



ERTH Power Corporation Inc.

**Application for electricity distribution rates and other
charges effective May 1, 2025**

**PROCEDURAL ORDER NO. 2
December 17, 2024**

ERTH Power Corporation Inc. (ERTH Power) filed an incentive rate-setting mechanism (IRM) application with the Ontario Energy Board (OEB) on October 11, 2024, under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval for changes to its electricity distribution rates to be effective May 1, 2025. ERTH Power has also applied for incremental capital funding to support the purchase of property, design, construction, and furnishing of a new administrative and operational facility.

Procedural Request

In Procedural Order No. 1, issued on November 20, 2024, the OEB established the hearing schedule for ERTH Power's application. Procedural Order No. 1 made provision for the filing of interrogatories, interrogatory responses, and submissions. In the cover letter accompanying its interrogatories, the School Energy Coalition (SEC) requested, among other matters, that the OEB provide parties an opportunity, after reviewing interrogatory responses, to request additional procedural steps before the filing of submissions. SEC noted that such steps could be a technical conference or an oral hearing. The Vulnerable Energy Consumer's Coalition (VECC) similarly requested that the OEB consider providing additional procedural steps, such as a technical conference, in the cover letter to its interrogatories. Both SEC and VECC noted the significance and magnitude of the project comprising the incremental capital funding request, and the resulting bill impacts, as reasons for further discovery and additional procedural steps.

ERTH Power addressed SEC's and VECC's requests by letter dated December 9, 2024, in which it reiterated its request that the OEB hold a written hearing and maintain the schedule established in Procedural Order No. 1. ERTH Power also argued that none of the grounds raised by SEC and VECC met the purposes of section 25.01 of the OEB's *Rules of Practice and Procedure*, and suggested that SEC and VECC had requested "that the OEB hold either a technical conference or an oral hearing". ERTH Power submitted that the OEB should dismiss the request for additional procedural steps.

In its December 9, 2024 response to ERTH Power's letter, SEC submitted that ERTH Power had misstated its request, and that it was not asking the OEB to order a technical conference or oral hearing at this stage. SEC reiterated that it was "simply requesting, at this time, that by way of amendment to Procedural Order No. 1, the OEB provide for the opportunity for parties after reviewing the interrogatory responses to request that the OEB make provision for additional steps in the process before the filing of submissions, specifically either a Technical Conference or an Oral Hearing."

Findings

The OEB has considered the requests and correspondence filed by intervenors and ERTH Power and determined that it will establish a deadline for any request for additional steps. For clarity, the procedural steps and associated dates established in Procedural Order No. 1 are maintained, with the inclusion of a deadline by which any request for additional steps can be made, as set out below.

The OEB is making provision for the following related to this proceeding. Further procedural orders may be issued by the OEB.

IT IS THEREFORE ORDERED THAT:

1. If SEC and/or VECC wish(es) to request additional procedural steps before the filing of submissions, such written request(s) shall be filed with the OEB and served on all other parties by **January 10, 2025**.
2. Any written response to these requests from ERTH Power shall be filed with the OEB and served on all other parties by **January 14, 2025**.

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's [Rules of Practice and Procedure](#).

Please quote file number, **EB-2024-0021** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address.

- Please use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [File documents online page](#) on the OEB's website.
- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact registrar@oeb.ca for assistance.
- Cost claims are filed through the OEB's online filing portal. Please visit the [File documents online page](#) of the OEB's website for more information. All participants shall download a copy of their submitted cost claim and serve it on all required parties as per the [Practice Direction on Cost Awards](#).

All communications should be directed to the attention of the Registrar and be received by end of business, 4:45 p.m., on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Urooj Iqbal at urooj.iqbal@oeb.ca and OEB Counsel, James Sidlofsky at james.sidlofsky@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, **December 17, 2024**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar