



BY EMAIL and RESS

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April 27, 2026
Our File: EB20250297

Attn: Ritchie Murray, Acting Registrar

Dear Mr. Murray:

Re: EB-2025-0297 – Ontario Power Generation 2027-2031 – SEC Motion

We are counsel to the School Energy Coalition (“SEC”). Pursuant to the OEB’s letter dated April 23rd, SEC writes to indicate that it will bring a motion to be heard on May 5th, pursuant to Rule 27.03 of the OEB’s *Rules of Practice and Procedure*, seeking further and better responses to certain interrogatories.¹

Appendix A lists the interrogatories that Ontario Power Generation Inc.² (“OPG”) has refused to answer and that are subject to this motion. To assist OPG and the OEB, it follows the format of OPG’s cover letter setting out the basis for the refusals, with an additional column providing SEC’s response to each.

Appendix B lists additional interrogatories, not included in OPG’s list of refusals, for which SEC seeks a response to the interrogatory as posed on the basis that the response provided is deficient.

SEC reserves its right to bring a further motion later in the proceeding (Motion Hearing #2) in relation to other interrogatories that have been answered or refused. There are several reasons for this, including that SEC has not had adequate time to review all of the responses, some interrogatories may benefit from further clarification at the Technical Conference, and in certain cases, OPG’s explanation for a refusal references other material requiring further time to review and consider.

Finally, SEC notes that in the development of the interrogatories, it worked closely with certain other intervenors (most notably CCC and AMPCO). As a result, some of the interrogatories subject to this motion, although asked by SEC, are equally of interest to those parties. Similarly, some of the interrogatories asked by those parties, which are also subject to a motion, are equally of interest to SEC.

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

² References to OPG, include, as applicable, DNNP LP and DNNP GP Inc.



Yours very truly,
Shepherd Rubenstein P.C.

Mark Rubenstein

cc: Brian McKay, SEC (by email)
Applicant and intervenors (by email)

Appendix A

IR#	Questions	OPG Response	SEC Position
A1-SEC-001	Please provide a copy of all materials provided to OPG’s Board of Directors for both the development and approval of the underlying 2027-2031 budgets included in the Application.	<p>The material sought by this interrogatory includes communication between OPG’s management and its Board of Directors with respect to the development and approval of the 2027-2031 budgets included in the Application. OPG declines to provide these materials on the basis of relevance.</p> <p>The final 2027-2031 budgets, together with supporting explanations, are incorporated within the application, accompanied by OPG’s 2025-2031 Business Plan (Ex. A2-2-1, Attachment 1) approved by OPG’s Board of Directors. Interested parties may examine these budgets, their rationale, and the consequences of OPG’s decisions via written and oral discovery. This does not depend on materials presented by management to the Board of Directors, as these materials do not form part of the Application. These materials do not enhance nor detract from the merits of the Application and would not assist the OEB in deciding the matters at issue on the Application.</p> <p>OPG notes that the same type of material was requested in EB-2010-0008. The OEB Panel in that proceeding decided that the requested material was not relevant, stating: “In the Board’s view, these materials are not relevant to the determination of the issues before the Board in this proceeding. The Board will make its decision on the application and supporting materials filed by the applicant and the evidence of intervenors, all of which is subject to cross-examination.”</p> <p>The requested material also includes privileged material, and this is a further basis on which OPG declines this request.</p>	<p>The materials are relevant and should be provided. They provide information regarding how the company, to its highest level of decision-making, considered, developed and approved the underlying budgets. Development of the budget, including any directions that the company sought at the time, and that may or may not have been approved by the Board of Directors, is relevant information to the OEB in determining the overall reasonableness of the final budget, which includes the decision-making process. Information like this is regularly produced in OEB proceedings.¹</p> <p>We note that the information requested is intentionally different than that sought in EB-2010-0008. In EB-2010-0008 the information sought, and subject to the motion whose decision is quoted, related to materials regarding the consideration and approval of a revised application (where the evidence was that there were no changes to OPG’s budget), delegated authority to deal with the proceeding, and the analysis of “likely prospects for success.”² None of that type of information is being sought by this interrogatory.</p> <p>OPG also notes that the material includes privileged material, although it has provided no basis for that claim or why there would be privileged information in the development and approval of the budgets that underlie the information in the proceeding. Regardless, if the information also includes privileged information, the OEB can address those aspects much like it deals with requests for confidentiality.</p>

¹ See for example: EB-2025-0252 (Alectra), IRR 1-SEC-1, EB-2024-0115 (Hydro Ottawa), IRR 1-CCC-13, EB-2021-0110 (Hydro One), IRR A-CCC-1, EB-2023-0195 (Toronto Hydro), IRR 1-CCC-1

² [Decision on Motions, October 4, 2010, Appendix C to Decision with Reasons \(EB-2010-0008\), March 10, 2011](#), p.i-ii

