Ontario Energy Board | Commission de l'énergie de l'Ontario

BY EMAIL

June 10, 2026

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

Dear Ritchie Murray:

Re: Ontario Energy Board (OEB) Staff Submission on Confidentiality
Ontario Power Generation Inc. and DNNP LP
2027-2031 Payment Amounts
OEB File Number: EB-2025-0297

Please find attached OEB staff's submission in the above referenced proceeding, pursuant to Procedural Order No.5 and Procedural Order No.7.

Yours truly,

Thomas Eminowicz
Digitally signed by Thomas Eminowicz
Date: 2026.06.10 14:27:34 -04'00'

Thomas Eminowicz
Senior Advisor,
Electricity Supply

cc. All parties in EB-2025-0297

Ontario

ONTARIO ENERGY BOARD

OEB Staff Submission on Confidentiality

Ontario Power Generation Inc. and DNNP LP

2027-2031 Payment Amounts

EB-2025-0297

June 10, 2026

Background

As part of its interrogatory responses, Ontario Power Generation Inc. (OPG) and DNNP LP (collectively, the Applicants) filed a letter to the OEB dated April 28, 2026[1] requesting confidential treatment for specific information. In a letter dated April 30, 2026, the Applicants provided an update to a number of redaction requests.[2]

On May 22, 2026, the Applicants filed a letter to the OEB containing additional requests for confidential treatment of specific information related to certain revised and additional interrogatory responses.[3]

On June 8, 2026, the Applicants filed a letter to the OEB with amendments to previous confidentiality requests for L-D2-Staff-118, Attachment 1, and L-D2-Staff-117, Attachment 2.[4]

[1] EB-2025-0297, Request for confidential treatment for interrogatory responses, April 28, 2026
[2] EB-2025-0297, Updates to interrogatory submissions, April 30, 2026
[3] EB-2025-0297, Request for confidential treatment for additional interrogatory responses, May 22, 2026
[4] EB-2025-0297, Supplemental request for confidential treatment of information interrogatory response attachment, June 8, 2026

OEB Staff Submission

OEB staff submits that certain redactions within the interrogatory responses identified in this submission lack sufficient justification under the OEB's Practice Direction on Confidential Filings (Practice Direction)[5] or appear broader than necessary. OEB staff submits that for certain requests, the Applicants should provide further explanation and, where appropriate, revise their redactions as discussed herein to ensure they are narrowly tailored and consistent with established OEB practice.

In accordance with the Practice Direction, OEB staff has made the following submissions with the goal of striking a balance between the objectives of transparency and openness, and the need to protect information that has been properly designated as confidential.

OEB staff takes no issue with the confidentiality requests in the three letters filed by the Applicants mentioned above beyond those described in the sections below.

Item #1 – Commercially Sensitive Labour Information

The Applicants requested that, in respect of the Society of United Professionals (the Society) and the Power Workers' Union (PWU), only external counsel and/or external consultant(s) representing these unions in this proceeding be permitted to have access to unredacted documents containing commercially sensitive labour information. As a condition to obtain these unredacted documents, the Applicants requested that external consultant(s) file the OEB's form of confidentiality Declaration and Undertaking and an affidavit or sworn declaration confirming that they are arms-length from the union and are not involved in collective bargaining negotiations on behalf of the union through to the end of the period covered by this application. The Applicants made reference to a past OEB proceeding.[6] OEB staff takes no position on this request.

[5] Practice Direction on Confidential Filings, December 17, 2021
[6] EB-2020-0290, Decision on Confidentiality – Pre-Filed Evidence, April 13, 2021, pp.6-7

OEB Staff Submission on the Applicants' Letters dated April 28, 2026 and April 30, 2026

Item #2 – Asset Inspection Reports (L-D2-ED-008, Attachments 9-13 and 15-18)

The Applicants have redacted Customer Field Service Reports pertaining to the Darlington Steam Generator Primary Moisture Separators, Darlington Unit 1 and 2 Generator Stators, and Darlington Turbine Rotors. The Applicants noted that the reports consist of a third party's technical material relating to asset inspections. The Applicants stated that the third-party author of these documents advised that the entire documents are commercially sensitive, as they reveal the third party's proprietary technology and methodology pertaining to asset inspections that consist of trade secrets.

