

IN THE MATTER OF the Ontario Energy Board Act,
1998, c.15 (Schedule B);

AND IN THE MATTER OF an Application by Windsor Canada Utilities Ltd. pursuant to section 86(2) of the *Ontario Energy Board Act, 1998* to request approval to acquire shares of E.L.K. Energy Inc. from The Corporation of the Town of Essex and other related approvals, Board File No. EB-2025-0172.

AFFIDAVIT

I, **JOSH CHARLES**, at the Town of Essex, **MAKE AN OATH AND SAY AS FOLLOWS:**

I am the Director Regulatory Affairs for ENWIN Utilities Ltd. and, as such, have knowledge of the matters hereinafter deposed to.

Pursuant to the OEB's Letter of Direction dated June 2, 2025 (the "Letter") in the above-referenced case (attached to this Affidavit as Exhibit 1), Windsor Canada Utilities Ltd. and/or E.L.K. Energy Inc. have, as applicable, completed the following steps:

1. In accordance with paragraph 1 of the Letter, the Notice of Hearing, the Application and the evidence, and any amendments thereto, were posted on E.L.K. Energy Inc.'s website. The form of the posted notice is attached to this Affidavit as Exhibit 2. Windsor Canada Utilities Ltd. does not have a website.
2. In accordance with paragraph 2 of the Letter, the Notice of Hearing, the Application and the evidence, and any amendments thereto, were served directly by email on June 3, 2025, to all intervenors in E.L.K. Energy Inc.'s previous application, EB-2021-0016, i.e., Hydro One Networks Inc., the Vulnerable Energy Consumers Coalition and School Energy Coalition. The form of notice sent to the intervenors is attached to this Affidavit as Exhibit 3.
3. In accordance with paragraph 3 of the Letter, the Bilingual Notice of Hearing was served on customers for whom E.L.K. Energy Inc. has an email address and the appropriate permissions to use the email address to send utility or regulatory information, together with the required message. In accordance with paragraph 3 of the Letter, the email includes the words "Notice of Hearing / l'avis d'audience" within the email subject line and provides a link to the Notice as posted on E.L.K. Energy Inc.'s website posted in accordance with paragraph 1. The form of notice sent to the customers is attached to this Affidavit as Exhibit 4. Windsor Canada Utilities Ltd. does not have a website or customers.
4. In accordance with paragraph 4 of the Letter, the required messages were posted on E.L.K. Energy Inc.'s X (formerly Twitter), LinkedIn, and Facebook accounts. As required, the posts include a link to the Notice as posted on E.L.K. Energy Inc.'s website in accordance with paragraph 1 of the Letter. E.L.K. Energy Inc. does not have Instagram accounts. A copy of the required posts is attached as Exhibit 5. Windsor Canada Utilities Ltd. does not have any social media accounts.

5. On June 4, 2025, OEB Staff directed Windsor Canada Utilities Ltd. and E.L.K. Energy Inc. that an online ad under paragraph 4 was not required.

Sworn remotely by Josh Charles at the Town of Essex)
in the Province of Ontario, before me)
at the City of Toronto in the Province of Ontario,)
on June 5, 2025, in accordance with O. Reg.)
431/20, Administering Oath or Declaration Remotely)



Colm Boyle

LSO No. 81369L

Commissioner for Taking Affidavits in the Province of
Ontario



Josh Charles

The attached document is **Exhibit 1** to the Affidavit of Josh Charles.

Sworn remotely by Josh Charles at the Town of Essex in the Province of Ontario, before me at the City of Toronto in the Province of Ontario, on June 5, 2025, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in cursive script, reading "Colm Boyle".

Colm Boyle
LSO No. 81369L
Commissioner for Taking Affidavits in the Province of Ontario



BY E-MAIL

June 2, 2025

Garry Rossi
President & CEO
Windsor Canada Utilities Ltd.
grossi@enwin.com

Farooq Hyder
Acting General Manager
E.L.K Energy Inc.
fhyder@elkenenergy.com

Kayla Lucier
Supervisor, Finance & Regulatory
E.L.K Energy Inc.
klucier@elkenenergy.com

Colm Boyle
Counsel to Windsor Canada Utilities &
E.L.K. Energy Inc.
cboyle@blg.com