IR#	Questions	OPG Response	SEC Position
A1-SEC-003	Please provide a copy of all third-party benchmarking analyses, studies, reports, and/or similar documents, undertaken for, by, or that include OPG, since 2021, that are not already included in this application, regarding any aspect that directly or indirectly relates to a material aspect of OPG's budget, or aspect of its regulated business.	This question is overly broad and therefore OPG declines to answer on the basis of relevance. OPG interprets the question as seeking information on all third-party reviews, assessments or audits undertaken over the past 5 years. OPG undertakes a wide range of third-party reviews and generates a large quantity of documents that may be captured by the question asked in this interrogatory that are not relevant to this Application. If the question was refined to reference specific materials relating to an issue on the approved Issues List, OPG could further consider the request and search for any such potentially relevant materials.	<p>OPG has interpreted the question incorrectly. The interrogatory does not ask for "all third-party reviews, assessments or audits", but only <u>benchmarking</u> documents, and only those that relate to a <u>material</u> aspect of OPG's budget and regulated business.</p> <p>Benchmarking is a fundamental aspect of OEB rate regulation and benchmarking information the company may have that it was not filed in this application is clearly relevant. SEC cannot be expected to point to a specific benchmarking study/report that the company has undertaken as it cannot be expected to know that information.</p> <p>The interrogatory is regularly asked in OEB proceedings and answered without issue. We note that OPG was able to respond to the interrogatory, after initially refusing, in its last proceeding.³</p>
A1-SEC-012	Please provide a full table that shows the 2027 to 2031 hydroelectric total revenue requirement (including non-capital-related revenue requirements).	Outside of the C-factor which relies on a five-year forecast of capital related revenue requirement, OPG's proposed hydroelectric rate-setting methodology is based on a cost of service review of the 2027 test-year (Ex. A1-3-2, Section 2.2). Beyond the 2027 test year, regulated hydroelectric revenue would be determined formulaically by the proposed annual adjustment mechanism outlined in Ex. A1-3-2, Section 2.3. Accordingly, OPG has not filed annual hydroelectric revenue requirement forecasts beyond 2027, and declines to provide this information as it is not relevant under the proposed hydroelectric rate-setting framework.	<p>The information is relevant and should be provided. OPG has proposed a price-cap Custom IR framework for hydroelectric that differs from the price-cap framework approved in EB-2016-0152, and that allows adjustments to hydroelectric payment amounts beyond I-X. OPG should not be permitted to dictate which elements of its proposed framework, and which of the costs it will ultimately seek to recover over the rate term, can be tested. Intervenors and the OEB must be able to test the reasonableness of the entire framework by understanding OPG's actual forecast costs over the five years. Parties may also wish to propose a different rate framework for the period.</p> <p>The information sought is information OPG already has. It has internally set 5-year cost and production forecasts from all its business units (including its hydroelectric business)⁴, and has included those forecasts in its Business Plan (presented differently</p>

³ EB-2020-0290, [SEC 10 \(Updated\)](#)

⁴ See A2-2-1, Attachment 2

IR#	Questions	OPG Response	SEC Position
			and not on the same basis as other information in the pre-filed evidence). ⁵
A1-SEC-022 (a), (c) and (d)	<p>a) [p. 17] Please provide the results of this benchmarking study if environmental and regulatory costs are included.</p> <p>c) [p. 21] Please provide the results of this benchmarking study if OM&A prices are not included as an independent variable in the model.</p> <p>d) [p. 25] Please provide the actual cost (OM&A and OM&A+SC) per unit of output (MWh) of each of the plants included in the study (including the size of the plants, and whether they are OPG plants, other Canadian plants, or American plants, but no other identifying features).</p>	<p>a) This is a request to change the benchmarking models and rerun the analysis. LEI has not conducted this analysis and does not consider this request to be appropriate for a benchmarking study as it would not provide meaningful results. As noted on page 12 of the benchmarking report:</p> <p><i>“LEI excluded environmental and regulatory expenses because some utilities in the US, due to their local legislation and/or mandates, have included certain expenses that are not directly related to plant operations and are not typically the responsibility of utilities in other jurisdictions; including these expenses would make these US companies look less cost-efficient than their peers who are not required to pay such expenses.”</i></p> <p>Further, this request would take a non-trivial amount of time and effort to complete.</p> <p>c) This is a request to change the benchmarking models and rerun the analysis. LEI has not conducted this analysis and does not consider this request to be appropriate for a benchmarking study. As noted on page 21 of the benchmarking report:</p> <p><i>The OM&A price ... impact was not statistically significant, as indicated by the p-values. In other words, the results were not statistically different from the assumption that impacts of prices on costs were zero. However, prices are included in the model because economic theory and common sense dictate that the price of inputs should impact total costs. In that case, not controlling for the impact of prices could bias the estimates of the other variables’ impacts”</i></p>	(d) See CCC Motion Letter, CCC Response to A1-CCC-008

⁵ See A2-2-1, Attachment 1, p.34

IR#	Questions	OPG Response	SEC Position
		<p>Further, this request would take a non-trivial amount of time and effort to complete.</p> <p>d) LEI cannot accommodate this request because this data is subject to an NDA between EUCG and LEI. All data used in the analysis that is not covered by the NDA has already been provided in the benchmarking workpaper.</p>	
<p>A2-SEC-026 (a) and (b)</p>	<p>a) The Business Plan includes OPG regulated hydroelectric OM&A as part of the 'Renewable Generation'. Please provide a breakdown of the Renewable Generation OM&A costs between regulated hydroelectric and non-regulated hydroelectric.</p> <p>b) Based on the Business Plan OM&A costs, please provide the total regulated hydroelectric OM&A for each year between 2025-2031.</p>	<p>a) and b) OPG confirms that the regulated hydroelectric OM&A costs provided in Ex. F1-1-1 are consistent with OPG's 2025-2031 Business Plan (Ex. A2-2-1, Attachment 1, p. 34). OPG declines to provide the breakdown of Renewable Generation OM&A costs between regulated and non-regulated hydroelectric facilities as the latter is not relevant to the approvals sought in this Application. For clarity, the Renewable Generation line in Ex. A2-2-1, Attachment 1 represents an organizational view of the costs that is not directly comparable to the presentation of costs sought in this Application. For example, the Energy Markets department reports into the Renewable Generation organization and is included in the Renewable Generation line in the business plan but is presented as an Operations support function in the Application as part of the fully allocated view for revenue requirement purposes.</p> <p>Please refer to Ex. F1-1-1 for the total regulated hydroelectric OM&A costs for 2025-2027. 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. A1-3-2, 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>	<p>(b) See SEC Position re A1-SEC-012</p>

