



Ontario Power Generation Inc. and DNNP LP

**Application for payment amounts for the period from
January 1, 2027, to December 31, 2031**

**DECISION & PROCEDURAL ORDER NO. 3
MARCH 25, 2026**

Ontario Power Generation Inc. (OPG) and DNNP LP (collectively, the Applicants) filed an application on December 17, 2025 with the Ontario Energy Board (OEB) under section 78.1 of the *Ontario Energy Board Act, 1998*. The application seeks approval to set payment amounts for the output of OPG's regulated hydroelectric generating facilities and the output of the Applicants' respective nuclear generating facilities. The application covers the five-year term beginning January 1, 2027, through December 31, 2031.

The OEB issued Procedural Order No. 1 on February 5, 2026, in which it approved a list of applicants and parties to the proceeding, attached as Schedule A. In Procedural Order No. 2, the OEB approved an Issues List to define the scope of the proceeding and established certain dates for interrogatories and responses, and subsequent procedural steps.

Mr. Keith Pinto (Mr. Pinto) applied for intervenor status in this proceeding on February 5, 2026, two days after the deadline set out in the Notice of Hearing. Mr. Pinto did not request eligibility for an award of costs. The same day, Mr. Pinto also filed a letter with the OEB to explain why his intervention request was filed late.

The Applicants filed an objection to Mr. Pinto's request for intervenor status on February 11, 2026. In addition to pointing out that Mr. Pinto's request came in late, the Applicants argued that Mr. Pinto does not meet the OEB's test for intervention found in Rule 22.02 in the OEB's *Rules of Practice and Procedure* (Rules).

Mr. Pinto filed a letter on February 12, 2026, in response to the Applicants' objection letter of February 11, 2026.

The OEB did not place any of the correspondence related to Mr. Pinto's intervention request on the public record, as determinations needed to be made regarding what redactions were required in order to comply with the *Freedom of Information and*

Protection of Privacy Act (FIPPA).¹ The OEB has now made those determinations. Redacted versions of the correspondence will be placed on the public record, coincident with this Decision and Procedural Order No. 3.

Having considered the submissions received from both the Applicants and Mr. Pinto, the OEB grants intervenor status to Mr. Pinto for the reasons provided below.

The Rule 22.02 Test

Rule 22.02 of the Rules sets out the test for Intervenor Status:

The person applying for intervenor status must satisfy the OEB that they have a substantial interest and intend to participate responsibly in the proceeding. (...) A person has a substantial interest if they have a material interest that is within the scope of the proceeding; for example: (i) primarily representing the direct interests of consumers (e.g., ratepayers) in relation to services that are regulated by the OEB; (ii) primarily representing an interest or policy perspective relevant to the OEB's mandate and to the proceeding; (iii) having an interest in land that may be affected by the outcome of the proceeding; or (iv) having constitutionally protected Aboriginal or treaty rights that may be affected by the outcome of the proceeding.

Rule 22.02 goes on to describe the considerations that come into play when an intervention request is made by an individual:

In determining whether to grant intervenor status to an individual that is representing their own interests as a customer of the applicant or that is primarily representing a policy interest, the OEB will consider whether the individual: (i) raises a unique issue that is not already expected to be adequately addressed by another intervenor; or (ii) has expertise that the OEB would find helpful.

The analysis below provides the OEB's application of Rule 22.02 in this specific case.

¹ R.S.O. 1990, c. F.31

SUBSTANTIAL INTEREST IN THE PROCEEDING

The Applicants submitted that Mr. Pinto’s “assertions and other information in his request form do not constitute a sufficient substantial interest under the OEB’s rules”, arguing furthermore the absence of a “direct link” between Mr. Pinto’s intents in respect of this proceeding and the issues raised thus far on the record. The Applicants submitted that Mr. Pinto does not represent the interest of any entity other than himself.