OEB staff submits that the Applicants' have provided insufficient rationale as to why the entirety of the inspection reports require redacting. The inspection reports relate to high-cost projects during the 2027 to 2031 period. The results of these reports influence OPG's capital decision making strategies and the prudence review of these projects during this proceeding. Therefore, OEB staff submits that to maintain a balance between transparency and fairness, it is reasonable for some information to remain public. The information that should not be redacted is the results of the tests and the recommendations in the Summary section of each report. Also, the recommendation sections should be un-redacted. OEB staff submits the results and recommendations are not trade secrets. OEB staff agrees that the testing methods should remain confidential.

Item #3 – Chats Falls Generating Station (L-F1-SEC-150, Attachment 1)

The Applicants stated that the redacted information consists of the agreed costs, pricing formula, and pricing elements that determine the amounts payable to OPG for operating four Hydro-Québec power generating units at the Chats Falls Generating Station.

The Applicants stated that public disclosure of Hydro-Québec's operating costs could prejudice their competitive position insofar as their competitors would be able to infer Hydro-Québec's cost curve and anticipate their pricing behavior based on the knowledge of these operating costs.

OEB staff does not agree that the Applicants' rationale is applicable to all of the proposed redactions. In particular, it is unclear to OEB staff whether the agreed annual operating costs paid by Hydro-Québec to OPG are included in the calculation of OPG's proposed payment amounts. To the extent that these high-level amounts are included in the calculation of OPG's payment amounts they should, in principle, be public. OEB staff takes no issue with redactions related to pricing formulas or pricing elements.

Item #4 – Capitalization & Cost of Capital (L-C1-SEC-033, Attachment 1)

The Applicants stated that the redacted information consists of specific return on equity (ROE) figures (relating to margins on heavy water sales as part of nuclear revenue) and other related information that would allow determination of the heavy water sales and proceeds. In doing so, the Applicants have redacted the "Hydroelectric Incentive Revenue" amounts under the regulated hydroelectric operations. These redactions have also been made by OPG in its Annual Regulatory Return on Equity table within its annual Reporting and Record Keeping Requirements (RRR) filings. However, the Applicants have not provided a reference showing that the OEB has endorsed these redactions in the RRR filings.

OEB staff submits that hydroelectric operations should not be redacted given that details relating to Hydroelectric Incentive Revenue, which are revenues from the Hydroelectric Incentive Mechanism, are publicly disclosed in OPG's financial reporting. This information appears to be regularly reported, including in the latest 2026 Q1 financial reporting.[7] In relation to the requests subject to this request, the information appears to be publicly available, for example in OPG's archived 2010 Financial Results.[8] In addition, it is unclear why the Applicants have redacted Hydroelectric Incentive Revenue information under the tables as there appears to be no relation to heavy water sales.

Item #5 – Letter from Ministry of Energy on OPG's 2025-2031 Business Plan (L-A2-Staff-016, Attachment 1, page 5)

The Applicants stated that the redacted information includes details of the Minister of Energy and Mine's expectations for OPG in prioritizing Ontario's economic development needs by seeking opportunities to support Ontario's economic and energy security. The Applicants argue that disclosure of the information would prejudice OPG in executing any future related strategies, as it would signal to counterparties the expectation of OPG's shareholder. OEB staff notes that the Ministry of Energy and Mines has publicly issued statements that indicate expectations for leveraging OPG's nuclear expertise as a mechanism for energy security and economic growth.[9] [10] [11] [12]

OEB staff submits that the redacted information is vague. It is unclear how public

[7] OPG Reports 2026 First Quarter Financial Results, note 1 to the "Regulated – Hydroelectric Generation Segment" table
[8] Ontario Power Generation Reports 2010 Financial Results, March 4, 2011, p.31
[9] Energy for Generations | ontario.ca
[10] Ontario Lands New Nuclear Opportunities with Trade Mission to Poland and Estonia | Ontario Newsroom
[11] Ontario and United Kingdom Sign Groundbreaking Clean Energy Partnership | Ontario Newsroom
[12] Ontario and Bulgaria Sign Large-Scale Nuclear Support Agreement | Ontario Newsroom

disclosure would signal the shareholder's expectations beyond what is already in the public domain. It is also unclear how this information would prejudice OPG.

