



June 8, 2026

VIA E-MAIL

Ritchie Murray
Registrar (registrar@oeb.ca)
Ontario Energy Board
Toronto, ON

Dear Mr. Murray:

**Re: IESO 2026-2028 Revenue Requirement and Fees EB-2026-0142
Process Submissions of the Vulnerable Energy Consumer Coalition (VECC)**

I am writing on behalf of VECC/PIAC in regards to the above noted application by the IESO. In the Notice of Hearing the Board invited parties submitting a request for intervenor status to comment on an IESO proposed abbreviated process to hear this application. We have separately applied for intervention party status through the Board's online system. These are our comments on the proposed abbreviated process.

In the cover letter accompanying the application the IESO proposes changes to the normal application process of issues list development, discovery, settlement/hearing and argument. The proposed process is described as three changes:

- 1. Approve the draft Issues List attached as Appendix "A" to ensure that the scope of the review is limited to the alignment of the proposed expenditures and revenue requirements with the Minister-approved Business Plan and the setting of the appropriate fees.*
- 2. Establish a Board staff-led interrogatory process in which staff will issue their interrogatories based on the Issues List and invite intervenors to review. A comment period will follow, during which intervenors may propose additional interrogatories. Board staff will determine which of the intervenor-proposed interrogatories to include in the final set. By utilizing this process, the IESO requests that it be provided with two weeks (10 business days) to file its responses to the interrogatories on the public record.*
- 3. Direct that the evidentiary record close upon the IESO's submission of its responses to interrogatories and that the matter be submitted to the presiding Commissioners for a decision on whether to approve the IESO's proposed expenditures, revenue requirements and fees or refer them back to the IESO for further consideration with the Board's recommendations.*

The reasoning to support these extraordinary abbreviations are the “...the IESO’s not-for-profit status, public interest mandate and oversight by the Minister.” Added to this it is suggested that there is meaningful direction in the Minister of Energy and Mines letter of March 27, 2026 approving the IESO’s Business Plan. In that letter the Minister said: “As such, I am supportive of timely consideration by the Ontario Energy Board, including through approaches such as streamlined review.”

First, let it be said that VECC is also at times also frustrated with the lengthy process that is afforded applications. Still, we would argue that process is as important as the outcome. It is process that provides for a robust decision and it is process that provides the legitimacy of the result. The normal processes employed by the Board requires an appreciation for different interests and views, even those sometimes on the periphery of relevance. It requires the Board judge the merit and relevance of issues raised by people who are not the Applicant. And these processes are underpinned by the *Ontario Energy Board Act*, the *Electricity Act* and other subsidiary legislation most notably the *Statutory Powers Procedure Act*.

The legislation that applies to the hearing of fees for the IESO is made within that framework. Had the legislature wanted “not for profit” or institutions which have “a public interest mandate” to be excepted from that framework it would have said so explicitly in the governing laws. As for being “not for profit” – that is irrelevant in other places. Up until recently there were some electricity distributors who voluntarily chose to operate under the ambit of being “not for profit.” They were nevertheless regulated and process applied in the same fashion as every other distributor.

As for what constitutes having a “public mandate” that is more a matter of opinion than law. OPG is also owned by the people of Ontario – perhaps the Board should entertain a similar claim of it having a unique public mandate. The IESO is a large bureaucracy and similar with guaranteed access to ratepayer’s money. The IESO is not a government ministry and does not pay its employees as such. It is a provider of services in the electricity energy market of Ontario. We submit it is not so special as implied by way of this proposal. In any event what is relevant are the laws applying to the IESO. The only noteworthy exception to it as compared to other rate regulated entities is that if not approved the fees are remitted back to the IESO Board of Directors for consideration. No special application process is laid out for this difference and none has been applied in the past.

We also submit that the Board should be cautious of interpreting the Minister’s musing on timely consideration of the application. The IESO thinks this means a process which limits the activities of intervenors. Maybe it means the Board should grant no interventions. Or perhaps the Minister was thinking of the timelines the Board gives itself to render a decision. Maybe the Minister was signalling that the IESO should be more cooperative with intervenors. No one other than the Minister knows what was intended by the statement and in any event, a Minister’s statement does not make law.

We should also read the Minister’s statement in context. The desire for the support for a timely process is proceeded by this sentiment: “***I recognize that IESO’s revenue requirements in the Business Plan cover the revenue requirements for the current year, 2026. As such, I am supportive of timely consideration by the Ontario Energy Board, including through approaches such as streamlined review***” This is said on March 27, 2026 when approving the business plan which starts in the same year and which was submitted to the Minister on August 29, 2025 (Exhibit A, Tab 1, Schedule 5, page 2). Whatever the reasons for that delay it should not fall on the public interest to limit robust examination of the application.

