

May 13, 2026

**VIA RESS**

Ritchie Murray  
Acting Registrar  
Ontario Energy Board  
2300 Yonge Street, 27<sup>th</sup> 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., (the “Applicants”) for an order or orders relating to payment amounts for prescribed generating facilities (the “Application”) – Keith Pinto Motions and Request to File Evidence**

Pursuant to Procedural Order No. 6, we are writing to set out the Applicants’ response to Mr. Pinto’s May 11, 2026 filing and his clarification email yesterday evening (May 12) regarding his motions and related request for leave to file evidence.

**Motions**

Taking into account the additional substantive responses the Applicants indicated they will provide, as outlined in our May 4, 2026 letter, Mr. Pinto submits there are certain outstanding “narrow gaps” and that there are 3 specific “events” on which he seeks details.

The Applicants’ position is that the further substantive responses they have proposed to provide on May 20 are sufficient for the purpose of interrogatories, and there is no need at this stage for the OEB to order any further responses. As outlined in the May 4th letter, the Applicants will provide additional responses to each of the lettered topic areas in Mr. Pinto’s motions #1, 2, and 4 – the motions to which the Applicants understand Mr. Pinto is focused in his latest filings – along with certain information relating to his other motions.

Once Mr. Pinto receives the Applicants’ further responses, he will have the opportunity to ask any follow-up questions at the technical conference if he is of the view there are additional relevant and material details or gaps.

**Request for Leave to File Evidence**

In Mr. Pinto’s May 11th filing, he also indicates he is seeking to file proposed evidence “(if needed)” and “in the alternative” to the Applicants filing what he considers to be fulsome

responses to his motion requests. He indicates in his May 11 letter and his May 12 clarification email that his proposed evidence would address three specific “events”, one of which is the Whitby warehouse fire system sprinkler issue and the other two are unparticularized events involving unregulated affiliate Laurentis Energy Partners (Laurentis) – one relating to conflict of interest controls and the other related to the use of contractors.

Based on Mr. Pinto’s filings and description of the proposed evidence, the Applicants do not think it has been established that there is any practical need for his requested filing, or that it would be relevant and material to the issues in the Application. If, however, the OEB considers that the proposed evidence would be useful and meets the requirements for granting leave under rule 13, the Applicants ask that it be on certain terms outlined further below pursuant to rule 13.07.

As a practical matter, since Mr. Pinto’s request to file evidence is an alternative request to receiving fulsome responses from the Applicants, and given the further discovery rights the process already provides, the Applicants do not see a need for thiI filing. The technical conference process already provides an avenue to elicit additional factual information and details from the Applicants that may be relevant and material.

Regarding relevance and materiality – considerations that are specifically to be taken into account under rule 13.03 (a) when deciding a request for leave to file evidence – Mr. Pinto has stated that the three events he wants to address would be relevant to issues 26, 37 and 38 on the Issues List for this proceeding. But he has not established how they would be relevant and material to the OEB’s determination of those issues. By way of context, the Applicants also note the following regarding the three events:

- The Whitby warehouse fire safety sprinkler issue (event 1) is something the Applicants have indicated will be addressed in their May 20 responses. As confirmed in the May 4 letter, the Applicants will provide: “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,” and the Applicants also indicated they will provide the 2025 building condition assessment report for the Whitby warehouse. The Applicants have further noted that there are no amounts sought for recovery in respect of the Whitby warehouse after it is planned to be vacated during 2027.
- The second and third events are ones Mr. Pinto has indicated are a “governance/oversight incident involving [Laurentis]” (event 2) and “contractor management and control allocation, where a contractor(s) engaged through Laurentis performed work related to OPG’s regulated operations” (event 3). The Applicants are unclear what specific events Mr. Pinto is referring to in these regards, but assume they were from the time period when he was employed at Laurentis (i.e. sometime more than two years ago). By way of additional context, the May 4 letter noted, in respect of OPG’s use of contractor services from Laurentis, “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.”

For the above reasons, the Applicants do not see a practical need at this stage for the filing of the proposed evidence and respectfully submit that the requirements under rule 13.03 have not been met.

However, if the OEB considers the filing of Mr. Pinto's proposed evidence to be useful and is inclined to grant leave to file it, the Applicants ask that it be on the following terms under rule 13.07 to ensure an efficient, timely and fair process is maintained going forward:

1. Mr. Pinto's evidence shall consist of (and be limited to) the evidence he has specifically requested leave to file, as described in his request and clarifying email;
2. Mr. Pinto's evidence shall be provided by May 26, which is the date in the timetable for the delivery of OEB staff's evidence;
3. Mr. Pinto's evidence shall first be provided to the Applicants and OEB staff before being filed on the public record, so that it can be reviewed to determine if there are any portions of it that need to be treated on a confidential basis consistent with the OEB's confidentiality protocols – Mr. Pinto himself alluded to the possibility that this might be the case in his request letter; and
4. the Applicants shall be permitted to file any necessary reply evidence by June 26, which is the date in the timetable for the filing of any other reply evidence by the Applicants.

Lastly, the Applicants reserve their rights to subsequently challenge the relevance, materiality and/or admissibility of the proposed evidence if need be.

Should the Panel have any questions or require clarification regarding the above, please advise.

Yours truly,



Arlen Sternberg

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