Item #6 – Project Cost and Variance Figures

The Applicants requested confidential treatment of information in the following interrogatory responses:

- L-D2-AMPCO-050 Attachment 1, page 5 and 15
- L-D2-AMPCO-051 Attachment 1, pages 22-23
- L-D2-AMPCO-052 Attachment 2, pages 17-20, 22-28, 32, and 35-37

The Applicants stated that the redacted information pertains to costs or cost variances that would allow third parties to be able to calculate contingency amounts for new and ongoing projects. The Applicants noted that in the OEB's Decision and Order on Confidentiality – Pre-filed Evidence, it determined that information related to contingency amounts and other information that could be used to determine contingency amounts should be subject to confidential treatment.

OEB staff understands why redactions have been made to vendor and total project costs assuming these values pertain to direct costs (without contingency), as the project contingency could be derived from information in other evidence. However, OEB staff submits that information on these pages pertaining to OPG costs should be publicly available given the Applicants' previous statement pertaining to the pre-filed evidence. In the Applicants' confidentiality request reply submission, the Applicants stated that "in cases where OPG directly executes these portions without outsourcing (i.e. the values within are OPG's costs), these costs are not redacted."[13]

In this proceeding, the OEB also made a distinction between redacting vendor information compared to OPG's internal costs. In the OEB's Decision on Confidentiality on the pre-filed evidence, the OEB found that:[14]

> Contingency amounts in competitive contracts, and variances that could infer contingency amounts, shall receive confidential treatment to avoid revealing commercially sensitive third-party vendor information for ongoing or new contracts. The OEB notes that the non-contracted contingency amounts and total project costs for which recovery is sought, is available on the public record.

[13] Confidentiality Request Reply Submission, March 12, 2026, p.7
[14] EB-2025-0297, Decision and Order on Confidentiality – Pre-filed Evidence, April 13, 2026, p.9

Item #7 – OPG and Vendor Contractual Terms

The Applicants requested confidential treatment of commercially sensitive contractual terms between OPG and its vendors stating that public disclosure would create an artificial benchmark in future negotiations.

In the following responses, Applicants redacted contractual terms related to payroll burdens. OEB staff submits that in order to strike a balance between transparency and fairness, only the numerical figures on these pages should be redacted.

- L-D2-CCC-048, Attachment 2, pages 687-688
- L-D2-CCC-048, Attachment 5, page 78

Item #8 – Work Breakdown Structure

The Applicants requested confidential treatment of work breakdown structures at L-D2-CCC-048, Attachment 5, pages 5-8. The Applicants stated that public disclosure of this information would reveal labour deployment and staffing. The Applicants noted that when combined with other project or contract information, the redacted information could allow third parties to infer labour rates, staffing assumptions and project resourcing strategy, and cost of the work.

It is unclear to OEB staff how the redacted information could be combined with other publicly available information to infer labour deployment and staffing. As such, OEB staff submits that, unless the Applicants provide a more detailed explanation of how the requested information could be used, the work package descriptions in the work breakdown structure should be made public.

Item #9 – A1-Staff-002 Concentric Working Papers

The Applicants have requested confidential treatment for 13 of the 20 attachments to Exhibit L-A1-Staff-002. The basis for the request is that the information relates to proprietary datasets or models of a third party. It is OEB staff's view that the redactions to Attachments 5, 6, 9, 15, 16, and 17 are excessive. Each of these attachments are excel workbooks that are the basis for Concentric's reports.

OEB staff submits that only the tabs and information that are data Concentric purchased from S&P data should be redacted. These tabs are generally titled "S&P download." In other cases, there are portions of utility-specific tabs that contain a mix of S&P purchased data and summary analysis of that data. It appears that all the information other than what was purchased from S&P is already in the public domain or is a summary of the data to produce figures within Concentric's reports. OEB staff submits that summary data is not proprietary and should remain public. It is OEB staff's view that these summaries, along with the data that generates the figures and tables of the final report support understanding Concentric's work without compromising the proprietary data that Concentric has purchased from S&P.