Specifically, we object to each of the three proposals as follows.

Item 1: Removal of a process to establish an issues list. Instead, says the IESO, you should accept the IESO list. There it is - presumably the IESO has determined it can do away with anyone else's thoughts on what issues are considered to be relevant or how they should be assessed by the Board in this proceeding. The IESO's proposal is not only presumptuous it is perverse to its desire for brevity. The entire purpose of the issues list process is to scope the proceedings.

In the notice of Application, the Board invites parties to comment on the draft issues list. This is unusual and a comprehensive response requires significant time reviewing the application. To do so prior to understanding the ability to later recover costs is unfair. As is normal, VECC has completed a preliminary review of the application prior to seeking intervention. A detailed study is ordered only after receiving intervention status. VECC is a community organization without the funds absorb the cost of a complete and comprehensive review of the application prior to understanding its cost eligibility in this proceeding.

Having said that, our preliminary comments are that the proposed issues list is very detailed. Perhaps with an intent to narrow the scope of issues that might be raised subsequent to more detailed study. It is also unnecessarily narrow in the first instance. For example, the IESO list proposes in many places that the issue is limited to ensuring the matter be "*aligned with the Minister's approved Business Plan.*" Narrowly read, provided the application is faithful to the Business Plan then it is aligned with the Ministers approval. We do not think the test for the Board is limited to ensuring the business plan in this application is the same as that approved by the Minister.

Item 2: Board Staff write the IRs and intervenors add their thoughts to those of Staff. This presumes Board Staff have the authority to limit and shape discovery by rendering decisions on what intervenor amendments have merit and are worthy of being put forward to the IESO. Of course, Board Staff have no such authority and hold no powers over what intervenors may or may not wish to put to the applicant. If the Board wishes to limit the discovery of an intervenor than it best be done in the first instance by denying intervention, or more reasonably, by establishing an issues list that scopes matters and ultimately by hearing motions by parties on the production of information.

IESO's proposal is somewhat similar to recent experiments by the Board which had Staff and intervenors work together to create a single set of questions. Though there is nothing inherently wrong with coordination that specific execution of it, was in our view, an abject failure. This is because it is based on two erroneous assumptions. The first is that it is a simple matter to meld questions of one party (including Staff) with somewhat similar concerns of another party. It is not. Ultimately this can also lead to complications later in the process when what gets answered is not quite what different contributing parties' thought was being asked. The second false assumption is that it saves time and costs to produce a single list of interrogatories. It does not. In fact, it adds time and costs to the process. Intervenors still must read, distil and analyse the same information – those costs stay the same. They must also still note their questions to be resolved. To this they must now add reading and trying to understand if Board Staff's questions are quite the same as their own. A dialogue with Staff must ensue and new questions added if someone merits it worth doing so. And what is to happen if Board Staff and an intervenor disagree on the merit of a question. How are the Commissioners to be involved? Does one file a motion against Staff?

It is much more efficient, as is usually done, for the Applicant to simply refer any repetitive questions to a single response of one of the parties' interrogatories, or if they believe the question outside the scope established in the issues list, to not answer.

Item 3: This is perhaps the most egregious proposal of all and can be summed up colloquially as: "why bother with settlements, hearing and arguments? You've got our application our (very informative and unchallenged) responses to all the questions Board Staff deemed worth asking. So now it is time to get on with decision making." This particular proposal makes a mockery of the entire concept of meaningful intervention.

If the IESO doesn't like the fact that the Board is charged with hearing from parties about the revenue requirement underpinning the fees charged to ratepayers than it should get the legislation changed. If the Government of the day is convinced that the IESO is somehow clothed in camel hair of a public interest mandate and does not need the Ontario Energy Board to consider its proposal the maybe it will get a new legislative framework. Until then we submit the normal processes should apply. That process is defined by a robust issues list, discovery and opportunity to be heard either via a settlement conference or submissions.

If the Board is looking to shorten the process it might consider how an issues list can be developed that clearly scopes matters perhaps including not just what it wishes to hear but perhaps also what it does not. The Board might also consider whether subsequent to robust discovery (e.g. interrogatories and a perhaps technical conference if needed) and canvassing of the parties only submissions of the parties might be required (i.e. a written hearing).

We hope our comments are helpful.

Yours truly,

A handwritten signature in black ink, appearing to read 'M. Garner', with a stylized flourish at the end.

Mark Garner
Consultants for VECC/PIAC