

John Vellone
T: 416-367-6730
jvellone@blg.com

Colm Boyle
T: 416-367-7273
cboyle@blg.com

Borden Ladner Gervais LLP
Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto ON M5H 4E3
Canada
T 416-367-6000
F 416-367-6749
blg.com



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BY RESS
registrar@oeb.ca

Ms. Nancy Marconi, Registrar
Ontario Energy Board
PO Box 2319
26th Floor, 2300 Yonge Street
Toronto, ON M4P 1E4

Dear Ms. Marconi:

Re: Capital Power Corporation, Thorold CoGen L.P., Portlands Energy Centre L.P. dba Atura Power, St. Clair Power L.P., TransAlta (SC) L.P. (the “NQS Generation Group”)
Responses to Undertakings

In accordance with Decision and Procedural Order No. 2 issued on December 2, 2024 and the Ontario Energy Board’s (“OEB”) *Rules of Practice and Procedure*, please find enclosed the responses to undertakings from the technical conference held on January 9 and 10, 2025 in EB-2024-0331.

The NQS Generation Group is redacting certain information in response to Undertaking JT2.1 that is not relevant and/or is confidential under the *Practice Direction on Confidential Filings* (revised December 17, 2021, “**Practice Direction**”). The NQS Generation Group is hereby requesting confidential treatment of the information in the table below pursuant to sections 10.01 and 10.02 of the OEB *Rules of Practice and Procedure* (revised March 6, 2024) and sections 5.1.1, 5.1.2, 5.1.10, 5.3.1, and 11 of the Practice Direction.

Table 1 – Summary of Redactions (as required by the Practice Direction, sections 5.1.4 and 11.1.2)

Reference	Description of Why Information is Not Relevant / Confidential
Undertaking JT2.1 Pages 2 and 6	Section 11 – No relevance The commercial terms of the retainer agreement entered into between Borden Ladner Gervais LLP and Power Advisory are not relevant to the issues in this proceeding. Specifically, commercial terms relating to fee arrangements and limitation of liability are not relevant to the OEB’s determination under section 33 of the <i>Electricity Act, 1998</i> .

	<p>Section 5.1.1, 5.1.2, 5.3.1 - Confidential</p> <p>In the alternative, should the OEB determine the information is relevant, the OEB has previously granted confidentiality over the redacted information in the Decision on Confidentiality and Procedural Order No. 4 in EB-2018-0165 (“THESL Confidentiality Decision”) dated February 27, 2019. Similarly, the retainer agreement includes pricing terms and limitations on liability that resulted from commercial negotiations, which are considered to be commercially sensitive. The redacted information is financial and commercial information that is consistently treated in a confidential manner and disclosure could prejudice Power Advisory’s competitive position.¹</p>
<p>Undertaking JT2.1</p> <p>Page 8</p>	<p>Signatures on the retainer agreement in the THESL Confidentiality Decision were similarly redacted and approved by the OEB. The NQS Generation Group requests similar treatment of signatures here.</p>

Please contact the undersigned with any questions.

Yours truly,

BORDEN LADNER GERVAIS LLP



Colm Boyle

cc: Parties in EB-2024-0331

¹ Practice Direction, Appendix A, (a)i. and (b).