IR#	Questions	OPG Response	SEC Position
C1-SEC-035	Please provide a copy of any analysis OPG undertook in the development, consultation or consideration, or after, of the amendments to O. Reg. 53/05 regarding the impact of concurrent cost recovery on OPG's financial metrics.	OPG did not conduct an analysis of the type referenced in question after the amendments to O. Reg 53/05 establishing the concurrent cost recovery ("CCR") mechanisms for the Pickering Refurbishment Program and the Darlington New Nuclear Program came into effect. However, an estimate of the impact of such mechanisms on OPG's credit metrics as presented in OPG's 2025-2031 Business Plan (Ex. A2-2-1, Attachment 1, p. 10) is provided in Attachment 1 (Confidential). As the amendments are now in effect and must be adhered to in this proceeding, any analysis conducted prior to the amendments is not relevant to this process.	The information is relevant and should be provided. OPG's refusal is based on the "amendments are now in effect and must be adhered to in this proceeding". SEC agrees. However, understanding the detailed financial impacts analysis that OPG undertook regarding the CCR on its financial position, risk profile, credit metrics, among other things, is important to the question of equity thickness, which is at issue.
D1-SEC-049 (a) and (c)	<p>a) Please provide the calculations for the LCOE of \$90/MWh.</p> <p>c) At what LCOE does OPG consider a station redevelopment project to provide positive economic value? Please explain the basis for your answer and any underlying calculation and assumptions made.</p>	a) and c) OPG declines to provide the requested LCOE calculations and to comment on part (c) because this information is not relevant to evaluating the issues that are within the scope of this proceeding. As a prescribed generator operating prescribed facilities under O. Reg 53/05, OPG is permitted to pursue the increase in the output of, the refurbishment of or the addition to the operating capacity of a generation facility and pursuant to section 6(2) paragraph 4, the OEB is required to ensure that OPG recovers capital and non-capital costs in respect of those activities. In accordance with this framework, the OEB's authority is whether the costs were prudently incurred. The 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. To that end, OPG's position is that the LCOE is not relevant to the consideration of the prudence of the project cost and the effectiveness of the project's execution.	The information is relevant and should be provided. O. Reg. 53/05 does not provide OPG with blanket approval to recover costs related to all hydroelectric redevelopment or refurbishment projects. It ensures OPG recovers such costs if they are prudently incurred, which involves an assessment of the underlying economics of the project. This project (Kakabeka Falls Generating Station Redevelopment Project) differs from other refurbishment or development projects, for which OPG has referenced in other refusals, that the OEB's role is not system planning. The interrogatory relates to OPG's own economic evaluation included in its business case justifying the project, and not any assessment or direction by the Minister of Energy or the IESO.
D1-SEC-054	Please provide a revised version of Table 2 (D-1-1) and Table 4 (D1-1-2), that include the annual internal budgeted capital expenditures and in-service amounts for each year between 2016 and 2026, included in that year's Business Plan, similar to what was provided in	OPG declines to provide the requested information on the basis that the request goes beyond the scope of the OEB's current Filing Requirements, which were subject to extensive consultation in EB-2024-0136 with the "aim to address evolving regulatory landscape <i>[and] incorporate lessons learned from past proceedings.</i> " (emphasis added)	The information is relevant and should be produced. SEC does not understand the basis of the refusal. The Filing Requirements are not the full extent of the information that can be sought. If they were, there would be no basis for the interrogatory process or further discovery. The refusal is also inconsistent with Procedural Order #2, which

IR#	Questions	OPG Response	SEC Position
	<p>EB-2020-0290, Technical Conference Undertaking JT 2.15, Attachment 1.</p>	<p>OPG notes that there are no OEB-approved amounts for the years in question, and declines to provide prior business plan forecasts, as suggested in part (b), for the reasons noted in Ex. L-D1-SEC-054 and Ex. L-D1-SEC-055.</p> <p>In accordance with the Filing Requirements, OPG has provided detailed evidence reconciling historical Tier 1 (i.e. \$30 million or greater) capital project budgets with actuals. For all Tier 1 projects, summary level information is provided in Ex. D1-1-2, Table 1, and Business Case Summaries are provided in Ex. D1-1-2, Attachment 1. A discussion of these projects, organized by region, as well as by their stage in the project life cycle, is also provided in Ex. D1-1-2, Sections 3.1 and 3.2.</p> <p>OPG further notes that regulated hydroelectric payments in past applications (EB-2016-0152 and EB-2020-0290) were determined mechanistically, rather than pursuant to cost-of-service rebasing reviews. As such, there are no OEB-approved amounts against which to compare the requested information. Based on these considerations, OPG submits that the requested information would provide limited, if any, incremental probative value relative to what has already been filed on record in accordance with the OEB's Filing Requirements.</p>	<p>provides intervenors the opportunity to “request any relevant information and documentation from the Applicants that is <u>in addition to the evidence already filed</u>” [emphasis added].</p> <p>The changes to the Filing Requirements made in EB-2024-0136, which primarily involved an increase in the threshold for filing various explanatory information regarding projects⁶, have nothing to do with the interrogatory asked, which is not seeking project-level information.</p> <p>The interrogatory seeks the information in the same way the company produced it in EB-2020-0290 (regarding nuclear operations capital).</p> <p>OPG’s comment that there are no OEB approved amounts for hydroelectric since 2016 only reinforces the value of the response, as it would be the only basis available to compare actual versus planned costs.</p> <p>Understanding OPG’s internal forecast for expenditures as set out in that year’s business plan is important to understanding how OPG performed not just against the previously approved amounts, but the accuracy of that year’s budget (which would incorporate more up-to-date estimates, company needs, and other factors). It is also useful to test the prudence of the overall historic spending in each year, which the company seeks to add to rate base in this application.</p> <p>SEC notes that the internal budget information is regularly provided in OEB proceedings⁷, and has previously been found to be relevant and required to be produced.⁸</p>