John A.D. Vellone
Counsel to Windsor Canada Utilities &
E.L.K. Energy Inc.
jvellone@blg.com

LETTER OF DIRECTION

Dear Applicants:

**Re: Application under section 86(2) of the *Ontario Energy Board Act, 1998* by Windsor Canada Utilities Ltd. (Windsor Canada Utilities) to request approval to acquire shares of E.L.K. Energy Inc. ("E.L.K. Energy") from The Corporation of the Town of Essex and other related approvals
Ontario Energy Board File Number: EB-2025-0172**

The Ontario Energy Board (OEB) has now issued its Notice of Hearing for Windsor Canada Utilities' application to acquire shares of E.L.K. Energy from The Corporation of the Town of Essex (Notice). The Notice will be published by the OEB in accordance with directions to the OEB's media agent which were copied to you. Please note that you must comply with the directions in paragraphs 1 to 4 below prior to **June 5, 2025**, which is the publication date of the newspaper in which the Notice will appear last. If you are unable to comply with the directions within this timeframe, you must inform the Registrar immediately at registrar@oeb.ca.

You are directed:

1. To post the enclosed Notices, the application and evidence, and any amendments thereto, on Windsor Canada Utilities and E.L.K. Energy's website.

2. To arrange for the service of the enclosed Notices, the application and evidence on all intervenors of record in E.L.K.'s previous application, EB-2021-0016
3. To arrange for service of the enclosed Bilingual Notice on customers for whom Windsor Canada Utilities and E.L.K. Energy has an email address and the appropriate permissions to use the email address to send utility or regulatory information, together with the following email message:

"Windsor Canada Utilities Ltd. has applied to the Ontario Energy Board to acquire shares of E.L.K. Energy Inc. from The Corporation of the Town of Essex. Please review the Ontario Energy Board's Notice of Hearing to learn more and to find out how you can participate in the Ontario Energy Board's hearing."

«Windsor Canada Utilities Ltd. avons déposé une requête auprès de la Commission de l'énergie de l'Ontario afin. Veuillez lire l'avis d'audience ci-joint pour vous mieux renseigné et pour savoir comment participer au processus d'audience du tribunal.»

The email must include the words "Notice of Hearing / l'avis d'audience" within the email subject line and provide a link to the Notices as posted on Windsor Canada Utilities and E.L.K. Energy's website posted in accordance with paragraph 1.

4. To post the following message if Windsor Canada Utilities and E.L.K. Energy has an X (formerly Twitter), LinkedIn, Facebook, and/or Instagram account:
 - a) "Windsor Canada Utilities has applied to the Ontario Energy Board to acquire shares of E.L.K. Energy Inc. from The Corporation of the Town of Essex. (Learn more. Have your say)."
 - b) «Soyez mieux renseigné. Donnez votre opinion.»

The post(s) is required to include the online ad and to provide a link to the Notices as posted on Windsor Canada Utilities and E.L.K. Energy website in accordance with paragraph 1.

5. To provide a copy of the Notices, the application and evidence, and any amendments thereto, to anyone requesting the material.
6. To file with the OEB an affidavit confirming that the steps set out in paragraphs 1 through 4 have been completed.

You are further directed not to include any documents or materials when serving or publishing the Notices other than documents or materials expressly required by this letter of direction.

Yours truly,

Ritchie Murray
Acting Registrar

Enclosed:

- Bilingual Notice
- Media estimate

The attached document is **Exhibit 2** to the Affidavit of Josh Charles.

Sworn remotely by Josh Charles at the Town of Essex in the Province of Ontario, before me at the City of Toronto in the Province of Ontario, on June 5, 2025, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Colm Boyle
LSO No. 81369L
Commissioner for Taking Affidavits in the Province of Ontario

Exhibit 2

Regulatory Documents ELK Ener x +	
← ↻ 🏠 🔒 https://www.elkenenergy.com/about-us/regulatory-documents	
Active OEB Applications	
OEB Case Number	Application Description
EB-2024-0015	2024 Incentive Rate Mechanism Rate Application Evidence English Notice French Notice
EB-2025-0172	Application by Windsor Canada Utilities Ltd. for approval to acquire E.L.K. Energy Inc. Bilingual Notice

The attached document is **Exhibit 3** to the Affidavit of Josh Charles.

