ONTARIO POWER GENERATION

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June 24, 2026

VIA RESS & EMAIL (LETTER ONLY)

Mr. Ritchie Murray
Acting Registrar
Ontario Energy Board
27th Floor - 2300 Yonge Street
Toronto, Ontario M4P 1E4

Dear Mr. Murray:

Re: EB-2025-0297: Ontario Power Generation Inc. ("OPG") and DNNP LP by its general partner, DNNP GP Inc., (together, the "Applicants") 2027-2031 payment amounts application for prescribed generating facilities – Confidentiality Request Reply Submission

On April 28, 2026, the Applicants filed a letter to the Ontario Energy Board ("**OEB**") requesting confidential treatment for specific information related to its interrogatory responses. On April 30, the Applicants filed a letter providing several updates to the redaction requests filed on April 28, 2026. On May 22, 2026 the Applicants filed an additional letter to the OEB containing requests for confidential treatment specific information related to revised interrogatory responses. On June 8, 2026 the Applicant filed a letter with further amendments to previous confidentiality requests for two documents (Ex. L-D2-Staff-118, Attachment 1, and Ex. L-D2-Staff-117, Attachment 2). These requests for confidentiality (collectively, the "**Applicants' Requests**") were filed pursuant to Rule 10 of the OEB's *Rules of Practice and Procedure* and the OEB's *Practice Direction on Confidential Filings* (the "**Practice Direction**").

The Applicants' Requests for confidential treatment were for selected portions of evidence, including those portions relating to the following matters:

1. Commercially Sensitive Labour Information;
2. Asset Inspection Reports;
3. Operation of Hydro-Québec's power generating units at Chats Falls;
4. Capitalization & cost of capital, including Return on Equity ("ROE") figures related to heavy water sales;
5. A letter from Ministry of Energy on OPG's 2025-2031 Business Plan;
6. Project cost and variance figures related to OPG projects;
7. OPG and vendor contractual terms;
8. Work breakdown structures;
9. The working papers of a third-party vendor;
10. Information related to the Tritium Removal Facility; and
11. Remuneration values.

Submissions on the Applicants' Requests were filed by OEB Staff on June 10, 2026.

OEB Staff did not challenge many of the Applicants' confidentiality requests in their submission. With respect to those requests that OEB Staff did challenge or request further information about, the Applicants provide the requested information and their reply submissions below.

1. **Commercially Sensitive Labour Information (OEB Staff Submission Item 1)**

In the Applicants' confidentiality requests, they requested that only external counsel and/or external consultant(s) representing the Society of United Professionals (the "**Society**") and the Power Workers' Union ("**PWU**"), in this proceeding be permitted to have access to unredacted documents containing commercially sensitive labour information.

OEB Staff takes no position on this request, and the Applicants maintain their position.

2. **Asset Inspection Reports (Ex. L-D2-ED-008, Attachments 9-13 and 15-18) (OEB Staff Submission Item 2)**

The Applicants have redacted inspection reports prepared by a vendor regarding the Darlington Unit 1 and 2 Generator Stators and the Darlington Turbine Rotors (OEB Staff's letter incorrectly suggests that redactions were also made to Darlington Steam Generator Primary Moisture Separators reports). The Applicants have redacted inspection reports prepared by a vendor regarding the Darlington Unit 1 and 2 Generator Stators and the Darlington Turbine Rotors (OEB Staff's letter incorrectly suggests that redactions were also made to reports related to the Darlington Steam Generator Primary Moisture Separators reports). OEB Staff submits that the Applicants have not provided a sufficient rationale to support redacting these reports in their entirety. OEB Staff argue that the "results of these reports influence OPG's capital decision making strategies and the prudence review of these projects during this proceeding," so it is reasonable for some information in these reports to be publicly disclosed. OEB Staff agrees that the testing methods disclosed in the reports should remain confidential, but they argue that the results and recommendation sections should be unredacted.

The Applicants maintain their position that the entire reports should be treated as confidential. The reports satisfy the criteria for confidential treatment under the Practice Direction, Appendix A, Parts (a) and (b). And the marginal benefit of partial disclosure does not outweigh the significant harms from disclosure to the vendor and the Applicants' relationship with the vendor. This is for two reasons: OEB Staff unfairly discount the harms from disclosure while, at the same time, ignoring the significant amount of information already publicly available about the inspection results.

