



Toronto Hydro-Electric System Limited

**Application for a proposed Non-Wires Solutions (NWS) Incentive
Mechanism effective May 1, 2026 to December 31, 2029**

PROCEDURAL ORDER NO. 1

June 8, 2026

Toronto Hydro-Electric System Limited (Toronto Hydro) filed an application with the Ontario Energy Board (OEB) on April 10, 2026, under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B) and section 11 of the Distribution System Code seeking approval of a proposed Non-Wires Solutions (“NWS”) Incentive Mechanism and the associated deferral account effective May 1, 2026 to December 31, 2029.

The application will be heard by commissioners: Allison Duff (presiding), Vinay Sharma, and James Sidlofsky.

A Notice of Hearing was issued on May 4, 2026. The Building Owners and Managers Association Toronto (BOMA), Energy Probe Research Foundation (Energy Probe), Environmental Defence (ED), Pollution Probe, and Power Workers’ Union (PWU) applied for intervenor status. BOMA, Energy Probe, ED and Pollution Probe also applied for cost eligibility.

No objection was received from Toronto Hydro.

As described below, the OEB has several preliminary questions related to the interplay between the current application and the settlement proposal approved in the OEB’s Partial Decision and Order, in Toronto Hydro’s 2025-2029 distribution rates proceeding (EB-2023-0195)¹.

Given the OEB’s preliminary questions regarding the EB-2023-0195 proceeding, the OEB is approving all intervenors of record in EB-2023-0195 as intervenors in the current proceeding, (that group includes the five parties that requested intervenor status in the current proceeding). Those intervenors granted cost eligibility in EB-2023-0195 (including BOMA, Energy Probe, ED and Pollution Probe) are also eligible to apply for awards of costs for their participation in the current proceeding under the OEB’s

¹ EB-2023-0195, Partial Decision and Order, November 12, 2024

[Practice Decision on Cost Awards](#) should they choose to participate. The OEB has determined that all intervenors of record in EB-2023-0195 may have a substantial interest in this application and shall receive all hearing documentation and correspondence going forward.

The list of parties in this proceeding is attached as Schedule A to this Procedural Order.

Background and Preliminary Questions

Based on an initial review, this NWS Incentive application appears to relate to matters that may have been previously settled and approved in the EB-2023-0195 proceeding for the 2025-2029 rate period. The OEB has identified several preliminary questions for Toronto Hydro to assist in clarifying the application and to better understand its implications as the OEB determines how to proceed.

The OEB requests that Toronto Hydro provide responses to the following preliminary questions:

- 1) Is Toronto Hydro seeking to review, vary, or otherwise alter any aspect of the EB-2023-0195 Partial Decision and Order² (issued November 12, 2024)? Please explain.
- 2) Please discuss the relationship between the current application and the OEB-approved settlement proposal in EB-2023-0195. In particular, please address settled issue 2.1, which the parties agreed “to eliminate the proposed Performance Incentive Mechanism in lieu of a higher than proposed stretch factor and an incremental stretch factor on capital”³.
- 3) Other than the request for a Margin on Payments incentive, is Toronto Hydro seeking approval for any changes to the LDR program as it was approved in EB-2023-0195? If yes, please describe the changes for which approvals are being requested.

After reviewing Toronto Hydro’s responses to the preliminary questions, the OEB will make a determination on next steps.

Cost eligible intervenors should be aware that the OEB will not generally allow the recovery of costs for the attendance of more than one representative of any party unless a compelling reason is provided when cost claims are filed.

² Ontario Energy Board, [Partial Decision and Order](#) EB-2023-0195 (November 12, 2024)

³ EB-2023-0195 Partial Decision and Order, Schedule A, p. 35 of 37.

The OEB is making provision for the following related to this proceeding. Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. The approved intervenors in this proceeding are identified in Schedule A to this Procedural Order. Those intervenors that were eligible for cost awards in EB-2023-0195 are also eligible for cost awards in this proceeding.
2. Toronto Hydro shall file with the OEB its responses to the preliminary questions identified in this Procedural Order, copying all intervenors of record in Schedule A, by **June 15, 2026**.

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-2026-0129**) 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 Manager, Stephanie Cheng, at 416-544-5165 or stephanie.cheng@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, **June 8, 2026**

ONTARIO ENERGY BOARD

By delegation, before: Ritchie Murray

Ritchie Murray
Registrar

**SCHEDULE A
PROCEDURAL ORDER No. 1
TORONTO HYDRO-ELECTRIC SYSTEM
LIMITED
EB-2026-0129
APPLICANT AND INTERVENOR LIST
JUNE 8, 2026**

Toronto Hydro-Electric System Limited
EB-2026-0129

APPLICANT & LIST OF INTERVENORS

June 8, 2026

**Building Owners and
Managers Association,
Greater Toronto**

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Toronto Hydro-Electric System Limited
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APPLICANT & LIST OF INTERVENORS

June 8, 2026

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Toronto Hydro-Electric System Limited
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June 8, 2026

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June 8, 2026

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