

May 4, 2026

VIA RESS

Ritchie Murray
Acting Registrar
Ontario Energy Board
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., for an order or orders relating to payment amounts for prescribed generating facilities (the “Application”) – Keith Pinto Motions

As counsel to the Applicants, we are writing on the Applicants’ behalf regarding Mr. Pinto’s motions which are currently scheduled to be heard on May 5th, 2026, and ask that this be provided to the Panel hearing the motions.

We have now seen the latest correspondence from Mr. Pinto dated today but sent yesterday (Sunday May 3rd, 2026) requesting an adjournment of his motion so that additional discussion can take place, and we address that further below.

Mr. Pinto has brought five motions relating to the six interrogatories he submitted. In his motion material dated April 27, 2026, he clarified and narrowed the focus of his interrogatories and indicated topics on which he is seeking additional information. Since receiving his motion material, the Applicants have spent significant time considering Mr. Pinto’s request, endeavoring to address these requests in a constructive manner so as to avoid a need for a contested hearing. This has included a substantive telephone call with Mr. Pinto and OEB staff counsel and multiple emails setting out and clarifying the Applicants’ proposals, which were developed with considerable effort in identifying areas where OPG is able to provide additional substantive information and documents to help address Mr. Pinto’s requests.

Besides the information initially provided in response to Mr. Pinto’s interrogatories (Ex. L-F3-Pinto-001, L-F3-Pinto-002, L-F3-Pinto-003), OPG is prepared to provide further substantive responses containing additional information and documents regarding many of the topics that are the subject of Mr. Pinto’s motions. The Applicants are doing so in order to avoid, or at least narrow, any remaining areas of dispute requiring adjudication by the Panel. The Applicants are also doing so despite the fact that the information sought by Mr. Pinto goes beyond what the Applicants consider to be relevant or probative to the issues in this Application, and below (or well below) OPG’s level of financial materiality for purposes of the Application (with such

further responses being provided without prejudice to the Applicants' position on relevance and materiality).

In respect of each of Mr. Pinto's motions, set out below are the topics on which OPG will provide additional information and documents, noting any remaining topic areas on which OPG is not prepared to do so (which principally relate to parts of motions 3 and 5). The Applicants will be prepared to speak further to these points at the motions hearing if it proceeds.

MOTION #1 RELATED TO SUPPORT FACILITIES

This motion relates to Mr. Pinto's interrogatories Ex. L-F3-Pinto-001 and Ex. L-F3-Pinto-002, and seeks information regarding maintenance issues in respect of several of OPG's real estate facilities during the period 2023 through 2025. The interrogatories filed by Mr. Pinto on April 9, 2026 sought very extensive information and documents pertaining to any maintenance items or work orders regarding all facilities over a six-year period (2020 through 2025).

On April 24, 2026, in response to Mr. Pinto's interrogatories, OPG provided various information regarding maintenance records/items and processes for handling them during Mr. Pinto's requested time period. In its response, OPG further noted that other extensive details and documents relating to the tens of thousands of maintenance items over the requested time period were irrelevant to the issues in the Application and were overly onerous to review and produce. Attached at **Tab A** are the Applicants' responses to these two interrogatories, along with copies of Mr. Pinto's other four interrogatories.

In Mr. Pinto's more narrowed motion #1 request, he indicates that he is seeking further information for five "nuclear support" facilities, for the period 2023-2025, in respect of certain types of maintenance issues or deferrals (regarding "life-safety" or "code critical" facilities systems) with accompanying "triggering criteria" he has defined in his motion material. Mr. Pinto has also specifically asked for information regarding the Whitby warehouse facility and an alleged fire safety system sprinkler maintenance issue regarding that specific facility. He has listed a number of sub-topics or areas on which he is seeking additional information (A to F in his material), and he has indicated – in respect of this motion and his other motions – that he is flexible regarding the type or form of information that is provided, in order to be practical (e.g., high level summary information or a table or a summary of documents or example documents, as appropriate).

Further Information and Documents the Applicants are Willing to Provide

Based on Mr. Pinto's motion description and requests, taking into account potential probative value, the Applicants are prepared to provide a further substantive response with high level, summary information or certain documents relating to each of the lettered sub-topic areas of this motion (A to F)¹. This would include the Applicants providing:

- summary information or a table with additional information regarding open maintenance items or work orders for the facilities listed in this motion (including information regarding duration of any deficiencies meeting the described criteria, and whether a deficiency was classified by OPG as safety-related or not);

¹ To the extent the facilities are used for any regulated business activities.

- a description of the organizational role(s) responsible for maintaining, reviewing, and escalating this information;
- inspection reports that Fire Safety Solutions (FSS) performed for the identified buildings, which lists any deficiencies and the work orders from when the deficiencies were cleared with FSS – and while OPG does not have a definition for “prolonged”, it can review examples to identify any such deficiencies that are currently open;
- information regarding the Whitby warehouse fire-protection system sprinkler issue raised by Mr. Pinto, including a summary of that issue and how it was addressed; on this topic, OPG can provide certain documentation, including work orders, confirmation from the Ontario Ministry of Labour, and minutes from the municipal Fire Department inspection;
- the 2025 building condition assessment report for the Whitby warehouse (OPG has indicated there was not a similar yearly report in respect of the earlier years Mr. Pinto asked about); and
- confirmation regarding formal assessments or audits related to facilities maintenance or supporting systems.

For added context, OPG notes that of the five facilities identified by Mr. Pinto, there are no amounts sought for recovery in the proposed 2027-2031 revenue requirements for the Wesleyville property,² and there are no amounts sought for recovery in respect of the Whitby warehouse after it is planned to be vacated during 2027.³

MOTIONS #2 AND #4 RELATED TO ASPECTS OF OPG’S AFFILIATE LAURENTIS ENERGY PARTNERS

Relating to interrogatories Ex. L-F3-Pinto-003 and Ex. L-F3-Pinto-005, in respect of OPG’s unregulated affiliate Laurentis Energy Partners (Laurentis), these motions seek information regarding governance structure, conflict of interest policies and any oversight procedures (including any overlap in senior leadership with OPG) (motion #2), and regarding OPG’s engagement of contractors through Laurentis and related processes (motion #4).

Information/Documents OPG is Willing to Provide

Based on Mr. Pinto’s motion description, taking into account potential probative value, the Applicants are prepared to provide a further substantive response with high level, summary information or certain documents relating to each of the lettered sub-topic areas of these two motions (A to E for motion #2 and A to D for motion #4). This would include the Applicants providing (or where already on the record of this proceeding, referring to):

- the Code of Conduct and Code of Business Conduct Policy, which applies to all OPG wholly owned subsidiaries and describes accountability and responsibility for declarations of conflicts of interest;

² Ex. F3-2-1.

³ Ex. D3-1-2.

- an overview of Laurentis and OPG's executive leadership and boards of directors;
- the Subsidiary and Joint Venture governance approved by OPG's board of directors;
- an explanation of how OPG's cost allocation methodology ensures appropriate attribution of applicable costs to unregulated affiliates, including executive leadership team time that is spent on unregulated business activities;
- the General Services Agreement between OPG and Laurentis which governs OPG provision to Laurentis of personnel and certain equipment or materials, access to OPG property and assets, and professional and corporate support services; and Laurentis' provision of services to OPG; and
- a summary description of OPG's use of contractor services from Laurentis, including an indication of the associated quantum of such services. At this time, the Applicants can confirm that the average annual dollar value of such forecasted services that may form part of their proposed 2027-2031 revenue requirements is less than \$1 million.

MOTIONS #3 AND #5 RELATED TO HIRING AND OTHER HUMAN RESOURCES DECISIONS AT LAURENTIS

These motions relate to interrogatories Ex. L-F3-Pinto-004 and Ex. L-F3-Pinto-006, and seek information regarding human resources decisions at Laurentis or subsidiaries of Laurentis during the years 2023-2025. They seek information regarding hiring or termination decisions of employees at Laurentis or its subsidiary, and how they were handled, including whether there was any involvement in or approval by any senior OPG executive of such decisions (topics which OPG maintains are irrelevant to this Application).

Motion #3 seeks information about any situations in the period 2023-2025 in which "a senior, advisory, leadership or otherwise unrepresented role associated with Laurentis, including Laurentis subsidiary Canadian Nuclear Partners SA" was created or filled outside of normal recruiting, budgeting or competitive procurement processes (which Mr. Pinto refers to as a "non-routine senior staffing scenario"). He seeks various information relating to any situation in which any senior OPG executive had any involvement in or approval of the engagement or hiring decision by Laurentis or its subsidiary. In connection with this topic, Mr. Pinto seeks information regarding applicable Code of Business Conduct provisions and any conflict of interest controls or processes. Mr. Pinto states that he seeks to use this scenario "as a representative case study."

Motion #5 seeks information relating to "Laurentis' senior management engagements and human resources practices, and to OPG's internal audit, risk, or governance reviews of same or closely related issues." It seeks records regarding (i) the numbers of individuals in non-represented, management banded roles (encompassing managers, HR and administrative positions at Laurentis in each year (i.e. 2023, 2024 and 2025), categorized by engagement type, (ii) significant Laurentis leadership changes, including information regarding whether departures were "planned (e.g. due to retirement or reorganization) or unplanned (e.g. resignations or terminations for cause)" if there was any related impact or risk affecting OPG. Mr. Pinto also seeks information regarding parent-level oversight, cost allocation and liability treatment, and internal audits or reviews.