First, OEB Staff's position downplays the harms from disclosing the reports to the vendor and the Applicants. These harms are significant. The reports are technical materials that the Applicants and the vendor have consistently treated as confidential due to the proprietary methods revealed in the reports (Practice Direction, Appendix A, Part (b)). Each of the reports state that they are the vendor's copyrighted material, and the proprietary information permeates each section of the reports – it cannot be easily disaggregated. A technically sophisticated reader, including competitors, could reverse-engineer the vendor's proprietary methodology from the findings or recommendations alone. Disclosure of the reports would therefore prejudice the vendor's commercial interests and competitive position as it would allow its competitors to copy the vendor's proprietary methodology.

Public disclosure of the reports would also cause significant harm to the Applicants (Practice Direction, Appendix A, Part(a)). The vendor is an important partner to the Applicants on several key projects, and the Applicants' relationship with the vendor depends on the Applicants safeguarding the vendor's confidential materials. Indeed, the vendor provided the reports to OPG on the basis that OPG does not publicly disclose them (Practice Direction, Appendix A, Part(a)(ii)). Disclosure of the vendor's confidential information would harm the parties' relationship and make it less likely that the vendor would be willing to engage with the Applicants on other projects.

If the vendor is willing to engage in future dealings with the Applicants, it may come at greater cost to ratepayers. The vendor may demand higher costs to compensate for the potential loss of confidential information, which would be to the detriment of ratepayers. More broadly, if confidential reports are routinely disclosed in OEB proceedings, vendors may be less willing to share detailed inspection findings with the Applicants or to participate in regulated projects on competitive terms.

Second, OEB Staff's position ignores the significant amount of publicly available information on the record about the results from the reports, which were disclosed. Ex. D2-01-03 and the response to L-D2-ED-008 explain why the Applicants have decided to undertake capital projects related to the Darlington Unit 1 and 2 Generator Stators and the Darlington Turbine Rotors. D2-1-3 and the response to Ex. L-D2-ED-008 explain why the Applicants have decided to undertake capital projects related to the Darlington Unit 1 and 2 Generator Stators and the Darlington Turbine Rotors. For example, with respect to the Darlington Unit 1 and 2 Generator Stators, the Applicants explained in Ex. D2-1-3 that scheduled inspections determined that there was increased degradation associated with generator stator winding conditions (p. 15). In response to Ex. L-D2-ED-008, the Applicants provided further information about inspection results on Unit 1 and 2 from 2010, 2011, 2013, 2014 and 2021. The Applicants also provided an unredacted copy of turbine rotor inspection summary results related to the Darlington Turbine Rotors (see Ex. L-D2-ED-008, Attachment 14) and a chart summarizing the inspection results in Ex. L-D2-Staff-093.

The information disclosed on the record therefore strikes the appropriate balance between transparency and the protection of confidential information. Taken together, the evidence and IR responses explain the rationale behind each of these capital projects, leaving nothing material that further disclosure of the redacted reports would add. OEB Staff has also not identified any specific gap in the evidentiary record that the unredacted reports would fill. Further disclosure of the reports would therefore not contribute significantly to the public's understanding of OPG's capital decisions. However, it would cause significant harm to the vendor and the Applicants' commercial interests. Thus, the OEB should conclude that the reports qualify for confidential treatment.

3. **Chats Falls Generating Station (Ex. L-F1-SEC-150, Attachment 1) (OEB Staff Submission Item 3)**

The Applicants maintain that the information provided in Schedule E of Ex. L-F1-SEC-150 is commercially sensitive and could prejudice Hydro-Quebec's competitive position.

The Applicants can confirm that amounts paid by Hydro-Quebec to OPG under this agreement are incorporated as an offset to Base OM&A amounts, as explained in Ex. F1-2-1, p. 5, lines 23-24 and Ex. F1-2-1, Table 2, Line 7. The Applicants agree to un-redact the 2006 starting amount in Part H (which is further indexed, as described in the agreement), to demonstrate the lack of materiality of the annual payments. A new version of the document will be uploaded to RESS.
The Applicants can confirm that amounts paid by Hydro-Quebec to OPG under this agreement are incorporated as an offset to Base OM&A amounts, as explained in Ex. F1-2-1, p. 5, lines 23-24 and Ex. F1-2-1, Table 2, Line 7. The Applicants agree to un-redact the 2006 starting amount in Part H (which is further indexed, as described in the agreement), to demonstrate the low materiality of the annual payments. A new version of the document will be uploaded to RESS.

4. **Capitalization & Cost of Capital (Ex. L-C1-SEC-033, Attachment 1) (OEB Staff Submission Item 4)**

Upon further review, the Applicants consent to releasing the redacted figures contained in this interrogatory. Specifically, the Applicants agree to the release of “Hydroelectric Incentive Revenue” amounts contained in Ex. L-C1-SEC-033, Attachment 1. A new version of this interrogatory attachment will be uploaded via RESS.

5. **Letter from Ministry of Energy on OPG’s 2025-2031 Business Plan (L-A2-Staff-016, Attachment 1, page 5) (OEB Staff Submission Item 5)**

OEB Staff question the Applicants’ request for confidential treatment of information on page 5 of the Letter from Ministry of Energy to OPG about OPG’s 2025-2031 Business Plan (the “**Letter**”). There are two redactions on page 5 of the Letter, and OEB Staff’s submissions do not make it clear whether they take issue with one or both. OEB Staff argues that the redacted information is vague and that it is unclear how the redacted information would signal the shareholder’s expectations beyond what is already in the public domain.

The Applicants maintain that both redactions are proper and that the information qualifies for confidential treatment. In Procedural Order No. 5, the OEB already considered the Letter and concluded that confidential treatment was warranted. The OEB explained that although it was not granting permanent redactions, the “OEB approve[d] confidential treatment of the redactions to request #5 [the Letter] for the forward-looking commercial information that does not appear to be publicly available.” (EB-2025-0297, Procedural Order No. 5, p. 2).

The two redacted portions on page 5 of the Letter meet this definition. The first redaction reveals a non-public expectation of the Government with respect to new large-scale nuclear deployment. OEB Staff point to Ontario’s integrated energy plan and other press releases to argue that the Government’s priorities are well known. But the role of OPG and its unregulated subsidiaries in these plans is not known, so the redacted information constitutes forward-looking non-public commercial information that would prejudice OPG’s competitive position if revealed. The fact that this information is relevant to OPG’s unregulated business provides an additional reason justifying the redaction.

The second redaction reveals non-public details about the Government’s expectations in prioritizing Ontario’s economic development needs through seeking opportunities to support

Ontario's economic and energy security. The redacted information reveals forward-looking commercial information about OPG's unregulated business and its unregulated subsidiaries, including a direction related to those businesses. The OEB has held earlier in this proceeding and in many prior proceedings that information about OPG' unregulated business is irrelevant and ought not to be disclosed (e.g., EB-2025-0297, Decision and Order on Confidentiality, April 13, 2026, pp. 3-4; see also EB-2020-0290, Decision on Confidentiality, June 8, 2021, at pp. 2-3; EB-2016-0152, Procedural Order No. 3, November 1, 2016, at p. 4; EB-2013-0321, Procedural Order No. 4, March 21, 2014, at p. 6; EB-2010-0008, Procedural Order No. 3, July 21, 2010, at p. 5) (Practice Direction, Appendix A, Part (e)).))).

The redacted information, if revealed, would also prejudice OPG's competitive position. It would provide insight into confidential directives of the Government to OPG and its unregulated business. No market participants have access to this confidential shareholder expectation, so revealing it would allow potential counterparties to more effectively negotiate in matters related to the redacted information.

6. **Project Cost and Variance Figures (Ex. L-D2-AMPCO-050 Attachment 1, page 5 and 15; Ex. L-D2-AMPCO-051 Attachment 1, pages 22-23; Ex. L-D2-AMPCO-052 Attachment 2, pages 17-20, 22-28, 32, and 35-37) (OEB Staff Submission Item 6)**

The redacted documents relate to costs and cost variances that would enable a third party to calculate contingency amounts for both new and ongoing projects. OEB Staff questions whether redactions should be applied to OPG's direct project costs and non-contracted contingency amounts.

But Staff mischaracterizes OPG's redactions in these documents, which do not solely relate to non-contracted contingency amounts. Information in Ex. L-D2-AMPCO-050 Attachment 1, pages 5 and 15, must remain redacted because, when combined with information in the Business Case Summary submitted with the Applicants' Pre-Filed Evidence (Ex. D2-1-3, Attachment 1, Tab 51), it would allow third parties to calculate contingency amounts. The redacted values provided in Ex. L-D2-AMPCO-050 Attachment 1 (the Basis of Estimate) are direct costs without contingency for both the vendor and OPG. By subtracting these redacted values from the release amounts in Ex. D2-1-3, Attachment 1, Tab 51, a third party would be able to calculate project contingency. The OEB has already concluded in its Decision and Order on Confidentiality in this proceeding that "contingency amounts in competitive contracts, and variances that could infer contingency amounts, shall receive confidential treatment" (EB-2025-0297, Decision and Order on Confidentiality, April 13, 2026, p. 9).

The public disclosure of these figures would disadvantage the Applicants and could prompt vendors to increase their bids to maximize profit, knowing that the Applicants have budgeted additional funding to pay for contingency. In contrast, project cashflows per year and total project costs remain unredacted and available to the public, consistent with all prior Business Case Summaries submitted to the OEB.

