

February 11, 2026

VIA RESS

Mr. Ritchie Murray
Acting Registrar
Ontario Energy Board
27th Floor - 2300 Yonge Street
Toronto, Ontario M4P 1E4

Dear Mr. Murray:

Re: EB-2025-0297 Application by Ontario Power Generation Inc. and DNNP LP by its general partner, DNNP GP Inc., (together, the “Applicants”) for an order or orders relating to payment amounts for prescribed generating facilities (the “Application”) – Late Intervention Requests

The Applicants have been made aware of two late intervention requests that were submitted to the Ontario Energy Board.

The Applicants do not object to the Power Workers' Union (a frequent intervenor who provided an explanation for the timing of their request) being granted intervenor status in the Application. The Applicants' submissions, objecting to Mr. Pinto's intervention request, are included as Attachment 1.

Should the OEB require any further information or clarification, please do not hesitate to let me know.

Respectfully submitted,



Evelyn Wong

cc:

Aimee Collier (OPG) via e-mail
Charles Keizer (Torys LLP) via e-mail

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*;

AND IN THE MATTER OF an Application by Ontario Power Generation Inc. and DNNP LP by its general partner, DNNP GP Inc. for an order or orders approving payment amounts for prescribed generating facilities commencing January 1, 2027.

OPG SUBMISSIONS OBJECTING TO KEITH PINTO INTERVENTION REQUEST

1. These submissions are in response to the intervention request from Keith Pinto, which was filed two days after the OEB’s deadline for submission of intervention requests (it was filed on February 5th). The request could be denied on this basis or the lack of timeliness should be a factor in the overall consideration of his request and his delay be a flag to the OEB as to how he will participate in the proceeding. Beyond the request having been filed out of time, OPG objects to the request and asks that it be denied for other compelling reasons.
2. Mr. Pinto does not meet the OEB’s test for intervention, and OPG has serious public interest, ratepayer interest and practical concerns about his requested intervention and the impact it would have on the orderly progress and efficiency of the process. For purposes of rule 22.02, Mr. Pinto has not shown (and cannot show) that he has a “substantial interest” in the proceeding and that he will participate responsibly.

[REDACTED]

[REDACTED]

Background: Mr. Pinto’s former employment

4. Mr. Pinto is a former employee of both OPG and LEP. [REDACTED]

5.



Mr. Pinto does not meet the requirements for intervention

6. Under rule 22.02, a person applying for intervenor status must satisfy the OEB that they (i) “have a substantial interest” and (ii) “intend to participate responsibly in the proceeding.”¹ Mr. Pinto does not satisfy these requirements.

(i) No substantial interest nor unique interest

7. ***Intervention requires substantial interest.*** The OEB requires that an intervenor demonstrate a substantial interest in the proceeding, meaning they have “a material interest that is within the scope of the proceeding.” When an individual, such as Mr. Pinto, seeks to intervene representing their own interests, the OEB will consider whether they (i) raise a unique issue not already expected to be addressed by another intervenor; or (ii) possess expertise the OEB would find helpful. The OEB applies a case-by-case analysis considering, among other factors, “value that the party seeking intervention status will bring to the proceeding.”²

8. Mr. Pinto does not have the necessary type of interest. Mr. Pinto indicates in his request form that he is an individual seeking to intervene “as a person representing their own interests.” He further confirms that he is an individual ratepayer “participating in his personal capacity” and that he “does not represent an organization or formal constituency.” He also refers in his request form to the fact he was an OPG and LEP employee and says that in his individual capacity his activities include “reviewing regulatory filings” and related points, and he broadly says that his interest “is in ensuring that costs proposed for recovery are prudently incurred, transparently allocated, and supported by appropriate governance and internal controls.”

9. His assertions and other information in his request form do not constitute a sufficient substantial interest under the OEB’s rules. Mr. Pinto must show that there is a “direct link” between his proposed intervention and the issues raised in the proceeding.³ Mr. Pinto has not done so. Mr. Pinto, as an individual, does not represent landowners, other ratepayers or ratepayer groups, industry stakeholders, or any public interest organization. Nor does he claim to represent any policy perspective relevant to the Board’s mandate.

10. Mr. Pinto must therefore demonstrate that he possesses particular expertise that the OEB would find helpful or that he raises a unique issue not already expected to be addressed by another intervenor. He cannot do so:

1 OEB Rules, 22.02

2 [EB-2024-0342](#), Decision on Intervention Request, p. 2 (March 20, 2025).

3 [EB-2024-0342](#), Decision on Intervention Request, p. 3 (March 20, 2025).

- ***No particular relevant expertise.*** Mr. Pinto does not have particular expertise that would be relevant for purposes of this application and the OEB’s process. Simply having had past employment at OPG/LEP does not alone qualify him as an expert that the OEB could find helpful. Indeed, Mr. Pinto is no different in this regard, for purposes of being able to meet the OEB’s substantial interest test, than any other individual seeking to intervene. And he, of course, cannot use any confidential information he may have been privy to while at OPG/LEP (even if there were any such relevant information he may be aware of) to assist him in these proceedings. Determination of OPG’s application must be based on the evidence in the proceeding.

While Mr. Pinto mentions that his activities include some form of “independent review and analysis” and providing input to “regulatory processes”, he has pointed to no examples or publications.

11. ***No unique issues.*** Mr. Pinto has not raised any unique issues not already expected to be addressed by another intervenor. While he refers to a list of some topics he says he previously had some involvement with while at OPG or LEP, they are general topics that a number of other intervenors, who already represent various ratepayer interests and perspectives and have considerable experience as intervenors, will be well equipped to address. These other intervenors have already been granted intervenor status in Procedural Order No. 1. There is no unique and relevant issue particular to Mr. Pinto. Numerous intervenors in OEB proceedings have filed and the OEB maintains on record, their Frequent Intervenor Forms. A review of these Frequent Intervenor Forms, and an extensive catalogue of OEB decisions, clearly reveal that these Intervenor are very well versed in raising the issues that Mr. Pinto has referred to.

(ii) Concerns that Mr. Pinto will not participate responsibly

12. While OPG acknowledges that intervenors often provide valuable perspectives and contributions to proceedings – and we note OPG rarely objects to intervention requests, and does not do so lightly – “the participation of intervenors may lengthen proceedings, and increase the costs of the proceeding for both the OEB and applicants (and ultimately customers).”⁴ The OEB must therefore be satisfied that a proposed intervenor “intend[s] to participate responsibly” in the proceeding.

13. OPG respectfully submits that Mr. Pinto does not meet this requirement.

[REDACTED]

[REDACTED]

⁴ [EB-2022-0011](#), Framework for Review of Intervenor Processes and Cost Awards, p. 7 (March 2022).

[Redacted]

[Redacted]

[Redacted]

[Redacted]

16.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] will not participate responsibly and provide a meaningful contribution that would assist the OEB in adjudicating the matters at issue in the application; [REDACTED]

[REDACTED] has strong concerns that Mr. Pinto's participation will result in distraction, delay the efficient progress of this proceeding, and lead to additional unnecessary costs.

Conclusion

20. OPG respectfully requests that the OEB deny the intervention request of Mr. Pinto for any of, or a combination of some or all of, the following reasons:

21. Mr. Pinto's request for intervention is out of time.

22. Mr. Pinto has not demonstrated that he has a substantial interest in the proceeding, including that he has not (i) raised a unique issue not already expected to be addressed by another intervenor; or (ii) shown that he possesses expertise the OEB would find helpful.

23. There are real concerns that Mr. Pinto will not participate responsibly. [REDACTED]

[REDACTED]