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Ontario Energy Board
2300 Yonge Street
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Toronto, Ontario
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June 17, 2026
Our File: EB20250297

Attn: Ritchie Murray, Registrar

Dear Mr. Murray:

Re: EB-2025-0297 – Ontario Power Generation 2027-2031 – Motion

We are counsel to the School Energy Coalition ("SEC"). SEC writes on its own behalf, and on behalf of the Association of Major Power Consumers in Ontario ("AMPCO") and the Consumers Council of Canada ("CCC"), to request the OEB order OPG to file full responses to certain questions that were refused at the Technical Conference. The information sought is relevant and important to the consideration of material issues in this proceeding.

SEC/AMPCO/CCC request that the OEB consider this letter as a motion under Rule 27.03 of the OEB's Rules of Practice and Procedure.[1] In light of the OEB's cancellation of the second formal motions day, SEC/AMPCO/CCC propose that the matter be heard in writing and on an expedited basis so that responses can be provided in advance of the Settlement Conference.

SEC/AMPCO/CCC, individually or collectively, may bring additional motions regarding any refusals arising from OPG's Undertaking Responses due to be filed next week.

1. A revised version of D2-AMPCO-022, Attachment 1 that has a full list of candidate investments that were part of OPG's hydroelectric prioritization process, identifying which projects were and were not selected. (Transcript, Day 1, p.151)

2. A list of hydroelectric projects with higher net benefit scores that were not selected and the reasons for why they were not selected. (Transcript, Day 1, p.153)

OPG's Value Framework quantifies the value of candidate investments based on the summation of benefits and costs across defined risk areas.[2] It is then used to select and prioritize the projects OPG will undertake during the rate term.[3]

[1] Ontario Energy Board, *Rules of Practice and Procedure*, Rule 27.03
[2] D2-1-1, p.5; TC Transcript, Day 1, p.134
[3] D2-1-1, p.5; TC Transcript, Day 1, p.147-148

In interrogatory D2-AMPCO-022(c), AMPCO asked for the output of the Value Framework for hydroelectric capital investments. OPG provided that output as Attachment 1, for its Tier 1 and Tier 2 hydroelectric capital projects. At the Technical Conference, OPG confirmed that this output covers only the projects it currently plans to undertake during the rate term included in its 'unallocated' hydroelectric project budget.[4]

SEC requested a revised version of the D2-AMPCO-022 attachment containing the full output, showing all candidate investments, regardless of whether they were selected for completion during the rate term.[5] OPG refused.[6]

In explaining how the Value Framework works, OPG's witness acknowledged that projects are sometimes selected over others with a higher benefit score.[7] SEC requested a list of the projects with a higher net benefit that were not selected, with the reasons they were not selected.[8] OPG again refused.[9]

OPG gave two reasons for its refusals, relevance and that the requests were already dealt with through the motion's resolution of D2-AMPCO-023.[10] OPG's position is information about investments it does not plan to make is not relevant to the application.[11] SEC/AMPCO/CCC disagree. OPG seeks approval of $1.89B in unallocated hydroelectric capital expenditures[12]. Assessing the reasonableness of those costs and the underlying projects requires understanding OPG's selection, optimization and prioritization process, which necessitates understanding which projects were not selected. The information is often provided by other utilities.[13] The second request is more pointed as it asks OPG to identify and explain why it did not select certain projects despite those projects having higher net benefit scores under OPG's evaluation framework than other projects that OPG is proposing to pursue.

SEC/AMPCO/CCC are puzzled by OPG's reliance on the resolution of D2-AMPCO-023. That interrogatory sought high-level information about the iterations leading to the final 2025-2031 Business Plan. The questions at issue here concern the selection of the specific projects that make up the unallocated hydroelectric budget in the 2025-2031 Business Plan. That is not the same information.[14]

3. OPG's internal hydroelectric OM&A budget numbers (Day 2, p.21-22)

At the Technical Conference, CCC requested that OPG provide its internal hydroelectric OM&A budget figures for years prior to 2025, that is, the regulated hydroelectric OM&A amounts that OPG set in its

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[4] TC Transcript, Day 1, p.133-134, 151
[5] TC Transcript, Day 1, p.151
[6] TC Transcript, Day 1, p.151
[7] TC Transcript, Day 1, p.153
[8] TC, Day 1, p.153-154
[9] TC, Day 1, p.153-154
[10] TC, Day 1, p.151-154
[11] Technical Conference Transcript, Day 1, p.152
[12] See Exhibit D1-1-1, Table 4, Col (e), Ln 27 + 30 + 32
[13] See EB-2025-0252 (Alectra), JT 1.5; EB-2020-0200 (Enbridge), J14.6, Attachment
[14] We also note the motions resolution, expressly permits that parties may ask for the same information, which this is not, if a "new fact or issue has arisen, including as part of other interrogatories responses, that merits further consideration of the information." (See OPG Letter dated May 4, 2026) As can be seen in the Day 1 Technical Conference transcript, the question arises from other interrogatories, including D2-AMPCO-22 and the clarification and explanations provided by OPG's witnesses regarding the hydroelectric capital planning process and the unallocated budget.

internal annual business plans so that those internally budgeted amounts can be compared against OPG's actual hydroelectric OM&A expenditures for the same years. OPG refused to provide its internal budget figures on the basis of relevance.[15]

The information is relevant and should be produced. Understanding OPG's internal OM&A forecast, so it can be compared against actual expenditures, is important to understanding the accuracy of its test period OM&A forecast. Internal budget information is regularly provided in OEB proceedings[16], and has previously been found to be relevant and required to be produced.[17] OPG itself has provided similar information in the past regarding capital spending.[18] The information has added importance here as it relates to OPG's hydroelectric business, where there have not been any OEB approved amounts since 2015 to act as a point of comparison. SEC/AMPCO/CCC request the information be provided back to 2020.

4. Forecast CCR balances included in DNNP DVAs each year between 2026 and 2031 (TC Transcript, Day 5, p.99-100)

OPG's evidence is that Ontario Regulation 53/05 provides that OPG shall, for the Darlington New Nuclear Project ("DNNP") and Pickering Refurbishment Project ("PRP"), include concurrent cost recovery ("CCR") of interest costs related to capital expenditures for these assets before those assets go in-service.[19] As part of O.Reg 53/05, a variance account is established that captures the difference between CCR amounts included in OPG and DNNP LP's approved requirements and actual CCR amounts.[20] OPG proposes that it will file an annual clearance application in the first quarter of each year of the rate term, beginning in Q1 2027, to recover any DNNP CCR and PRP CCR variance account balances.[21]

In the current application, OPG (on behalf of DNNP LP) has forecast the CCR amounts to be included in the DNNP LP approved requirements related to Unit 1, and a relatively small amount for Units 2-4, based on the amounts that had been approved by the OPG Board of Directors at the time of the filing of the application.[22] This is unlike PRP, where it has included the CCR amounts in OPG's proposed revenue requirement for all units regardless of when they go in-service.

At the Technical Conference, OPG refused to provide the forecast CCR balances included in the DNNP DVA annually between 2026 and 2031.[23]

OPG should be required to provide the forecast amounts as they are relevant to understanding the amount and bill impact customers will be required to pay OPG over the rate term. Unlike other variance

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[15] Technical Conference Transcript, Day 2, p.21-22
[16] See for example, EB-2024-0115 (Hydro Ottawa), Undertaking JT 1.5; EB-2025-0252 (Alectra), IRR 2A-SEC-43
[17] *Decision and Order* (EB-2013-0416), August 22, 2023 p.6
[18] See EB-2020-0290, Technical Conference Undertaking JT 2.15, Attachment 1 and 2. We note that in this proceeding, OPG refused to provide the same information, but subsequently agreed as part of the resolution to the motions (D1-SEC-51, D1-SEC-62,D2-SEC-59, D2-SEC-060, D3-SEC-125, D3-SEC-126).
[19] Exhibit I1-1-3, p.1
[20] Exhibit I1-1-3, p.1-2
[21] Interrogatory Response I1-Staff-258; Exhibit I1-1-3, p.9
[22] TC Transcript, Day 5, p.99; D2-4-8, p.17; I1-1-3, p.6. Additionally, subsequent to the approval to the application, OPG Board of Directors has released a further $1.99Bn funding for Units 2-4 (D2-AMPCO-70). OPG refused to provide the OPG Board of Directors Memorandum approving the further release when requested (See TC Transcript, Day 3, p.159).
[23] TC Transcript, Day 5, p.99-100

accounts where the amounts may be more speculative, and clearance timing is not known, the information here is very different. First, OPG can (and likely has) forecast the full balances over the term since it has forecasts of capital expenditure for all 4 units.[24]

Second, disposition timing is known. OPG proposes to seek recovery of the amounts every year, beginning in 2027 related to 2026 balances.[25] This means that in addition to the payment amounts approved as part of this proceeding, OPG will be bringing forward in Q1 2027 a proposal to recover additional amounts to be recovered in 2027. It will then do the same thing every year. The forecast balances are likely to be substantial.[26]

The information is clearly relevant to understanding the actual bill impact customers will face over the 2027 to 2031 period since we know that the payment amounts approved in this proceeding will not be all of the amounts that OPG and DNNP will recover from customers over the same period of time as a result of proposed annual clearance of the DNNP CCR balances. The information is directly relevant to Issue 2, whether the 2027-2031 nuclear payment amounts and rate riders are reasonable given the overall bill impact to customers, and to Issue 3, the appropriateness of OPG's proposed rate-shaping, or any other rate mitigation that may be required.

Yours very truly,
Shepherd Rubenstein P.C.

Mark Rubenstein

cc: Brian McKay, SEC (by email)
Shelley Grice, AMPCO (by email)
Lawrie Gluck & Michael Bonaguro, CCC (by email)

[24] Ex. D2-4-8, Attachment 1, p.14. [redacted]

[25] Based on Exhibit I1-1-3, p.7, OPG forecasts $112M will be the DNNP CCR amount for 2026.

[26] Considering the total cost for the four units ($20.9B [redacted]