⁶ See [OEB Letter, Updated Filing Requirements for Ontario Power Generation Inc. \(EB-2024-0136\), September 17, 2024](#)

⁷ See for example, EB-2024-0115 (Hydro Ottawa), Undertaking JT 1.5, EB-2025-0252 (Alectra), IRR 2A-SEC-43

⁸ [Decision and Order \(EB-2013-0416\), August 22, 2023](#) p.6

IR#	Questions	OPG Response	SEC Position
D1-SEC-055	Please provide a revised version of Table 2 (D-1-1) and Table 4 (D1-1-2), that include the annual internal budgeted capital expenditures and in-service amounts for each year between 2017 and 2026, included in the Business Plan filed in EB-2016-0152 and EB-2020-0290, similar to what was provided in EB-2020-0290, Technical Conference Undertaking JT 2.15, Attachment 2.	OPG declines to provide the requested information for the same reasons as outlined in Ex. L-D1-SEC-054.	<p>The information is relevant and should be provided. SEC does not understand the basis of the refusal. The Filing Requirements are not the full extent of the information that can be sought. If they were, there would be no basis for the interrogatory process or further discovery. The refusal is also inconsistent with Procedural Order #2, which provides intervenors the opportunity to “request any relevant information and documentation from the Applicants that is <u>in addition to the evidence already filed</u>” [emphasis added].</p> <p>The changes to the Filing Requirements made in EB-2024-0136, which primarily involved an increase in the threshold for filing various explanatory information regarding projects⁹, have nothing to do with the interrogatory asked, which is not seeking project-level information.</p> <p>The interrogatory seeks the information in the same way the company produced it in EB-2020-0290 (regarding nuclear operations and support services capital).</p> <p>OPG’s comment that there are no OEB approved amounts for hydroelectric since 2016 only reinforces the value of the response, as it would be the only basis available to compare actual versus planned costs.</p> <p>Understanding OPG’s internal forecast for expenditures as set out in the approved business plans that would underpin those applications, is important to understanding how OPG performed against a multi-year forecast. Considering that OPG did not have an approved amounts for those years, only reinforces the value in the response as it is the only available information the OEB will have regarding OPG’s accuracy and ability to undertake multi-year capital expenditure forecasts, to test the prudence of the overall historic spending in each year over that period, which the company seeks to add to rate base in this application.</p>

⁹ See [OEB Letter, Updated Filing Requirements for Ontario Power Generation Inc.\(EB-2024-0136\), September 17, 2024](#)

IR#	Questions	OPG Response	SEC Position
			<p>SEC notes that the internal budget information is regularly provided in OEB proceedings¹⁰, and has previously been found to be relevant and required to be produced.¹¹</p>
D2-SEC-059	<p>Please provide a revised version of Tables 4a and 4b, that include the annual internal budgeted capital expenditures and in-service amounts for each year between 2022 and 2026, included in that year's Business Plan, similar to what was provided in EB-2020-0290, Technical Conference Undertaking JT 2.15, Attachment 1.</p>	<p>OPG declines to provide the requested information on the basis that the request goes beyond the scope of the OEB's current Filing Requirements, which were subject to extensive consultation in EB-2024-0136 with the "aim to address evolving regulatory landscape, [and] incorporate lessons learned from past proceedings." (emphasis added).</p> <p>In accordance with the Filing Requirements, the referenced evidence already provides 2022-2026 actual/bridge capital expenditures and in-service additions compared to OEB-approved amounts, along with: (i) variance explanation of OEB-approved versus actual/bridge capital expenditure in Ex. D2-1-2, Sections 5 and 6; (ii) variance explanation of Tier 1 projects (i.e., \$30 million or greater) with a variance greater than 10% as compared to the total forecast cost provided in EB-2020-0290 in Ex. D2-1-3 Section 3.4; and (iii) business case summaries for Tier 1 projects (i.e., \$30 million or greater) in Ex. D2-1-3, Attachment 1.</p>	<p>The information is relevant and should be provided. SEC does not understand the basis of the refusal. The Filing Requirements are not the full extent of the information that can be sought. If they were, there would be no basis for the interrogatory process or further discovery. The refusal is also inconsistent with Procedural Order #2, which provides intervenors the opportunity to "request any relevant information and documentation from the Applicants that is <u>in addition to the evidence already filed</u>" [emphasis added].</p> <p>The changes to the Filing Requirements made in EB-2024-0136, which primarily involved an increase in the threshold for filing various explanatory information regarding projects¹², have nothing to do with the interrogatory asked, which is not seeking project-level information.</p> <p>The interrogatory seeks the information in the same way the company produced it in EB-2020-0290 (regarding nuclear operations capital).</p> <p>Understanding OPG's internal forecast for expenditures as set out in that year's business plan is important to understanding how OPG performed not just against the previously approved amounts, but the accuracy of that year's budget (which would incorporate more up-to-date estimates, company needs, and other factors). It is also useful to test the prudence of the overall historic spending in each year, which the company seeks to add to rate base in this application.</p>

¹⁰ See for example, EB-2024-0115 (Hydro Ottawa), Undertaking JT 1.5, EB-2025-0252 (Alectra), IRR 2A-SEC-43

¹¹ [Decision and Order \(EB-2013-0416\), August 22, 2023](#) p.6

¹² See [OEB Letter, Updated Filing Requirements for Ontario Power Generation Inc.\(EB-2024-0136\), September 17, 2024](#)

