

EB-2025-0209

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

AND IN THE MATTER OF an application by
Ottawa River Power Corporation
Establishing a new Deferral Account

Ottawa River Power Corporation

Settlement Proposal

Filed: October 3, 2025

CONTENT

LIST OF REFERENCES	3
SETTLEMENT PROPOSAL	4
FULL SETTLEMENT	7
ATTACHMENTS.....	10
A.....	11
B.....	12
C.....	13

LIST OF REFERENCES

ORPC has filed revised models as evidence to support this Settlement Proposal. The revised models have been filed through the OEB's e-filing service and include:

1. [Chapter 2 Filing Requirements](#)
2. [Cost Allocation Model](#)
3. [Income Tax/PILs Workform](#)
4. [Revenue Requirement Workform](#)

These models were filed on June 27, 2025, and have remained unchanged.

SETTLEMENT PROPOSAL

Ottawa River Power Corporation (the “Applicant or ORPC”) filed an application with the Ontario Energy Board (the OEB) on June 27, 2025 (the Application) seeking approval to establish a deferral account to record Incremental Capital Module (ICM)-related amounts previously approved by the OEB for inclusion in Ottawa River Power’s rates effective May 1, 2022 (OEB file no. EB-2021-0052) but inadvertently omitted from rates in that cost of service proceeding due to a formula error (the 2022 COS Error).

The OEB issued a Notice of Hearing and Procedural Order No. 1 on August 1, 2025. In Procedural Order No. 1 the OEB approved the Vulnerable Energy Consumers Coalition (VECC) and the School Energy Coalition (SEC) (the Intervenor) as intervenors in the proceeding, as they were the two intervenors of record in the related EB-2021-0052 proceeding within which the error occurred.

The Procedural Order also indicated the prescribed dates for the written interrogatories, ORPC’s responses to interrogatories, and submissions.

On August 28, 2025, ORPC, having consulted with the Intervenor, asked the OEB to allow for a Settlement Conference; the OEB issued Procedural Order No. 2 on September 4, 2025, providing for a Settlement Conference to be convened on September 18, 2025.

ORPC filed its interrogatory responses with the OEB on September 3, 2025.

The Settlement Conference was convened on September 18, 2025, in accordance with the OEB’s Rules of Practice and Procedure (the Rules) and the OEB’s Practice Direction on Settlement Conferences. The above noted intervenors and Ottawa River Power Corporation participated in the Settlement Conference.

ORPC and the Intervenor (collectively referred to below as the Parties), reached a full, comprehensive settlement of the Application. The details and specific components of the settlement are detailed in this Settlement Proposal.

This document is called a Settlement Proposal because it is a proposal by the Parties presented to the OEB to settle the issues in this proceeding. It is termed a proposal as between the Parties and the OEB. However, as between the Parties, and subject only to the OEB’s approval of this Settlement Proposal, this document is intended to be a legal agreement, creating mutual obligations, and binding and enforceable in accordance with its terms. In entering into this Settlement Proposal, the Parties understand and agree that pursuant to the Act, the OEB has exclusive jurisdiction with respect to the interpretation and enforcement of the terms hereof.

The Parties acknowledge that this settlement conference is confidential in accordance with the OEB’s Practice Direction on Settlement Conferences. The Parties understand that confidentiality in that context does not have the same meaning as confidentiality in the OEB’s Practice Direction on Confidential Filings, and the rules of that latter document do not apply. Instead, in the Settlement Conference, and in this Settlement Proposal, the specific rules with respect to confidentiality and privilege are as set out in the Practice Direction on Settlement

Conferences, as amended on February 17, 2021. The Parties have interpreted the revised Practice Direction on Settlement Conferences to mean that the documents and other information provided during the course of the Settlement Conference itself, the discussion of each issue, the offers and counter-offers, and the negotiations leading to the settlement – or not – of each issue during the Settlement Conference are strictly privileged and without prejudice. None of the foregoing is admissible as evidence in this proceeding, or otherwise, with one exception, the need to resolve a subsequent dispute over the interpretation of any provision of this Settlement Proposal. Further, the Parties shall not disclose those documents or other information to persons who were not attendees at the Settlement Conference. However, the Parties agree that attendees are deemed to include, in this context, persons who were not in attendance at the Settlement Conference but were a) any persons or entities that the Parties engaged to assist them with the Settlement Conference, and b) any persons or entities from whom the attendees sought instructions with respect to the negotiations, in each case provided that any such persons or entities have agreed to be bound by the same confidentiality provisions.

