

April 17, 2026

VIA RESS

Mr. Ritchie Murray
Acting Registrar
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON 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”) – Section 8 Order under O. Reg. 53/05

On February 27, 2026, DNNP GP Inc., as managing general partner on behalf of DNNP LP (the “DNNP LP”), requested that the OEB issue an order under section 8 of O. Reg. 53/05 (the “Regulation”) declaring that the DNNP generator has satisfied the conditions set out in that section of the Regulation. As stated in the Applicants’ February 27, 2026 letter, DNNP LP has met the four conditions set out in section 8 of the Regulation.

While waiting for the OEB’s order, OEB Staff filed their interrogatories. Interrogatory A1-Staff-1 asks whether the Applicants require an order from the OEB regarding section 8 of the Regulation prior to the OEB’s decision in this proceeding. This letter is to express DNNP LP’s position to the OEB in the context of its February 27, 2026 letter and not via an interrogatory response to OEB staff. The Applicants will respond to that interrogatory question in due course on the same basis as this letter.

Because DNNP LP has satisfied all four conditions in section 8 of the Regulation, it is the Applicants’ position that the OEB should issue the section 8 order as soon as possible, for the reasons outlined in this letter. Further, as a matter of reasonable business expectations, DNNP LP seeks certainty in this respect to continue to plan and manage its regulatory and financial affairs in the normal course.

The Ministry of Energy and Mines recognized that the Darlington New Nuclear Project (“DNNP”) would be developed through DNNP LP, a limited partnership formed to facilitate third-party equity investment in the DNNP. The Minister amended the Regulation to include DNNP GP Inc., DNNP LP’s managing general partner, as a prescribed generator.¹ Section 8 of the Regulation sets out conditions for DNNP GP Inc. to become a prescribed generator, and DNNP GP Inc. becomes a prescribed generator after the OEB orders that those conditions have been met. Part III of the Regulation, which addresses DNNP, also comes into effect upon the OEB’s section 8 order.

¹ Regulation Notice posted to the Environmental Registry of Ontario: <<https://ero.ontario.ca/notice/025-0501>>.

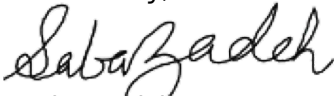
The Minister amended the Regulation to prescribe DNNP GP Inc. as a generator upon satisfaction of the section 8 conditions. Section 8 is framed in mandatory terms: Part III “applies on and after the effective date of an order made by the Board ... in which it specifies that it is satisfied that the following conditions are met.” A delay in issuing the section 8 order would be inconsistent with the legislative intent of the Regulation.

The section 8 order is the precondition for Part III of the Regulation to take effect. Part III establishes the rules governing the OEB’s determination of payment amounts related to DNNP and the deferral and variance accounts to be established by DNNP LP related to DNNP. In particular, without Part III being made effective, neither OPG nor DNNP LP are able to record amounts related to DNNP costs and concurrent cost recovery (CCR) interest amounts in the applicable deferral and variance accounts. OPG accounts related to the DNNP costs and CCR (Nuclear Development Variance Account and the Darlington New Nuclear Project Variance Account) are ineligible because the accounts require OPG to be the entity that incurs DNNP costs. As a consequence of satisfying the conditions in section 8 of the Regulation, DNNP LP is now the entity incurring such costs. With Part III not in effect however, DNNP LP’s deferral and variance accounts related to DNNP costs and CCR (Darlington New Nuclear Project Variance Account re Development and the Darlington New Nuclear Project Variance Account re Capital Costs Amounts) are also ineligible. This renders both OPG and DNNP LP unable to record amounts in the above accounts, complicating the financial reporting for both entities until such time as the section 8 order is issued by the OEB, and potentially complicating the future recovery process for the accounts.

As a result, DNNP LP renews the request made on February 27, 2026 that the OEB issue the section 8 order based on the satisfaction of the conditions set out in the Regulation.

Please contact me if you have any questions.

Yours truly,



Saba Zadeh

Vice-President, Regulatory Affairs