Mr. Pinto submitted in his reply that “this application concerns the approval of payment amounts (...) during a period of exceptional capital investment and system transformation in Ontario’s electricity sector, including significant nuclear refurbishment and life-extension activity.” Mr. Pinto advanced that “[t]hese payment frameworks will have long-term and material financial implications for Ontario ratepayers, who ultimately bear the cost and risk of these arrangements.”

Mr. Pinto added that he seeks to “participate solely in [his] personal capacity as an individual Ontario ratepayer.” He does not claim to represent the interests of anyone but his own as an impacted ratepayer.

Findings

Mr. Pinto has a substantial interest in this proceeding.

While Mr. Pinto does not represent the interest of any group, the uncontroverted evidence on this record is that Mr. Pinto is a ratepayer in the province of Ontario; this attribute suffices for the OEB to reasonably conclude that Mr. Pinto has a material interest as he will be impacted by the outcome of this proceeding to some degree. Mr. Pinto is not a direct customer of the Applicants, yet his end-use electricity bill will incorporate the payment amounts which are within the scope of this proceeding. Drawing the opposite conclusion would necessarily imply that a ratepayer is not impacted by this application, which is false.

With respect to the characterization of the “substantial interest”, the single differentiating factor between those public interest intervenors already accepted in this proceeding and Mr. Pinto is that the former represent pluralities of ratepayers whereas Mr. Pinto represents a single ratepayer. In both cases, the interest of the ratepayer(s) is substantial.

To the extent the OEB must distinguish “substantial interest” on the basis of the size of an impacted group of ratepayers, it does so by carrying out the remainder of the Rule 22.02 assessment.

PARTICIPATING RESPONSIBLY

The Applicants expressed concerns that Mr. Pinto would not participate responsibly in the proceeding, noting that it “rarely objects to intervention requests, and does not do so lightly” in this case. Specifically, the Applicants submitted that Mr. Pinto’s participation “may lengthen proceedings and increase the costs of the proceedings for both the OEB and applicants (and ultimately customers)”. Furthermore, the Applicants submitted that Mr. Pinto will not “provide a meaningful contribution that would assist the OEB in adjudicating the matters at issue in the application”.

The Applicants claimed that Mr. Pinto’s delay in filing his intervenor request is a “flag” for the OEB “as to how he will participate in the proceeding.”

For his part, Mr. Pinto submitted that his intervention request was “deliberately scoped to avoid duplication, to respect procedural efficiency, and to focus on matters of relevance to ratepayers.” Mr. Pinto also indicated that he has already engaged constructively with other intervenors in the proceeding “with the objective of avoiding duplication and promoting efficiency.” He added that his participation “will remain strictly confined to issues within the OEB’s jurisdiction, including cost recovery, governance, internal controls, and ratepayer impacts” and that he would “welcome reasonable conditions on [his] participation to ensure efficiency and focus.”

In regard to the delay in filing the intervenor request, Mr. Pinto submitted that “[t]he delay was not intentional” and that he relied in good faith on the OEB’s electronic Intervenor Form submission process to fulfill both the filing and service obligations, noting that he was not aware that “separate service on the applicant was required until advised by the Registrar’s Office.”

Findings

In respect of the question of responsible participation, both parties have made submissions on this record which are insufficiently substantiated for purposes of the Rule 22.02 assessment. The OEB does take note of the evidence of a prior history between the parties in this case and has redacted portions of the Applicants’ submission in accordance with the OEB’s obligations under FIPPA (Mr. Pinto received the unredacted submission and responded to it).

At its core, the matter at issue for the OEB in this case is whether the evidence on this record raises any reasonable concerns for the OEB specifically in respect of responsible participation in this proceeding.

The OEB finds that the demonstrated quality of the participation of Mr. Pinto in this proceeding thus far satisfies the OEB's expectation in regards of responsible participation as found in Rule 22.02. In reaching this finding, the OEB notes that actual, demonstrated behaviour is a relatively higher standard to meet than is intent, which is the actual requirement found in Rule 22.02. The OEB generally expects a high standard of responsible participation to be upheld by all participants throughout the entirety of any proceeding. As always, the OEB will be prepared to take any necessary measures on a case-by-case basis should this high standard not be upheld by any participant at all times.

