

February 20, 2026

By RESS and Email

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

Dear Mr. Murray,

**Re: Windsor Canada Utilities Ltd. Phase 1 MAADs Application to Acquire E.L.K. Energy Inc. and Related Approvals (EB-2025-0172)  
Windsor Canada Utilities Ltd. Motion to Review and Vary the August 25, 2025 Decision on Confidentiality and Procedural Order No. 2. (EB-2025-0274)  
Response to Decision and Order on Motion to Review and Vary**

On September 15, 2025, Windsor Canada Utilities Ltd. (“WCUL”) filed a notice of motion to review and vary the Ontario Energy Board’s (“OEB”) Decision to deny confidential treatment of certain portions of an *in camera* resolution adopted by Windsor City Council and included as part of Appendix E of the Application in EB-2025-0172. The September 15, 2025 notice of motion also noted WCUL’s intent to file a notice of appeal with the Divisional Court.

On February 17, 2026, the OEB issued its Decision and Order in the above noted proceeding, denying the motion.<sup>1</sup>

WCUL notes that at the time the motion to review and vary was made, the transaction that was the subject of the Application was not finalized and had not yet closed. The transaction closed on November 28, 2025.

Therefore, pursuant to the Decision and Order, WCUL is providing notice to the OEB that it does not intend to continue with its appeal of this matter to the Divisional Court. WCUL is providing an unredacted copy of the Appendix E resolution, which is concurrently being filed in EB-2025-0172.<sup>2</sup>

Should you have any questions, please do not hesitate to contact the undersigned.

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<sup>1</sup> EB-2025-0274 Decision and Order, issued February 17, 2026:  
<https://www.rds.oeb.ca/CMWebDrawer/Record/933237/File/document>

<sup>2</sup> Pursuant to the OEB’s August 25, 2025 Decision on Confidentiality in EB-2025-0172, the signature on the document has remained redacted.

Yours very truly,

A handwritten signature in black ink that reads "Josh Charles". The signature is written in a cursive style with a long, sweeping underline.

Josh Charles  
Director, Regulatory Affairs  
ENWIN Utilities Ltd.  
(519) 251-7300 ext. 886  
[regulatory@enwin.com](mailto:regulatory@enwin.com)

Cc: EB-2025-0172 parties  
Colm Boyle and John Vellone, BLG  
Amber Goher, OEB Staff  
Julia Nowicki, OEB Counsel