OEB Staff also participated in the Settlement Conference. The role adopted by OEB Staff is set out in section 11 of the Practice Direction on Settlement Conferences. Although OEB Staff is not a party to this Settlement Proposal, as noted in the Practice Direction on Settlement Conferences, OEB Staff who participated in the Settlement Conference are bound by the same confidentiality standards that apply to the Parties to the proceeding.

This Settlement Proposal provides a description of the settled issue together with references to the evidence. The Parties agree that references to the evidence in this Settlement Proposal shall, unless the context otherwise requires, include, in addition to the Application, the responses to interrogatories, all other components of the record up to and including the date hereof, and the additional information included by the Parties in this Settlement Proposal and the attachments and appendices to this document.

Included with the Settlement Proposal are attachments that provide further support for the proposed settlement. The Parties acknowledge that the attachments were prepared by ORPC. The intervenors and OEB Staff have reviewed the attachments. However, the intervenors are relying on the accuracy of the attachments and the underlying evidence in entering into this Settlement Proposal.

According to section 6 of the Practice Direction on Settlement Conferences, the Parties must consider whether a Settlement Proposal should include an appropriate adjustment mechanism for any settled issue that may be affected by external factors. Any such adjustments are specifically set out in the text of the Settlement Proposal.

None of the parts of this Settlement Proposal are severable. If the OEB does not accept this Settlement Proposal in its entirety, then there is no settlement (unless the Parties agree in writing that any part(s) of this Settlement Proposal that the OEB accepts may continue as a valid settlement without inclusion of any part(s) that the OEB does not accept).

In the event that the OEB directs the Parties to make reasonable efforts to revise the Settlement Proposal, the Parties agree to use reasonable efforts to discuss any potential revisions, but no Party will be obligated to accept any proposed revision. The Parties agree that all of the Parties must agree with any revised Settlement Proposal as it relates to that issue, or take no position, prior to its resubmission to the OEB.

Unless stated otherwise, the settlement of any particular issue in this proceeding and the positions of the Parties in this Settlement Proposal are without prejudice to the rights of the Parties to raise the same issue and/or to take any position thereon in any other proceeding, whether or not ORPC is a party to such proceeding, provided that no Party shall take a position that would result in the Settlement Proposal not applying in accordance with the terms contained herein.

Where, in this Settlement Proposal, the Parties accept the evidence of ORPC, or agree to any issue, term or condition, including a revised budget or forecast, then unless the Settlement Proposal expressly states to the contrary, the words “for the purpose of settlement of the issues herein” shall be deemed to qualify that acceptance or agreement.

FULL SETTLEMENT

Summary

The Parties have agreed to the following in full settlement of the Application:

- a) ORPC will not recover the annual impact of the 2022 COS Error for the 2022 to 2025 rate years.
- b) For the rate year beginning May 1, 2026 and until its next cost of service application, ORPC will be entitled to track \$144,392 each rate year in the 2022 Rate Base Correction Deferral Account (the "RBC Account") in relation to the Error. The account will not attract interest.
- c) ORPC will be entitled to recover \$144,392 for each year that is tracked in the RBC Account from ratepayers pursuant to b) above.
- d) ORPC will be entitled to implement a rate rider beginning May 1, 2026, calculated to recover \$144,392 over a one-year period. Billing determinants will be based on the 2022 Board-approved Customer and Load Forecast per the 2022 Revenue Requirement Workform. The rider will persist until the effective date of rates in ORPC's next cost of service application. The rider will be implemented in conjunction with ORPC's IRM application for 2026 rates (EB-2026-0013). The rider revenue will be recorded as an offset to the annual impact amount of the 2022 COS Error tracked in the RBC Account as per the accounting order provided in Appendix C. The allocation of the revenue to be recovered through the rider will be based on the Allocated Class Revenue Requirement per the revised Revenue Requirement Workform; the details of the rider calculation are provided at Appendix B. There will be no true-up of the proposed variance account balances, and no transfer to Account 1595.

