



Burlington Hydro Inc.

**Application for electricity distribution rates and other
charges beginning January 1, 2026**

**PROCEDURAL ORDER NO. 1
June 4, 2025**

Burlington Hydro Inc. (Burlington Hydro) filed a cost of service application with the Ontario Energy Board (OEB) on April 16, 2025 under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval for changes to the rates that Burlington Hydro charges for electricity distribution, beginning January 1, 2026.

A Notice of Hearing was issued on May 8, 2025. The OEB received letters of comment from Burlington Hydro customers. The letters have been placed on the record of this proceeding and are publicly available on the OEB's website. Burlington Hydro is required to address the issues raised in the letters of comment by way of correspondence to the OEB before the close of record in this proceeding.

Each of Coalition of Concerned Manufacturers and Businesses of Canada (CCMBC), Consumers Council of Canada (CCC), Distributed Resource Coalition (DRC), Enbridge Gas Inc. (Enbridge Gas), Environmental Defence, Pollution Probe, School Energy Coalition (SEC), and Vulnerable Energy Consumers Coalition (VECC) applied for intervenor status. CCC, CCMBC, DRC, Environmental Defence, Pollution Probe, SEC and VECC also applied for cost eligibility.

No objection was received from Burlington Hydro.

All requests for intervenor status are approved. CCC, CCMBC, DRC, Environmental Defence, Pollution Probe, SEC and VECC are also eligible to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#). The list of parties in this proceeding is attached as Schedule A.

Cost eligible intervenors should be aware that the OEB will not generally allow the recovery of costs for the attendance of more than one representative of any party unless a compelling reason is provided when cost claims are filed.

Being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of OEB order at the end of a hearing.

Request for Confidentiality

As part of its application, Burlington Hydro filed a request under separate cover letter seeking to have specific information either permanently redacted from the public and/or to allow confidential treatment of certain information. Redacted versions of the exhibits were filed for the public record of this proceeding and unredacted versions were filed confidentially with the OEB pursuant to the *Rules of Practice and Procedure* and the *Practice Direction on Confidential Filings* (Practice Direction). The confidentiality requests are summarized below:

1. Information posing risks to physical security infrastructure:

Disclosure of the information could adversely affect the distribution system, related assets and facilities. Burlington Hydro stated that failure to redact this information would expose the aspects of its security infrastructure that is vulnerable, which can be exploited by malicious actors.

- Exhibit 2, pages 22, 25
- Exhibit 2, Appendix A, DSP, pages 147-148
- DSP, Appendix A, Material Investment Summary Documents (Buildings), page 91
- DSP, Appendix O, 2021 Building Condition Assessment, pages 2, 6-7, 41-42

2. Vendor unit pricing information:

The information consists of commercially sensitive information that could, if disclosed, prejudice competitive positions of the vendor in future negotiations for similar services.

- Exhibit 2, Appendix B, Business Case – SCADA Replacement and ADMS Acquisition, pages 14-15

3. Labour sensitive information:

The information contains job titles, base salary, total direct and total cash compensation information for non-union employees and Korn Ferry Hay Points (market pay), which if disclosed; could adversely affect the ability to attract and hire non-union employees. Since one person is employed for each position, disclosure of the job title and market data will reveal the salary and compensation attached to the position.

- Exhibit 4, Attachment 6, Management Non-Union Employee Pay Report BHI 04162025, pages 16-20
4. Business numbers contained in corporate tax returns:
- This information consists of names of employees and registered business numbers contained in corporate tax returns.
- Exhibit 6, Attachment 9, 2023 Federal and Provincial Tax Returns BHI 04162025

In addition, Burlington Hydro also redacted certain personal information from the public record.¹

In accordance with the Practice Direction, Burlington Hydro provided reasons for the redactions requested.

At this time, the OEB will make provision for the filing of submissions on Burlington Hydro's confidential requests, specifically items 1-4. Parties that wish to file submissions and reply submissions should refer to the timelines set out in sections 5.1.6 to 5.1.8 of the Practice Direction. Parties will also be provided access to the confidential documents in accordance with the process outlined in Part 6 of the Practice Direction.

Issues List

OEB staff will canvas parties for any unique issues that warrant addition to the standard [Issues List](#) for electricity distribution rate applications. If parties recommend and agree to revisions, OEB staff will file a revised draft Issues List with the OEB. If there is no agreement on whether the standard Issues List should be revised, OEB staff will advise the OEB in writing. If intervenors and the applicant do not propose any amendments to the standard Issues List, OEB staff will notify the OEB of this fact. The OEB will approve an issues list prior to the filing of interrogatories.

Interrogatories

At this time, provision is being made for written interrogatories. In preparing interrogatories, parties should refer to the OEB's approved Issues List. The OEB will review the single test year application both in the context of the projects and programs that are requested for the test year and from the perspective of the distributor's plans for the subsequent four years until the next scheduled rebasing application.

¹ Exhibit 1, Attachment 3, Customer Feedback Tweets BHI 04162025; Exhibit 4, Attachment 6, Management Non-Union Employee Pay Report BHI 04162025, pages 8, 16-20.