Information/Documents the Applicants are Willing to Provide

In respect of these motions, the Applicants are prepared to provide (or where already on the record of this proceeding, refer to) the following documents:

- OPG's Code of Business Conduct Policy, which describes accountability and responsibility for declaration of conflicts of interest, and confirmation that OPG wholly owned subsidiaries are also required to comply with this policy;
- the General Services Agreement between OPG and LEP referred to above; and
- information listing any internal audits conducted at OPG.

Additional Information Regarding Laurentis' (or its subsidiary's) Hiring, Engagement or Employment Termination Decisions is Irrelevant and Immaterial

The other information sought in these motions, regarding Laurentis' (or its subsidiary's) human resources decisions, including its employee hiring, engagement or termination decisions, are irrelevant to the issues in this Application and would not be probative or material.

Information and details regarding Laurentis' (or its subsidiary's) human resources decisions or compositions of its employees and circumstances of their hiring/engagement or departure will not assist the OEB in deciding any of the issues on the approved Issues List in this Application. The OEB does not regulate the human resources activities of Laurentis or its subsidiary, and they do not impact the Applicants' regulated business or pertain to matters affecting their payment amounts for the upcoming rate period. In Mr. Pinto's motion material, he does not reference any issue on the approved Issues List for this proceeding. For ease of reference, a copy of the OEB's Procedural Order no. 2, which includes such approved Issues List, is attached at **Tab B**.

The Applicants also note these are not requests about the Applicants' pre-filed evidence – they do not seek to clarify or request any information regarding the evidence, nor do the questions reference any evidence. Further, these requests are not in keeping with the direction in the OEB's Procedural Order no. 1, that “parties should not engage in detailed exploration of items that do not appear to be material.”

The Applicants therefore respectfully decline to try to obtain and provide additional requested human resources and employee information of Laurentis or its subsidiary, or information regarding the employment or termination decisions they made.

THE APPLICANTS WILL POINT OUT ANY ADDITIONAL RESPONSIVE INFORMATION ON THE RECORD

As part of its further substantive responses on the various areas referred to above in respect of Mr. Pinto's motions, to the extent there is any additional information already on the record – in the Applicants' pre-filed evidence or in other interrogatory responses – that is responsive to topics raised in the motions, the Applicants will endeavor to point Mr. Pinto to that information.

TIMING FOR RESPONSES AND CONFIDENTIALITY

The Applicants will be in a position to provide the above further responses in the same timing as they will be providing responses arising from the other parties' interrogatory motions that have all now been resolved, i.e. by May 20, 2026.

The Applicants note that the information and documents they will provide in response to these motion requests will include various confidential information and documents. Any such information/documents will need to be provided on a confidential basis, under the OEB's confidentiality protocols and with appropriate protections in place. The Applicants will make this request when they provide these responses. Mr. Pinto's motion material indicates that he understood this may be the case.

OPPORTUNITY TO ASK FURTHER QUESTIONS AT THE TECHNICAL CONFERENCE

The Applicants note that, subject to any determination of the OEB on these motions, Mr. Pinto will have the opportunity at the upcoming technical conference in this proceeding to ask any further follow-up questions on his topic areas of interest after he receives the Applicants' further answers, and the Applicants will consider any such follow-up questions he may have (including taking a position on their propriety and relevance) at that stage of the discovery process. And the timetable already includes a second booked motions day after the technical conference, in case any refusals need to be addressed at that stage of the process.

MR. PINTO'S ADJOURNMENT REQUEST

In his latest correspondence Mr. Pinto is requesting a short adjournment of his motion for purposes of having further discussion with OPG about potential resolution. The Applicants are not objecting to this, provided any of these remaining motions get addressed in a timely manner to ensure there is no impact on (or delay regarding) the remaining timetable for the proceeding. If, however, the OEB prefers for the motion hearing to take place tomorrow, the Applicants are prepared to proceed. The Applicants are ultimately in the OEB's hands on this. The Applicants also offer some additional considerations below.

As mentioned above, the Applicants have spent considerable time trying to address and resolve Mr. Pinto's motions, and have outlined above the areas that OPG has identified where it is prepared and able to provide further substantive responses. If Mr. Pinto remains unsatisfied with what is set out above, or feels there is some further specific area or information he requires in order to resolve his motions, and the OEB would like him to do so, he can of course advise the Applicants and OPG can then consider this during the brief adjournment. For such a discussion to be productive at this stage however, the Applicants believe it would be helpful for Mr. Pinto to be specific with his requests, recognizing the scope of this proceeding and the principle of proportionality. The Applicants further note that OEB staff counsel's attendance at any such discussion would be useful. Finally, the Applicants note that they recognize the communications with Mr. Pinto have taken place over a relatively short time period (a number of days), but observe that this is the nature of the process and timetable for this portion of the proceeding.

If the Panel has any questions regarding the above or requires any additional information at this point, please let us know.

Yours truly,

A handwritten signature in blue ink, appearing to read 'A. Sternberg', with a long horizontal flourish extending to the right.

Arlen Sternberg

A handwritten signature in black ink, reading 'D. Coban' in a cursive style.

Daliana Coban

:TP

cc: Keith Pinto, Micheal Millar, and all other parties on the distribution list

TAB A

1 **Pinto Interrogatory #001**

2
3 **Interrogatory**

4
5 **Reference:**
6 **Internal Controls and Maintenance Information**
7 **Corporate Real Estate (CRE) Asset and Work Management Systems**

8
9 Preamble:

10
11 **Context: Order of Magnitude**

12
13 OPG's Corporate Real Estate (CRE) function manages a large complex portfolio of
14 properties and facilities, including assets located on or directly supporting nuclear
15 generating sites. Based on OPG's formal reporting, this portfolio comprises hundreds
16 of buildings and supporting structures distributed across thousands of hectares and
17 entails >\$100 million annually in combined capital and operating expenditures. In
18 recognized facilities management practice, corporate real estate and facilities costs
19 are commonly among the largest categories of enterprise expenditure, often second to
20 labour. While the relative proportion may differ in a regulated utility environment, the
21 scale of CRE investment and its role in supporting safe, reliable, and continuous
22 operations make the effectiveness of CRE maintenance systems, internal controls, and
23 oversight a matter of material importance.

24
25 **Purpose and Scope**

26
27 This interrogatory is narrowly tailored to establish the existence, content, and reliability
28 of system-level information used by Ontario Power Generation Inc. ("OPG") to
29 manage, monitor, and report on Corporate Real Estate ("CRE") maintenance activities,
30 including maintenance backlog and exceptions, during the period January 1, 2020 to
31 December 31, 2025.

32
33 The information required is required to assess OPG's evidence under the approved
34 Issues List, including Issues 11-16 (Operations, Maintenance and Asset Management)
35 and Issue 37 (Internal Controls and Oversight).

36
37 This interrogatory is structured to establish the factual maintenance and backlog
38 information generated by OPG's internal systems and to confirm whether those
39 systems were subject to appropriate post-implementation validation, effectiveness
40 review, and ongoing control.

41
42 The Intervenor is prepared to execute the OEB Declaration and Undertaking with
43 respect to any confidential information.

1
2 **Definitions**
3

4 **“CRE System”** means Archibus, Passport/AssetSuite, and/or any successor, parallel,
5 or integrated system used to manage CRE maintenance, work orders, asset condition,
6 backlog, or exception reporting.
7

8 **“Maintenance Backlog”** means deferred, overdue, or uncompleted corrective,
9 preventive, or regulatory maintenance work orders.
10

11 **“Exception”** means any system-generated or management-defined indicator
12 identifying overdue work, non-compliance, or elevated risk.
13

14 **“Safety-critical assets”** means CRE assets whose failure could reasonably result in
15 safety, regulatory, environmental, or significant operational risk.
16

17 **Nuclear-critical assets”** means CRE assets, including storage facilities, warehouses,
18 or support infrastructure, whose failure or loss could reasonably impair the availability
19 of materials, equipment, or services essential to continued nuclear operations.
20

21 Question(s):
22

23 **A. System Outputs and Maintenance Backlog**

24 For the period 2020-2025, produce standard or routinely available CRE System reports
25 or exports showing:

- 26 • Total maintenance backlog by year;
- 27 • Backlog by asset category and by facility;
- 28 • Identification of safety-critical and nuclear-critical assets within the backlog;
- 29 • Aging of backlog items.
30

31 If backlog data were not consistently captured or reported for any portion of this period,
32 state:

- 33 • The years of facilities affected; and
- 34 • What alternative tracking methods, if any, were used.
35

36 **B. Exception and Risk Visibility**

37 Produce all exception reports, dashboards, or summaries generated by or derived from
38 the CRE System during the same period that identified:

- 39 • Overdue or deferred maintenance; and
- 40 • Safety-critical, nuclear-critical, or regulatory-related exceptions.
- 41 • Identify whether such exception information was:
- 42 • Automatically generated by the system; or
- 43 • Manually compiled, supplemented, or overridden.

1
2 **C. System Configuration, Data Integrity, and Effectiveness Review**

3 Produce documentation sufficient to show:

- 4 • The approved CRE system configuration used to support maintenance,
5 backlog, and exception reporting; and
6 • Any material configuration changes between 2020 and 2025 that affected
7 backlog tracking, exception identification, or reporting.
8 • Identify the role(s) or function(s) responsible for:
9 • CRE System data integrity; and
10 • Accuracy and completeness of CRE maintenance reporting.

11
12 With respect to the CRE system as a capital project:

- 13 • Produce any Post-Implementation Review (PIR), benefits-realization review, or
14 equivalent assessment prepared to evaluation system effectiveness following
15 implementation; or
16 • If no such review was completed, state this explicitly.
17 • If a PIR or equivalent review was completed, produce records identifying:

18
19 Any material findings, recommendations, or identified gaps; and Corrective actions or
20 follow-up measures taken in response.

21
22 **Privilege and Non-Existence**

23 If any responsive record is withheld on the basis of privilege, produce a privilege log
24 identifying the document, date, author, recipient, and basis of the claim, together with
25 a non-confidential description of its subject matter.

26
27 If any requested information does not exist, state this explicitly.
28
29

30 **Response**

31
32 a) to c)

33
34 This interrogatory seeks extensive details and documentation pertaining to facilities
35 maintenance covering a six-year period. OPG declines to provide the requested
36 information as the request is overly broad, lacks clarity and is unreasonably onerous
37 to respond to. The information sought is not material, lacks relevance, and/or offers
38 minimal, if any, probative value in deciding the OEB-approved issues in this
39 proceeding.
40

41 In an effort to be helpful, below OPG has provided additional information on topics that
42 are the subject of this interrogatory.

1 OPG’s Real Estate & Facilities (“RE”) department manages properties in the Greater
 2 Toronto Area, including support buildings and infrastructure outside of the nuclear
 3 protected area and select support facilities inside the protected area (such as
 4 administration buildings and vehicle maintenance garages) at the Pickering and
 5 Darlington nuclear stations. RE monitors and manages maintenance activities using
 6 preventative and corrective maintenance systems and field oversight activities.
 7 Information is extracted from the systems daily to prioritize and action work activities.

8
 9 The RE department does not use the definition of “nuclear critical” or similar
 10 categorization in the RE scope of responsibility or system database and therefore
 11 cannot provide data by this category.

12
 13 Safety-related maintenance requisitions and work orders include electrical safety
 14 hazards, tripping hazards, spills, and leaks. Where there is a risk to life, health, or plant
 15 operations resulting from these issues, the area(s) is placed in a safe state (ex. restrict
 16 access, de-energize, procedural changes/controls) until corrective actions can be
 17 completed.

18
 19 OPG interprets the term “maintenance backlog” to mean all open RE maintenance
 20 requisitions, ranging from office moves, meeting room set ups, custodial, plumbing,
 21 electrical, heating, ventilation and cooling, roof leaks and window replacements,
 22 among other things. Consistent with this interpretation, Chart 1 below shows the total
 23 of all open and closed corrective maintenance requisitions in respect of (and as of the
 24 end of) the time period being requested. The number of days to close maintenance
 25 requisitions and work orders depends on factors such as materials availability,
 26 resource availability, training lead times and coordination with third parties including
 27 landlords, regulators or OPG work teams. In addition, there were 26,619 preventative
 28 maintenance work orders at the Pickering and Darlington sites, of which approximately
 29 87% were closed in this same period.

30
 31 **Chart 1 - Corrective Maintenance Requisitions by Facility**
 32 **as of December 31, 2025 (2020-2025)**
 33

Location	Closed	Closed Safety	Open	Open Safety	% Closed
1 HOLT*	24,565	639	469	24	98.1
1675 MONTGOMERY**	18,696	426	119	3	99.4
800 KIPLING	6,073	542	7	0	99.9
700 UNIVERSITY	3,954	75	4	1	99.9
889 BROCK	3,855	280	53	2	98.6
1855 ENERGY	3,191	101	20	1	99.4
675 SANDY BEACH	3,024	199	21	2	99.3
777 BROCK	1,420	89	49	4	96.7
1549 VICTORIA	1,240	124	18	2	98.6

230 WESTNEY	1,056	79	0	0	100.0
177 TIE	846	26	4	1	99.5
2255 FORBES	697	57	8	0	98.9
2655 LAKESHORE	600	22	9	1	98.5
1600 STELLAR	423	36	0	0	100
1910 CLEMENTS	306	24	3	0	99.0
78 RICHMOND	222	41	2	0	99.1
1340 PICKERING P	177	23	0	0	100
1600 CHAMPLAIN	63	5	0	0	100
890 BROCK	43	21	0	0	100
1908 COLONEL	30	0	0	0	100
1915 CLEMENTS	23	1	2	1	92.0
Grand Total	70,504	2,810	788	42	98.9

*1 Holt includes all buildings and infrastructure maintained by RE on the Darlington site.

**1675 Montgomery includes all buildings and infrastructure maintained by RE on the Pickering nuclear site.

Corrective and preventative maintenance reporting is managed through several systems and tools. No material changes occurred between 2020 and 2025 that would have affected the tracking, identification, or reporting of corrective or preventative maintenance for RE. System data integrity, accuracy, and completeness are monitored by RE.

Pinto Interrogatory #002

Interrogatory

Reference:

**Oversight, Risk Management, Accountability and Strategic Practices
CRE Maintenance Backlog, Condition Assessments, Risk Treatment, Corrective
Actions, and Strategic Planning**

Preamble:

Purpose and Scope

This interrogatory builds on IR-1 and seeks information necessary to assess how CRE maintenance information, backlog, and exceptions were evaluated, escalated, and acted upon; the adequacy of OPG's risk management, governance, and internal controls; and the degree to which OPG implemented recognized facilities and maintenance best practices and its own stated Facilities & Projects (F&P) strategic objectives during the period January 1, 2022 to December 31, 2025.

This interrogatory relates to Issues 11-16, 23-26, 37, and 38-40 of the approved Issues List.

Unless otherwise indicated, terms have the same meaning as in IR-1.

Question(s):

A. Condition Assessments and Investigations

For safety-critical or nuclear-critical CRE assets with deferred or overdue maintenance during 2022-2025, produce:

- Routine condition assessments, inspection reports, or investigative findings; and
- Records of recommended or completed follow-up actions.
- Produce any annual Building Condition Assessment reports, trend analyses, or comparable facility condition studies prepared by or for the Facilities & Projects organization during 2022-2025.
- Identify instances where no formal condition assessment (including annual condition assessments) was conducted despite known backlog, deferrals, or exceptions.

1 **B. Risk Assessment and Acceptance**

2 Produce any risk registers, risk summaries, or impact analyses in effect during 2022-
3 2025 that incorporated CRE maintenance backlog, deferred work, or CRE-related
4 exceptions.

5
6 For material CRE maintenance deferrals, produce records showing:

- 7 • The assessed risk (qualitative or quantitative); and
- 8 • Whether the risk was mitigated, deferred, or accepted.
- 9 • Where risks were formally or informally accepted, identify:
- 10 • The approving authority; and
- 11 • The duration or period of acceptance.

12
13 **C. Oversight and Decision-Making**

14 Produce records evidencing management-level or executive-level of CRE
15 maintenance backlog or risk during 2022-2025, including:

- 16 • Briefing materials;
- 17 • Decision notes; and
- 18 • Direction provided to management.
- 19 • Identify instances where CRE maintenance deferrals were linked to:
- 20 • Capital planning assumptions; or
- 21 • Anticipated facility replacement, refurbishment, or redevelopment.

22
23 **D. Corrective Actions and Organizational Controls**

24 Produce records of corrective actions taken during 2022-2025 in response to:

- 25 • Identified deficiencies in CRE maintenance systems, tools, or processes; and
- 26 • Repeated maintenance exceptions or sustained backlog growth.
- 27 • Produce any internal audits, reviews, or assessments conducted during 2022-
28 2025 that evaluated:
- 29 • Effectiveness of CRE maintenance delivery; and
- 30 • Adequacy of systems, internal controls, or governance arrangements.

31
32 **E. Specific Work Orders and Prior Raised Concerns**

33 With respect to work orders previously raised regarding CRE maintenance concerns
34 that remained open, were revisited, or were otherwise active during 2022-2025
35 (including those identified in FOI files 26-001 and 26-002), identify:

- 36 • The current status of each work order;
- 37 • The last substantive action taken;
- 38 • The responsible role or function; and
- 39 • Any associated invoices, purchase orders, or contracts.
- 40 • Produce internal correspondence or records from 2022-2025 that document:
- 41 • Concerns raised regarding these work orders; and
- 42 • Decisions to defer, modify, or close them without completion.

1
2 **F. Strategic Planning and Best-Practices Implementation**

3 Produce any Strategic Facilities Plan, Facilities & Projects strategy, Facilities Master
4 Plan, or comparable document that was in effect, updated, relied upon, or referenced
5 by OPG during 2022-2025.

