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File No. 17001.13

May 14, 2025

BY EMAIL & RESS

Ms. Nancy Marconi
Ontario Energy Board
2300 Yonge Street, 27th floor
P.O. Box 2319
Toronto, ON M4P 1E4

Dear Ms. Marconi:

Re: E.L.K. Energy Inc. (“E.L.K. Energy”) Application for 2025 Distribution Rates (EB-2024-0015)

On May 13, 2025, Ontario Energy Board (“**OEB**”) Staff filed a letter requesting that its submission deadline of May 16, 2025 be held in abeyance until E.L.K. Energy files a response to interrogatory Staff-9(b). OEB Staff states that it expects to file its submission within a week of the response to Staff-9(b). E.L.K. Energy opposes OEB Staff’s request. OEB Staff cannot use an interrogatory process that is supposed to be directed at E.L.K. Energy’s application and evidence to compel third parties to answer interrogatories by holding the proceeding schedule hostage.

Interrogatory Staff-9(b) is a request for E.L.K. Energy to ask Hydro One Networks Inc. (“**HONI**”) to provide written confirmation to two bullet points. On May 2, 2025, E.L.K. Energy emailed HONI asking it to confirm these two bullets. OEB Staff did not ask for anything further from E.L.K. Energy. Thus, there is no reason for the OEB to grant the requested relief as the interrogatory has been satisfied by E.L.K. Energy.

OEB Staff is now changing the nature of its interrogatory request in Staff 9(b). OEB Staff is taking the position that a third party to the proceeding must be compelled to answer OEB Staff’s interrogatory before any further procedural steps can be taken. Compelling answers from HONI through interrogatories asked to E.L.K. Energy is not reasonable or procedurally fair. HONI was sent the Notice of Hearing but elected not to intervene in this proceeding.

As OEB Staff acknowledges in the letter, E.L.K. Energy has attempted on several occasions before filing the application to obtain a response from HONI on this issue. In accordance with the request in Staff-9(b), E.L.K. Energy is attempting another time to engage with HONI at Staff’s request, to be helpful, but this matter should not be delayed further. OEB Staff can address this issue in their argument by filing arguments in the alternative.

In the alternative, the OEB could simply order HONI not to make any corrections that would undermine the final disposition of these accounts.

Yours truly,

BORDEN LADNER GERVAIS LLP

A handwritten signature in black ink, appearing to read "Colm Boyle". The signature is written in a cursive, flowing style.

Colm Boyle

CB/JV