Similarly, Ex. L-D2-AMPCO-051, Attachment 1, pages 22-23, and Ex. L-D2-AMPCO-052, Attachment 2, pages 17-20, 22-28, 32, and 35-37, must also remain redacted for the reasons set out above. The redacted information consists of estimated direct costs to vendors and OPG. If disclosed, a third party could compare it against the Business Case Summary submitted in the Applicants' Pre-Filed Evidence (D2-1-3, Attachment 1, Tab 49; D2-1-3, Attachment 1, Tab 41) to calculate contingency amounts. If disclosed, a third party could compare it against the Business

Case Summary submitted in the Applicants' Pre-Filed Evidence (Ex. D2-1-3, Attachment 1, Tab 49; Ex. D2-1-3, Attachment 1, Tab 41) to calculate contingency amounts. Disclosure of these figures would place the Applicants in a disadvantageous negotiating position, for the reasons discussed above.

7. OPG and Vendor Contractual Terms (Ex. L-D2-CCC-048, Attachment 2, pages 687-688; Ex. L-D2-CCC-048, Attachment 5, page 78) (OEB Staff Submission Item 7)

OEB Staff question the Applicants request for confidential treatment of contractual terms between OPG and its vendors related to payroll burdens. OEB Staff argue that that to strike a balance between transparency and fairness, only the numerical figures on these pages should be redacted.

The Applicants agree with OEB Staff that the numerical figures on these pages should remain redacted. Upon further review, the Applicants also agree that the following categories of Employee benefits previously designated for confidential treatment should be made public:

1. Canada Pension Plan
a) Government Pension Plan
b) Employment Insurance
c) Workers Compensation Workplace Safety and Insurance Board
d) Health, Dental and Wellness
e) Healthcare (Social Security Benefit)
f) Statutory Holidays
g) Sick Leave
h) Vacation

However, the Applicants submit that remaining categories of employee benefits should remain redacted (the "**confidential benefits**") for two reasons. First, the confidential benefits are commercially sensitive because these employee benefits were negotiated between the specific parties to these agreements. Disclosure of this information would provide future counterparties with insight into OPG's and the vendor's negotiating thresholds, which could be used as an artificial benchmark in future negotiations. This could reduce OPG's and/or the vendor's flexibility to negotiate terms based on specific project requirements. As a result, disclosure could interfere with negotiations by allowing future counterparties to adjust their negotiation strategies which, in turn, may prejudice OPG's and/or the vendor's competitive position (Practice Direction, Appendix A, Part (a)(i) and (iii)).

Second, disclosure of the numerical values and the confidential benefits are labour-sensitive. Considering that the confidential benefits were negotiated between the parties, disclosure of this information could impact current or future collective bargaining negotiations and OPG's collective bargaining strategies (Practice Direction, Appendix B, Part 8). Public disclosure could adversely impact and influence the outcome of future collective bargaining, conferring an unfair advantage on third parties, granting unfair insight into OPG's commercial dealings and employee benefits. It could also unfairly influence third party labour arbitrators, who may view any confidential benefits that are disclosed as part of a baseline for benefits in their decisions. As a result, the confidential benefits are labour-relation sensitive and is presumptively confidential because it could impact current or future collective bargaining negotiations and OPG's collective bargaining strategies (Practice Direction, Appendix B, Part 8).

8. **Work Breakdown Structure (Ex. L-D2-CCC-048, Attachment 5, pages 5-8) (OEB Staff Submission Item 8)**

The redacted document relates to work breakdown structures included in an engineering, procurement and construction agreement between OPG and Siemens Energy Canada. On further consideration and considering OEB Staff's position the Applicants will make the work package descriptions in the work breakdown structure public. On further consideration and considering OEB Staff's position the Applicants file a version of the agreement without redactions to the work package descriptions in the work breakdown structure. That version of the agreement will be uploaded via RESS.

9. **Ex. L-A1-Staff-002 Concentric Working Papers (OEB Staff Submission Item 9)**

In response to OEB Staff comments, Concentric and the Applicants provided versions of their working papers where only S&P purchased data was redacted. The Applicants will provide the version of these papers labelled as "PUBLIC", which were submitted as attachments to the response to Ex. L-A1-Staff-002. That version of the working papers will be uploaded via RESS.