6
7 For each such plan or strategy, produce records showing how it was implemented
8 during this period, including:

- 9
- 10 • Trend analyses or environmental scans used to inform decision-making;
 - 11 • Alignment with OPG's mission, strategic imperatives, and values;
 - 12 • Short- and long-range facility plans;
 - 13 • Project plans tied to stated objectives;
 - 14 • Evaluation mechanisms, metrics, or follow-up reports;
 - 15 • Benchmarking studies and actions taken in response;
 - 16 • Business continuity, facilities reliability, preventive maintenance, or risk-
17 management initiatives referenced in the plan;
 - 18 • Staffing, resourcing, or organizational design changes implemented or
19 maintained to support the plan; and
 - 20 • Stated goals or targets and progress against them.

21 Identify any instances during 2022-2025 where OPG's actual CRE or Facilities &
22 Projects practices materially diverged from its stated strategic objectives or best-
23 practice commitments.

24
25 **G. Insurance and Third-Party Risk Oversight**

26 Produce records sufficient to demonstrate compliance during 2022-2025 with
27 applicable insurance policy requirements and third-party risk-control obligations
28 relevant to CRE properties, including records of inspections, risk surveys,
29 recommendations, and follow-up actions by insurers or insurer-appointed risk
30 engineers.

31
32 **H. Cross-Jurisdictional Coordination and Resource Competition**

33 Describe the governance, monitoring, and escalation mechanisms used by OPG to
34 manage jurisdictional overlap and resource competition between the central CRE
35 organization and Nuclear Operations & Maintenance, including:

- 36
- 37 • How prioritization decisions affecting CRE assets on nuclear sites are made and
38 reviewed;
 - 39 • How work protection, lockout-target, or similar requirements affecting CRE
40 maintenance are coordinated and monitored;
 - 41 • How known organizational or process weaknesses identified in strategic
42 planning exercises (including the Strategic Plan) were tracked and addressed;
43 and

1 Any corrective actions or control enhancements implemented to mitigate operational,
2 safety, or continuity risks arising from such cross-jurisdictional challenges.

3
4 **Privilege and Non-Existence**

5 If any responsive record is withheld on the basis of privilege, produce a privilege log
6 and non-confidential description as set out in IR-1.

7
8 If any requested information does not exist, state this explicitly.

9
10
11 **Response**

12
13 This interrogatory seeks extensive details and documentation pertaining to facilities
14 maintenance covering a four-year time period. OPG declines to provide the requested
15 information as the request is overly broad, lacks clarity, and is unreasonably onerous
16 to respond to. The information sought is not material, lacks relevance, and/or offers
17 minimal, if any, probative value in deciding the OEB-approved issues in this
18 proceeding.

19
20 In an effort to be helpful, below OPG has provided additional information on topics that
21 are the subject of this interrogatory.

22
23 This response pertains to parts a) to h).

24
25 As discussed in Ex. L-F3-Pinto-001, OPG does not have a specific definition for
26 “nuclear critical” or similar categorization in the Real Estate & Facilities (“RE”) scope
27 of responsibility or system database and therefore cannot provide data by his
28 category. Similarly, “backlog” is not a term or status used in RE maintenance
29 reporting, OPG tracks open corrective maintenance requisitions and open
30 preventative maintenance work orders.

31
32 RE continually assesses the condition of assets through monthly facility risk and
33 safety tours, monthly Joint Health and Safety (“JHSC”) inspections and third-party
34 building condition assessments, most recently completed in 2025. For the time
35 period being requested there are thousands of pages of records relating to these
36 assessments. Findings from site tours and JHSC inspections are recorded in RE’s
37 corrective maintenance system as described Ex. L-F3-Pinto-001.

38
39 Work protection follows applicable health and safety legislation, including O. Reg.
40 851 (Industrial Establishments) and O. Reg. 231/91 (Construction), which are
41 outside the scope of this proceeding.

1 **Pinto Interrogatory #003**

2
3 **Interrogatory**

4
5 **Reference:**

6 **Governance, Independence, and Conflict-Management Controls**
7 **Affiliated-Entity Oversight, Cross-Appointments, and Coordinated Practices**

8
9 Preamble:

10
11 **Context**

12
13 During the period under review, Ontario Power Generation Inc. (“OPG”) conducted
14 material activities through multiple affiliated entities, including subsidiaries and related
15 entities operating in different jurisdictions and under varying regulatory and commercial
16 frameworks. Such structures are commonly associated with heightened governance,
17 independence, and conflict-management risks, particularly where leadership roles,
18 decision-making authority, or operational practices overlap. This interrogatory seeks to
19 understand how OPG identified, managed, and mitigated those risks at a design and
20 control level.

21
22 **Purpose and Scope**

23
24 This interrogatory seeks information necessary to assess the adequacy of OPG’s
25 governance framework, internal controls, and ethical safeguards in circumstances
26 where OPG and its affiliated entities were represented as operating independently but
27 may have been subject to shared leadership, coordinated practices, or cross-entity
28 decision-making during the period January 1, 2000 to December 31, 2025.

29
30 The information requested relates to Issues 23-26 (Governance, Planning, and Cost
31 Control), Issue 37 (Controls and Oversight), and Issues 38-40 (Risk Management and
32 Compliance) of the approved Issues List.

33
34 This interrogatory is directed at institutional design and control effectiveness, not at
35 individual conduct.

36
37 The Intervenor will execute the OEB Declaration and Undertaking with respect to any
38 confidential material.

39
40 **Definitions**

41
42 **“Affiliated Entity”** means any subsidiary, joint venture, partnership, or related entity
43 in which OPG held an ownership interest, governance role, or material influence.

1
2 **“Cross-Appointment”** means any instance where an individual simultaneously held
3 executive, officer, or board-level roles across OPG and one or more Affiliated Entities.
4

5 **“Coordinated Forum”** means any recurring or ad-hoc meeting, committee, or working
6 group involving representatives from OPG and one or more Affiliated Entities to discuss
7 operational, strategic, human resources, contracting, or governance matters.
8

9 **“Conflict Mitigation Measures”** include disclosure requirements, recusals,
10 independent approvals, secondary oversight, documentation requirements, or third-
11 party review.
12

13 Question(s):
14

15 **A. Representations of Independence and Governance Structure**

16 For the period 2020-2025, identify how OPG described the operational and
17 governance independence of each Affiliated Entity in public, regulatory, or internal
18 materials.
19

20 Produce records sufficient to show:

- 21 • The formal governance structure for each Affiliated Entity; and
- 22 • Reserved authorities, approval thresholds, or escalation requirements involving
23 OPG.
24

25 **B. Cross-Appointments and Overlapping Authority**

26 Identify all instances during 2020-2025 where individuals held concurrent executive or
27 board-level roles across OPG and one or more Affiliated Entities.
28

29 For each instance, produce records sufficient to show:

- 30 • The roles held and duration of overlap;
- 31 • The scope of authority associated with each role; and
- 32 • Whether the roles involved influence over hiring, contracting, strategic
33 partnerships, or capital or operating decisions.
34

35 **C. Coordinated Forums and Information-Sharing Practices**

36 Identify any Coordinated Forums involving OPG and Affiliated Entities during the
37 period, including their:

- 38 • Purpose and mandate;
- 39 • Participant roles (by function, not by name); and
- 40 • Frequency and duration.
- 41 • Produce any policies, terms of reference, or guidance governing:
- 42 • Permissible topics of discussion;
- 43 • Information-sharing boundaries; and

- 1 • Safeguards intended to preserve decision-making independence.
- 2 • Identify whether such forums addressed matters including:
- 3 • Human resources or labour relations strategy;
- 4 • Workforce planning or movement across entities;
- 5 • Contracting practices or vendor engagement; or
- 6 • Sequencing or coordination of strategic initiatives.

7

8 **D. Conflict Identification and Mitigation**

9 Produce all policies, procedures, and Code of Business Conduct provisions in effect
10 during 2020-2025 governing:

- 11 • Conflicts of interest;
- 12 • Cross-appointments; and
- 13 • Coordinated practices across Affiliated Entities.
- 14 • For each Cross-Appointment identified in Section B, identify:
- 15 • Whether a conflict assessment was conducted;
- 16 • What mitigation measures were applied; and
- 17 • The role or function responsible for oversight.

18

19 **E. Escalation, Independence, and External Interface Controls**

20 Produce records evidencing how OPG ensured that:

- 21 • Actual or perceived conflicts were escalated outside affected reporting lines;
22 and
- 23 • Independent review or challenge was available where ordinary governance
24 channels may themselves have been conflicted.

25

26 Produce policies or records governing communications between OPG and external
27 public-sector bodies concerning matters involving Affiliated Entities, including:

- 28 • Documentation and record-keeping requirements; and
- 29 • Oversight or approval mechanisms intended to preserve independence.

30

31 **F. Structural Conflicts of Interest and Delegated Authority Controls**

32 Produce policies, procedures, or guidance in effect during 2020-2025 addressing
33 structural or inherent conflicts of interest, including circumstances where:

- 34 • A single leadership role encompassed responsibility for functions with
35 potentially competing control objects; or
- 36 • Segregation of duties ordinarily expected under governance best practices was
37 not feasible.

