

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

AND IN THE MATTER OF an Application made by ERTH (Westario) Acquisition Inc. for (i) leave to acquire 100% of the issued and outstanding shares of Westario Power Inc. from The Corporation of the Town of Saugeen Shores, The Corporation of the Town of Hanover, The Municipality of Kincardine, The Corporation of the Municipality of Brockton, The Corporation of the Municipality of South Bruce, The Corporation of the Town of Minto, The Corporation of the Township of North Huron, The Corporation of the Township of Huron-Kinloss and FortisOntario Inc., made pursuant to section 86(2)(a) of the *Ontario Energy Board Act, 1998*, and (ii) leave to subsequently amalgamate Westario Power Inc. and ERTH (Westario) Acquisition Inc. to create a new company operating under the name Westario Power Inc. pursuant to section 86(1)(c) of the *Ontario Energy Board Act, 1998*, Board File No. EB-2026-0137.

AFFIDAVIT

I, **CHRIS WHITE**, at the Town of Ingersoll, **MAKE AN OATH AND SAY AS FOLLOWS:**

I am the President & CEO for ERTH (Westario) Acquisition Inc. ("EWAI") and, as such, have knowledge of the matters hereinafter deposed to.

Pursuant to the OEB's Letter of Direction dated May 29, 2026 (the "Letter") in the above-referenced case (attached to this Affidavit as Exhibit 1), EWAI and/or Westario Power Inc. ("WPI") have, as applicable, completed the following steps:

1. In accordance with paragraph 1 of the Letter, the Notice of Hearing, the Application and the evidence, and any amendments thereto, were posted on WPI's website. The form of the posted notice is attached to this Affidavit as Exhibit 2.
2. In accordance with paragraph 2 of the Letter, the Notice of Hearing, the Application and the evidence, and any amendments thereto, were served directly by email on June 4, 2026, to all intervenors in WPI's previous application, EB-2023-0058, i.e., Hydro One Networks Inc., the Vulnerable Energy Consumers Coalition and School Energy Coalition. The form of notice sent to the intervenors is attached to this Affidavit as Exhibit 3.
3. With respect to paragraph 3 of the Letter, WPI either does not have customers' email addresses or does not have the appropriate permissions to use the customers' email addresses to send utility or regulatory information, and therefore, is unable to comply with paragraph 3 of the Letter.

4. In accordance with paragraph 4 of the Letter, the required messages were posted on WPI's X (formerly Twitter), LinkedIn, and Facebook accounts. As required in accordance with paragraph 5 of the Letter, the posts include the Bigbox ad provided with the Letter and a link to the Notice of Hearing as posted on WPI's website in accordance with paragraph 1 of the Letter. WPI does not have Instagram accounts. A copy of the required posts is attached as Exhibit 4.

Sworn by Chris White before me at the
Town of Ingersoll in the Province of Ontario
on June 5, 2026



Tyler Moore
LSO No. 46951Q

Commissioner for Taking Affidavits in the Province of
Ontario



Chris White

The attached document is **Exhibit 1** to the Affidavit of Chris White.

Sworn by Chris White before me at the Town of Ingersoll in the Province of Ontario, on June 5, 2026.

A handwritten signature in black ink, appearing to read "Tyler Moore", is positioned above a horizontal line.

Tyler Moore
LSO No. 46951Q

Commissioner for Taking Affidavits in the Province of Ontario



BY E-MAIL

May 29, 2026

ERTH (Westario) Acquisition Inc.
180 Whiting Street
Ingersoll, ON
N5C 3B5

Chris White
President & CEO
chris.white@erthcorp.com

Westario Power Inc.
RR #2, 24 Eastridge Road
Walkerton, ON
N8M 3E4

Wally Malcolm
President & CEO
walter.malcolm@westariopower.com

John A. D. Vellone
Borden Ladner Gervais LLP
Counsel to ERTH Westario Acquisition Inc.
jvellone@blg.com

Zoë Thoms
Borden Ladner Gervais LLP
Counsel to ERTH Westario Acquisition Inc.
zthoms@blg.com

LETTER OF DIRECTION

Dear Applicants:

Re: Application under section 86(2)(a) of the *Ontario Energy Board Act, 1998* (OEB Act) by ERTH (Westario) Acquisition Inc. to acquire 100% of the shares of Westario Power Inc.

Application under section 86(1)(c) of the OEB Act to subsequently amalgamate Westario Power Inc. and ERTH (Westario) Acquisition Inc. and to create a new company operating under the name Westario Power Inc.

Ontario Energy Board File Number: EB-2026-0137

The Ontario Energy Board (OEB) has now issued its Notice of Hearing for ERTH (Westario) Acquisition Inc.'s application to acquire 100% of the issued and outstanding shares in Westario Power Inc., and to subsequently amalgamate with Westario Power Inc. (Notice). Please note that you must comply with the directions in paragraphs 1 to 5 below prior to **June 8, 2026**. If you are unable to comply with the directions within this timeframe, you must inform the Registrar immediately at registrar@oeb.ca.

You are directed:

1. To post the enclosed Notice, the application and evidence, and any amendments thereto, on Westario Power Inc.'s website.
2. To arrange for the service of the enclosed Notice, the application and evidence on all intervenors of record in Westario Power Inc.'s previous application, EB-2023-0058.
3. To arrange for service of the enclosed Notice on customers for whom Westario Power Inc. has an email address and the appropriate permissions to use the email address to send utility or regulatory information, together with the following email message:
 - a) "ERTH (Westario) Acquisition Inc. has applied to the Ontario Energy Board to acquire 100% of the issued and outstanding shares in Westario Power Inc., and to subsequently amalgamate with Westario Power Inc. Please review the Ontario Energy Board's Notice of Hearing to learn more and to find out how you can participate in the Ontario Energy Board's hearing."

