



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

BY EMAIL

May 27, 2024

Arlen K. Sternberg  
Torys LLP  
79 Wellington St. W., 30<sup>th</sup> Floor  
Box 270, TD South Tower  
Toronto ON M5K 1N2  
[asternberg@torys.com](mailto:asternberg@torys.com)

Dear Mr. Sternberg:

Re: **Toronto Hydro-Electric system Limited (Toronto Hydro)  
2025-2029 Custom Rate Application for Electricity Distribution Rates and  
Charges  
OEB File Number: EB-2023-0195**

OEB staff advised the OEB that on May 24, 2024, Toronto Hydro sent a letter to the Registrar attaching a proposed reply report prepared by Scott Madden Management Consultants (Scott Madden) responding to Pacific Economics Group Research LLC's (PEG)'s Framework Report. OEB staff filed PEG's Framework Report on May 2, 2024. Further, the same letter stated that Toronto Hydro intends to file additional reply evidence from Clearspring Energy Advisors (Clearspring) responding to PEG's econometric cost benchmarking report.

The OEB directs Toronto Hydro to file a request for leave to allow it to file reply evidence from Scott Madden and Clearspring.

Effective March 6, 2024, the OEB amended its *Rules of Practice and Procedure* to provide greater clarity regarding the OEB's general approach to the filing of evidence and expert evidence in a proceeding. Under Rule 13, parties (including applicants) require leave from the OEB before filing written evidence, outside specific circumstances.

The relevant provisions are set out below:

*13.02 A party shall not file written evidence without leave of the OEB. This requirement does not apply to: (i) evidence filed in an application; (ii) answers to interrogatories or undertakings; (iii) amendments or corrections to evidence already on the record; or (iv) evidence that the party is required to file by the OEB.*

*13.03 In determining whether to grant leave under Rule 13.02, the OEB will consider:*

- (a) the relevance and materiality of the proposed evidence;*
- (b) where the intervenor has requested its costs in connection with the proposed evidence, the quantum of those costs; and*
- (c) any other relevant considerations affecting the fairness, efficiency or timeliness of the proceeding or the fulfillment of the OEB's statutory mandate.*

*13.04 When requesting leave from the OEB to file evidence, a party shall provide a description of the proposed evidence and an explanation of why leave should be granted based on the considerations set out in Rule 13.03.....*

.....

*13A.01 Where a party intends to engage one or more experts to give evidence in a proceeding on issues that are relevant to the expert's area of expertise, Rule 13 applies to that evidence*

The OEB expects Toronto Hydro to follow these amended rules.

Any questions relating to this letter should be directed to the Case Manager, Thomas Eminowicz at [Thomas.Eminowicz@oeb.ca](mailto:Thomas.Eminowicz@oeb.ca).

Yours truly,

Nancy Marconi  
Registrar

c: Charles Keizer, [ckeizer@torys.com](mailto:ckeizer@torys.com); All Parties to EB-2023-0195