38

39 For such circumstances, produce records sufficient to show:

- 40 • How the structural conflict was identified and assessed;
- 41 • What mitigation measures were required or recommended; and

- 1 • Whether the arrangement was treated as an acceptable risk, a transitional
2 measure, or an approved exception.

3
4 Identify any instances during 2020-2025 where structural conflicts were acknowledged
5 but permitted to continue, and the documented rationale for doing so.

6
7 **Privilege and Non-Existence**

8 If any responsive record is withheld on the basis of privilege, produce a privilege log
9 identifying the document, date, author, recipient, and the basis of the claim, together
10 with a non-confidential description of its subject matter.

11
12 If any requested record does not exist, state this explicitly.

13
14
15 **Response**

16
17 This interrogatory seeks extensive details and documentation pertaining to the
18 governance of affiliated and unregulated business activities. OPG declines to provide
19 the requested information as the request is overly broad and unreasonably onerous to
20 respond to. The information sought is not material, lacks relevance, and/or offers
21 minimal, if any, probative value in deciding the OEB-approved issues in this
22 proceeding.

23
24 In an effort to be helpful, OPG notes that the topics raised in this interrogatory are
25 addressed in the following pre-filed exhibits:

- 26 • Ex. A1-04-01 provides information about OPG's governance and organization.
27 • Ex. F3-1-4 provides details of affiliate relationships and associated cost
28 allocation methodology.
29 • Ex. F3-2-1 provides details of asset service fees charged by the regulated
30 business to the unregulated businesses.

1 **Pinto Interrogatory #004**

2
3 **Interrogatory**

4
5 **Reference:**

6 **Code of Business Conduct Controls and Senior-Level Oversight**
7 **External Business Relationships and Hiring-Related Governance**

8
9 Preamble:

10
11 **Purpose and Scope**

12
13 This interrogatory seeks information necessary to assess whether OPG maintained
14 and applied appropriate Code of Business Conduct (“CoBC”) controls, conflict-
15 management processes, and senior-level oversight mechanisms in connection with
16 external business relationships involving other utilities and related hiring or
17 engagement decisions, during a defined, event-specific period.

18
19 This interrogatory relates to Issue 37 (Internal Controls and Oversight) and Issues 38-
20 40 (Risk Management, Compliance, and Ethical Conduct) of the approved Issues List.

21
22 The Intervenor will execute the OEB Declaration and Undertaking with respect to any
23 confidential material.

24
25 **Definitions**

26
27 **“External Utility”** means any Canadian or provincial-scale electricity or energy utility
28 operating outside Ontario and not part of OPG.

29
30 **“Trigger Period”** means the period beginning 30 days before and ending 6 months
31 after any senior-level direction, request, or approval relating to the hiring, engagement,
32 or placement of an individual associated with an External Utility.

33
34 **“CoBC Controls”** include disclosure requirements, conflict assessments, recusals,
35 ethics reviews, approvals, or independent oversight required under OPG’s Code of
36 Business Conduct or related policies.

37
38 Question(s):

39
40 **A. Code of Business Conduct Framework**

41 Produce the Code of Business Conduct and any related policies, procedures, or
42 guidance in effect during the Trigger Period governing:

- 43
 - Conflicts of interest;

- 1 • External business relationships; and
- 2 • Use of senior executive authority in hiring or engagement decisions.
- 3 • Identify the roles or functions responsible during the Trigger Period for:
- 4 • Conducting conflict assessments; and
- 5 • Determining mitigation or recusal requirements.

6

7 **B. Application of CoBC Controls During the Trigger Period**

8 For the Trigger Period, identify whether any CoBC Controls were triggered in
9 connection with:

- 10 • Business discussions or initiatives involving an External Utility; and
- 11 • Hiring, engagement, or placement decisions linked to such relationships.

12

13 For each instance, produce records sufficient to show:

- 14 • Whether a disclosure was made;
- 15 • Whether an assessment was conducted; and
- 16 • What mitigation measures, if any, were applied.

17

18 **C. Hiring and Engagement Governance**

19 Produce policies or guidance in effect during the Trigger Period governing:

- 20 • Creation of new positions or roles;
- 21 • Use of non-standard hiring pathways; and
- 22 • Approval requirements where no pre-approved position or headcount existed.

23

24 Identify whether any exceptions or non-standard practices were approved during the
25 Trigger Period in connection with an External Utility relationship, and if so:

- 26 • The approving authority; and
- 27 • The documented rationale.

28

29 **D. Oversight, Ethics Review, and Escalation**

30 Identify whether any ethics review, screening, or determination was initiated or
31 considered during the Trigger Period in relation to:

- 32 • External Utility relationships; or
- 33 • Related hiring or engagement decisions.

34

35 If so, produce records sufficient to show:

- 36 • The timing and scope of the review;
- 37 • Whether the review was internal or independent; and
- 38 • The outcome or disposition at a high level.

39

40 **E. Restrictions on Future Employment, Re-engagement, and Access to Work**

41 Produce policies or guidance in effect during the 2020-2025 Period governing
42 restrictions on future employment, re-engagement, or access to work following

1 investigations or terminations, including any appeal or review mechanisms applicable
2 to such restrictions.

3

4 **Privilege and Non-Existence**

5 If any responsive record is withheld on the basis of privilege, produce a privilege log
6 identifying the document, date, author, recipient, and the basis of the claim, together
7 with a non-confidential description of its subject matter.

8

9 If any requested record does not exist, state this explicitly.

10

11

12 **Response**

13

14 This interrogatory seeks extensive details and documentation pertaining to external
15 business relationships involving other utilities and related hiring or engagement
16 decisions. OPG declines to provide the requested information as the request is overly
17 broad, lacks clarity and is unreasonably onerous to respond to. The information sought
18 is not material, lacks relevance, and/or offers minimal, if any, probative value in
19 deciding the OEB-approved issues in this proceeding.

1 **Pinto Interrogatory #005**

2
3 **Interrogatory**

4
5 **Reference:**

6 **Subsidiary Contracting Governance, Cost Attribution, and Value-for-Money**

7
8 Preamble:

9
10 **Purpose and Scope**

11
12 This interrogatory seeks information necessary to assess whether Ontario Power
13 Generation Inc. (“OPG”) maintains adequate governance, internal controls, and value-
14 for-money discipline over the engagement and use of independent contractors by its
15 subsidiaries, including Laurentis Energy Partners as a representative subsidiary,
16 particularly where senior executives exercise influence across entities or where
17 contractor services benefit more than one entity, during the period January 1, 2020 to
18 December 31, 2025.

19
20 This interrogatory relates to Issues 23-26 (Governance, Planning, and Cost Control)
21 and Issue 37 (Internal Controls and Oversight) of the approved Issues List.

22
23 The Intervenor will execute the OEB Declaration and Undertaking with respect to any
24 confidential material.

25
26 **Definitions**

27
28 **“Subsidiary”** means any entity controlled by OPG, including Laurentis Energy
29 Partners.

30
31 **“Independent Contractor”** means any person or entity through a professional
32 services, staffing, or resourcing arrangement rather than as an employee.

33
34 **“Cross-Entity Oversight”** means circumstances where a senior executive exercises
35 operational or financial oversight across OPG and one or more Subsidiaries.

36
37 Question(s):

38
39 **A. Subsidiary Contractor Governance Framework**

40 Produce policies, procedures, or guidance in effect during 2020-2025 governing:

- 41 • Engagement of Independent Contractors by Subsidiaries;
42 • Sole-source versus competitive selection
43 • Approval of contractor rates, scope, and duration; and

- 1 • Required value-for-money or alternatives assessments.
2

3 Identify how OPG ensures that contractor engagements by Subsidiaries are
4 independently justified and subject to appropriate oversight.
5

6 **B. Exercise Oversight and Conflict-Mitigation Controls**

7 Produce policies or guidance governing Cross-Entity Oversight, including controls
8 intended to mitigate conflicts of interest where senior executives influence:

- 9 • Demand for services at OPG; and
10 • Engagement or deployment of contractors at a Subsidiary.
11

12 Identify what controls were required or applied during 2020-2025 to prevent
13 preferential sourcing or deployment of Subsidiary-engaged contractors due to cross-
14 entity executive influence.
15

16 **C. Cross-Entity Use of Subsidiary Contractors**

17 Identify any instances during 2020-2025 where Independent Contractors engaged by
18 a Subsidiary performed work that benefited:

- 19 • OPG; or
20 • Another Subsidiary.
21

22 For each instance, produce records sufficient to show:

- 23 • The nature of the work performed;
24 • Which entity engaged the contractor;
25 • Which entity benefited; and
26 • How the arrangement was approved.
27

28 **D. Cost Attribution and Transparency**

29 Produce policies or guidance governing:

- 30 • Time recording for contractors performing work across entities; and
31 • Cost attribution and charge-back between OPG and Subsidiaries.
32 • For the instances identified in Section C, produce records sufficient to show
33 whether contractor time and costs were fully attributed to the benefiting entity.
34

35 If no format cost-tracking or attribution occurred, state this explicitly.
36

37 **E. Value-for-Money and Alternatives Assessment**

38 Identify whether value-for-money or alternatives assessments were undertaken before
39 using Subsidiary-engaged contractors to support work benefiting OPG or another
40 entity.
41

42 If no such assessments were undertaken, state this explicitly.
43

1 **Privilege and Non-Existence**

2 If any responsive record is withheld on the basis of privilege, produce a privilege log
3 identifying the document, date, author, recipient, and the basis of the claim, together
4 with a non-confidential description of its subject matter.