Sworn remotely by Josh Charles at the Town of Essex in the Province of Ontario, before me at the City of Toronto in the Province of Ontario, on June 5, 2025, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in cursive script, reading "Colm Boyle".

Colm Boyle
LSO No. 81369L
Commissioner for Taking Affidavits in the Province of Ontario

Exhibit 3

Josh Charles

From: Josh Charles
Sent: June 3, 2025 3:55 PM
To: regulatory@hydroone.com; Mark Rubenstein; fred@shepherd Rubenstein.com; 'SEC@oesc-cseo.org'; 'jlawford@piac.ca'; 'markgarner@rogers.com'; bharper.consultant
Cc: Farooq Hyder; Paul Gleason; Boyle, Colm
Subject: Windsor Canada Utilities Ltd. / E.L.K. Energy Inc. Notice of Hearing – EB-2025-0172
Attachments: Notice_Bilingual_Windsor Canada_ELK MAADs_20250602.pdf

Good afternoon,

In accordance with the Letter of Direction issued by the Ontario Energy Board on June 2, 2025, Windsor Canada Utilities Ltd. / E.L.K. Energy Inc. are serving the attached Notice on all intervenors in E.L.K. Energy Inc.'s previous Cost of Service Rate Application (EB-2021-0016).

The related application and evidence are available
here: <https://www.elkenenergy.com/media/4091/download?attachment>

Regards,

The attached document is **Exhibit 4** to the Affidavit of Josh Charles.

Sworn remotely by Josh Charles at the Town of Essex in the Province of Ontario, before me at the City of Toronto in the Province of Ontario, on June 5, 2025, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in cursive script, reading "Colm Boyle".

Colm Boyle
LSO No. 81369L
Commissioner for Taking Affidavits in the Province of Ontario

Exhibit 4

Notice of Hearing / l'avis d'audience - Windsor Canada Utilities Ltd. Application to acquire shares of E.L.K. Energy Inc.



DoNotReply E.L.K. Energy Inc.
To Rachel Janzen



Tue 6/3/2025 12:43 PM

Windsor Canada Utilities Ltd. has applied to the Ontario Energy Board to acquire shares of E.L.K. Energy Inc. from The Corporation of the Town of Essex. Please review the Ontario Energy Board's Notice of Hearing to learn more and to find out how you can participate in the Ontario Energy Board's hearing.

Windsor Canada Utilities Ltd. avons déposé une requête auprès de la Commission de l'énergie de l'Ontario afin. Veuillez lire l'avis d'audience ci-joint pour vous mieux renseigné et pour savoir comment participer au processus d'audience du tribunal.

[Notice of Hearing / l'avis d'audience](#)

The attached document is **Exhibit 5** to the Affidavit of Josh Charles.

Sworn remotely by Josh Charles at the Town of Essex in the Province of Ontario, before me at the City of Toronto in the Province of Ontario, on June 5, 2025, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

A handwritten signature in cursive script, reading "Colm Boyle", positioned above a horizontal line.

Colm Boyle
LSO No. 81369L
Commissioner for Taking Affidavits in the Province of Ontario

Exhibit 5

X (formerly Twitter)



E.L.K. Energy Inc.
@elkenenergyinc



Windsor Canada Utilities has applied to the Ontario Energy Board to acquire shares of E.L.K. Energy Inc. from The Corporation of the Town of Essex.

Learn more. Have your say.

Soyez mieux renseigné. Donnez votre opinion.

[elkenenergy.com/media/4086/dow...](https://elkenenergy.com/media/4086/download)

11:39 AM · Jun 4, 2025 · 38 Views

LinkedIn



E.L.K. Energy Inc.
84 followers
1m ·

Windsor Canada Utilities has applied to the Ontario Energy Board to acquire shares of E.L.K. Energy Inc. from The Corporation of the Town of Essex.

Learn more. Have your say.

Soyez mieux renseigné. Donnez votre opinion.

<https://lnkd.in/gJ-PVucU>

download

elkenenergy.com

Facebook



ELK Energy Inc.
32m ·

Windsor Canada Utilities has applied to the Ontario Energy Board to acquire shares of E.L.K. Energy Inc. from The Corporation of the Town of Essex.

Learn more. Have your say.

Soyez mieux renseigné. Donnez votre opinion.

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www.elkenenergy.com