

VIA RESS and EMAIL

April 27, 2026

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

Dear Ritchie Murray:

**Re: Ontario Power Generation Inc. (OPG) and DNNP LP
2027-2031 Payment Amounts
Consumers Council of Canada (CCC) Submission on Interrogatory Refusals and
Further Answers
OEB File No. EB-2025-0297**

Pursuant to the OEB's letter dated April 23, 2026, CCC writes to indicate that it will bring a motion to be heard on May 5th, 2026, pursuant to Rule 27.03 of the OEB's *Rules of Practice and Procedure*, seeking responses to interrogatories.¹

Attached to this letter is Appendix A, which outlines the refused interrogatory responses and the cited reason for the refusal as filed on April 22, 2026, with an additional column outlining CCC's position. There is also an additional interrogatory for which CCC is seeking a further and better response included in the table (D2-CCC-52 (c)).

CCC notes that it coordinated with AMPCO and SEC in the development of its interrogatories and we support the motions filed by those parties as they are related to questions that we otherwise may have asked.

CCC reserves its right to bring a further motion later in the proceeding (Motion Hearing #2) if necessary. While it is hopeful that through the motion process and the technical conference process a further motion will not be necessary, the sheer volume of interrogatory responses coupled with the relatively short period between the filing of the interrogatories and the requirement to respond with motion material means that CCC has had to focus on the explicit refusals provided on April 22, 2026.

¹ Ontario Energy Board, [Rules of Practice and Procedure](#), Rule 27.03

Yours very truly,

Lawrie Gluck

Lawrie Gluck
Consultant for the Consumers Council of Canada

cc: All parties in EB-2025-0297

Encl.

Appendix A

IR #	CCC Question Refused	OPG Justification for Refusal	CCC Response to Refusal
A1-CCC-006	Please provide the labour and non-labour weightings based on OPG's specific weighting of these factors instead of an industry average.	This response was prepared by London Economics International LLC ("LEI"). LEI did not conduct such a calculation. And such a calculation for the inflation factor would not be appropriate. One of the most important criteria for evaluating the inflation factor (as noted on slide 10 of the inflation factor report) is that it should be exogenous to the utility. Use of industry weights ensures an exogenous inflation factor that is representative of industry conditions and will provide incentives to the regulated firm consistent with the theoretical underpinnings of incentive ratemaking and an index-based formula.	<p>With respect, CCC is simply asking OPG to provide its weighting as between labour and non labour; CCC did not ask whether LEI did such an analysis. CCC is entitled to test whether the proposed inflation factor materially departs from OPG's actual cost structure insofar as the proposed non-labour and labour weightings are different than OPG's actual non-labour and labour weightings.</p> <p>CCC notes that OEB staff pursued an identical line of questioning in EGI's application for a utility specific inflation factor, in EB-2024-0111, Exhibit I.10-STAFF-46, wherein OEB Staff asked EGI to support its expert's recommendation of a inflation factor weighted 75% non-labour and 25% labour by illustrating EGI's actual non-labour and labour weightings.</p> <p>The assertion that using an industry representative weighting between labour and non-labour will provide incentives to OPG presupposes that OPG's actual weighting, relative to the industry, will cause OPG to under recover its revenue requirement with respect to inflation unless it shifts its weighting to the industry representative weighting, a proposition that we cannot test</p>

			unless we know what OPG's actual weighting is.
A1-CCC-008(a), (b), (f)	<p>a) Please provide a list of the peers used in the TCB study.</p> <p>b) Please provide a comparison of the peers used in the TCB study relative to the TFP study.</p> <p>f) Please provide the categories of sustaining capability investments (and the total costs of those investments for each year during the study period) that were included in the OM&A + SC analysis for OPG. Please provide the percentage of the sustaining capital investments as a percentage of OPG's total hydroelectric capital investments for each year of the study period.</p>	<p>a) LEI cannot accommodate this request because this data is subject to an NDA between EUCG and LEI.</p> <p>b) LEI cannot accommodate this request because this data is subject to an NDA between EUCG and LEI, and creating a comparison may allow for release of identifiable data tied to a specific company in the EUCG dataset, violating the NDA.</p> <p>f) LEI cannot accommodate this request because this data is subject to an NDA between EUCG and LEI. (See IR Response for further detail)</p>	<p>NDA restrictions do not justify refusing relevant evidence used to support a custom IR proposal. OPG/LEI should be compelled to provide the information under OEB confidentiality protections so that the OEB can test peer comparability, sample construction, and sustaining-capability inputs. Without the requested information the OEB cannot evaluate the applicability of the proposed benchmarking evidence to OPG and must disregard that evidence. Benchmarking requires peers and without knowing the peers it is not possible to know whether the benchmarking is reasonable.</p>
A1-CCC-011(b), (c)	<p>b) Please provide a table showing both the costs and benefits of SMR technology relative to other traditional forms of nuclear generation.</p> <p>c) Please provide the relevant reports, documents, and memos that explain the initial decision to move forward with the DNNP.</p>	<p>b) The DNNP forms part of the Province of Ontario's integrated energy plan ("IEP") which is the Government of Ontario's plan to ensure it can meet growing electricity needs for the period specified by the plan. As the OEB stated in EB-2020-0290: "The OEB's role in this proceeding is distinct from the IESO and the OEB is not the system planner. As such, the OEB does not have the mandate or authority to consider or adjudicate on analyses and proposals respecting generating asset mixes for the Ontario electricity market in this proceeding." Therefore, it is not within the</p>	<p>CCC is not asking the OEB to choose the generation mix. The request tests prudence, cost reasonableness, project justification, scope evolution, and management knowledge. Earlier documents are not irrelevant merely because later estimates exist; they may show whether the current costs and risks were reasonably anticipated.</p>

