



January 17, 2025

Ms. Nancy Marconi
Registrar
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4
Registrar@oeb.ca

Dear Ms. Marconi,

Re: ERTH Power Corporation: ICM Request New Administrative & Operational Facility (EB-2024-0021)

Pursuant to Procedural Order No 3, ERTH Power Corporation ("ERTH") is providing this response to letters submitted by VECC and SEC on January 14, 2025. In the letters, VECC and SEC (in a coordinated manner) requested that the OEB schedule a technical conference as part of the procedural steps in this proceeding. VECC and SEC stated that after their preliminary review of ERTH's interrogatory responses, they would benefit from further clarification. SEC recognized in its letter that a Technical Conference is not typically held for ICM applications.

The requests do not come as a surprise. On December 4, 2024, long before ERTH filed its interrogatory responses, both SEC and VECC sent a letter to the OEB asking the OEB to amend Procedural Order No. 1 to allow for a Technical Conference. It is hardly surprising that now, one month later, their views have not changed.

ERTH strongly opposes the imposition of a technical conference, which is not typical for an ICM application of this nature.

However, in the interest of identifying a productive path forward, ERTH has an alternate proposal that could facilitate additional clarifications and could reduce the OEB's regulatory burden in this proceeding. Specifically, ERTH proposes that the OEB could order that a Settlement Conference take place where ERTH and the parties can discuss and attempt to resolve the material matters in this proceeding. As is typical, prior to the Settlement Conference, parties could submit clarification questions to the applicant in the form of pre-settlement clarification questions. ERTH submits that its proposal has the potential to eliminate the need future procedural

steps¹, and will allow for parties to benefit from open discussions and clarifications afforded through a Settlement Conference context.

If you have any questions or concerns please do not hesitate to contact me at 519-485-1820 ext 254 or at Graig.Pettit@erthpower.com.

Respectfully

Graig Pettit
Vice President & General Manager
ERTH Power Corporation

¹ Procedural steps such as Argument in Chief, Intervener and OEB submissions and Reply Argument