The Parties note by way of example that, assuming ORPC's next cost of service proceeding is for the 2027 rate year as currently scheduled, the total amount tracked for recovery in the RBC Account will be \$144,392, the proposed rate rider will run from May 1, 2026, until April 30, 2027, and then expire, and the RBC Account will be closed.

Settlement Detail

As set out in pre-filed evidence and interrogatories filed in the Application, in June 2025 ORPC identified an error in how the approved spending for a pre-2022 ICM project was incorporated into the proposed 2022 Test Year Revenue requirement included in the 2022 Test Year settlement proposal and approved by the OEB as the basis for ORPC's 2022 rates in EB-2021-0052. Correcting the 2022 COS Error in the 2022 settlement proposal increases the recoverable 2022 revenue requirement by \$144,392. The details of the calculation quantifying the 2022 COS Error are at Appendix A.

For the purpose of settlement, the Parties have agreed that the annual impact of the 2022 COS Error identified by ORPC to be tracked for recovery is \$144,392.

For the purpose of settlement, the Parties have agreed that it is appropriate for ORPC to recover the annual impact of the 2022 COS Error from ratepayers on a prospective basis, beginning in the 2026 rate year and continuing until the effective date of rates for ORPC's next cost of service application.

The Parties note that this Settlement Proposal is supported by all the parties to the original settlement proposal that underpinned ORPC's 2022 rates in EB-2021-0052. Accordingly, the same parties (ORPC, VECC and SEC) that supported the approval of ORPC's 2022 revenue requirement, including support for the full inclusion in ORPC's rate base of the ICM related capital spending that is the subject of the 2022 COS Error, are in support the proposed prospective correction as set out in the settlement proposal.

Although the EB-2021-0052 settlement proposal included a provision confirming that intervenors relied on the accuracy of the attachments (which contained the models with formula errors) and the evidence in reaching the settlement, the Parties agree that, given the materiality of the 2022 COS Error, the proposed settlement is reasonable.

As recognized by the Parties above, the quantum of the annual impact is material for ORPC, contributing to annual underearning relative to the deemed ROE. that underpins ORPC's rates. The impact of the 2022 COS Error materially contributed to under-earnings in 2023 and 2024 of 482 and 416 basis points below ORPC's approved ROE, which is outside of the OEB's +/- 300 basis point deadband and could trigger a regulatory review.¹

For the purpose of settlement, the Parties have agreed that, rather than accumulate the annual impact in the RBC Account and clear the entire sum in the next cost of service proceeding, it is preferable to implement a rate rider effective May 1, 2026, to start recovering the annual amount immediately. The Parties submit that allowing recovery through a rider in this way will avoid issues of intergenerational inequity, as the impact will be recovered in the same year the related costs are incurred. In addition, allowing the recovery through a rider will assist ORPC in managing its cash flow requirements.

¹ Ontario Energy Board, Filing Requirements for Electricity Distribution Rate Applications Filed in 2024 for Rates Taking Effect in 2025 – Chapter 3 Incentive Rate-Setting Applications, 3.2.10 Off-Ramps, June 18, 2024

Evidence References

All evidence and interrogatory responses are related to the issues that have been settled.