5

6 If any requested record does not exist, state this explicitly.

7

8

9 **Response**

10

11 This interrogatory seeks extensive details and documentation pertaining to the use of
12 contractors by unregulated affiliates. OPG declines to provide this information as it
13 relates to unregulated business practices which are outside the scope of, and not
14 relevant to, this proceeding.

1 **Pinto Interrogatory #006**

2
3 **Interrogatory**

4
5 **Reference:**

6 **HR and Labour Relations Governance, Termination Practices, and Leadership**
7 **Oversight**

8
9 Preamble:

10
11 **Purpose and Scope**

12
13 This interrogatory seeks information necessary to assess whether OPG and its
14 Subsidiaries maintain adequate human resources and labour-relations governance,
15 including leadership selection, evaluation, and termination controls, consistent with
16 public-sector accountability and transparency expectations, during the period January
17 1, 2020 to December 31, 2025.

18
19 This interrogatory relates to Issues 23-26 (Governance, Planning, and Cost Control)
20 and Issue 37 (Internal Controls and Oversight) of the approved Issues List.

21
22 The Intervenor will execute the OEB Declaration and Undertaking with respect to any
23 confidential material.

24
25 **Definitions**

26
27 **“Subsidiary”** means any entity controlled by OPG, including Laurentis Energy
28 Partners.

29
30 **“Secondee** means an OPG employee assigned to work at a Subsidiary.

31
32 **“Senior Role”** means Director, Vice-President, or equivalent.

33
34 **“Termination”** means separation from service, whether with or without cause,
35 including the cessation of a contract.

36
37 Question(s):

38
39 **A. Leadership Selection and Competency Framework**

40 Produce policies, procedures, or guidance in effect during 2020-2025 governing:

- 41 • Selection, appointment, and evaluation of individuals into Senior Roles;
42 • Required competency, merit, or qualification frameworks; and

- 1 • Use of non-standard pathways (e.g., contractors, retirees, or secondees) for
2 Senior Roles.

3
4 Identify any approved exceptions to standard selection or posing requirements during
5 2020-2025 and, for each:

- 6 • Describe the circumstances;
7 • Identify the approving authority; and
8 • Indicate how the exception was documented.

9
10 Identify Senior Role appointments during 2020-2025 where the incumbent had
11 previously been a contractor, retiree, or secondee, and produce records sufficient to
12 show:

- 13 • The criteria used to assess suitability;
14 • Any post-appointment evaluation conducted; and
15 • The circumstances of departure, if applicable.

16
17 **B. Termination and Separation Governance**

18 Produce policies or guidance in effect during 2020-2025 governing terminations and
19 separations, including:

- 20 • With-cause versus without-cause determinations;
21 • Required approvals and due-process steps; and
22 • Allocation of termination costs between OPG and Subsidiaries.

23
24 Produce, in anonymized form where appropriate:

- 25 • A summary of termination events for Senior Roles during 2020-2025, including
26 reason codes and approval levels; and
27 • Any internal reviews or analyses addressing elevated termination or turnover
28 rates at a Subsidiary.

29
30 **C. Oversight, Transparency, and Access Controls**

31 Produce policies or guidance governing access to Senior Roles, including:

- 32 • Posting and competition requirements;
33 • Transparency of opportunities; and
34 • Interaction between temporary or contract pathways and permanent
35 appointments.

36
37 Identify any instances during 2020-2025 where offers or appointments to Senior Roles
38 were rescinded or materially altered, and produce records sufficient to show the
39 rationale and approvals.

40
41 **D. Public-Interest and Organizational-Stability Oversight**

42 Produce any assessments, audits, or reviews conducted during 2020-2025 evaluating:

- 43 • Leadership stability and turnover risk at Subsidiaries; and

- Implications for workforce continuity, labour relations, or growth readiness.

Identify any parent-level interventions or escalations undertaken in response to leadership or HR/LR risk at a Subsidiary.

Privilege and Non-Existence

If any responsive record is withheld on the basis of privilege, produce a privilege log identifying the document, date, author, recipient, and the basis of the claim, together with a non-confidential description of its subject matter.

If any requested record does not exist, state this explicitly.

Response

This interrogatory seeks extensive details and documentation pertaining to OPG's unregulated affiliates' human resources and labour relations practices. OPG declines to provide the requested information as the request is overly broad, lacks clarity and is unreasonably onerous to respond to. The information sought is not material, lacks relevance, and/or offers minimal, if any, probative value in deciding the OEB-approved issues in this proceeding.

TAB B



Ontario Power Generation Inc. and DNNP LP

**Application for payment amounts for the period from
January 1, 2027, to December 31, 2031**

**PROCEDURAL ORDER NO. 2
MARCH 4, 2026**

Ontario Power Generation Inc. (OPG) and DNNP LP (collectively, the Applicants) filed an application on December 17, 2025 with the Ontario Energy Board (OEB) under section 78.1 of the *Ontario Energy Board Act, 1998*. This application seeks approval to set payment amounts for the output of OPG's regulated hydroelectric generating facilities and the output of the Applicants' respective nuclear generating facilities. The application covers the five-year term beginning January 1, 2027, through December 31, 2031.

A Pre-Hearing Conference was held February 18 and 19, 2026. In addition to the Applicants and OEB staff, the following intervenors participated:

- Association of Major Power Consumers in Ontario (AMPCO)
- Building Owners and Managers Association Toronto (BOMA)
- Consumers Council of Canada (CCC)
- Coalition of Concerned Manufacturers and Businesses of Canada
- Energy Probe Research Foundation
- Independent Electricity System Operator
- Minogi Corp.
- Ontario Association of Physical Plant Administrators (OAPPA)
- Power Workers Union (PWU)
- Quinte Manufacturers Association
- School Energy Coalition (SEC)
- The Society of United Professionals
- Vulnerable Energy Consumers Coalition (VECC)
- WTFN Investment Holdings LP

At the Pre-Hearing Conference, the parties agreed to certain revisions to the Issues List, and to a schedule for the initial procedural steps in this proceeding.

Issues List

At the Pre-Hearing Conference, there was agreement on certain revisions to the draft Issues List that was attached to Procedural Order No. 1. Some of these related to clarifying wording changes; others involved reinserting issues originally proposed by the Applicants but omitted from the Procedural Order No. 1 draft; and one was an entirely new issue regarding the recovery of any forgone revenue in the event there is a difference between the effective date and the implementation date for new payment amounts.

The OEB approves the proposed revisions for which there was consensus.

A few issues were proposed to expand or clarify the scope of the proceeding but not resolved by consensus. The OEB addresses these proposals as follows:

- The Applicants proposed the addition of an issue, “Has OPG responded to all relevant OEB directions from previous proceedings?” The OEB will not add this to the Issues List as a standalone issue, but parties will have the opportunity to explore the question as it relates to any other issues on the Issues List.
- OAPPA suggested that the Applicants’ choice of small modular reactor technology for the Darlington New Nuclear Program should be in scope; the Applicants objected on the grounds that the approval of specific nuclear technologies falls under the authority of the Canadian Nuclear Safety Commission. The OEB agrees with the Applicants on this point.
- OEB staff indicated that it may wish to explore, in the context of other issues, accounting standards in the proceeding, in particular a potential transition from US GAAP to IFRS, potentially during the latter part of the proposed payment amount term. The OEB will not make a determination on this now. OEB staff and intervenors may inquire about accounting standards to the extent they are relevant to other issues on the approved Issues List. If scoping disputes arise, the OEB can resolve them, if necessary, in a motion (e.g., a motion challenging a refusal to answer an interrogatory) in the context of the record and the arguments filed.
- OEB staff also indicated that it may have questions for the Applicants about Deferral and Variance Accounts (DVAs) that are not proposed for disposition. OEB staff clarified that questions could include both the current balances that have not been provided in the application and future balances for which projections are incomplete or not provided. The Applicants objected on the grounds of irrelevance given its application. The OEB will not make a

determination on this now. Again, if scoping disputes arise, they can be dealt with in a motion.

The approved Issues List is attached as Schedule A. The changes as against the draft Issues List in Procedural Order No. 1 are shown in Schedule B.

OEB Staff and Intervenor Evidence

On February 10, 2026, OEB staff filed a letter informing the OEB and all participants that it intends to engage experts to review parts of the Applicants' evidence and possibly prepare evidence on the Applicants' proposed deemed capital structure, proposed hydroelectric Custom Price-Cap Index, and the proposed nuclear Custom Incentive Rate-setting framework.

At the Pre-Hearing Conference, OEB staff committed to providing an update as to the status of retaining experts to file evidence. The OEB expects OEB staff to elaborate on the evidence it proposes to submit for OEB approval. With this additional information, other parties may determine if it is necessary for them to request to submit additional evidence. OEB staff will provide this update to the OEB and all parties by **March 6, 2026**. Intervenors intending to file evidence shall file a request letter with the OEB by **March 11, 2026**.