The record in this case shows that Mr. Pinto provided submissions in response to the hearing process outlined by the OEB thus far. These submissions were directly relevant to the questions at issue and objectively showed some degree of understanding of the OEB's processes.

The OEB takes note of the fact that Mr. Pinto's initial intervention request was filed two days after the deadline and the Applicants' claim that this situation consists of a "flag" in respect of "how [Mr. Pinto] will participate in the proceeding". The OEB finds that, while the concern is noted, it is insufficient on its own at this time to merit much weight. Firstly, the OEB takes into account that Mr. Pinto promptly provided an explanation for this delay. Secondly, the OEB notes that another instance of a late intervention request in this proceeding was left uncontested by the Applicants on the basis of timeliness and subsequently approved by the OEB.

PARTICIPATING AS AN INDIVIDUAL – RAISES A UNIQUE ISSUE

The Applicants argued that Mr. Pinto does not raise a unique issue that is not already expected to be addressed by another intervenor. The Applicants characterized the issues raised by Mr. Pinto as "general topics that a number of other intervenors, who already represent various ratepayer interests and perspectives and have considerable experience as intervenors, will be well equipped to address." The Applicants also submitted that Mr. Pinto does not claim to "represent any policy perspective relevant to the OEB's mandate."

In his response, Mr. Pinto explained that his "proposed participation is narrowly focused on issues of cost recovery, governance, internal controls, and transparency as they relate to ratepayer impacts." He emphasized that his "objective in participating is to assist the OEB in testing the evidentiary record from a ratepayer perspective, not to advance any personal interest or collateral agenda." Mr. Pinto specified that his "participation is non-duplicative and complementary to that of organizational intervenors."

To substantiate, Mr. Pinto provided a specific list of issues he proposed to focus on (Pinto Issues): support services and shared services cost allocation (including arrangements involving Laurentis Energy Partners); capital governance and capitalization practices for support services; contractor labour embedded in capital projects; prudence and timing of safety-related remediation costs; value-for-money considerations associated with shared services and internal service arrangements; and effectiveness of governance and internal control frameworks as they relate to cost recovery and ratepayer protection.

Findings

The Applicants' challenge to Mr. Pinto's intervention on grounds that he raises no issue(s) not already expected to be adequately addressed by another intervenor is insufficient to deny Mr. Pinto's intervention.

As of February 11, 2026, the date of the Applicants' objection to Mr. Pinto's intervenor application, the public record in this proceeding included 16, publicly available, intervenor applications. Each of these applications contained a section on "issues" and "policy interests".

In challenging Mr. Pinto's application, the Applicants did not sufficiently substantiate their claim that the Pinto Issues were duplicative (or not unique) for purposes of the Rule 22.02 assessment. In paragraph 11 of their submission, the Applicants characterized the Pinto Issues as "general" and argued that "a number of other intervenors, who already represent various ratepayer interests and perspectives and have considerable experience as intervenors, will be well equipped to address".

The OEB agrees with the Applicants' claims that other intervenors i) "represent various ratepayers interests and perspectives", ii) "have considerable experience as intervenors", and iii) "will be well equipped to address [the Pinto Issues]". However, these claims do not, on their own, conclusively demonstrate for purposes of Rule 22.02, the duplication that the Applicants claim exists in regard to the Pinto Issues. Specifically, the Applicants did not draw from any of the 16 intervenor submissions to demonstrate how the Pinto Issues were, in fact, duplicative (or not unique) as they submitted. The test for this section of Rule 22.02 is not whether or not other intervenors hold "considerable experience" or are well-equipped (although those may be requisites), but rather whether the issues proposed by a potential intervenor will, in fact, be unique.

