

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”) – Response to Requests for Expert Attendance at Technical Conference**

The Applicants are writing in response to the letters filed by the Consumers Council of Canada (“CCC”) and the School Energy Coalition (“SEC”)<sup>1</sup> on May 21, 2026, requesting that the Ontario Energy Board (“OEB”) direct the Applicants to present their third-party expert witnesses at the upcoming Technical Conference which starts on May 27, 2026 (the “Request”). For the reasons set out below, the Applicants respectfully submit that the Request should not be granted, as it is a departure from prior practice, is not contemplated by the OEB approved schedule for this proceeding, would be prejudicial to the Applicants’ ability to respond to the OEB staff’s expert evidence (to be received May 26, 2026), and is not needed or feasible as a practical matter at this stage.

**The Request is a departure from prior practice and is not contemplated by the OEB approved schedule for this proceeding.**

While CCC and SEC assert that oral discovery at the Technical Conference is needed, in past OPG payment amounts applications (including in the most recent application, EB-2020-0290), and also in recent distribution rate proceedings (e.g., EB-2025-0252), further

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<sup>1</sup> SEC also commented on the delayed response to interrogatory Ex. L-F4-SEC-198 (including the parts of Ex. L-F4-CCC-091 that reference it), which was being prepared in conjunction with OPG’s compensation expert WTW. The Applicants have now filed this response and note that in order to provide a complete and thorough answer to SEC and CCC’s multi-faceted questions, requiring multiple scenarios, additional time was required by WTW.

discovery of similarly complex expert evidence has been effectively addressed in writing through Technical Conference undertaking responses. No oral discovery was needed. As the scope of expert evidence filed in this proceeding is consistent with what has been filed in past OPG applications, there is similarly no basis to conclude that oral discovery is needed in this proceeding.

It is also important to bear in mind that additional procedural steps were already introduced and included in the timetable for this proceeding precisely to address its scope and complexity. A Pre-Hearing Conference was held in February 2026 to consider, among other matters, the discovery process and timelines, and more extensive written discovery on expert evidence was agreed upon and approved by OEB's Procedural Order #2, compared to past OPG applications. These additional written discovery steps were designed to ensure that the parties would have a full and fair opportunity to explore the expert evidence.

Specifically, at the Pre-Hearing Conference, the parties discussed and agreed, as part of schedule recommendations to the OEB, to a separate round of written discovery related to expert evidence, and the Applicants agreed to this on the understanding that experts would not also be expected to attend the Technical Conference. No party raised any concern at that time regarding the Applicants' experts not appearing at the Technical Conference. Consistent with that understanding, the Applicants committed to a timetable that requires the experts to spend their time and meet specific deliverables throughout the Technical Conference period in responding to OEB staff's expert evidence, as further noted below. As a result, the current schedule does not allow for the required time to prepare and produce expert witnesses at the Technical Conference.

**The request cannot be accommodated on short notice, and would prejudice the Applicants' interests.**

The Applicants filed interrogatory responses on April 22 and April 24 2026, and the parties have now raised the Request close to a month later, on May 20–21, 2026, one week before the Technical Conference is scheduled to commence. As a practical matter, it is simply not possible to accommodate the Request on such short notice, considering the experts' existing professional commitments, and the Request would prejudice the Applicants' ability to respond to OEB Staff's expert evidence in accordance with the timetable.

London Economics International ("LEI"), Concentric Energy Advisors ("Concentric"), and ScottMadden will be fully committed to reviewing OEB staff expert evidence and related working papers, which is to be filed on May 26, 2026 (the day before the start of the Technical Conference), and to preparing their interrogatories on that evidence in a very limited amount of time (due June 2, 2026, the day before the scheduled end of the Technical Conference). These timelines were established on the understanding that the Applicants' experts would not be attending the Technical Conference concurrently, which, in any event, would not be

feasible considering their other existing professional commitments.<sup>2</sup> Under the timetable, the Applicants' experts will then be focused on preparing reply reports (as necessary), which are due later in June 2026, prior to the settlement conference.

The Request to produce experts at the Technical Conference, on short notice, would therefore prejudice the Applicants because it would prevent the experts from being able to spend the time needed to review and respond to OEB staff's expert evidence and prepare interrogatories by June 2, 2026. Furthermore, the experts have not had the opportunity to prepare for appearance at the Technical Conference. Not allowing proper preparation time and diverting experts from the deliverables they will be required to work on under the existing timetable would compromise the Applicants' ability to effectively participate in both the Technical Conference and the concurrent OEB Staff expert evidence review and discovery process.

### **Conclusion**

For the foregoing reasons, the Applicants respectfully request that the OEB deny the requests made by CCC and SEC. A further written discovery process through Technical Conference undertakings is adequate and appropriate to address parties' clarification questions with respect to the experts' pre-filed evidence and two rounds of interrogatory responses. The Applicants ask the OEB to confirm that any follow-up questions CCC and SEC may have for the Applicants' experts will be addressed through undertakings at the Technical Conference, consistent with past practice and the procedural expectations resulting from the Pre-Hearing Conference and the existing timetable.

Respectfully submitted,



Andrea Brown

cc:

Aimee Collier (OPG) via e-mail

Charles Keizer (Torys LLP) via e-mail

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<sup>2</sup> Further, in addition to having dedicated time to review OEB Staff's expert evidence and preparation of corresponding interrogatories from May 26 to June 2<sup>nd</sup>, both LEI and Concentric are unavailable due to other existing professional commitments the week of June 2<sup>nd</sup>.