In response to letters filed by OEB staff on March 2 and 11, 2026, Concentric and the Applicants provided versions of these attachments where only the S&P purchased data was redacted. The filenames included the label "PUBLIC" and OEB staff referenced these files as part of interrogatories to Concentric. OEB staff submits that the appropriate level of redaction is that of those files and that the files with the "PUBLIC" label should be the files on the public record to this proceeding.

Item #10 – Redactions relating to the Tritium Removal Facility at the Darlington site – L-D2-Staff-089 and L-G2-Staff-244

The Applicants requested to redact information relating to the Tritium Removal Facility. In L-D2-Staff-089, the Applicants seek to redact historical throughput information. This throughput information is provided as the annual amounts the facility has processed in the past and the percentage of a targeted throughput. In L-G2-Staff-244, the Applicants seek to redact capacity factor information. Based on the information provided in the redaction request, it is unclear to OEB staff how this information meets the criteria for confidential treatment.

The Applicants claim that the throughput information provides commercial and technical operating information. The Applicants state this information can reveal operating information that could permit third parties to infer the facility's production profile and operational constraints. This information is an aggregate of the facility's total output. This output includes OPG's own use of the facility and that of OPG's customer(s). It is not clear how the presented throughput information can be linked to pricing, contractual terms or parameters, or compromise any commercial or contractual discussions OPG would have with existing or potential customers.

It is also not clear why the Applicants are concerned about protecting this information claimed to reveal operating information when the Conexus Nuclear Inc. industry group, formerly known as the CANDU Owner Group, publicly provides "a schematic of the TRF" and a document titled "Optimization of Darlington Tritium Removal Facility Performance: Effects of Key Process Variables" in its document library.[15] [16] It appears to OEB staff that the throughput information is less informative to the technical operating information of the facility than what is already in the public domain.

[15] Introduction to CANDU Processes, Module 5: Support Systems, Part F: Heavy Water Production and Management, https://canteach.candu.org/Content%20Library/20042626.pdf
[16] Optimization of Darlington Tritium Removal Facility Performance: Effects of Key Process Variables, A. Busigin and S. K. Sood, *Ontario Hydro*, https://canteach.candu.org/content%20library/njc-1-4-12.pdf

With respect to Capacity Factors, this is a common metric provided in other contexts, and it is informative for understanding the productivity of facilities. It is unclear how this information is commercially sensitive in this context. On the other hand, it is clear that this capacity factor information is informative in assessing the prudence of OPG's management of this facility and the outcomes of the proposed investments that ratepayers will fund.

OEB Staff Submission on the Applicants' Letter dated May 22, 2026

Item #11 – Remuneration Values

L-F4-CCC-91, pp.3-4

The Applicants redacted total 2024 compensation of PWU, Society, management, total OPG staff, and market comparative figures. The Applicants argue that the information is labour-relations sensitive because it could impact current or future collective bargaining negotiations and OPG's collective bargaining strategies. OEB staff submits that there are several issues with the requested redactions:

1. The Applicants have not redacted the dollar variance and percent variance between OPG staff and the market. Public disclosure of these two figures would allow the remuneration values for both OPG and the market to be reverse engineered.
2. It is unclear to OEB staff how public disclosure of the total remuneration could affect negotiations while the Applicants have chosen to publicly disclose the percent variance compared to the market.
3. OEB staff submits that the total OPG amount and management amounts should not be redacted. OEB staff submits that the information is not at a level of granularity for these two categories that could affect negotiations of future salaries. OEB staff notes that at L-F4-SEC-198, pp.4-27, the Applicants redacted similar information for management staff but did not redact similar information for total OPG staff.

L-F4-SEC-198

Similarly to L-F4-CCC-91, pages 3-4, OEB staff submits that management amounts at L-F4-SEC-198, pages 4-35 should not be redacted. OEB staff submits that the information is not at a level of granularity that could affect negotiations of future salaries.

OEB staff also submits that information on the total sum of OPG staff at page 33 should be public for the same reason. This appears to be the only instance where the Applicants redacted total OPG amounts in the response, and it is unclear as to why.

~All of which is respectfully submitted~