Hearing Schedule

At the Pre-Hearing Conference, parties worked together to develop a schedule for the proceeding up to the commencement of the settlement conference.

The OEB approves the developed schedule but has added placeholders for two Motions Days to resolve any disputes that may arise before the technical conference and the settlement conference. The schedule is attached as Schedule C. If necessary, such motions would be heard on **April 28, 2026**, and/or **June 23, 2026**.

The OEB has also added a provisional end date for the settlement conference: **July 7, 2026**. By **July 8, 2026**, a letter from the Applicants shall be filed indicating whether parties believe that a full or partial, settlement is achievable if additional time is granted.

The OEB panel will evaluate whether there is value in the settlement conference continuing based on the settlement progress letter. If there is the prospect of a full, partial, or substantial but incomplete settlement, the OEB panel may provide for the settlement conference to continue.

If the settlement conference does not result in a complete settlement, the parties are asked to propose jointly a schedule for the hearing of the unsettled issues.

Other Matters

At the Pre-Hearing Conference, CCC asked the OEB to waive the requirement under Rule 26.02(e)(ii) of the *Rules of Practice and Procedure* for interrogatories to be grouped by issue, and instead to allow parties to group them by exhibit. Given that no one objected to this request, the OEB approves it.

VECC suggested at the Pre-Hearing Conference that an “evidence to issue map” would be of assistance, and the Applicants agreed to produce one. The OEB expects OPG to file the evidence to issue map as agreed.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:

Issues List

1. The Issues List attached as Schedule A is approved.

OEB Staff Evidence

2. OEB staff shall provide an update on the evidence it intends to file by **March 6, 2026**.
3. Intervenors intending to file evidence shall file a request letter with the OEB by **March 11, 2026**.
4. OEB staff evidence shall be filed with the OEB, and copied to the Applicants and intervenors, by **May 26, 2026**.
5. If any party seeks information and material with respect to any evidence filed by OEB staff that is in addition to the evidence filed with the OEB, and that is relevant to this proceeding, that information shall be requested by written interrogatories filed with the OEB, and copied to the Applicants and intervenors, by **June 2, 2026**.
6. OEB staff shall file with the OEB complete responses to the interrogatories and copy the responses to the Applicants and intervenors by **June 16, 2026**.
7. If the Applicants are filing reply evidence, that evidence shall be filed with the OEB, and copied to all intervenors and OEB staff, by **noon on June 26, 2026**.

Interrogatories

8. OEB staff shall request any relevant information and documentation from the Applicants that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **March 11, 2026**. Interrogatories shall be filed by exhibit.
9. OEB staff and intervenors shall request any relevant information and documentation from the Applicants that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **March 25, 2026**.
10. The Applicants shall file with the OEB complete written responses to all interrogatories and serve them on all intervenors by **April 22, 2026**. The Applicants shall include a table specifying which interrogatories, if any, it has refused to respond to and the reason for refusal.
11. OEB staff experts shall request any additional relevant information and documentation from the Applicants by written interrogatories to the OEB and served on all parties by **May 1, 2026**.
12. The Applicants' experts shall file with the OEB complete written responses to all these interrogatories and serve them on all intervenors by **May 15, 2026**.

Motions Hearing

13. If necessary, a transcribed motions hearing will be held on **April 28, 2026**, starting at 9:30 a.m. to hear any motions that have been filed. Further information on how to participate will be communicated to parties closer to the date.
14. If necessary, a transcribed motions hearing will be held on **June 23, 2026**, starting at 9:30 a.m. to hear any motions that have been filed. Further information on how to participate will be communicated to parties closer to the date.

Technical Conference

15. A transcribed technical conference will be held on **May 27, 2026**, starting at 9:30 a.m. If necessary, the technical conference will continue to **June 3, 2026**. OEB staff and intervenors shall file with the OEB, and provide to the Applicants, a description of the specific areas they will focus on at the technical conference, and time estimates by **May 21, 2026**. Further information on how to participate in the event will be communicated to parties closer to the date.

16. Responses to undertakings from the technical conference shall be filed with the OEB and sent to all intervenors by **June 22, 2026**.

Interim Cost Awards

17. Cost eligible intervenors shall file their cost claims for costs incurred to the end of the Technical Conference by **June 11, 2026**. A copy of each claim must be filed with the OEB and delivered to the Applicants.

Settlement Conference

18. A settlement conference among parties and OEB staff will be convened on **June 29, 2026**, starting at 9:30 a.m. If necessary, the settlement conference will continue to **July 7, 2026**. Further information on how to participate will be communicated to parties closer to the date. The OEB is asking all parties to hold July 8, 2026, to July 24, 2026, in the event additional time is required.
19. No later than **July 8, 2026**, the Applicants shall file a letter informing the OEB of the status of the settlement discussions including whether a tentative agreement has been reached or if parties propose to continue the settlement discussions.

Direction for preparing materials

- Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with Rule 9A of the OEB's [Rules of Practice and Procedure](#).
- Filings should clearly state the filing date and the sender's name, postal address, telephone number and e-mail address.
- Other than for applications or as otherwise required or directed by the OEB, parties are not required to submit a cover letter for materials that are self-evident (e.g., interrogatories, submissions) unless the cover letter includes a request or additional information not included in the materials themselves.
- Parties are strongly encouraged to use bookmarks in their filings to aid in navigation.
- Parties should not append to their evidence entire OEB documents (e.g., decisions, policy documents, guidelines). Rather, parties should provide citations to the documents and a clear and concise summary of the relevant part(s) of the document. Parties are encouraged to use hyperlinks for complete, permanent, and publicly available versions of the documents, when possible.

- Parties should refrain from quoting material from documents unless it is essential to support their interrogatories or arguments.
- Parties are not required to provide a summary of the procedural history of a proceeding but may refer to that history where and to the extent needed for context to orient an issue or discussion.
- Parties must: (a) disclose where generative artificial intelligence was used to generate content included in a filing and (b) confirm that the accuracy of the portion of the filing generated by generative artificial intelligence has been verified by the party or its representative without the assistance of generative artificial intelligence.

How to file documents with the OEB

- Parties are required to quote file number (i.e., **EB-2025-0297**) for all materials filed and submit them in **searchable/unrestricted PDF format** (i.e., no printing or copying restrictions) with a digital signature through the [OEB's online filing portal](#).
- Parties should use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [File documents online page](#) on the OEB's website.
- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact registrar@oeb.ca for assistance.
- Cost claims are filed through the OEB's online filing portal. Parties are encouraged to visit the [File documents online page](#) of the OEB's website for more information. Parties that are eligible for a cost award and that do not currently have an account in the cost claim portal should create an account as soon as their cost award eligibility has been confirmed by the OEB. All parties shall download a copy of their submitted cost claim for the purposes of service on the party(ies) paying cost awards as per the [Practice Direction on Cost Awards](#).
- All communications should be directed to the attention of the Registrar and be received by **4:45 p.m.** on the required date.
- With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Managers, Thomas Eminowicz at thomas.eminowicz@oeb.ca and Jeffrey Sauer at jeffrey.sauer@oeb.ca and OEB Counsel, Michael Millar at michael.millar@oeb.ca and Ian Richler at ian.richler@oeb.ca.


Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, **March 4, 2026**

ONTARIO ENERGY BOARD

Ritchie
Murray

 Digitally signed by Ritchie
Murray
Date: 2026.03.04
17:19:55 -05'00'

Ritchie Murray
Acting Registrar

SCHEDULE A
APPROVED ISSUES LIST
ONTARIO POWER GENERATION INC. AND DNNP LP
EB-2025-0297
PROCEDURAL ORDER NO. 2
MARCH 4, 2026

Approved Issues List
Customer and Overall Bill Impact
1. Are the 2027 hydroelectric payment amount and rate riders reasonable given the overall bill impact to customers?
2. Are the 2027-2031 nuclear payment amounts and rate riders reasonable given the overall bill impact to customers?
3. Is the Applicants' proposal for intra-period payment amount shaping an appropriate form of rate mitigation?
Custom IR Frameworks
4. Is the proposed Custom IR framework for setting the 2027-2031 hydroelectric payment amounts appropriate?
5. Is the proposed Custom IR framework for setting the 2027-2031 nuclear payment amounts appropriate?
Rate Base
6. Are the amounts proposed for the prescribed hydroelectric facilities rate base appropriate?
7. Are the amounts proposed for the OPG nuclear facilities rate base appropriate?
8. Are the amounts proposed for the Darlington New Nuclear Program (DNNP) facilities rate base appropriate?
Capital Structure and Cost of Capital
9. Are OPG's proposed capital structure, rate of return on equity, and proposed costs for the long-term and short-term debt components of its capital structure for the 2027-2031 term appropriate?
10. Are DNNP LP's proposed capital structure, rate of return on equity, and proposed costs for the long-term and short-term debt components of its capital structure for the 2027-2031 term appropriate?
Capital Projects
11. Do the costs associated with the hydroelectric projects that are subject to section 6(2)4 of O. Reg. 53/05 and proposed for recovery meet the requirements of that section?
12. Are the proposed hydroelectric capital expenditures and/or financial commitments and proposed in-service additions reasonable?
13. Do the costs associated with the nuclear projects that are subject to section 6(2)4 of O. Reg. 53/05 and proposed for recovery meet the requirements of that section?
14. Are OPG's proposed nuclear capital expenditures and/or financial commitments and proposed in-service additions (excluding those for the Pickering Refurbishment Program ("PRP") and the DNNP) reasonable?
15. Are OPG's proposed nuclear capital expenditures and/or financial commitments and proposed in-service additions for the PRP reasonable?
16. Are DNNP's proposed nuclear capital expenditures and/or financial commitments and proposed in-service additions reasonable?
Production Forecast
17. Is the proposed hydroelectric production forecast appropriate?
18. Is the proposed OPG nuclear facilities production forecast appropriate?
19. Is the proposed DNNP facilities production forecast appropriate?
Market Renewal Impacts
20. Is the proposed Hydroelectric Surplus Baseload Generation Variance Account spill calculation methodology appropriate?
21. Is the proposed Hydroelectric Incentive Mechanism ("HIM") methodology and HIM adjustment for spill appropriate?
22. Is the proposed treatment of make whole payments appropriate?

