Via RESS June 18, 2026

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

Dear Mr. Murray:

Subject: Hydro Ottawa Limited (Hydro Ottawa)
Custom Incentive Rate-Setting (Custom IR) Application for 2026-2030
Electricity Distribution Rates and Charges
OEB File: EB-2024-0115

Hydro Ottawa appreciates the opportunity to comment on intervenor cost claims submitted in the above-mentioned proceeding. Hydro Ottawa firmly believes that intervenor participation within the adjudicative process is a vital component that brings diverse perspectives and targeted analysis, ultimately assisting the Ontario Energy Board (OEB) in testing the applicant's evidence and supporting positive outcomes for ratepayers. Hydro Ottawa values this engagement and recognizes that a collaborative, transparent process is essential to establish just and reasonable rates.

Hydro Ottawa also believes there are areas of improvement within the current framework. A proactive approach featuring upfront guidance, and enhanced case management, implemented through deliberate process changes, would achieve better outcomes than relying on end-stage course corrections after significant time and resources have already been invested.

While Hydro Ottawa supports responsible and meaningful intervention, it must balance these considerations with its fundamental obligation to protect ratepayer interests. This submission is guided directly by the OEB's clear mandate and 10-point plan to enhance regulatory efficiency, reduce administrative burden, and eliminate duplication, as underscored in both the OEB's *Intervenors and Regulatory Efficiency Action Plan* and the *Practice Direction on Cost Awards*.

To ensure the cost claims submitted in this proceeding represent a prudent and efficient use of resources, Hydro Ottawa has undertaken a structured evaluation of the filings, utilizing two primary benchmarks:

- **Comparison of Hydro Ottawa's 2021-2025 Application to its 2026-2030 Application:** A comparative evaluation of the hours spent in the current proceeding relative to Hydro Ottawa's previous rate application, accounting for the specific scope of this Custom IR application and the nature of the unsettled issues. While the current application reflects unprecedented growth, inflationary pressures and a labour disruption, the previous application adjudicated its own complex drivers. These included the prudence of Hydro Ottawa's new head office facility, the building of the new Cambrian distribution station, and other major infrastructure investments. Furthermore, while the 2026-2030 application includes a larger non-wires solution, this initiative was built directly off Hydro Ottawa's initial request in its 2021-2025 rate application. Ultimately, the volume of original evidence was similar across both applications, and both were established using a custom framework with growth and custom stretch factors, alongside utility-specific deferral and variance accounts. The 2021-2025 application featured a more extensive expert evidence process, whereas a key distinguishing factor of the current 2026-2030 application is that it necessitated a substantive oral hearing and argument phase. Hydro Ottawa is explicitly mindful of this important difference and has accounted for it when evaluating the overall hours claimed.

While Hydro Ottawa acknowledges that the 2026-2030 application addressed a distinct historical period compared to the previous application and that the utility is navigating a greater degree of change, it nevertheless invested substantial time into augmenting the level of detail, explanation and cross-referencing within its evidence. This proactive effort was undertaken explicitly to streamline the discovery phase and support a more efficient review process for all participants.

- **Intervenor Comparison:** A peer-to-peer review evaluating the relative hours claimed by different intervenor groups for comparable tasks, such as interrogatory preparation or attendance at the oral hearing. Hydro Ottawa acknowledges that a direct, one-to-one comparison has limitations, as intervenors represent distinct customer interests, assume varying scopes of responsibility, and often take on different coordination or leadership roles within the proceeding. While Hydro Ottawa understands the foundational requirements of application review and these differing dynamics, this benchmark helps evaluate whether hourly outcomes reasonably align with objective measures of participation, such as the volume of questions asked or the preparation of compendiums.