The email must include the words "Notice of Hearing" within the email subject line and provide a link to the Notice as posted on Westario Power Inc.'s website posted in accordance with paragraph 1.

4. To post the following message if Westario Power Inc. has an X (formerly Twitter), LinkedIn, Facebook, and/or Instagram account:
 - a) "ERTH (Westario) Acquisition Inc. has applied to the Ontario Energy Board to acquire 100% of the issued and outstanding shares in Westario Power Inc., and to subsequently amalgamate with Westario Power Inc. Learn more. Have your say."
5. The post is required to include the Bigbox ad and to provide a link to the Notice as posted on Westario Power Inc.'s website in accordance with paragraph 1
6. To provide a copy of the Notice, the application and evidence, and any amendments thereto, to anyone requesting the material.
7. To file with the OEB an affidavit confirming that the steps set out in paragraphs 1 through 5 have been completed.

You are further directed not to include any documents or materials when serving or publishing the Notices other than documents or materials expressly required by this letter of direction.

Yours truly,

Ritchie Murray
Registrar

Enclosed:

- Notice
- Bigbox AD

The attached document is **Exhibit 2** to the Affidavit of Chris White.

Sworn by Chris White before me at the Town of Ingersoll in the Province of Ontario, on June 5, 2026.

A handwritten signature in black ink, appearing to read 'Tyler Moore', is positioned above a horizontal line.

Tyler Moore
LSO No. 46951Q

Commissioner for Taking Affidavits in the Province of Ontario

Exhibit 2



Westario Power Inc.

[Our Company](#) ▾

[Newsroom](#)

[My Westario](#)

[Contact](#)

[Residential](#) ▾

[Business](#) ▾

[Sustainability](#) ▾

[Outages](#) ▾

[FAQ](#) ▾



Notice of a Hearing: ERTH (Westario) Acquisition Inc. has applied for approval to acquire Westario Power Inc.

June 4, 2026

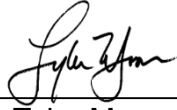
ERTH (Westario) Acquisition Inc. has applied to the Ontario Energy Board to acquire 100% of the issued and outstanding shares in Westario Power Inc., and to subsequently amalgamate with Westario Power Inc.

Please review the Ontario Energy Board's [Notice of Hearing](#) to learn more and to find out how you can participate in the Ontario Energy Board's hearing.

[Review the application, evidence, and any amendments thereto.](#)

The attached document is **Exhibit 3** to the Affidavit of Chris White.

Sworn by Chris White before me at the Town of Ingersoll in the Province of Ontario, on June 5, 2026.

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Tyler Moore
LSO No. 46951Q

Commissioner for Taking Affidavits in the Province of Ontario

Exhibit 3

Westario Power Inc. - Notice of Hearing EB-2026-0137



Bill Lorentz <Bill.Lorentz@westariopower.com>

To: mark@shepherdubenstein.com; regulatory@hydroone.com; jane_scott@rogers.com;
markgarner@rogers.com; bharper.consultant@bell.net

Cc: [Walter Malcolm](#)



Thu 2026-06-04 11:45 AM



Dear Interveners,

ERTH (Westario) Acquisition Inc. has applied to the Ontario Energy Board to acquire 100% of the issued and outstanding shares in Westario Power Inc., and to subsequently amalgamate with Westario Power Inc.

As a previous intervening party, we are writing to advise you that the application is now on the OEB's website.

The application is accessible via the provided URL, and the notices are enclosed for your convenience.

Do not hesitate to contact us if you have any questions or concerns.

[Content Manager WebDrawer - Search Results](#)

Sent of behalf of;

Walter Malcolm.
President and CEO
RR #2, 24 Eastridge Rd
Walkerton, ON N0G 2V0
C: (519) 507-6937
walter.malcolm@westariopower.com

The attached document is **Exhibit 4** to the Affidavit of Chris White.

Sworn by Chris White before me at the Town of Ingersoll in the Province of Ontario, on June 5, 2026.

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Tyler Moore
LSO No. 46951Q

Commissioner for Taking Affidavits in the Province of Ontario

Exhibit 4

X (formerly Twitter)



Facebook

 **Westario Power**
6m · 

ERTH (Westario) Acquisition Inc. has applied to the Ontario Energy Board to acquire 100% of the issued and outstanding shares in Westario Power Inc., and to subsequentl... [See more](#)

Notice of a Hearing

**ERTH (Westario) Acquisition Inc.
has applied for approval to
acquire 100% of the shares in
Westario Power Inc.**

Learn More

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ENERGY
BOARD** | **COMMISSION
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Westario Power
809 followers
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...

ERTH (Westario) Acquisition Inc. has applied to the Ontario Energy Board to acquire 100% of the issued and outstanding shares in Westario Power Inc., and to subsequently amalgamate with Westario Power Inc.
Learn more. Have your say.
<https://lnkd.in/eUTwqdfp>

Notice of a Hearing

**ERTH (Westario) Acquisition Inc.
has applied for approval to
acquire 100% of the shares in
Westario Power Inc.**

Learn More



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