidential by the OEB (see EB-2013-0321, Decision and Order on Confidentiality & Procedural Order No. 4, March 21, 2014, p. 5).
G5 Major Overhaul – Capital, Non-Std, Attachment 10	5	Confidential – Commercially Sensitive (prejudice to OPG’s competitive position in the market) and Previously Held Confidential	The proposed redactions relate to expected efficiency gains, which is commercially sensitive information. This information has been previously held confidential by the OEB (see EB-2013-0321, Decision and Order on Confidentiality & Procedural Order No. 4, March 21, 2014, p. 5).

Surge Tank Replacement, Attachment 12	9	Confidential – Commercially Sensitive (prejudice to OPG’s competitive position in the market which may significantly interfere with current and future negotiations) and Previously Held Confidential	<p>The redacted information relates to System Economic Values developed by OPG using commercially sensitive data which could prejudice OPG’s competitive position if disclosed on the public record.</p> <p>This information has also been previously held confidential by the OEB (see Decision and Order on Confidentiality and Procedural Order No. 7 re: SEC-47, August 26, 2010, p. 4).</p>
SAB1 – G1/G2 Replacement, Attachment 14	3	Confidential – Commercially Sensitive (prejudice OPG’s competitive position)	The redacted information relates to historical flow information, which can be used to model one of OPG’s renewable generation complexes and create a price forecast. Disclosure of this information could prejudice OPG’s competitive position leading to economic harm.
Project Closure Report, Attachment 24	2	Confidential – Commercially sensitive information of a third party (prejudice to a third party’s competitive position, leading to potential economic harm)	The redacted information relates to contractor performance. Public disclosure of this information could negatively impact the contractor’s competitive position.
SAB PGS Reservoir Refurbishment Project - Attachment 26	8-16, 18-19, 21, 23-26, 28-34, 37-52, 54-68	Confidential – Commercially sensitive information of a third party (prejudice to a third party’s competitive position, leading to potential economic harm)	The redacted information relates to names of contractors and their associated performance. Public disclosure of this information could negatively impact the contractor’s competitive position.
	16, 41-42, 57, 59, 61, 63	Permanent Redactions for Non-Relevant Third Party Information	This information consists of the names of individuals not party to the proceeding.
	48, 66-67	Permanent Redactions for Non-Relevant Third Party Information	The redacted information relates to two incidences involving subcontractor employees that have no cost impacts on the project and are not relevant to the underlying proceeding. As such, the information provides no probative value to any

		Commercially Sensitive – prejudice to a third party’s competitive position, leading to potential harm	issues decided by the board. Disclosure of this information could also negatively impact the contractor’s competitive position.
Ex. L-H-SEC-04			
Attachment 1	Columns Q and R	Confidential – Commercially Sensitive (prejudice to OPG’s competitive position in the market) and Previously Held Confidential	The redacted information relates to efficiency increase information. This information can be used to derive efficiency factors, which have previously been protected by the OEB (see EB-2013-0321, Decision and Order on Confidentiality & Procedural Order No. 4, March 21, 2014, p. 5). The release of this information could negatively impact OPG as a market participant or competition in the IESO administered market.
Ex. L-H-Staff-01			
Statement of Adjustments to Tax Assessment, Attachment 1	Entire Document	Confidential – Commercially Sensitive and Previously Held Confidential	This Statement of Adjustment re: Taxes Assessed should be protected as confidential because it includes commingled information that relates to the unregulated aspects of OPG’s business, both at the OPG corporate level and with respect to unregulated entities. This information is not relevant to this Application and OPG consistently treats it as confidential financial information. The confidential nature of this information was approved by the Board in its decisions in EB-2010-0008, EB-2013-0321, EB-2016-0152 and EB-2020-0290.
Ex. L-M-CCC-09			
Impacts of the Market Renewal Program Clearance of Deferral & Variance Accounts, Attachment 1	3-4	Permanent Redactions for Non-Relevant Information	The redacted information relates to strategies of OPG’s application presented to the Executive Leadership Team. This information is not relevant to the proceeding and it provides no probative value to any issues being decided by the OEB. OPG’s application is “as filed” and any materials

			that may have been produced during its development are not relevant.
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