In applying these benchmarks, Hydro Ottawa notes it is important to distinguish coordination for efficiency rather than strategic outcomes. Hydro Ottawa makes this distinction regarding how intervenors interact, as the OEB explicitly encourages intervenors to coordinate their efforts to streamline the discovery process, reduce duplicative interrogatories, and manage hearing time efficiently, all of which can drive regulatory efficiency and lower overall burden. Conversely, while strategic alliances to advance shared policy positions or advocacy outcomes are a natural element of the hearing process and can bring benefits to customers, they should not result in multiple parties billing separate hours for overlapping, parallel, or duplicative work. Cost awards are designed to compensate for distinct, individual contributions that provide incremental assistance to the Board.

Accordingly, Hydro Ottawa's specific comments on individual cost claims aim to focus strictly on elements that appear excessive, do not appear to provide additional value, or appear misaligned with hourly claims of peer intervenor categories.

Table 1 below provides a comparison in dollars and hours of each intervenor's time in Hydro Ottawa's 2021-2025 and 2026-2030 rate applications. For those consultants who represent more than one customer group, their time has also been combined to present a total overview of work activity. For clarity, although total dollar amounts are provided in Table 1, Hydro Ottawa's analysis focuses strictly on hours and time spent. This approach normalizes the data against shifts in personnel, varying levels of experience, and recent changes to the hourly rate approved by the OEB.

Table 1 – 2021 & 2026 Rate Application Intervenor Comparison

Intervenor	$			Hours			
	2021	2026	Variance %	2021	2026	Variance - Hours	Variance %
BOMA	$31,833	$66,415	109%	104	185	82	79%
CCC	$58,245	$86,961	49%	177	287	111	63%
DRC	$32,172	$26,956	(16)%	125	136	11	9%
ED	$20,831	$20,892	0%	81	82	1	1%
EP/CCMBC[1]	$53,300	$47,388	(11)%	162	132	(30)	(19)%
PP/CAFES[2]	$37,257	$68,569	84%	113	191	78	69%
SEC	$61,301	$135,823	122%	261	423	161	62%
VECC	$69,036	$104,738	52%	209	292	83	39%
TOTAL	**$363,976**	**$557,742**	**53%**	**1,231**	**1,727**	**496**	**40%**

Based on the information in Table 1 above, and considering that both of Hydro Ottawa's Custom IR applications featured similarly sized evidentiary records (pre-filed evidence) and comparable complexity while also being diverse in the nature of the applications, Hydro Ottawa suggests that the average 40% increase in time spent (equating to an average of 62 additional hours per intervenor) is misaligned with the OEB regulatory efficiency objectives. Given the OEB's ongoing efforts to streamline the adjudicative process, such a substantial escalation in hours across all intervenors warrants closer scrutiny.

[1] For 2026, Tom Landayi represented both EP and CCMBC which are combined in this line. 2026 total costs = $24,124 (EP) + $22,976 (CCMBC). 2026 total hours = 68 (EP) + 64 (CCMBC)

[2] For 2026, Micheal Brophy represented both PP and CAFES which are combined in this line. 2026 total costs = $31,951 (PP) + $36,618 (CAFES). 2026 total hours = 89 (PP) + 102 (CAFES)

Hydro Ottawa explicitly recognizes that the unsettled issues in the 2026-2030 application were more significant than in the past, ultimately resulting in an oral hearing and a substantial post-settlement written process. Because additional time was legitimately required for some intervenors during those later phases, the adjudicative process after the Settlement stage has been intentionally separated from this specific comparison to ensure a fair, baseline analysis.

Hydro Ottawa has summarized the total suggested reductions to intervenor cost claim hours in Table 2 and provided further explanation below.

Table 2 - Proposed Reduction to Cost Claim Hours by Intervenor

	Total Hours	Recommended Reduction	% Reduction
BOMA	185	(20)	-11%
CCC	287	0	0%
DRC	136	(16)	-12%
ED	82	0	0%
EP/CCMBC	132	0	0%
PP/CAFES	191	(17)	-9%
SEC	423	(12)	-3%
VECC	292	(12)	-4%
TOTAL	**1,727**	**(77)**	**-4%**

Table 3 demonstrates that the majority of the cost increases, 75%, relate to the additional procedural steps and for the most part Hydro Ottawa does not discuss them further in the letter.

Table 3 – Intervenor Hours Oral Hearing & Reply

Intervenor	Total Oral Hearing & Reply			
	2021	2026	Variance - Hours	% Contribution to total hours increase (Table 1)
BOMA	5	38	33	41%
CCC	1	76	75	68%
DRC	1	34	33	307%
ED	18	19	0	17%
EP/CCMBC	1	47	46	0%
PP/CAFES	6	41	36	45%
SEC	9	107	98	61%
VECC	5	58	54	65%
TOTAL	**45**	**419**	**374**	**75%**

Table 4 below provides a breakdown of intervenor hours incurred up to the conclusion of the Settlement stage of the adjudicative process. Comparing hours spent up to the Settlement process in the 2021-2025 application against these in the 2026-2030 application provides valuable insight into potential areas of consideration. As noted above, while both applications had unique operational aspects and distinct complexities, the foundational work required to review evidence, prepare interrogatories, and participate in settlement negotiations should have theoretically remained relatively stable.

Table 4 – Intervenor Hours up to Settlement[3]

Intervenor	Hours up to Settlement				
	2021	2026	Variance Hours	Variance %	% Contribution to total hours increase (Table 1)
BOMA	99	146	47	48%	58%
CCC	176	210	35	20%	31%
DRC	115	99	(17)	-14%	-153%
ED	62	63	1	2%	83%
EP/CCMBC	160	85	(75)	-47%	0%
PP/CAFES	107	149	41	39%	53%
SEC	244	314	70	29%	44%
VECC	204	231	28	14%	33%
TOTAL	**1166**	**1297**	**131**	**11%**	**26%**

Table 5 presents the number of hours spent by intervenor for the 2026-2030 application by category.

Table 5 - 2026 Intervenor Hours up to Settlement by Category

Category	Intervenor							
	BOMA	CCC	DRC	ED	EP	PP	SEC	VECC
Discovery	76	138	33	16	48	94	177	148
Procedural	2	0	6	1	1	5	8	2
Settlement Conference	68	73	60	46	36	50	130	82
TOTAL	**146**	**210**	**99**	**63**	**85**	**149**	**314**	**231**

Table 6 provides the number of questions based on document and sub-part for both the 2021-2025 and 2026-2030 rate applications.

[3] Totals may not sum due to rounding.

Table 6 – Number of Questions

Intervenor	2021 Interrogatories		2026 Interrogatories	
	Questions	Subparts	Questions	Subparts
OEB Staff	189	663	223	668
BOMA	5	10	8	21
CCC	79	124	74	303
DRC	13	65	10	64
ED	17	108	47	164
EP/CCMBC	113	271	8	18
PP/CAFES	14	50	43	125
SEC	70	156	92	213
VECC	109	294	72	299
TOTAL	**609**	**1,741**	**577**	**1,875**

While OEB Staff's overall number of questions remained relatively flat compared to the previous application, most other intervenor groups significantly increased their volume of questions.

Hydro Ottawa has identified several specific area for proposed reductions in hours as follows:

Building Owners and Managers Association Ottawa (BOMA)

Hydro Ottawa observes that BOMA is requesting an overall level of costs that appear to be beyond the scope of the additional review they have contributed. In terms of total hours and up to Settlement, they have increased 48% in this proceeding compared to time spent on Hydro Ottawa's 2021-2025 application.

Areas of identified misalignment are as follows.

- BOMA claimed 25 hours (the 5th highest among all participants), to review evidence and prepare interrogatories, ultimately submitting 21 questions primarily focused on the revenue load forecast. By comparison, EP & CCMBC claimed 10 hours while asking 18 targeted questions.
- BOMA's claim of 8.63 hours for oral hearing preparation is excessive relative to its actual contribution. While this time is technically comparable to individual VECC consultants (7.5 and 11 hours), BOMA produced no hearing compendium and ultimately asked a

spontaneous question because other intervenors had already covered the material.[4] DRC, which also attended without producing a compendium or asking questions, prudently billed 2.7 hours for its preparation. BOMA's hours should be reduced to reflect a similarly reasonable and prudent approach.