IR#	Questions	OPG Response	SEC Position
			<p>SEC notes that the internal budget information is regularly provided in OEB proceedings¹³, and has previously been found to be relevant and required to be produced.¹⁴</p>
D2-SEC-060	<p>Please provide a revised version of Tables 4a and 4b, that include the annual internal budgeted capital expenditures and in-service amounts for each year between 2022 and 2026, included in the first Business Plan prepared after the approval of the EB-2020-0290 Settlement Proposal, similar to what was provided in EB-2020-0290, Technical Conference Undertaking JT 2.15, Attachment 2.</p>	<p>OPG declines to provide the requested information for the same reasons as outlined in Ex. L-D2-SEC-059.</p>	<p>The information is relevant and should be provided. SEC does not understand the basis of the refusal. The Filing Requirements are not the full extent of the information that can be sought. If they were, there would be no basis for the interrogatory process or further discovery. The refusal is also inconsistent with Procedural Order #2, which provides intervenors the opportunity to “request any relevant information and documentation from the Applicants that is <u>in addition to the evidence already filed</u>” [emphasis added].</p> <p>The changes to the Filing Requirements made in EB-2024-0136, which primarily involved an increase in the threshold for filing various explanatory information regarding projects¹⁵, have nothing to do with the interrogatory asked, which is not seeking project-level information.</p> <p>The interrogatory seeks the information in the same way the company produced it in EB-2020-0290 (regarding nuclear operations and support services capital).</p> <p>Understanding OPG's internal forecast for expenditures as set out in the approved business plans in the year after the approved settlement in EB-2020-0290 allows the intervenors and the OEB to understand if and how OPG internally planned to implement the agreed capital reductions.</p> <p>SEC notes that the internal budget information is regularly provided in OEB proceedings¹⁶, and has</p>

¹³ See for example, EB-2024-0115 (Hydro Ottawa), Undertaking JT 1.5, EB-2025-0252 (Alectra), IRR 2A-SEC-43

¹⁴ [Decision and Order \(EB-2013-0416\), August 22, 2023](#) p.6

¹⁵ See [OEB Letter, Updated Filing Requirements for Ontario Power Generation Inc.\(EB-2024-0136\), September 17, 2024](#)

¹⁶ See for example, EB-2024-0115 (Hydro Ottawa), Undertaking JT 1.5, EB-2025-0252 (Alectra), IRR 2A-SEC-43in

IR#	Questions	OPG Response	SEC Position
			previously been found to be relevant and required to be produced. ¹⁷
SEC-080 (c) and (d)	<p>c) Recommendation to proceed to Definition Phase.</p> <p>d) Materials provided to the OPG Board of Directors approving the completion of the Initiation Phase and transition to the Definition Phase.</p>	<p>c) and d) This interrogatory seeks materials that have been superseded by the Release Quality Estimate provided at Ex. D2-3-8, Attachment 1. OPG declines to provide the requested information on the basis of relevance. The Release Quality Estimate is the basis on which OPG is undertaking the work and is the basis of the application before the OEB. Any previous materials are not relevant to evaluating the issues in this proceeding.</p>	<p>The information is relevant and should be provided. The interrogatory seeks to understand the evolution of the project budget over time, which is important to assessing the reasonableness of the forecast sought for approval and the process over time in assessing various risks/issues at each stage (as outlined in the business cases).</p>
D2-SEC-089 (a) and (b)	<p>a) Please provide a table that shows every cost estimate (e.g. internal, class, release, and phase) developed for the project, broken down by bundles/category. For each estimate, please provide the date, phase, and reason for the change.</p> <p>b) Please provide a copy of each business case (for each class and release) developed for the PRP.</p>	<p>a) and b) This interrogatory seeks materials and cost estimates that have been superseded by the Release Quality Estimate provided at Ex. D2-3-8, Attachment 1. OPG declines to provide the requested information on the basis of relevance. The Release Quality Estimate is the basis on which OPG is undertaking the work and is the basis of the application before the OEB. Any previous materials and costs estimates, or evolution of cost estimates, are not relevant to evaluating the issues in this proceeding.</p>	<p>See SEC Position re D2-SEC-080</p>
D2-SEC-090 (b) and (c)	<p>b) [p.4,14] OPG states “[t]he Levelized Cost of Energy (LCOE) is \$169/MWh (\$2024)”. Please provide all underlying calculations and assumptions used in the calculation.</p> <p>c) [p.5] Please provide a similar memorandum for the Board of Directors for Release 1A-1 and 1A-2.</p>	<p>b) For informational purposes, a detailed breakdown of the LCOE and assumptions can be found at Ex. D2-3-8, Attachment 1 at pages 14 & 16. 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 stated in Ex. D2-3-1, the Province of Ontario (“Province”) announced support for OPG to proceed with the next steps toward refurbishing Pickering Units 5-8 following completion of the 2023 feasibility assessment, and has further approved OPG’s plan to refurbish Units 5-8 following completion of the release quality estimate, noting that refurbishing Ontario’s nuclear fleet is a key pillar of the Province’s Integrated Energy Plan. LCOE is a factor used to consider the appropriate generation options to meet electricity</p>	<p>(b) See CCC Motion Letter, CCC Response to D2-CCC-045</p> <p>(c) See SEC Position re D2-SEC-080</p>