The OEB reviewed all of the above-noted intervenor applications on this record thus far. The OEB agrees with the Applicants' claim, in part, and finds that some of the Pinto Issues can reasonably be expected to be duplicative when compared with those advanced by other intervenors. However, the OEB cannot conclusively find, on a

balance of probabilities, that all the Pinto Issues are not unique or otherwise adequately covered by another intervenor(s). For example, Mr. Pinto identified internal controls – an issue that no other intervention request has identified.

In reaching this finding, the OEB acknowledges that, at the stage of intervention requests, all parties have limited information at their disposal in relation to Rule 22.02. The practical reality is such that multiple intervenors apply to be granted status in a proceeding without necessarily knowing each other's intentions in respect of the issues they aim to respectively raise in the proceeding. Given the imperfect and limited information available to the OEB at this early stage, it must exercise some caution and fairness in its interpretation and application of Rule 22.02. In some instances, this may result in some duplication and/or inefficiencies being inadvertently introduced in a proceeding. That said, the OEB controls its own processes and has multiple other tools at its disposal to ensure efficiency, should it be required during the proceeding (e.g., weighing of evidence, prescribing intervenor collaboration, and imposing limits on cross-examination).

Lastly, the intent of Rule 22.02 is to ensure that OEB proceedings unfold in a focused and rigorous manner, but also in the most efficient, timely, and dependable manner possible. Rule 22.02 in part provides a means by which the OEB can ensure that duplicative interventions are limited or avoided. Rule 22.02 is, however, not intended to foreclose the possibility of any intervention by individual ratepayers (with a substantial interest) even in those instances where other approved intervenors already represent the interest of ratepayers as a collective. As such, Rule 22.02 must be applied in a way which strikes a delicate balance between the overarching general objectives of regulatory efficiency and evidentiary sufficiency.

PARTICIPATING AS AN INDIVIDUAL - HAS EXPERTISE THAT THE OEB WOULD FIND HELPFUL

The Applicants argued that “Mr. Pinto does not have particular expertise that would be relevant for purposes of this application and the OEB’s process”. In particular, the Applicants submitted that “[s]imply having had past employment at OPG/LEP does not alone qualify him as an expert that the OEB could find helpful.”

In his intervenor application, Mr. Pinto identified himself as “an Ontario ratepayer with more than twenty years of senior professional experience within Ontario Power Generation Inc. (OPG) and its subsidiary Laurentis Energy Partners (LEP).” He stated that he wished to participate in his personal capacity, not on behalf of any organization and that he “now engages in independent review and analysis of public-interest matters in the energy and nuclear sector.”

Findings

While the OEB appreciates the Applicants’ argument that simply having past employment does not, alone, suffice to qualify a potential intervenor as an expert, the OEB rejects this argument for the following reasons.

While Rule 22.02 refers to “expertise”, the intervenor application process is distinct from that of an expert qualification process. Mr. Pinto has neither claimed to be an expert nor suggested that he would advance “Expert Evidence” in this proceeding, in the sense intended in Rule 13A. The OEB, therefore, does not assess Mr. Pinto intervention application against such a standard.

Mr. Pinto’s perspective as a ratepayer can reasonably be expected to be distinct from that of other intervenors. Indeed, it is precisely because of Mr. Pinto’s familiarity with the Applicants’ business and operations that Mr. Pinto’s perspective as a ratepayer in reviewing this application may be unique and therefore helpful to the OEB, through the interrogatory process, for example. This specific characteristic distinguishes Mr. Pinto in this case from the many other ratepayers in Ontario who may also have a substantial interest in this proceeding.

For clarity, the OEB does not by this finding imply that any confidential information available to Mr. Pinto by virtue of his previous employment would consist of an acceptable form of contribution in this proceeding and thus the OEB would caution Mr. Pinto to exercise diligence in this regard.

Procedural Impacts of this Decision

The OEB issued Procedural Order No. 2 on March 4, 2026, in which it specified the timelines for the next steps in this proceeding. Some delay in treating Mr. Pinto's intervention request was caused by a need to redact submissions filed with the OEB in order to comply with the OEB's obligations under FIPPA. The impact of this delay on Mr. Pinto is that time has already lapsed since the issuance of the procedural guidance, and therefore the timeline for interrogatories is already running.

