



LYNNE ANDERSON  
CHIEF COMMISSIONER | COMMISSAIRE EN CHEF

BY EMAIL

April 21, 2022

**To:** All Licensed Electricity Distributors  
All Rate-Regulated Gas Distributors  
All Licensed Transmitters  
All Licensed Gas Marketers  
All Licensed Electricity Retailers  
All Licenced Unit Sub-Meter Providers  
Independent Electricity System Operator  
Ontario Power Generation  
All Intervenors  
All Other Interested Parties

**Re: Chief Commissioner Year-End Update 2021-22**

With the closing of the 2021-22 fiscal year, and as a follow-up to the letter sent to you by CEO Susanna Zagar on April 7, I am pleased to provide a year-end update on the OEB's adjudicative undertakings.

We continued to work this past year toward becoming a top-quartile regulator, always mindful of the six characteristics we identified as exemplifying excellence in regulation: **Accountability, Certainty, Effectiveness, Efficiency, Independence and Innovation.** Many of our adjudicative initiatives featured several of those characteristics, as I'll elaborate below.

### **Accountability & Independence**

As Chief Commissioner, I am accountable to the OEB's CEO and Board of Directors for the efficiency, timeliness and dependability of adjudicative decisions. While Commissioners work closely with the staff at the OEB, our determinations are always independent. I work together with our CEO to ensure this independence in adjudication from government, our Board of Directors and the entities that we regulate.

While the OEB has always demonstrated transparency in our public hearing processes, our quest for accountability has spurred us to make our adjudicative processes and our performance more transparent, as well.

To that end, last fiscal year, we **reviewed and consolidated the powers delegated to OEB employees** under the *Ontario Energy Board Act, 1998*. The refreshed delegations were posted to the OEB's website, establishing a new level of transparency around delegated authority.

Our independence was enhanced by the **onboarding of two new Commissioners**, bringing our total complement to nine. I also report to the **Adjudication Committee of the Board of Directors**, which monitors the efficiency and timeliness of our adjudication work.

And, we're engaging the sector through the **Adjudicative Modernization Committee**, which held its first two meetings last year. Members, who are a mix of utility representatives, customer representatives and consultants, provide valuable input and advice on adjudicative processes and policies. Meetings to date have been characterized by lively discussions about forward-looking topics and debriefs on consultations, keeping the OEB accountable for our actions.

### Certainty

Providing certainty and predictability for regulated entities is highly important for the OEB. Our goal is for regulatory processes to be as predictable as possible, for regulatory proceedings to follow a predictable schedule and for regulated entities to understand what is expected of them.

The creation and public posting of the **Adjudicative Reporting Dashboard**, in October 2021, was a major step toward providing certainty for our stakeholders. The Dashboard is a comprehensive, online report of the OEB's overall adjudicative performance, updated twice annually. It's a resource that enhances the OEB's accountability and transparency, and its creation marked yet another significant step in our modernization journey. The dashboard for the OEB's year ending March 31, 2022, was posted today.

The new targets that were set, and often exceeded, for total decision cycle time, decision writing time and time to issue procedural order number one, allowed regulated utilities to plan and execute their business with the OEB with confidence.

We also issued a **protocol for adjusting adjudicative timelines** for issues that are out of the OEB's control, such as statutory holidays or unexpected process delays. Being able to refer to this new protocol builds additional certainty for applicants.

#### Adjudicative Reporting Dashboard Key Findings, Fiscal 2021-22

**99%** of the 273 decisions issued met or surpassed OEB performance standards.

**80%** of decisions were issued more than 14 days early.

**14** rate applications achieved full settlement of the issues without a hearing.

**41** key documents, on average, were issued per month, including 58 in December.

## Efficiency & Effectiveness

For the team of Commissioners and me, the characteristics of efficiency and effectiveness are inextricably linked, and we won't sacrifice one for the other. We have incorporated efficiency and effectiveness into many aspects of the adjudicative process over the past year, and we're always in search of more.

For example, we completed an initiative to find **efficiencies in the rate application process for small distributors** and issued revised filing requirements in December 2021 based on recommendations from a working group of utilities and intervenors. We're now building on this work by creating a working group to investigate **filing requirements for larger distributors**.

We also **amended the OEB's Rules of Practice and Procedure** to clarify the circumstances in which Motions to Review may be brought forward, and the rules that apply in those circumstances. These amendments should improve the efficiency of the OEB's process by focusing motions to review on the appropriate criteria.

Last December, following an invitation for stakeholder comments, we made **amendments to the Practice Direction on Confidential Filings**. Among other things, the amendments are designed to streamline the process for considering confidentiality claims and how personal information is addressed.

We completed and published a jurisdictional review of intervenor processes, and issued a **Framework for the Review of Intervenor Processes and Cost Awards**. I am looking forward to receiving the comments from stakeholders as we work to implement improvements.

The renewed focus on **active adjudication** is another way we're increasing efficiency and effectiveness. Empowering staff to work with applicants to clarify matters or correct errors when applications are first filed streamlines the process, and engaging in pre-application meetings and post-hearing debriefs builds efficiency and creates learnings for future applications.

Finally, in March we announced that we will **begin issuing final decisions and rate orders twice weekly**, on Tuesdays and Thursdays, instead of just once a week.

## Innovation

Consistent with the OEB's new statutory objective to facilitate innovation in the electricity sector, **distributors are asked to describe, in their cost-based rate applications, how their approach to innovation has shaped the filing**. This could include having the distributor explain the role of innovation in its business in general or how it relates to specific projects or technologies. Innovative projects and programs that benefit customers may receive special consideration.

A decision and order, also issued last summer, established an **Integrated Resource Planning (IRP) Framework for Enbridge Gas**, which involves consideration of both traditional facility solutions and alternative supply- or demand-side solutions to meet the distributor's natural gas system needs. A working group, established by OEB staff, will provide input as the Framework is implemented.

We are also, more generally, working toward more **innovative approaches to adjudication**. These include holding generic hearings when appropriate, engaging in extensive pre-application planning, the complete digitization of adjudication and licensing applications processes, an online tool for filing intervenor cost claims, and the livestreaming of 26 adjudicative events this past fiscal year, including virtual oral hearings.

### Continuing the momentum

I started this letter by reinforcing the independence of the determinations by Commissioners at the OEB. But that would not be possible without the staff teams throughout the OEB who support this work. I'd like to formally welcome our new Registrar, Nancy Marconi, to her role. Nancy has worked in the energy sector for 20 years, including almost six years at the OEB, and is extremely well placed to help us continue our modernization journey.

Thank you to our stakeholders for your ongoing support through our last fiscal year and into the future. As always, my door is open to you, and I look forward to hearing your feedback on how we can continue to improve the OEB's adjudicative processes and procedures.

Sincerely,



Lynne Anderson  
Chief Commissioner, Ontario Energy Board

### Additional Resources:

- [Adjudicative Modernization Committee](#)
- [Adjudicative Reporting Dashboard](#)
- [Protocol for Adjusting Adjudicative Timelines](#)
- [Cost of Service Filing Requirements for Small Utilities](#)
- [Practice Direction on Confidential Filings](#)
- [Framework for the Review of Intervenor Processes and Cost Awards](#)
- [Decision Issuance Pilot](#)
- [Integrated Resource Planning Framework for Enbridge Gas](#)