¹⁷ [Decision and Order \(EB-2013-0416\), August 22, 2023](#) p.6

IR#	Questions	OPG Response	SEC Position
		<p>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 PRP cost and the effectiveness of the project's execution, in accordance with OEB approved Issues List for this proceeding.</p> <p>c) OPG declines to provide the requested information for the same reasons as outlined in Ex. L-D2-SEC-089.</p>	
D2-SEC-097 (a) to (d)	<p>a) Please provide a detailed explanation of the technology selection process.</p> <p>b) Please provide all materials provided to the OPG Board of Directors regarding the selection of the BWRX-300 as the specific technology.</p> <p>c) Please provide a copy of any internal document that was created that provides a summary of the outcome of the selection process, a review of the other potential technologies that were considered, and a recommendation for the selection of the BWRX-300.</p> <p>d) Did OPG undertake any third-party reviews of the selection process? If so, please provide a copy of their report (or similar documents).</p>	<p>a) A detailed explanation of the technology selection process was provided at EB-2023-0336 Ex. H1-1-1, p. 39 and EB-2023-0336 Ex. L-H-CCC-08 including Attachment 1 (confidential). The associated costs were decided in EB-2023-0336, in which OPG sought cost recovery for that process. The Applicants are not seeking recovery of any costs related to the DNNP technology selection process in this proceeding. The issue of DNNP technology selection is not within the scope of the current proceeding and the Applicants will not be refiling the EB-2023-0336 materials.</p> <p>b) Materials provided to the OPG Board of Directions regarding the selection of the BWRX-300 as the specific technology were provided in EB-2023-0336 in response to Ex. L-H-CCC-08, Attachment 2 (confidential). For the reasons set out in part (a) above, the Applicants will not be refiling these materials.</p> <p>c) and d) Refer to part (a).</p>	<p>The information is relevant and should be provided. The EB-2023-0336 application sought recovery of the costs related to the development stage, which are different than the costs of the technology that the selection process, a component of the development process, selected. At no point in EB-2023-0336 did OPG suggest that in approving the development budget, the OEB was also approving the specific technology and how it was chosen. The prudence of that budget would be judged primarily on the reasonableness of the expenditures to undertake various development activities, one of which was the selection process.</p> <p>SEC's understanding is consistent with OPG's position in EB-2023-0336. In that proceeding it said that "OPG is seeking approval of the costs associated with the technology selection process, and not approval of the technology that was selected" (See EB-2023-0336, H-CCC-08(h)) OPG provided information related to budgets for planning for the DNNP (then simply referred to as the SMR at the Darlington New Nuclear Site), including selection of SMR technology, but explicitly "decline[d] to provide any 'additional materials provided to the Board of Directors' <u>that mention the selection of SMR technology on the basis of relevance.</u>" [emphasis added] (See EB-2023-0336, H-CCC-08(e)). OPG cannot say that the selection of the specific DNNP technology was a matter for EB-2023-0336, while have taken the position at</p>

IR#	Questions	OPG Response	SEC Position
			that time, that information related to that issue was not relevant.
D2-SEC-098 (a), (b) and (c)	<p>a) Please provide a copy of the materials provided to the OPG Board of Directors for their decision to move to the Initiation Phase.</p> <p>b) Please provide details regarding the initial commercial agreements.</p> <p>c) Did OPG develop any cost estimate for the project at the Initiation Phase? If so, please provide a copy.</p>	<p>a) and c) This interrogatory seeks materials and cost estimates that have been superseded by the Release Quality Estimate provided at Ex. D2-4-8, Attachment 1. OPG declines to provide the requested information on the basis of relevance. The Release Quality Estimate is the basis on which OPG is undertaking the work and is the basis of the application before the OEB. Any previous materials and costs estimates, or evolution of cost estimates, are not relevant to evaluating the issues in this proceeding.</p> <p>b) Refer to Ex. D2-4-4, Attachment 1(confidential) and Ex. L-A1-CCC-012(a)(iii). OPG declines to provide any initial commercial agreements as they are not relevant to issues in this proceeding.</p>	See SEC Position re D2-SEC-080
D2-SEC-099 (a) and (b)	<p>a) Please provide a copy of the materials provided to the OPG Board of Directors for their decision to move to the Definition Phase.</p> <p>b) Did OPG develop any cost estimate for the project at the Definition Phase? If so, please provide a copy.</p>	a) and b) OPG declines to provide the requested information for the same reasons as outlined in Ex. L-D2-SEC-098 parts (a) and (c).	See SEC Position re D2-SEC-080
D2-SEC-101 (a) and (b)	<p>a) Please provide a table that shows every cost estimate (e.g. internal, class, release, and phase) developed for the project, broken down by category. For each estimate, please provide the date, phase, reason for the change.</p> <p>b) Please provide a copy of each business case (for each class and release) developed for the DNNP.</p>	<p>a) The Applicants decline to provide the requested information on the basis of relevance. This interrogatory seeks a table from the Applicants that shows every cost estimate developed for the project. This analysis has been superseded by the Release Quality Estimate provided at Ex. D2-4-8, Attachment 1 and is not relevant to any issue in this proceeding.</p> <p>b) The DNNP Release Quality Estimate business case is documented within the OPG Board of Directors' approval memorandum (Ex. D2-4-8, Attachment 1). Additionally, refer to Ex. L-D2-Staff-</p>	See SEC Position re D2-SEC-080

IR#	Questions	OPG Response	SEC Position
		<p>118, Attachment 1 (confidential) for the estimate presented to management for approval.</p> <p>The DNNP Release Quality Estimate business case is the basis of the DNNP and is the basis on which the Applicants seek approvals in this Application. All previous business cases are irrelevant since they do not represent the basis for the project under consideration.</p>	
D3-SEC-125	<p>Please provide a revised version of the referenced tables that include the annual internal budgeted capital expenditures and in-service amounts for each year between 2022 and 2026, included in that year's Business Plan, similar to what was provided in EB-2020-0290, Technical Conference Undertaking JT 2.15, Attachment 1</p>	<p>OPG declines to provide the requested information on the basis that the request goes beyond the scope of the OEB's current Filing Requirements, which were subject to extensive consultation in EB-2024-0136 with the "aim to address evolving regulatory landscape and incorporate lessons learned from past proceedings." (emphasis added).</p> <p>In accordance with the Filing Requirements, the referenced evidence already provides 2022-2026 actuals capital expenditures and in-service additions compared to OEB-approved amounts, along with: (i) variance explanation of OEB approved versus actual capital expenditure in Ex. D3-1-1 sections 5.1 and 5.2; (ii) variance explanation of Tier 1 projects (i.e. \$30 million or greater) with a variance greater than 10% as compared to the total forecast cost provided in EB-2020-0290 in Ex. D3-1-2 Section 6; and (iii) business case summaries for Tier 1 projects (i.e. \$30 million or greater) in Ex. D3-1-2 Attachment 1.</p> <p>In light of the extensive information that has already been provided on record in accordance with the Filing Requirements, OPG submits that the additional information requested by this interrogatory would provide limited if any incremental probative value to evaluating the issues that are within the scope of this proceeding.</p>	See SEC Position re D2-SEC-059
D3-SEC-126	<p>Please provide a revised version of the referenced tables that include the annual internal budgeted capital expenditures and in-service amounts for each year between 2022 and 2026, included in the first Business Plan</p>	<p>OPG declines to provide the requested information for the same reasons as outlined in Ex. L-D3-SEC-125.</p>	See SEC Position re D2-SEC-060