		<p>jurisdiction of the OEB to be the electricity system planner and consider alternatives to projects such as the DNNP forming part of the IEP. The OEB’s jurisdiction is limited to considering the reasonableness and prudence of the costs of the project in question for purposes of establishing rates. As such, the question posed is not relevant to these proceedings.</p> <p>c) The applicants decline to provide the requested information on the basis of relevance, for the same reasons stated in part (b) above. In addition, this interrogatory seeks prior reports and documents developed for the project. These reports and documents have been superseded by the Release Quality Estimate provided at Ex. D2-4-8, Attachment 1 and they are not relevant to any issue in this proceeding.</p>	
<p>A1-CCC-012(b)</p>	<p>b) Please file any agreements as between DNNP LP, OPG, CGF and BOF regarding the new nuclear facilities (including the Equity Commitment Agreements).</p>	<p>The Applicants will not respond to the question posed on the basis of relevance. The agreements between OPG, CGF and BOF, in particular the Equity Commitment Agreement, relate to equity contribution and the relationship between those parties as equity contributors. Such matters are not within the OEB’s jurisdiction to review as they do not relate to the expenditures made by DNNP LP forming part of the regulatory relief requested by DNNP LP as a regulated entity. Refer to Ex. L-A1-CCC-010 for copies of the agreements between OPG and DNNP LP with respect to the DNNP facilities.</p>	<p>The requested agreements may speak to the business risk of DNNP LP and this is relevant to the proposed capital structure for DNNP LP of 100% equity. Without seeing the agreements, CCC cannot comment on whether the information contained has implications for the setting of the appropriate capital structure of DNNP LP.</p>

<p>C1-CCC-020(a)</p>	<p>a) Please advise whether the Government of Ontario is explicitly aware of OPG's proposal to increase the equity thickness from 45% to 52% for the test period. If so, please explain how the government was informed of this proposal. As part of the response, please also discuss whether the Government of Ontario is aware of the bill impacts resulting directly from this change.</p>	<p>a) OPG declines to provide the requested information on the basis of relevance. This interrogatory seeks information on communications with the Province of Ontario that is not relevant to deciding any issue on the approved Issues List in this application.</p>	<p>Equity thickness directly affects revenue requirement and bill impacts. The Memorandum of Agreement between OPG and the Province states at 4.9 that "OPG shall serve the public interest and operate in a way that achieves a commercial rate of return, moderates overall electricity prices, and supports the efficient operation of the electricity market."¹ The OEB's decision in EB-2013-0321 states that, "[a]lthough the Memorandum of Agreement is not a contract for this purpose, it is clearly OPG's shareholder's intention that OPG improve continually, and at least target top quartile performance."² The OEB has previously found that the Memorandum of Agreement sets out the shareholder's intent. We believe that it is directly relevant to the proceeding whether the government has been made aware of the proposed equity thickness and whether the government is of the view that the proposal is aligned with the intent that is set out in the MoA. In addition, for a government-owned utility, shareholder awareness and rationale is relevant to whether the proposal is driven by regulatory risk, financing need, policy direction, or shareholder preference.</p>
<p>D2-CCC-045(a), (b)</p>	<p>a) Please file the Levelized Cost of Electricity (LCOE) for the DRP. Please provide the detailed calculation and all underlying</p>	<p>a) and b) For informational purposes, OPG has re-calculated the LCOE for the substantially completed DRP to be approximately 9 cents/kWh (2015\$). This recalculation includes the Darlington Turbine Rotor Replacement</p>	<p>OPG put the LCOE figure on the record and should provide the calculation supporting it. CCC is not asking for system planning; it is testing cost consequences, project execution, and whether related Darlington</p>

¹ Exhibit A1, Tab 4, Schedule 1, Attachment 3, p. 5.

