

Mr. Ritchie Murray  
Acting Registrar  
Ontario Energy Board  
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Toronto, ON M4P 1E4

July 29, 2025

**EB-2025-0149 Stakeholder Consultation on the Review of the OEB's Filing Requirements for Electricity Transmission Applications - Chapter 1 and Chapter 2**  
**Pollution Probe Reply Comments**

Dear Mr. Murray:

The Ontario Energy Board (OEB) initiated a consultation on July 5, 2025 for a review of the OEB's Filing Requirements for Electricity Transmission Applications, specifically Chapter 1 and Chapter 2. The Filing Requirements, originally developed in 2016, are being reviewed to identify any necessary updates. The OEB noted that this includes accounting for the passage of time, incorporating insights from past transmission revenue requirement proceedings, and enhancing regulatory process efficiencies achieved to date or still attainable.

Pollution Probe and other parties provided comments and the following is a response to stakeholder feedback provided. In some cases noted by stakeholders, the proposed OEB changes meant to drive additional efficiencies could also have an impact of reducing required flexibility. Some suggested that certain issues should include a more involved hearing process to consider an applicant's request. These trade-offs are a core consideration in this consultation, i.e. streamlining requirements while ensuring that they remain fit for purpose and provide appropriate flexibility. Where changes will overly-streamline the process it could restrict some flexibility required in certain circumstances. Streamlining and providing prescriptive requirements is a useful tool when applied properly and in the right circumstances.

A second relevant theme is ensuring a prudent process and requiring the filing of relevant information and ensuring an appropriate review of the evidence filed in cases where greater flexibility is required outside more prescriptive rules. Where a transmitter is making a specific request which differs from prescriptive requirements, the onus is on the applicant to file the appropriate evidence to support their request.

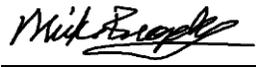
Following the stakeholder session on June 25, 2025 and after stakeholders began submitting comments, OEB Staff noted that the redline draft changes to the filing requirements were only meant to be a point in time version and do not represent actual proposed changes to the filing requirements. As noted by Pollution Probe and other stakeholders, specific wording can have a significant impact and using a draft version that is being edited in parallel to the comment process is not typical for an OEB consultation process. Pollution Probe provided comments based on the materials circulated by the OEB and used the draft revisions to the filing requirements as a basis for our comments submitted July 14, 2025. Comments in this submission are supplemental to those comments and specifically relate to the comments filed by other stakeholders. It is not possible to know what other changes are being made by OEB Staff behind the scenes to the draft filing requirements. If they are material in nature, it may be necessary to circulate a final draft for stakeholder final review and comment, prior to finalisation. To the extent that stakeholder comments already address edits being considered by the OEB in parallel, that may serve as sufficient to ensure stakeholder views have been solicited and considered.

Many of the stakeholder comments submitted are complimentary to those submitted by Pollution Probe. Following a review of the comments submitted, Pollution Probe does not have significant additional comments beyond those in Pollution Probe's initial submission. One specific area of note relates to ensuring wording consistency in the filing requirements (and related to other OEB documents and rules that apply), so that the terminology and requirements are clear and remain relevant over time. Pollution Probe agrees with the comments from SEC requesting a consistent and streamlined approach when referring to a Transmitters with Minimal Capital Expenditures. Using the same wording across the filing requirements and referring to other foundational OEB document references (e.g. Rules of Practice and Procedure) as appropriate ensures a streamlined and consistent approach. This type of approach is similar to administrative streamlining recommended by Pollution Probe to increase efficiency and consistency.

Some stakeholders (largely following off the comments submitted by Hydro One) suggested that greater flexibility be retained and questioned the boundary of what should be set in filing requirements vs. issues requiring a more detailed hearing process. Setting firm prescriptive requirements has value, particularly to ensure that the evidence filed is complete and appropriate. Pollution Probe has highlighted the balance between using prescriptive rules and ensuring that the process (including Commissioner authority during a proceeding) retains adequate flexibility. The OEB may perceive that Commissioners have the flexibility during a proceeding to vary from written guidelines or rules. However, this does not seem to be

interpreted consistently by Commissioners and stakeholders, which leads to greater uncertainty and confusion. Avoiding prescriptive wording in areas that are not mean to be prescriptive is more advisable and puts more onus on Commissioners to actively manage a proceeding based on the specifics of the proceeding. Applying prescriptive requirements should be used when there is little to no flexibility to vary from those requirements, or signaling that the bar is high for an applicant wishing to vary from the prescriptive requirements. This approach should be applied consistently across the broad suit of OEB rules and requirements as they are reviewed and updated over time.

Respectfully submitted on behalf of Pollution Probe.



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