IR#	Questions	OPG Response	SEC Position
	<p>prepared after the approval of the EB-2020-0290 Settlement Proposal, similar to what was provided in EB-2020-0290, Technical Conference Undertaking JT 2.15, Attachment 2.</p>		
E1-SEC-128	<p>Please provide a list of the current planned outages for hydroelectric stations over 2027-2031, including start date and expected outage length.</p>	<p>Refer to Attachment 1 for 2027 outage data (confidential).</p> <p>OPG declines to provide 2028-2031 forecast outage data on the basis of relevance. Refer to Ex. L-A1-SEC-011, part (a).</p>	<p>See SEC Position re A1-SEC-012 which also applies to the production forecast.</p> <p>Additionally, testing the reasonableness of the 2028-2031 production forecast is directly related to implications of its own proposed hydroelectric rate framework. As noted in the question set out in in A1-SEC-011(c), OPG proposal's does not include an adjustment to ensure that it does not over-collect its capital-related revenue recruitment based on growth in its production forecast over the 2028-2031 period. This has been an issue that the OEB has previously ordered addressed in other price-cap based Custom IR decisions.¹⁸ OPG may disagree with the need for such a mechanism, but that is a matter for argument at a later date.</p>
E1-SEC-133	<p>Please provide OPG's forecast Ontario Zonal Price through the end of 2027.</p>	<p>For the reasons articulated in Ex. L-E1-SEC-132, OPG declines to provide the forecasted 2027 Ontario Zonal Price. However, OPG notes that the change in benefit from 2026 to 2027 is \$11.05/MWh. The change in benefit approach allows relevant information to be disclosed and considered on the public record without raising the commercial sensitivity and proprietary data concerns outlined in Ex. L-E1-SEC-132.</p>	<p>OPG does not dispute the relevance of the information, but refuses disclosure based on "commercial sensitivity and proprietary data concerns" and references its refusal in E1-SEC-132a. In that interrogatory, OPG refused to provide the underlying Non-OPG Supplier Generation model, which presumably is used to forecast the Ontario Zonal Price (OZP). If OPG is not going to agree to provide the model for the reasons it outlined regarding its complexity and sensitivity, then it cannot also refuse to provide the model output. It has not explained why providing this information, raises the same issues as E1-SEC-132. Regardless, at best, it is a reason for confidential treatment, not a refusal.</p>

¹⁸ [Decision and Order \(EB-2014-0116\), December 29, 2015](#), p.28-29. We also note that Alectra (EB-2025-0252), has also proposed an adjustment to its proposed price-cap Custom IR formula to deal with this very issue (EB-2025-0252, Ex.1-11-12, p.3).

IR#	Questions	OPG Response	SEC Position
E2-SEC-139	Please provide a copy of the annual internal nuclear production forecast for each year between 2022 and 2026.	<p>OPG declines to provide the requested information on the basis that the request goes beyond the scope of the OEB's current Filing Requirements, which were subject to extensive consultation in EB-2024-0136 with the "aim to address evolving regulatory landscape [and] incorporate lessons learned from past proceedings." (emphasis added)</p> <p>In accordance with the Filing Requirements, OPG has already provided (ii) 2022-2026 OEB-approved and actual/bridge production values by in Exhibit E2-1-2, Tables 1a and 1b, along with (ii) variance explanations of OEB-approved versus actual/bridge production values, as well as year-over-year actual production values in Section 2.3 and 2.4.</p>	<p>The information is relevant and should be provided. SEC does not understand the basis of the refusal. The Filing Requirements are not the full extent of the information that can be sought. If they were, then there would be no basis for the interrogatory process or further discovery. The changes to the Filing Requirements made in EB-2024-0136, which primarily involved an increase in the threshold for filing various explanatory information regarding projects, have nothing to do with the interrogatory asked.</p> <p>Understanding OPG's annual internal nuclear production forecast is important to understanding how OPG performed not just against the previously approved forecast, but on an annual basis. This is important information in trying to test the reasonableness of OPG's production forecast, which OPG has historically under-forecast, and which is an important component of setting payment amounts.</p> <p>This is no different in kind than internal budget information that is regularly provided in OEB proceedings¹⁹, and has previously been found to be relevant and required to be produced.²⁰</p>
F3-SEC-178 (a) and (b)	<p>a) [F3-1-1] Please expand Tables 2, 5, and 7b to include amounts allocated to regulated hydroelectric for each year between 2028 and 2031.</p> <p>b) [F3-1-2] Please expand Table 1b to include amounts allocated to regulated hydroelectric for each year between 2028 and 2031.</p>	a) and b) OPG declines to expand the referenced Tables 2, 5, 7b or Table 1b to include amounts allocated to the regulated hydroelectric facilities for the 2028-2031 period. Under the proposed regulated hydroelectric rate-setting methodology, OM&A costs and certain other revenue requirement elements are relevant for the 2027 test year only (Ex. A1-3-2, Section 2.0). As such, support services costs and asset service fees allocated to the regulated hydroelectric facilities for the 2028-2031 period are not relevant to the Application.	See SEC Position re A1-SEC-012
G1-Staff-242 b)	b) Please explain why OPG is forecasting a significant decline in annual revenues of over	b) This interrogatory pertains to information that is not relevant. As described in Ex. L-E1-Staff-143,	See SEC Position re A1-SEC-012.

¹⁹ See for example, EB-2024-0115 (Hydro Ottawa), Undertaking JT 1.5, EB-2025-0252 (Alectra), IRR 2A-SEC-43

²⁰ [Decision and Order \(EB-2013-0416\), August 22, 2023](#) p.6

IR#	Questions	OPG Response	SEC Position
	<p>\$5 million per year during the IR term (with annual average forecast revenues during the five-year IR term at \$12.3 million, while the annual average is \$17.6 million over the five years before the IR term)</p>	<p>OPG inadvertently provided a forecast of HIM revenues for 2028-2031 in columns d)-k) for lines 15-21 in Ex. G1-1-2, Table 1. OPG will update the evidence to remove this information from the Application, as it is not relevant under OPG's proposed hydroelectric rate setting framework. The methodology relies on the 2027 test year to determine the base payment amounts that will be updated mechanistically each year by the proposed rate formula to determine the payment amounts for the outer years of the period (i.e. 2028-2031). OPG's HIM revenue forecast of \$17.8M for 2027 is in line with the annual average of \$17.6M for the five years before the IR term.¹ The 2027 HIM revenue reflects OPG's forecast of more moderate, weather normalized price spreads relative to recent years, which are expected to decrease also due to the impact of 1132 MW of battery energy storage systems expected online by the end of 2027.</p>	<p>Additionally, the forecast of HIM revenues for 2028-2031 is relevant to properly evaluating the changes OPG has proposed to the HIM methodology (Issue 21).</p>

Appendix B

IR#	Questions	OPG IR Response	SEC Position
C1-SEC-033	<p>Please provide a table showing for each year between 2008 and 2026, the approved ROE included in base rates and the actual ROE (and forecast ROE for 2026) for each of, a) combined OPG, b) hydroelectric business, and c) nuclear business. Please provide full calculations for all actual ROE.</p>	<p>a) to c)</p> <p>Chart 1 below provides, for OPG's prescribed facilities, the OEB-approved ROE for 2008-2026, actual ROE for 2008-2024, preliminary actual ROE for 2025 and the forecast ROE for 2026. Refer to Attachment 1 (Confidential) for the calculations of the actual ROE for 2008-2024. For the calculations of the 2025 preliminary actual ROE, refer to Ex. L-11-Staff-266. For the calculations of the 2026 forecast ROE, refer to Ex. I1-1-1, Table 5.</p> <p>As stated in EB-2020-0290, Ex. L-A1-03-Staff-008, OPG operates as a single company, with a single management structure, a single corporate cost structure, and a single OEB-authorized cost of capital that covers both the hydroelectric and nuclear generating facilities, and obtains corporate financing as a single company. Accordingly, OPG does not have a technology specific OEB-approved or actual ROE</p>	<p>OPG did not answer parts (b) and (c). OPG can and has previously provided ROE for each of its regulated business segments separately.¹ These segments, while part of the broader OPG, have historically, and are proposed to, operate on different rate frameworks with separate approved payment amounts (which involve separate rate base, depreciation expenses, OM&A, and other cost components).</p> <p>The information is relevant and should be provided.</p>
D2-SEC-094	<p>With respect to the PRP and DNNP Oversight, SEC would like to understand how the current and proposed third-party oversight mechanisms for these projects are similar or different for those in place for the DRP.</p> <p>a) Please provide a copy of the terms of reference, and all other governing documents, including any contracts, retainer agreements or other agreements, between OPG and Burns McDonnell/Modus Strategic Solutions regarding their engagement on behalf of the OPG's Board of Directors regarding oversight</p>	<p>a) OPG's Board of Directors did not engage with Burns McDonnell/Modus Strategic Solutions in respect of the PRP. Major Projects Committee of the OPG Board of Directors supports program-level oversight by OPG's Board of Directors. As part of this oversight, the Major Projects Committee has retained the Refurbishment Review Board to provide independent assessments of the PRP.</p> <p>b) The SMR Review Board, the DNR Review Board and the PRP Review Board serve materially the same purpose, aside from specific skill sets tailored to the work scopes being executed.</p>	<p>OPG's answer is non-responsive to the question posed. A complete response to the question should be provided.</p> <p>SEC did not suggest that OPG engaged Burns McDonnell/Modus Strategic Solutions with respect to the PRP. Burns McDonnell/Modus Strategic Solutions was engaged with respect to the DRP, and provided key third-party oversight on the definition and execution phases of DRP Unit 2 (the first unit refurbished), and the execution estimate of Unit 3, which were the basis of OEB decisions.²</p>

¹ See for example, [OPG 2024 Annual Regulatory Return](#), p.5

² For example, [Decision and Order \(EB-2020-0290\), November 15, 2021](#), p.38: "In support of these findings, the OEB has benefitted from independent third-party reports, filed as evidence, that provide insight into the above-noted conclusions. These reports commissioned by OPG are authored by Modus / Burns.". See also [Decision and Order \(EB-2016-0152\), December 28, 2017](#) p.18-19

IR#	Questions	OPG IR Response	SEC Position
	of the definition and execution phase of DRP Unit 2, and execution estimate of Unit 3		SEC seeks disclosure of the OPG and Burns McDonnell/Modus Strategic Solutions governing documents to compare them with the similar documents for the oversight entities for the DNNP and PRP (SMR and PRP Review Boards) which were requested and provided in D2-SEC-94b and D2-SEC-116b. It also seeks OPG's views on the differences (part b of the IR).