

**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 11, 2026**

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

**Re: EB-2025-0297 - Intervenor Response to Procedure Order 6 (PO6)**

**Dear Registrar:**

I respectfully submit my **Intervenor Response to Procedure Order 6 (PO6)**

### **I. Overview**

This submission responds to the Applicants' May 4, 2026 letter and provides additional information regarding the proposed evidence referenced in my May 1, 2026 correspondence, in accordance with Procedural Order No. 6. The objectives are twofold:

1. **Respond to Applicants' May 4 Letter:** Identify where the Applicants' responses remain incomplete or non-responsive to specific interrogatories, despite the additional information provided.
2. **Provide Additional Evidence Details (Rule 13):** Clarify the nature, relevance, scope, timing, and cost of the limited additional evidence proposed, per Rule 13 of the OEB's Rules of Practice and Procedure.

This submission is confined to **Issues 26, 37, and 38** of the approved Issues List and to matters already raised in my interrogatories and motions. The approach is intended to support an efficient written resolution of the remaining matters, consistent with Procedural Order No. 6.

## II. Response to the Applicants’ May 4, 2026 Letter

The Applicants’ May 4 letter outlines further information they will provide. I acknowledge certain clarifications have been offered. However, some responses include broad contextual material that does not directly address the interrogatory questions as framed. **As a result, several interrogatories remain only partially answered.**

The outstanding gaps are narrow but material. They relate to three discrete, previously identified events, each of which underpinned one of my interrogatory motions:

**Event 1 – Facilities Maintenance / Fire-Protection:** A significant facilities maintenance issue involving a fire-protection system at a nuclear support facility.

**Event 2 – Governance / Affiliate Oversight:** A governance and affiliate oversight scenario involving overlapping leadership roles between OPG and its unregulated affiliate (Laurentis Energy Partners).

**Event 3 – Contractor / Control Allocation:** A contractor engagement scenario involving the use of a Laurentis-engaged contractor for work benefiting OPG’s regulated operations.

For each event, I requested specific information in my interrogatories to understand the control frameworks and oversight in place. The Applicants’ responses to date provide general context and some documentation, but **critical details remain missing**. The table below summarizes each event, the key information gap, and the relevant issue(s) on the Issues List:

Event Context	Key Remaining Information Gap	Relevant Issue(s)
<b>Event 1 – Facilities Maintenance / Fire-Protection</b>	Specific control(s) in place at the time of the event, and how those control(s) were applied or monitored in practice.	<b>Issue 26</b> (corporate cost allocation) <b>Issue 37</b> (nuclear liabilities)
<b>Event 2 – Governance / Affiliate Oversight</b>	How applicable oversight control(s) operated in this instance, and how the event aligns with those controls or policies (e.g. conflict of interest processes).	<b>Issue 26</b> (corporate cost allocation)
<b>Event 3 – Contractor / Control Allocation</b>	How the event reconciles with OPG’s control allocation framework, and how effectiveness of controls was assessed given cross-entity contractor involvement.	<b>Issue 26</b> (corporate cost allocation) <b>Issue 38</b> (deferral & variance accounts)

**Event-Specific Gaps:** In textual form, the **remaining information needed** is as follows:

- Event 1 (Facilities Maintenance / Fire-Protection): The response does not identify the specific **control(s)** or procedure(s) in place at the time of the fire-protection system issue, nor explain how those controls were applied or escalated in that situation.
- Event 2 (Governance / Affiliate Oversight): The response provides high-level governance context but does not explain **how** oversight mechanisms and conflict-management controls functioned in practice during the event (i.e., what processes were followed, or not followed, in that case).

- Event 3 (Contractor / Control Allocation): The response offers general information on OPG's use of affiliate contractors, but it does not show how **cost attribution and control** were handled for specific contractor scenarios, or how OPG ensured proper oversight and value-for-money under its control framework.

For each of these events, a minimally sufficient assessment of control effectiveness cannot be made unless the record clearly identifies:

- (i) the specific control(s) that were in place at the time of the event;
- (ii) how those control(s) were applied or monitored in practice; and
- (iii) how those control(s) performed relative to the event (i.e. whether they worked as intended, or if gaps were revealed).