Parties should examine the value presented by the proposed investments as opposed to focusing only on the costs. Parties should also assess the fit between the applicant's plans and its stated objectives and consider how the plans contribute to positive outcomes for customers, in particular those outcomes that arise from the asset management decisions reflected in the applicant's distribution system plan. The OEB will consider the entire five-year distribution system plan to assess the planning and pacing proposals of the applicant and whether the test year requests are appropriately aligned with the distribution system plan. The OEB will also consider productivity and benchmarking results in assessing cost forecasts, bill impacts and distributor performance.

Parties should not engage in detailed exploration of items that do not appear to be material. Parties should use the materiality thresholds documented in Chapter 2 of the Filing Requirements as a guide. In making its decision on cost awards, the OEB will consider whether intervenors made reasonable efforts to ensure that their participation in the hearing was focused on material issues.

Interrogatory Collaboration Pilot

Parties are advised that this application is part of a pilot to improve adjudication processes by fostering collaboration among parties during the discovery stage.² The OEB will pilot the use of technology and process changes intended to increase collaboration and reduce duplication, and the overall number of interrogatories submitted from parties.

Further instructions will be provided to parties at a later date.

Presentation of Settlement Proposal

The OEB is making provision for a settlement conference. Following the settlement conference, provision is being made for the filing of letters informing the OEB of the status of the settlement discussions, the presentation of any settlement proposal filed by Burlington Hydro, whether full or partial, and for the presentation of any unsettled issues to be adjudicated by the OEB. Burlington Hydro's presentation is intended to summarize and provide any salient information for the OEB's consideration in reviewing the settlement proposal.

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

² [OEB 10-Point Action Plan Implementation Update - Item 4 \(28-05-25\)](#)

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. OEB staff shall file a proposed issues list, or, alternatively, shall advise the OEB in writing that the parties and OEB staff have been unable to reach an agreement on a draft issues list by **June 10, 2025**.
2. OEB staff and intervenors who wish to make written submissions on Burlington Hydro's confidentiality request shall file such submissions with the OEB and serve them on all parties by **June 11, 2025**.
3. If Burlington Hydro wishes to respond to any of the submissions, the reply submission shall be filed with the OEB and served on all intervenors by **June 18, 2025**.
4. OEB staff and intervenors shall request any relevant information and documentation from Burlington Hydro that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **June 24, 2025**.
5. Burlington Hydro shall file with the OEB complete written responses to all interrogatories and serve them on OEB staff and all intervenors by **July 14, 2025**.
6. A settlement conference among the parties and OEB staff will be convened on **July 24-25, 2025**, starting at 9:30 a.m. If necessary, the settlement conference will continue on **July 28, 2025**. This will be a virtual event and information on how to participate will be provided in advance of the conference. If OEB staff or intervenors intend to submit clarification questions to Burlington Hydro as part of the settlement process, they are encouraged to submit these questions as far in advance as possible of the commencement of the settlement conference, in the interests of making the settlement process as efficient as possible.
7. **Within 48 hours** of the conclusion of the settlement conference, Burlington Hydro shall file a letter informing the OEB of the status of the settlement discussions including whether a tentative agreement had been reached or if the parties propose to continue the settlement discussions.
8. If there is no settlement proposal arising from the settlement conference, Burlington Hydro shall file a statement to that effect with the OEB by **August 1, 2025**. In that event, parties shall file and serve on the other parties by **August 8, 2025** any submissions on which issues shall be heard in writing, and for which issues the OEB should hold an oral hearing.
9. If there is a settlement, any settlement proposal arising from the settlement conference shall be filed with the OEB on or before **August 18, 2025**. In addition to

outlining the terms of any settlement, the settlement proposal should contain a list of any unsettled issues, indicating with reasons whether the parties believe those issues should be dealt with by way of oral or written hearing.

10. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties by **August 25, 2025**.
11. The OEB is setting a tentative date of **September 3, 2025 at 9:30 am** for Burlington Hydro to present to the OEB any settlement proposal and a summary of any unsettled issues in the case. OEB staff will, at the direction of the OEB, confirm or amend this date in subsequent correspondence.

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-2025-0051** 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 at the address below 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, Petar Prazic at Petar.Prazic@oeb.ca and OEB Counsel, Lawren Murray at Lawren.Murray@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto, **June 4, 2025**

ONTARIO ENERGY BOARD

By delegation, before: Ritchie Murray

Ritchie Murray
Acting Registrar

SCHEDULE A
LIST OF APPLICANT AND INTERVENORS
PROCEDURAL ORDER NO. 1
BURLINGTON HYDRO INC.
EB-2025-0051
DATED: JUNE 4, 2025

**Burlington Hydro Inc.
EB-2025-0051**

APPLICANT & LIST OF INTERVENORS

June 4, 2025

APPLICANT	Rep. and Contact Information for Service
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APPLICANT & LIST OF INTERVENORS

June 4, 2025

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June 4, 2025

**Distributed Resource
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EB-2025-0051**

APPLICANT & LIST OF INTERVENORS

June 4, 2025

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EB-2025-0051

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June 4, 2025

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