² EB-2013-0321, [Decision with Reasons](#), November 20, 2014, p. 46.

	<p>assumptions as part of the response.</p> <p>b) Please file the LCOE for the DRP inclusive of the \$2.6 billion cost of the Darlington Turbine Rotors Replacement Project (Project # 87807 & 87811). Please provide the detailed calculation and all underlying assumptions as part of the response.</p>	<p>Project and other capital sustaining projects at Darlington identified in this Application. OPG declines to provide the underlying LCOE calculations on the basis that this information is not relevant to evaluating the issues that are within the scope of this proceeding. As noted in Ex. L-D2-SEC-090 and in EB-2016-0152, Ex. L-4.3-8-GEC-11, LCOE is used to consider the appropriate generation options to meet electricity demand in Ontario, a consideration that is within the purview of the Ministry of Energy and Mines, with support from the IESO. In accordance with this framework, OPG’s position is that the LCOE is not relevant to the consideration of the prudence of the overall DRP cost and the effectiveness of the project’s execution, in accordance with OEB approved Issues List for this proceeding.</p>	<p>costs are properly characterized. The underlying calculation of the LCOE will allow the OEB to understand whether the costs requested for recovery in the current application are reasonable and aligned with the assumptions made to underpin the LCOE calculation. The underlying calculation will also make it possible to use Darlington as a benchmark to review the prudence of the proposed costs for Pickering and DNNP. However, we need to ensure that the methodology for calculating the LCOE is the same in order for that type of benchmarking activity to occur.</p>
<p>D2-CCC-055(b), (c), (d), (e)</p>	<p>b) With respect to one of the success factors for the DNNP, the Project Charter states that the “total cost of generation [is] competitive in the Canadian energy market (carbon cost factored in)”. Please provide the analysis that was originally completed, which compares the estimated cost of generation from the DNNP project to other nuclear and non-nuclear sources of electricity. If no such analysis was completed in advance of the Project Charter, please explain why. If OPG has received this type of analysis from the IESO, please</p>	<p>b) The DNNP forms part of the Province of Ontario’s integrated energy plan (“IEP”) which is the Government of Ontario’s plan to ensure it can meet growing electricity needs for the period specified by the plan. As the OEB stated in EB-2020-0290: “The OEB’s role in this proceeding is distinct from the IESO and the OEB is not the system planner. As such, the OEB does not have the mandate or authority to consider or adjudicate on analyses and proposals respecting generating asset mixes for the Ontario electricity market in this proceeding.” Therefore, it is not within the jurisdiction of the OEB to be the system planner and consider economic alternatives to projects such as the DNNP forming part of the IEP. The OEB’s jurisdiction is limited to considering the</p>	<p>b) On the record, the company has stated the one of the success factors for the DNNP is that the “total cost of generation [is] competitive in the Canadian energy market (carbon cost factored in)” How can the OEB evaluate the potential success of the project in the absence of this comparison information? At a minimum, we expect that the IESO has completed this analysis. If that is correct, this information requires no incremental effort from the utility and should be placed on the record of the current proceeding.</p> <p>d) We understand based on the response to D2-CCC-059 that it is possible that the single</p>

	<p>provide the IESO's analysis on the record of the current proceeding.</p> <p>c) Please provide a table that compares the estimated total cost per MW and MWh of output for the four unit DNNP once fully operational to the estimated total cost per MW and MWh for Darlington (once fully operational after refurbishment), Pickering (once fully operational after refurbishment), and for any potential new nuclear stations (e.g., Wesleyville, etc.) that OPG is currently evaluating. Please also provide the same comparison on a levelized cost of electricity (LCOE) basis. Please provide all calculations and assumptions that underpin the comparison. If this analysis is not available, please explain why not.</p> <p>d) Please provide a table that compares the estimated total cost per MW and MWh of output of Unit 1 of the DNNP on a standalone basis to the estimated total cost per MW and MWh for Darlington (once fully operational after refurbishment), Pickering (once fully operational after refurbishment), and for any potential new nuclear stations (e.g., Wesleyville, etc.) that OPG</p>	<p>reasonableness and prudence of the costs of the project in question for purposes of establishing rebasing. As such, the question posed is not relevant to these proceedings.</p> <p>c) OPG declines to provide a response to the requests made. The projects in question are not comparable on a technical and cost basis. Wesleyville, in particular, is at a nascent stage and is in no way relevant to the application before the OEB. For purposes of \$/MW, since of the projects are unique to each other, it would be inappropriate to normalize for different project scopes since the comparison would be a fictionalized representation to what is planned. With respect to \$/MWh, LCOE is the appropriate measure of the total cost of the generating source per MWh of output. We have provided that below.</p> <p>d) The Applicants do not calculate LCOE for the DNNP on a single unit basis. They measure the LCOE for the DNNP on a four-unit basis to reflect the integrated nature of the project. It is inappropriate to compare the economics for a single DNNP unit relative to Darlington and Pickering which have the benefit of multi-unit cost efficiencies and operational characteristics and cannot be normalized for comparison purposes. Additionally, OPG would be unable to calculate the LCOE of the full Darlington or Pickering station as this would require multiple assumptions around a hypothetical project to build an equivalent greenfield asset in present terms, all of which would have no basis in fact.</p>	<p>unit DNNP may be the entirety of the project (as DNNP Units 2-4 are currently in the definition phase and moving forward with their execution phase will require approval by the DNNP LP Board of Directors and the OPG Board of Directors, and will be subject to the concurrence of the Province of Ontario). It is reasonable to request the LCOE of the DNNP on a single unit basis as that is a potential outcome.</p> <p>Similar to the rationale supporting our request for the underlying LCOE calculation for Darlington in D2-CCC-045. We request that the underlying calculations for Pickering, the four-unit DNNP and the single unit DNNP also be provided as originally requested in the question.</p>
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	<p>is currently evaluating. Please also provide the same comparison on a levelized cost of electricity (LCOE) basis. Please provide all calculations and assumptions that underpin the comparison. If this analysis is not available, please explain why not.</p> <p>e) Please explain how the discontinuance of the federal carbon charge impacts the economic feasibility of the DNNP.</p>	<p>e) Refer to b).</p>	
<p>E1-CCC-063(a), (b)</p>	<p>a) Please provide the hydroelectric production forecast for the years 2028 to 2031.</p> <p>b) For each year from 2016 to 2031, please quantify the hydroelectric production lost or forecast to be lost as a result of planned outages.</p>	<p>a) The requested information is not relevant under the proposed regulated hydroelectric rate-setting framework for the reasons set out in Ex. L-A1-SEC-011, part a).</p> <p>b) Chart 1 below provides the requested information for years 2019-2024 (actual) and 2025-2027 (forecast). OPG did not begin tracking production lost due to planned outages until 2019 and is therefore unable to provide this information for 2016-2018.</p> <p>For the reasons set out in Ex. L-A1-SEC-011, part a), outage information beyond 2027 is not relevant under the proposed regulated hydroelectric rate-setting framework.</p>	<p>CCC relies on the submission of SEC with respect to their interrogatory A1-SEC-012 as to why OPG should be compelled to provide answers relating to the 2028-2031 forecast period.</p>
<p>F1-CCC-067(a)</p>	<p>a) Please provide the forecast hydroelectric Project OM&A budgets from 2028 to 2031.</p>	<p>a) OPG declines to provide the requested information for the outer years of the period (i.e., 2028-2031) as this information is not relevant under the proposed regulated hydroelectric rate-setting methodology (Ex. A1-</p>	<p>CCC relies on the submission of SEC with respect to their interrogatory A1-SEC-012 as to why OPG should be compelled to provide answers relating to the 2028-2031 forecast period.</p>

		<p>3-2, Section 2.0). Outside of the C-factor, OPG’s proposed hydroelectric rate-setting methodology is based on a detailed review of the 2027 test year (Ex. A1-3-2, Section 2.2). Beyond the 2027 test year, regulated hydroelectric revenue will be determined formulaically by the proposed annual adjustment mechanism outlined in Ex. A1-3-2, Section 2.3.</p>	
D2-CCC-51 c)	<p>c) For each of the labour subcategories created in part (b), please provide a schedule of the trades and non-trades positions that underpin the estimated costs, the number of hours (or, if applicable, other unitized measure of effort) forecast for each position used to underpin the estimated costs, the hourly (or other) rates used to underpin the estimated costs, the methodology used by OPG to benchmark the reasonableness of the hourly (or other) rates, and any written material underpinning the use of those benchmarking methodologies by OPG.</p>	<p>While OPG provided an answer, it did not provide the detail requested in the interrogatory. Please provide a version of the table provided at part c) for each of the project bundles; please break out the rates for each classification; and please provide the methodology used by OPG to benchmark the reasonableness of the hourly (or other) rates and any written material underpinning the use of those benchmarking methodologies by OPG.</p>	<p>This is a request to respond with the information sought in the original interrogatory.</p>