



ERTH Power Corporation Inc.

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

**PROCEDURAL ORDER NO. 4
January 22, 2025**

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.

Request for Additional Procedural Steps

In Procedural Order No. 3, the OEB established January 14, 2025 as the revised deadline for the School Energy Coalition (SEC) and Vulnerable Energy Consumers Coalition (VECC) to file any request for additional procedural steps after reviewing ERTH Power's interrogatory responses and prior to filing submissions. Both SEC and VECC requested a Technical Conference as an additional step and stated that such a request is proportionate to the size of the project (\$33.4 million) and distribution bill impacts for customers of ERTH Power. SEC and VECC also identified specific interrogatory responses to which they would seek further clarification.

In its response, dated January 17, 2025, ERTH Power strongly opposed a Technical Conference, asserting that such a process is not typical for an incremental capital module (ICM) application of this nature. Instead, ERTH Power proposed that the OEB order a Settlement Conference to allow ERTH Power and parties to discuss and attempt to resolve the material issues in this proceeding. ERTH Power also proposed that parties could submit pre-settlement clarification questions to ERTH Power before the Settlement Conference. ERTH Power argued that such an approach could reduce regulatory burden, eliminate the need for future procedural steps, and allow for parties to benefit from open discussions and clarifications afforded through a Settlement Conference context.

Findings

The OEB has reviewed the submissions from ERTH Power and intervenors regarding the procedural approach for addressing the ICM request. Considering the nature of the ICM request and the need to clarify outstanding issues raised in interrogatory responses, the OEB has determined that a Technical Conference is the most appropriate next step. While the OEB acknowledges ERTH Power's suggestion to hold a Settlement Conference as a means to reduce regulatory burden, it notes that a Settlement Conference remains an option for procedural steps following the Technical Conference if deemed necessary.

The OEB is scheduling a Technical Conference to address and clarify ERTH Power's responses to interrogatories. Following the completion of the Technical Conference and filing of any undertaking responses, the OEB will establish timelines for other procedural steps.

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. A transcribed virtual Technical Conference will be convened on **February 6, 2025** starting at 9:30 am. If necessary, the Technical Conference will continue on **February 7, 2025**. OEB staff and intervenors shall file with the OEB, and provide to ERTH Power, a description of the specific areas they will focus on at the Technical Conference, and time estimates, by **January 29, 2025**. Further information on how to connect to the event will be communicated to parties closer to the date.
2. Responses to any undertakings arising from the Technical Conference shall be filed with the OEB by **February 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, **January 22, 2025**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar