

May 22, 2026

VIA RESS AND EMAIL

Mr. Ritchie Murray
Acting Registrar
Ontario Energy Board
27th Floor - 2300 Yonge Street
Toronto, Ontario 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., (together, the “Applicants”) for an order or orders relating to payment amounts for prescribed generating facilities (the “Application”) – Section 8 Order under O. Reg. 53/05

On April 27, 2026, the Ontario Energy Board (the “OEB”) issued Procedural Order No. 4 with respect to the Applicants request for the OEB to issue an order pursuant to section 8 of *Ontario Regulation 53/05* (“O. Reg. 53/05”). Pursuant to the order, the Applicants are providing their reply to submissions from intervenors and OEB staff regarding the request for such section 8 order.

The Applicants reviewed the submissions of OEB staff and the Power Workers’ Union (“PWU”) and note that no other submissions have been made as of the time of filing this reply.

DNNP LP has Satisfied All Four Conditions in Section 8 of O. Reg. 53/05

On February 27, 2026, DNNP GP Inc., as managing general partner on behalf of DNNP LP (the “**DNNP LP**”), filed a letter with the OEB stating that the conditions under section 8 of O. Reg. 53/05 have been met. The letter included information that demonstrates how each condition had been met prior to January 1, 2026.

In their respective submissions, OEB staff and the PWU agree that the conditions set out in section 8 of O. Reg. 53/05 have been met, stating:

“OEB staff submits that the Applicants have provided sufficient information for the OEB to be satisfied that the conditions have been met and to issue an order to that effect”¹

¹ OEB Staff Submission Regarding O. Reg 53/05 section 8, page 2.

“Based on the PWU’s review of the evidence included in the February 27 letter of the Applicants, the PWU submits that the Applicants have provided sufficient information that the four conditions set out in Section 8 of O.Reg. 53/05 have been met to the satisfaction of the OEB, and therefore, that the OEB should issue an order to that effect.”²

Effective Date of the Section 8 Order

The Applicants filed a letter on April 17, 2026 outlining the importance of the OEB issuing the section 8 order as soon as possible, stating:

The Minister amended the Regulation to prescribe DNNP GP Inc. as a generator upon satisfaction of the section 8 conditions. Section 8 is framed in mandatory terms: Part III “applies on and after the effective date of an order made by the Board ... in which it specifies that it is satisfied that the following conditions are met.” A delay in issuing the section 8 order would be inconsistent with the legislative intent of the Regulation.

In their submission, OEB staff does not take issue with the request for the order to be issued as soon as possible, but states “there is no compelling reason to back-date the section 8 order, that is, to make the effective date earlier than the date of issuance”.³ OEB staff’s position is informed by language in O. Reg. 53/05 that allows DNNP LP to include any amounts “that arose on or after the effective date of the lease... and before the DNNP transition date.”⁴ However, OEB staff adds that it “would not be opposed to an effective date as early as January 1, 2026, which is when section 8 came into force, and the day after the day the Applicants say the four conditions were met.”⁵

The PWU submits that the date when the four conditions of section 8 were met is the most important consideration, stating: “If the Board is satisfied with the Applicants’ evidence that the four conditions were met as of December 29, 2025, then, subject to the preferences and positions to be set out in the Applicants’ reply submissions, that should be the appropriate effective date”.⁶ The submission also states that “the PWU believes aligning the effective date with the date the four conditions were formally achieved will have the benefit of ensuring accounting continuity and preventing financial regulatory lag.”⁷

The Applicants acknowledge that, regardless of the effective date of the order, the language in sections 11 and 12 of O. Reg. 53/05 allows DNNP LP to record amounts in the Darlington New Nuclear Project variance account re capital cost amounts and the DNNP generator capital structure variance account as of January 1, 2026, once the order is issued. However, the Applicants submit that the most appropriate effective date of the order is January 1, 2026. This date aligns with the effective date of the amendments to O. Reg. 53/05 and the dates upon which the four conditions of section 8 were met (notably, the effective date of the lease on December 29, 2025 and the

² Power Workers’ Union Submission regarding O. Reg 53/05 section 8, pages 1-2.

³ OEB Staff Submission Regarding O. Reg 53/05 section 8, page 3.

⁴ O. Reg. 53/05, section 11(3) and 12(3).

⁵ OEB Staff Submission Regarding O. Reg 53/05 section 8, page 3.

⁶ Power Workers’ Union Submission regarding O. Reg 53/05 section 8, page 2.

⁷ Ibid.

DNNP generator incurring capital costs in respect of the project on December 31, 2025). It follows that the effective date of DNNP LP being a prescribed generator for purposes of section 78.1 of the *Ontario Energy Board Act, 1998*, should be January 1, 2026, and there is no compelling reason to the contrary.

Please contact me if you have any questions.

Respectfully submitted,

A handwritten signature in black ink that reads "A. Brown". The signature is written in a cursive style with a large initial "A" and a long, sweeping tail.

Andrea Brown

cc:

Aimee Collier (OPG) via e-mail

Charles Keizer (Torys LLP) via e-mail