



Ontario | Commission
Energy | de l'énergie
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BY EMAIL

September 7, 2021

Cheryl Tratechaud
Chief Financial Officer, Director Stakeholder Relations
E.L.K. Energy Inc.
172 Forest Avenue
Essex ON
N8M 3E4

Dear Ms. Tratechaud:

**Re: E.L.K. Energy Inc. (E.L.K. Energy)
Delay in Filing 2022 Cost of Service Application
Ontario Energy Board File Number: EB-2021-0016**

The OEB is in receipt of your letter dated August 26, 2021, informing the OEB of a delay in the filing of E.L.K. Energy's cost of service rate application. E.L.K. Energy advised that it now expects to file its application on or before December 31, 2021.

Please be advised that any delays to the filing of E.L.K. Energy's application could affect the timing of the OEB's final decision in this matter.

In E.L.K. Energy's last Cost of Service application (EB-2016-0066), the OEB had approved a settlement proposal (Settlement Agreement), which required E.L.K. Energy to file its next cost of service application for 2022 rates by no later than the last date the OEB would accept a cost of service application as specified in the OEB's filing requirements. Based on the Chapter 2 Filing Requirements for 2022 Rate Applications, the latest the OEB would accept a cost of service application for May 1, 2022 rates is April 30, 2022.¹

¹ Filing Requirements for Electricity Distribution Rate Applications – 2021 Edition for 2022 Rate Applications, June 24, 2021, pg. 3

E.L.K. Energy is reminded that the Settlement Agreement states that:

“The Parties agree that if due to an unforeseen change in circumstances, E.L.K. Energy is unable, or it becomes unreasonable, to meet any of the conditions agreed to in this Settlement Proposal, it may bring a motion pursuant to Rule 40 of the OEB Rules of Practice Procedure, on notice to the Intervenors, to request the Board vary the Settlement Proposal.”

If E.L.K. Energy believes it is unable to file an application before April 30, 2022, E.L.K. Energy should file a motion pursuant to Rule 40 such that there is sufficient time to process the motion prior to April 30, 2022. In the absence of a motion, if an application is not filed prior to April 30, 2022 it would be in breach of the Settlement Agreement, which was approved through an OEB order.

Yours truly,

Original signed by

Christine E. Long
Registrar

c. all parties of EB-2016-0066