At present, none of these elements are identified on the record. Critically, the information sought is limited to discrete, event-specific facts and does not require any broad or systemic analysis. Absent these targeted clarifications, the record would not permit a clear determination of **whether these recent, enterprise disparate events, each of distinct material exceptionality in it's own significance, were isolated incidents or reflective of underlying control limitations relevant to this Application.**

### III. Relevance to Issues 26, 37, and 38

The requested information is directly relevant to the Board's consideration of Issue 26 (allocated corporate costs, centrally held costs, and asset service fees), Issue 37 (the revenue requirement impact of nuclear liabilities), and Issue 38 (deferral and variance accounts). Specifically:

- **Issue 26 (Corporate/Centrally Held Costs):** Each gap relates to oversight or cost allocation between OPG and its operations (or affiliates). Without understanding how these control breakdowns were handled, the Board cannot fully assess the prudence or allocation of corporate costs and support service fees reflected in the Application.
- **Issue 37 (Nuclear Liabilities):** In particular for Event 1, a prolonged facilities maintenance deficiency could implicate nuclear operational risk or potential liabilities. Clarifying the control failure (and remediation) in that event is relevant to judging how OPG manages risks that could translate into nuclear liability costs or safety expenditures.
- **Issue 38 (Deferral & Variance Accounts):** Understanding whether these events were properly controlled has implications for cost accounting and risk mitigation. For instance, if a significant unbudgeted cost or risk emerged from an event, it might relate to deferral account treatment or the need for variance account relief. Ensuring the facts are on the record helps determine if any deferral/variance mechanism should capture such costs, or if improved controls obviated any such need.

In summary, without clarity on what happened in these events and how the relevant controls performed, the Board cannot be fully assured that the **costs, risks, and accountability measures presented in the Application are reasonable and appropriately allocated.**

#### **IV. Proposed Additional Evidence (Rule 13)**

This section describes the limited additional evidence I propose to file (if needed) in accordance with Rule 13, addressing **nature, relevance, cost, and timing.**

##### **A. Nature of the Evidence:**

The proposed evidence is **narrowly scoped**. It will consist of factual documentation and/or analysis confirming, for each of the three identified events: **(1)** the occurrence and key characteristics of the event; and **(2)** the adequacy of the associated control environment relative to observable risk indicators. In practice, this may take the form of affidavits, internal reports, or records that directly address the gaps described above (e.g. specific incident reports, relevant memos, or oversight records). The evidence will be confined **strictly** to these events and their related controls. It will not introduce new topics beyond those already explored in the interrogatories and motions.

##### **B. Relevance:**

The proposed evidence is **directly tied** to my prior interrogatories and motions, as well as the Issues List items noted in Section III. It is needed to enable a **complete and accurate assessment** of the issues before the Board. By providing concrete details on the control effectiveness and outcomes of the three events, the evidence will ensure that the Board's determinations on **Issue 26, Issue 37, and Issue 38** are based on a fully informed record. Put simply, this evidence will supply the missing facts needed to judge whether OPG's cost controls and risk management in these areas are sufficient, and whether any resulting costs or liabilities are being appropriately accounted for in the Application.

##### **C. Cost and Proportionality:**

The evidence will be prepared in a targeted, proportionate manner. I anticipate **no material incremental cost** in preparing it. The scope is limited (just three defined events), and I will leverage firsthand knowledge and existing documentation. **This approach is fully consistent with the principle of proportionality** – it seeks only the minimum additional information necessary to address the outstanding issues, without expanding the proceeding.

##### **D. Timing:**

The evidence can be completed and filed by **May 26, 2026**, which aligns with the existing schedule for intervenor and OEB Staff evidence in this proceeding. This timing ensures that admitting the evidence (if permitted) **will not disrupt the overall schedule**. It will simply allow the Board and parties to review the additional facts ahead of the technical conference and any subsequent steps.

## **V. Conclusion**

The Applicants have taken steps to answer my interrogatories, and many issues have been narrowed. **Nonetheless, three discrete gaps remain** in the information available to the Board, each tied to a specific event as described. These clarifications are limited in scope and can be provided within the current schedule. Addressing them now (whether by **complete supplemental responses from OPG** or by allowing me to file the **limited additional evidence** outlined above) is necessary to ensure the record is fully reliable on Issues 26, 37, and 38.

**Accordingly, I respectfully request that the Board direct the Applicants to provide complete responses addressing the identified deficiencies for each of the three events, or, in the alternative, permit me to file the limited additional evidence as described herein.**

**Respectfully submitted,**

*Keith F. Pinto*

Intervenor (EB-2025-0297)

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