

**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

**May 4, 2026**

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

**Re: EB-2025-0297 – Request for Procedural Direction – Opportunity to File Limited Intervenor  
Evidence**

**Dear Registrar:**

I respectfully submit a **Request for Procedural Direction (Adjournment & Mediation on Motions  
& Evidence)**

I respectfully seek the Board's guidance regarding the upcoming **Motions Day (May 5, 2026)**.  
Specifically, I request a brief, **proportionate adjournment** of Motions Day and a **mediation or  
structured discussion** to attempt resolution or narrowing of the remaining issues raised in my  
motions.

**Context and Rationale:**

I am presently the lone intervenor with motions still outstanding for adjudication on May 5, as all  
other intervenors' motions have been resolved in principle. My motions address **internal  
governance, public-safety (including ethics oversight), and affiliate transaction issues** within  
OPG that potentially impact the **prudence of costs and fairness of rates** over the 2027–2031  
period. These topics coincide with the Board's statutory lens, ensuring just and reasonable payment  
amounts through prudent management and sound oversight. They are also squarely within the  
scope of the approved Issues List (e.g., aligning with issues on *operational effectiveness, capital  
project execution, and corporate governance*).

The Board traditionally encourages parties to resolve or narrow matters to promote efficient  
hearings. In line with that, I have **demonstrated consistent efforts to engage and compromise:**

- In my motion cover letter (April 27), I filed my motions **on a without-prejudice basis** specifically anticipating that some issues could be resolved through discussion.
- I proactively **volunteered to set aside Motions #3 and #5** if Motions #1, #2, and #4 could be resolved to my satisfaction.
- Throughout, I have been pro-active and responded promptly and constructively, with the objective of narrowing issues wherever possible.
- I sought direct talks with OPG by reaching out on April 29 to schedule discussions for April 30, which indeed yielded some mutual understanding and an OPG proposal to resolve Motions #1, #2, and #4. Despite these efforts, key details remain unresolved due to the **extremely constrained engagement window this past week**. I had only **one approximately 20-minute call** with OPG's counsel on April 30 (re-scheduled and delayed at the Applicant's preference to accommodate others' availability, no preparation or advance materials provided despite prompting by intervenor), which by necessity limited discussion of five motions to just a few minutes each. OPG's written follow-up proposals arrived late on April 30 and at end of day, Friday May 1 (marked final) respectively, leaving virtually no time for iterative clarification before the weekend. While I recognize the Applicant's timelines followed the Board's standard cadence, the practical effect in this instance was to limit meaningful engagement on multiple interrelated motions to a level materially below that experienced by other parties in this proceeding. *Absent a brief adjournment, the record will reflect that an individual intervenor advancing governance and safety-related issues was afforded materially less opportunity to engage on those issues than other parties in the same proceeding.* This is a **procedural vulnerability** I believe can and should be remedied now, rather than becoming a point of contention on the record.

#### **Why an Adjournment with Mediation is Justified:**

- **Focused & Fair Process:** A short adjournment (a matter of days) coupled with a streamlined mediation would provide an **even playing field** and an opportunity to finalize matters without forcing a rushed hearing. Crucially, it would **contribute to a record that the Board can be confident is both complete and fairly developed**. In contrast, proceeding directly to a contested motions hearing on the current record risks elevating **procedural disputes over substantive oversight issues** in a manner unlikely to serve the Board's institutional interest. This request is not intended to expand the scope of the proceeding or delay its progress, but rather to ensure that the existing issues are addressed on a sufficiently developed record to support efficient adjudication.
- **Efficiency & Institutional Interest:** The applicant's counsel noted on May 1 that a settlement of my motions was sought specifically *"to avoid the need for the OEB to convene a motions hearing on May 5"*. A mediated discussion is the logical extension of that goal. It promises to save valuable hearing time and preserve the Board's resources for the primary issues in this largest-of-its-kind rate case. If the mediation succeeds, the Board can cancel Motions Day entirely; if not, any remaining disputes will at least be **refined and minimized**, enabling a more efficient and focused hearing. Further, I filed on May 1 a related motion

seeking leave to file limited intervenor evidence on overlapping topics. A mediation would reasonably address those overlapping issues concurrently, potentially resolving some or all of the remaining gaps and further promoting procedural efficiency.

- I have submitted a related procedural request to introduce limited intervenor evidence on materially overlapping topics; a mediation should address some or all of these matters as well, helping to close any remaining gaps and promote procedural efficiency.
- **Public Interest & Small-Party Participation:** This is a **rare instance of an individual ratepayer advancing motions** of this nature in an OPG payment amounts proceeding. The Board's handling of this request will inevitably be understood as a **signal regarding the practical accessibility of its processes to similarly situated participants**. By accommodating a reasonable path to resolve an individual's well-founded concerns, the Board affirms its commitment to an open, accessible, and fair process for all parties—large and small. Conversely, denying the request may be perceived as setting a high bar for meaningful participation by individual intervenors. I raise this point mindful of the Board's ongoing efforts to refine intervenor processes and recognize **the value of public engagement**.

#### **Conclusion:**

I make this request in good faith, guided by a desire to support a just and efficient outcome. **I remain fully prepared to proceed on May 5** if necessary, and my preparations continue. However, a short adjournment with mediation presents a timely opportunity to potentially resolve or at least narrow the issues in a collaborative manner that respects the **Board's processes and each party's interests**. It would be a measured step to mitigate the procedural imbalance that has emerged and to keep the focus on the substantive matters at hand.

I trust the Board will consider this request in the spirit of ensuring the proceeding remains **focused, fair, and efficient** for all involved. I will, of course, abide by the Board's determination. Thank you for your consideration. I remain available to assist with any procedural sequencing or direction the Board deems appropriate.

**Respectfully submitted,**

*Keith F. Pinto*

Intervenor (EB-2025-0297)

647-544-7341