Operating Costs
23. Is the 2027 base and project Operations, Maintenance and Administration (“OM&A”) budget for the hydroelectric facilities appropriate?
24. Is the 2027-2031 base, project, outage and Pickering cyclical maintenance OM&A budget for OPG’s nuclear facilities appropriate?
25. Is the 2027-2031 base outage and operational readiness OM&A budget for the DNNP facilities appropriate?
26. Are the allocated corporate costs, centrally held costs, and asset service fees to (1) OPG’s nuclear business, (2) OPG’s hydroelectric business, and (3) DNNP LP, appropriate?
27. Is the proposed 2027 hydroelectric depreciation expense appropriate?
28. Is the proposed 2027-2031 OPG facilities nuclear depreciation expense appropriate?
29. Is the proposed 2027-2031 DNNP facilities depreciation expense appropriate?
30. Are the amounts proposed to be included in the 2027 hydroelectric revenue requirement for income and property taxes appropriate?
31. Are the amounts proposed to be included in the 2027-2031 OPG facilities nuclear revenue requirement for income and property taxes appropriate?
32. Are the amounts proposed to be included in the 2027-2031 DNNP facilities revenue requirement for income and property taxes appropriate?
33. Are the IR term human resource related costs (including wages, salaries, payments under contractual work arrangements, benefits, incentive payments, overtime FTEs and pension costs) appropriate?
Other Revenues
34. Are the forecasts of hydroelectric non-energy revenues appropriate?
35. Are the forecasts of nuclear non-energy revenues appropriate?
36. Are the IR term costs related to the Bruce Nuclear Generating Station, and costs and revenues related to the Bruce lease appropriate?
Nuclear Waste Management and Decommissioning Liabilities
37. Is the revenue requirement impact of the nuclear liabilities appropriately determined?
Deferral and Variance Accounts
38. Are the deferral and variance accounts that OPG and DNNP LP propose to continue, establish, and discontinue appropriate?
39. Are the methodologies used to determine additions to the deferral and variance accounts appropriate?
40. Are the balances for recovery and the proposed disposition amounts in each of the deferral and variance accounts appropriate?
Annual Process During the IR Term
41. Are the proposed reporting and record keeping requirements, including performance scorecards proposed by OPG and DNNP LP, appropriate?
42. What should be the scope and filing requirements of OPG and DNNP LP’s annual applications during the IR Term?
43. Do the Concurrent Cost Recovery amounts proposed meet the requirements set out in s. 6(2)12.1i and 14(2)5i of O. Reg. 53/05?
Implementation
44. Are the effective dates for new payment amounts and riders appropriate?
45. If there is a difference between the effective date and the implementation date for new payment amounts and riders, how should foregone revenue be recovered with due consideration to interim rates and customer impacts?

SCHEDULE B
CHANGES TO ISSUES LIST FROM PROCEDURAL ORDER NO. 1
ONTARIO POWER GENERATION INC. AND DNNP LP
EB-2025-0297
PROCEDURAL ORDER NO. 2
MARCH 4, 2026

Approved Issues List
Customer and Overall Bill Impact
1. Are the 2027 hydroelectric payment amount and rate riders reasonable given the overall bill impact to customers? What rate mitigation if any is appropriate?
2. Are the 2027-2031 nuclear payment amounts and rate riders reasonable given the overall bill impact to customers? What rate mitigation if any is appropriate (including intra-period payment amount shaping)?
3. Is the Applicants' proposal for intra-period payment amount shaping an appropriate form of rate mitigation?
Custom IR Frameworks
4. Is the proposed Custom IR framework for setting the 2027-2031 hydroelectric payment amounts appropriate?
5. Is the proposed Custom IR framework for setting the 2027-2031 nuclear payment amounts appropriate?
Rate Base
6. Are the amounts proposed for the prescribed hydroelectric facilities rate base appropriate?
7. Are the amounts proposed for the OPG nuclear facilities rate base appropriate?
8. Are the amounts proposed for the Darlington New Nuclear Program (DNNP) facilities rate base appropriate?
Capital Structure and Cost of Capital
9. Are OPG's proposed capital structure, rate of return on equity, and proposed costs for the long-term and short-term debt components of its capital structure for the 2027-2031 term appropriate?
10. Are DNNP LP's proposed capital structure, rate of return on equity, and proposed costs for the long-term and short-term debt components of its capital structure for the 2027-2031 term appropriate?
Capital Projects
11. Do the costs associated with the hydroelectric projects that are subject to section 6(2)4 of O. Reg. 53/05 and proposed for recovery meet the requirements of that section?
12. Are the proposed hydroelectric capital expenditures and/or financial commitments and proposed in-service additions reasonable?
13. Do the costs associated with the nuclear projects that are subject to section 6(2)4 of O. Reg. 53/05 and proposed for recovery meet the requirements of that section?
14. Are OPG's proposed nuclear capital expenditures and/or financial commitments and proposed in-service additions (excluding those for the Pickering Refurbishment Program ("PRP") and the DNNP) reasonable?
15. Are OPG's proposed nuclear capital expenditures and/or financial commitments and proposed in-service additions for the PRP reasonable?
16. Are DNNP's proposed nuclear capital expenditures and/or financial commitments and proposed in-service additions reasonable?
Production Forecast
17. Is the proposed hydroelectric production forecast appropriate?
18. Is the proposed OPG nuclear facilities production forecast appropriate?
19. Is the proposed DNNP facilities production forecast appropriate?
Market Renewal Impacts
20. Is the proposed Hydroelectric Surplus Baseload Generation Variance Account spill calculation methodology appropriate?
21. Is the proposed Hydroelectric Incentive Mechanism ("HIM") methodology and HIM adjustment for spill appropriate?
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33. Are the IR term human resource related costs (including wages, salaries, payments under contractual work arrangements, benefits, incentive payments, overtime FTEs and pension costs) appropriate?
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37. Is the revenue requirement impact of the nuclear liabilities appropriately determined?
Deferral and Variance Accounts
38. Are the deferral and variance accounts that OPG and DNNP LP propose to continue, establish, and discontinue appropriate?
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43. Do the Concurrent Cost Recovery amounts proposed meet the requirements set out in s. 6(2)12.1i and 14(2)5i of O. Reg. 53/05?
Implementation
44. Are the effective dates for new payment amounts and riders appropriate?
45. If there is a difference between the effective date and the implementation date for new payment amounts and riders, how should foregone revenue be recovered with due consideration to interim rates and customer impacts?

SCHEDULE C
APPROVED PROCESS TIMELINE
ONTARIO POWER GENERATION INC. AND DNNP LP
EB-2025-0297
PROCEDURAL ORDER NO. 2
MARCH 4, 2026

The following is a sequenced list of procedural steps described in this Procedural Order

Stage	Procedural Step	Planned Date
Discovery	OEB staff will share expert qualifications and scope of engagement with all parties	March 6, 2026
	OEB staff file interrogatories	March 11, 2026
	OEB Staff and intervenors file interrogatories	March 25, 2026
	Applicants file responses to interrogatories	April 22, 2026
Motions	Motions Hearing held	April 28, 2026
Discovery	Technical Conference begins	May 27, 2026
	Technical Conference ends (6 days)* potential extension if needed	June 3, 2026
	Undertakings filed	June 22, 2026
Interim Cost Awards	Cost eligible intervenors file cost claims for costs incurred to the end of the Technical Conference	June 11, 2026
Motions	Motions Hearing held	June 23, 2026
Staff Evidence	OEB Staff experts file second round of interrogatories (clarifying prior interrogatories)	May 1, 2026
	OPG experts file responses to second round of interrogatories	May 15, 2026
	OEB Staff file evidence on behalf of experts	May 26, 2026
	Parties file interrogatories on OEB staff evidence	June 2, 2026
	Interrogatory responses on OEB staff evidence	June 16, 2026
	Applicants file evidence in reply to OEB staff evidence	June 26, 2026
Settlement	Settlement Conference Begins	June 29, 2026
	Settlement Conference Ends	July 7, 2026
	Settlement Progress Letter Filed	July 8, 2026