Supporting Parties

- SEC
- VECC

Parties Taking No Position

None

ATTACHMENTS

Appendix A	Revenue Requirement Calculation
Appendix B	Rate Rider by Rate Class Calculation
Appendix C	Accounting Order

A

Ottawa River Power Corporation			
EB-2025-0209			
Appendix A			
	Per Board Decision	Recalculated	Difference
Non-ICM Gross Fixed Assets (average)	18,926,106	18,926,106	-
ICM Gross Fixed Assets (average)	-	2,059,754	2,059,754
Non-ICM Accumulated Depreciation (average)	(7,572,301)	(7,572,301)	-
ICM Accumulated Depreciation (average)	(103,177)	(103,177)	-
Net Fixed Assets (average)	11,250,629	13,310,382	2,059,754
Working Capital Allowance	1,784,286	1,784,286	-
Total Rate Base	13,034,915	15,094,668	2,059,754
Common Equity (%)	40.00%	40.00%	-
Common Equity (\$)	5,213,966	6,037,867	823,901
Deemed Return on Equity (%)	8.66%	8.66%	-
Deemed Return on Equity (\$)	451,529	522,879	71,350
Deemed Total Debt (%)	60.00%	60.00%	-
Deemed Total Debt (\$)	7,820,949	9,056,801	1,235,852
Deemed Interest (%)	3.34%	3.34%	-
Deemed Interest (\$)	260,855	302,075	41,220
Adjustments required to arrive at taxable utility income	(390,128)	(389,674)	454
Taxable Income	61,401	133,205	71,804
Total Tax Rate (%)	20.88%	26.50%	5.62%
Income Taxes	12,821	35,299	22,479
Gross-Up of Income Taxes	3,383	12,727	9,344
Income Taxes (Grossed-Up)	16,204	48,026	31,822
OM&A Expenses	3,623,394	3,623,394	-
Non-ICM Amortization/Depreciation	898,649	898,649	-
ICM Amortization/Depreciation	51,588	51,588	-
Income Taxes (Grossed Up)	16,204	48,026	31,822
Deemed Interest Expense	260,855	302,075	41,220
Return on Deemed Equity	451,529	522,879	71,350
Service Revenue Requirement	5,302,219	5,446,611	144,392
Revenue Offsets	339,757	339,757	-
Base Revenue Requirement	4,962,462	5,106,854	144,392

B

Ottawa River Power Corporation						
EB-2025-0209						
Appendix B						
Rate Rider Recovery Period (in months)		12				
Recovery Amount (\$)		\$ 144,392				
Rate Class	Base	Base Amount per 2022 Board Approved RRWF	Recalculated Allocated Class Revenue Requirement per initial application Appendix J - 11. Cost Allocation	Deferral/Variance Account Allocation (\$)	Monthly Account Rate Rider	
RESIDENTIAL SERVICE CLASSIFICATION	#	10,191	66.14%	\$ 95,505	\$ 0.78	/customer
GENERAL SERVICE LESS THAN 50 KW SERVICE CLASSIFICATION	kWh	30,190,015	15.82%	\$ 22,839	\$ 0.0008	/kWh
GENERAL SERVICE 50 to 4,999 kW SERVICE CLASSIFICATION	kW	219,896	15.35%	\$ 22,159	\$ 0.1008	/kW
SENTINEL LIGHTING SERVICE CLASSIFICATION	kW	492	0.27%	\$ 386	\$ 0.7853	/kW
STREET LIGHTING SERVICE CLASSIFICATION	kW	3,103	2.20%	\$ 3,183	\$ 1.0257	/kW
UNMETERED SCATTERED LOAD SERVICE CLASSIFICATION	kWh	609,268	0.22%	\$ 320	\$ 0.0005	/kWh

C

Accounting Order

All Monthly Service and Distribution Volumetric Rate Charges to customers are accumulated in USofA account 4080 "Distribution Services Revenue". As the recalculations only impact the Distribution Service and Volumetric rates, ORPC proposes the introduction of a USofA 1508 "Other Regulatory Assets", sub-account Rate Base Correction, without carrying charges, with the offsetting entries to be recorded in USofA Account 4080 Distribution Services Revenue. Below are illustrative examples of the proposed accounting treatment along with an example entry of the collection from customers:

Date	Account	Description	Debit	Credit
May 1 2026	4080	Distribution Services Revenue	-	12,032
	1508	Other Regulatory Assets	12,032	-
To record monthly entry of 1/12 of rate base correction amount of \$144,392				
June XX, 2026	1508	Other Regulatory Assets	-	XX
	1100	Accounts Receivable	XX	-
To record the collection from customers of the rate base correction rate rider				