Procedural Order No. 2 established that intervenors shall file written interrogatories with the OEB and serve them on all parties by March 25, 2026, with responses from the Applicants to be filed on April 22, 2026.

As a matter of fairness, and given the date of this decision, the OEB shall provide Mr. Pinto with an additional 14 days to file interrogatories on April 8, 2026, and the Applicants shall file responses to Mr. Pinto's interrogatories on April 24, 2026. All other dates set in Procedural Order No. 2 remain unchanged.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Mr. Pinto shall request any relevant information and documentation from OPG and DNNP LP that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **April 8, 2026**. Interrogatories shall be filed by exhibit.
2. The Applicants shall file with the OEB complete written responses to Mr. Pinto's interrogatories and serve them on all intervenors by **April 24, 2026**. The Applicants shall include a table specifying which interrogatories, if any, they have refused to respond to and the reason for refusal.
3. Parties are instructed to use Schedule A as the updated circulation list for this proceeding.

Direction for preparing materials

- Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with Rule 9A of the OEB's [Rules of Practice and Procedure](#).
- Filings should clearly state the filing date and the sender's name, postal address, telephone number and e-mail address.
- Other than for applications or as otherwise required or directed by the OEB, parties are not required to submit a cover letter for materials that are self-evident (e.g., interrogatories, submissions) unless the cover letter includes a request or additional information not included in the materials themselves.
- Parties are strongly encouraged to use bookmarks in their filings to aid in navigation.
- Parties should not append to their evidence entire OEB documents (e.g., decisions, policy documents, guidelines). Rather, parties should provide citations to the documents and a clear and concise summary of the relevant part(s) of the document. Parties are encouraged to use hyperlinks for complete, permanent, and publicly available versions of the documents, when possible.
- Parties should refrain from quoting material from documents unless it is essential to support their interrogatories or arguments.
- Parties are not required to provide a summary of the procedural history of a proceeding but may refer to that history where and to the extent needed for context to orient an issue or discussion.
- Parties must: (a) disclose where generative artificial intelligence was used to generate content included in a filing and (b) confirm that the accuracy of the portion of the filing generated by generative artificial intelligence has been verified by the party or its representative without the assistance of generative artificial intelligence.

How to file documents with the OEB

- Parties are required to quote file number (i.e., **EB-2025-0297**) for all materials filed and submit them in **searchable/unrestricted PDF format** (i.e., no printing or copying restrictions) with a digital signature through the [OEB's online filing portal](#).
- Parties should use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\)](#)

[Document Guidelines](#) found at the [File documents online page](#) on the OEB's website.

- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact registrar@oeb.ca for assistance.
- Cost claims are filed through the OEB's online filing portal. Parties are encouraged to visit the [File documents online page](#) of the OEB's website for more information. Parties that are eligible for a cost award and that do not currently have an account in the cost claim portal should create an account as soon as their cost award eligibility has been confirmed by the OEB. All parties shall download a copy of their submitted cost claim for the purposes of service on the party(ies) paying cost awards as per the [Practice Direction on Cost Awards](#).
- All communications should be directed to the attention of the Registrar and be received by **4:45 p.m.** on the required date.
- With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Managers, Thomas Eminowicz at thomas.eminowicz@oeb.ca and Jeffrey Sauer at jeffrey.sauer@oeb.ca and OEB Counsel, Michael Millar at michael.millar@oeb.ca and Ian Richler at ian.richler@oeb.ca.

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DATED at Toronto, **March 25, 2026**

ONTARIO ENERGY BOARD

Ritchie Murray
Acting Registrar

SCHEDULE A

UPDATED LIST OF APPLICANTS AND PARTIES

ONTARIO POWER GENERATION INC. AND DNNP LP

EB-2025-0297

DECISION & PROCEDURAL ORDER NO. 3

MARCH 25, 2026

APPLICANT & LIST OF INTERVENORS

March 25, 2026

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