10. **Redactions relating to the Tritium Removal Facility at the Darlington site (Ex. L-D2-Staff-089 and Ex. L-G2-Staff-244) (OEB Staff Submission Item 10)**

OEB Staff state that it is unclear how the redacted throughput information in Ex. L-D2-Staff-089 could be linked to pricing, contractual terms or parameters, or how it could compromise commercial or contractual discussions with existing or potential customers.

The redacted throughput information reflects actual facility performance metrics. If disclosed, this information could inform existing or potential counterparties' assessment of the Applicants' operational capabilities and capacity to meet commercial supply requirements for tritium and detritiation-related portfolios. Any perception of the Applicants' ability to meet commercial supply could affect the Applicants' negotiating position to its detriment by influencing counterparties' negotiating strategies. This could adversely affect the contractual terms ultimately agreed upon by the Applicant (Practice Direction, Appendix A, Part (a)(i) and (iii)).

In addition, disclosure of this information could prejudice the Applicants' competitive position. Any market entrants seeking to provide detritiation services could use the redacted information to inform their business development. This would undermine the Applicants' competitive advantage as one of only two current tritium suppliers in the world (Practice Direction, Appendix A, Part (a)(iii)).

With respect to Ex. L-G2-Staff-244, OEB Staff state that capacity factors are commonly provided in other contexts and can be informative for understanding the productivity of facilities. OEB Staff also state that capacity factors may assist in assessing the prudence of OPG's management of its facility and the outcomes of the proposed investment to be funded by ratepayers. Further, OEB

Staff reference publicly available documents that it indicated disclose operating information regarding the facility.

The redacted information should remain confidential because it is commercially sensitive, and its disclosure could prejudice the Applicants' commercial and competitive position. The redacted information is not an operational performance metric. Rather, the redacted capacity factor information is used for revenue-related purposes and is distinct from operational performance information. Additionally, the documents indicated by the OEB discloses schematics and key process variables rather than the actual operability of the Tritium Removal Facility asset.

Disclosure of this information would reveal forward-looking production and revenue-related assumptions. This information is commercially sensitive because existing or potential counterparties could use it to form expectations regarding OPG's anticipated production capabilities and supply position. Disclosure of this information could affect OPG's negotiating position to its detriment by influencing counterparties' negotiating strategies. In turn, this could adversely affect the pricing, contractual terms, or other commercial parameters negotiated between the Applicant and a counterparty (Practice Direction, Appendix A, Part (a)(i) and (iii)).

Disclosure of the redacted information could also prejudice OPG's competitive position. Any market entrants seeking to provide detritiation services could use the revenue-purpose capacity factor information to inform their business development. This would undermine OPG's competitive advantage in a highly specialized market in which OPG is one of only two current tritium suppliers globally (Practice Direction, Appendix A, Part (a)(iii)).

11. Remuneration Values (Ex. L-F4-CCC-91, pp.3-4; Ex. L-F4-SEC-198) (OEB Staff Submission Item 11)

OEB staff makes several comments on these interrogatory responses. Each comment is addressed below.

First, OEB Staff noted in their submissions that the Applicants has inadvertently disclosed dollar and percentage variances between OPG and the market, which would allow the remuneration values for both the Applicants and the market to be reverse engineered. The Applicants agree with OEB Staff that the remuneration values for both the Applicants and market are sensitive and thank OEB Staff for pointing out that these figures could be reverse engineered. The Applicants therefore removed the responses on June 10, 2026, and filed a new version of the interrogatories, with the dollar variances redacted, on June 10, 2026.

Second, OEB Staff questions whether total remuneration amounts could affect negotiations when the Applicants have disclosed percent variance compared to the market. But the Applicants have not revealed *all* percent variance amounts in the IR. They have only disclosed this amount for 2024, not on a forward-looking basis. Disclosing forward-looking remuneration amounts and percent variance amounts, together with market comparators, could reveal several wage-escalation assumptions that may directly affect OPG's collective bargaining strategies. The variance year-over-year to the market would provide third parties with a year-over-year pattern of wage escalation over the incentive rate-setting **("IR")** term. Revealing this information about the Applicants' wage escalation assumptions would provide external parties with information about the Applicants' planned wage escalation in the future, impacting future wage negotiations and prejudicing the employer's position in such negotiations. Future variance figures would therefore reveal the Applicants' market position and allow external parties to determine baseline salaries.

Third, OEB Staff submit that the management and total OPG amounts should not be redacted. However, revealing management totals and OPG totals could allow one to reverse engineer the totals for unionized workers and the applicable variances. Combined with information about each union, it could provide granular insight that would affect the Applicants' labour negotiating position. This information is therefore Labour Relations Sensitive.

Respectfully submitted,

A.Brown

Andrea Brown

cc:

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Intervenors of Record via e-mail