

VIA RESS and EMAIL

February 12, 2026

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

Dear Ritchie Murray:

**Re: Ontario Power Generation Inc. (OPG) and DNNP LP
2027-2031 Payment Amounts
Consumers Council of Canada (CCC) Letter – Pre-Hearing Conference
OEB File No. EB-2025-0297**

In accordance with Procedural Order No. 1, dated February 5, 2026, please find attached CCC's letter regarding the Issues List and Procedural Schedule for the above noted proceeding.

Yours truly,

Lawrie Gluck

Lawrie Gluck
Consultant for the Consumers Council of Canada

cc: All parties in EB-2025-0297

Introduction

In Procedural Order No. 1, dated February 5, 2026, the OEB sought feedback from parties regarding the Issues List and the illustrative Procedural Schedule for OPG’s 2027-2031 Payment Amounts proceeding. The OEB also sought confirmation regarding whether parties intend to file evidence in the proceeding.

CCC sets out its brief comments on these matters below.

Issues List

CCC has no major concerns with the draft Issues List attached as Schedule C to Procedural Order No. 1. We believe that it fairly represents and summarizes the issues to be addressed in the current proceeding.

We have one minor recommendation which is to reinstate OPG’s proposed Issue 10.3 as a distinct issue to be addressed under the Deferral and Variance Account (DVA) category. As drafted, the issue of DVA balances (and related disposition) will be addressed along with the issue of affordability and the need for rate mitigation associated with OPG’s application.

We submit that the review and analysis of deferral and variance account balances is often a detailed undertaking and it would be beneficial from an organizational structure perspective to address those proposals separately from what is now shown as Issues 1 and 2 in Schedule C.

Procedural Schedule

We would like to start by thanking the OEB for the opportunity to comment on the illustrative Procedural Schedule.

We also acknowledge the OEB’s statement that the “objective is to facilitate an efficient and rigorous proceeding within the OEB performance standards, which is 355 days for this proceeding.” In our view, however, the application of the 355 day performance standard

forces the development of a suboptimal (and, at some stages, unrealistic) schedule.¹ We submit that the OEB should not apply its performance standard to this proceeding and, instead, develop a procedural schedule that fits the matter at hand.

We submit that OPG’s 2027-2031 Payment Amounts application is the largest case from a financial perspective, and also the most complex case, that the OEB will adjudicate in a five-year cycle. In OPG’s own words, “[t]he scale of the investments planned for the 2027-2031 period (the “IR term”) is immense. Each of the major capital projects planned for the IR term are among the largest capital projects in Canada.”²

OPG’s application was also filed in a year where there are a number of other large and complex filings by other Ontario utilities that are to be adjudicated.³

With this context in mind, CCC has a number of recommendations with respect to the illustrative Procedural Schedule set out at Schedule D to Procedural Order No. 1. We have not commented on all of the procedural steps nor have we fully elaborated on the implications of each suggested change on the remainder of the schedule. However, at a high level, we believe that more time is needed between many of the procedural steps. In addition, we suggest that the OEB be flexible in terms of adjusting the schedule as the proceeding progresses (as necessary).

Regarding the early steps of the proceeding, we suggest that the deadline for the filing of OEB staff and intervenor interrogatories be extended to March 25, 2026. We note that Alectra Utilities is filing interrogatory responses on February 20, 2026, with the Technical Conference scheduled to take place between March 5-11, 2026, which will limit some parties time to review the evidence in the current proceeding. The pre-filed evidence is extensive and additional time to review will be helpful to the overall process. We suggest that OPG’s deadline for responding to interrogatories also be commensurately extended to April 23, 2026.

We also suggest that the Technical Conference be scheduled for the week of June 1, 2026. The settlement conference in Alectra Utilities’ rates proceeding is scheduled for April 28,

¹ For example, we note that the timeline for argument is unrealistic in the circumstance that many issues remain unsettled.

² Exhibit A1, Tab 3, Schedule 1, p. 1.

³ For example, Alectra Utilities, Elexicon Energy and Enbridge Gas have already made major filings on matters that are to be adjudicated throughout 2026.

2026, to May 8, 2026. Given the timing of the Alectra Utilities settlement conference, additional time to review interrogatory responses and prepare for the OPG Technical Conference will assist the overall process.

We recognize that these changes will have implications on the timing of all the procedural steps. We have not provided specific comments on the other procedural steps as the OEB's determination regarding our recommendation for these initial steps (i.e., interrogatories and Technical Conference) will be instructive as to whether suggested changes for the other procedural steps would be of assistance.

CCC acknowledges that OPG will likely have concerns with respect to an extended timeline, as we have recommended, due to the potential implications for the effective date of the payment amounts. CCC notes that it does not intend to oppose OPG's proposed effective date of January 1, 2027. OPG filed its application reasonably far in advance of the proposed effective date and we assume it will make best efforts to meet all deadlines as the proceeding advances.

Interrogatory Format

CCC requests that the OEB allow interrogatories to be filed according to the exhibit numbers in the application. We believe that this is a more efficient manner in which to review the application and prepare our questions.

Evidence

We have had the opportunity to review OEB staff's letter dated February 10, 2026, which sets out a brief summary of the evidence that it intends to file in the current proceeding. At this time, CCC does not intend to file any additional evidence.