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File No. 88175.42

October 1, 2025

BY EMAIL & RESS

Mr. Ritchie Murray
Ontario Energy Board
2300 Yonge Street, 27th floor
P.O. Box 2319
Toronto, ON M4P 1E4

Dear Mr. Murray:

**Re: Oshawa PUC Networks Inc. ("Oshawa Power") - Application for 2026 Distribution Rates ("Application")
Hearing Format**

On September 22, 2025, Oshawa PUC Networks filed the settlement proposal wherein it states that the Parties have not agreed on the form of hearing, whether virtual, hybrid, or in person. On September 25, 2025, the Ontario Energy Board (“**OEB**”) issued Procedural Order No. 4 setting out a process to provide written submission on the form of hearing pertaining to the unsettled issues. This letter contains Oshawa Power’s submissions.

1. Hybrid Written and Oral Hearing

In section 1.4.6 of the Application Oshawa Power requested that the Application be disposed by way of a written hearing based on the size of Oshawa Power’s 2026 revenue requirement. Oshawa Power reiterates this request, but submits a written hearing remains appropriate for a subset of the unsettled issues in the Issues List issued on June 24, 2025,¹ including:

- 1.2 Rate Base and Depreciation
- 2.2 Shared Service Cost Allocation Methodology
- 3.2 PILs
- 3.5 Revenue Requirement Determination
- 4.1 Load Forecast
- 5.1 Cost Allocation
- 5.2 Rate Design, including fixed/variable splits

¹ In accordance with section 5.1 of the *Statutory Powers Procedure Act* and Rule 32.01 of the *OEB Rules of Practice and Procedure*

- 5.6 Rate Mitigation
- 6.1 Deferral and Variance Accounts
- 7.1 Effective Date
- 7.2 Responding to all relevant OEB directions from previous proceedings

(“Proposed Written Issues”)

Oshawa Power submits that only the following unsettled issues should be within the scope of an oral hearing:

- 1.1 Capital and in-service additions
- 2.1 OM&A
- 7.3 Plan to seek additional funding for a new operational and administrative building in subsequent IRM application
 - The scope of Issue 7.3 in an oral hearing should be limited to capital and OM&A matters that are within the scope of the OEB’s Decision on Motion dated July 15, 2025. Any matters on Issue 7.3 unrelated to capital and OM&A should be dealt with by way of written submissions.

(“Proposed Oral Issues”)

2. Virtual Hearing

Oshawa Power submits that the Proposed Oral Issues be heard virtually to accommodate Oshawa Power’s witnesses who are located well outside of the GTA. In the alternative, should the OEB decide to hold an oral hearing at its offices in Toronto, Oshawa Power submits that it be an in-person hearing only and that no provision be made for virtual attendees.

In accordance with Rule 32.03, Oshawa Power submits this is appropriate for the following reasons:

- a) The Proposed Written Issues are much less complex and well suited for written format especially since many have already been partially settled. Oshawa Power accepts that the Proposed Oral Issues are likely best suited for an oral hearing.
- b) The facts and credibility of evidence for the Proposed Written Issues are unlikely to be disputed. Many of the outcomes of the Proposed Written Issues are mechanistic calculations that result from an OEB decision on the Proposed Oral Issues. An entirely virtual hearing is appropriate as there are no legitimate concerns about the credibility of Oshawa Power’s witnesses.
- c) Oshawa Power submits that the Proposed Oral Issues will proceed most efficiently with either an entirely virtual or in-person hearing.
- d) Oshawa Power is not aware of any requests from representatives of Indigenous communities.
- e) An entirely virtual hearing format on the Proposed Oral Issues will reduce the number of Oshawa Power witnesses that will need to travel into Toronto and rent a hotel to attend the proceeding, some of whom do not live in the GTA. A virtual hearing will be more cost effective.
- f) Reducing the scope of the oral hearing to only the Proposed Oral Issues will reduce the amount of hearing time to be required from the OEB and Commissioners. An entirely virtual hearing

will allow for more flexibility as the hearing room availability at the OEB will not be a factor in scheduling considerations.

- g) There are approved confidential materials filed with the Application and there is a greater risk of inadvertent disclosure of confidential materials where a hybrid in-person and virtual hearing is held. When there is a single format of virtual or in-person, the proceeding will be less complex and OEB will have more control over the group of attendees during the confidential portions of the hearing.

Please contact the undersigned with any questions.

Yours truly,

BORDEN LADNER GERVAIS LLP



Colm Boyle

CB/JV