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Mr. Ritchie Murray
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Mr. Murray:

**Re: Oshawa PUC Networks Inc. (“Oshawa Power”)
Application for 2026 Distribution Rates (“Application”)
Ontario Energy Board (“OEB”) File No. EB-2025-0014
Motion for Further Responses to Interrogatories**

We are counsel to Oshawa Power in the Application and write in reply to a letter by counsel for the intervenor School Energy Coalition (“SEC”) filed earlier today regarding its motion for further responses to interrogatories currently being considered by the Board (the “Motion”).

As set out in its correspondence of today, SEC continues to stretch the bounds of a motion for further responses to interrogatories by attempting to revise and re-revise its original interrogatories, subverting what is supposed to be an efficient and fair discovery process.

Interrogatory 1-SEC/Staff/CCMBC-7 (“1-SEC-7”) subsection “h” states:

h) Please provide an estimate of the annual revenue requirement impact of the new administrative and operational facility and the related distribution bill impact for all rate classes after the asset is placed in service.

At the close of oral argument of the Motion on September 29, 2025, the Commissioners directed the parties to discuss the matters in dispute and provide an update by October 2, 2025. As set out in SEC’s update letter of October 2, 2025, 1-SEC7 was partially resolved:

With respect to the fifth category [subsection h] – revenue requirement and rate impacts – the Applicant has agreed to prepare, within one week, an analysis of the type requested, with explicit assumptions set out in

the analysis. SEC believes that this is an acceptable resolution, and will also follow up in this regard in cross-examination.¹

On October 10, 2025, Oshawa Power provided the agreed-upon information, including excel attachments, responding fully and completely to 1-SEC-7(h) as asked.² SEC followed up to seek still further information, pursuant to an ever-evolving interrogatory to now provide “calculations behind the revenue requirement.”

As we made clear in our submissions during the motion hearing, a motion for responses to interrogatories is not the appropriate forum for parties to amend interrogatories. We expressed a concern that doing so could allow the discovery process to be used as a tool for endless side issues giving rise to the risk of undue burden and delay. Based on SEC’s submission today, that is precisely what has happened. If SEC has further questions for Oshawa Power about how it derived the revenue requirement impact, then SEC can ask during the hearing. We note, this is how SEC stated that it would proceed in its update to the Commissioners of October 2, 2025.

Our view, as we expressed during the motion hearing, is that SEC continues to engage in an unlawful fishing expedition about projected impacts of a building **for which no relief is being sought in this application**. Our client has repeatedly confirmed its intention to file a subsequent ICM application in respect of the building. That is the proper forum for additional discovery of the nature SEC is pursuing.

We have not copied the Commissioners directly on this correspondence, as the Commissioners did not ask for further updates from the parties following the specifically requested October 2, 2025 update. As such, in our view, it is not appropriate to engage directly with the Commissions and ask SEC to similarly refrain from doing so.

We respectfully await a determination from the Commissioners on the remaining areas of the motion that are in dispute.

Sincerely,

BORDEN LADNER GERVAIS LLP



Zoë Thoms

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¹ EB-2025-0014, Letter from SEC dated October 2, 2025, p. 2, online:
<https://www.rds.oeb.ca/CMWebDrawer/Record/916804/File/document>

² EB-2025-0014, Letter from Oshawa Power dated October 10, 2025, Online:
<https://www.rds.oeb.ca/CMWebDrawer/Record/916638/File/document>