- In its cost claim letter, BOMA explicitly acknowledged the lead role of SEC during settlement negotiations and Hydro Ottawa notes that BOMA's scope appears much narrower than that of CCC and VECC. Despite this narrower scope, BOMA's claim for Settlement conference preparation of 19 hours appears disproportionate and suggests a duplication of effort with other intervenors.
- BOMA claimed 14.5 hours to prepare their high level written reply submission on all outstanding issues that spanned just over 3 pages. In contrast, both EP and CCMBC supplied slightly longer and detailed replies divided by issues, but claimed 11 and 10.5 hours respectively. For further context, VECC supplied a comprehensive 25 page reply and claimed 23 hours, highlighting that BOMA's hours are disproportionate to the ultimate depth and volume of its output.

While Hydro Ottawa recognizes that BOMA utilized a new consultant for this application, the utility submits that ratepayers should not absorb the costs of an expanded scope or duplicative efforts or potentially an external learning curve. Because the time spent across these combined activities is misaligned with peer benchmarks, Hydro Ottawa suggests an overall reduction of 20 hours from BOMA's claim.

Consumers Council of Canada (CCC)

Hydro Ottawa is not requesting a specific cost reduction related to CCC. The utility notes that CCC reduced its overall time spent on reviewing the evidence and preparing interrogatories by 4% compared to the 2021-2025 application. However, CCC claimed a significant 130% increase in the time dedicated to interrogatory response review and technical conference preparation. While this percentage increase is substantial, the total volume of hours incurred remains lower than the claims submitted by both SEC and VECC, and ultimately appears reasonable and aligned with CCC's specific scope in this proceeding.

Distributed Resource Coalition (DRC)

Hydro Ottawa notes a potential clerical error or disproportionate resource allocation in DRC's cost claim for the Oral Hearing phase. DRC claimed 18.8 hours for this activity, which is significantly higher than the 15 hours claimed by both BOMA and EP/CCMBC. Most intervenors did not itemize attendance at the settlement presentation separately. Neither BOMA or

[4] Ontario Energy Board, *Oral Hearing Transcript*, vol. 2 (January 1, 2026), page 187.

EP/CCMBC featured a separate entry for the settlement presentation. Consequently, Hydro Ottawa suggests that DRC's claim for this phase is either excessive or contains a typo of approximately 4 hours.

Furthermore, DRC's hours for attendance at the Settlement Conference itself appears misaligned with other intervenors. DRC claimed 42.9 hours for this phase, whereas most intervenors claimed between 31 and 33.5 hours, with the sole exception of SEC, which took a primary role in leading discussions and claimed 52.9 hours. Because DRC's level of participation appears to be misaligned, its settlement appearance costs appear to be excessive by approximately 12 hours.

Based on these combined discrepancies, Hydro Ottawa proposes a total time reduction of 16 hours from DRC's cost claim.

Environmental Defence (ED)

Hydro Ottawa is not requesting a specific cost reduction related to ED.

Energy Probe (EP) and Coalition of Concerned Manufacturers and Businesses of Canada (CCMBC)

Hydro Ottawa notes EP and CCMBC overall spent less time on the 2026-2030 application compared to what EP spent in the 2021-2025 application. A review of EP and CCMBC's submitted hours shows that they align with other intervenors, and in most categories, they requested less time. While Hydro Ottawa acknowledges and appreciates their commitment to attending all procedural events in person, Hydro Ottawa notes that exploring future opportunities for coordination and synergy with other intervenor groups could further minimize duplication and provide additional cost-savings to ratepayers.

Pollution Probe (PP) and Community Associations for Environmental Sustainability Ottawa (CAFES)

Because Pollution Probe and CAFES shared the same consultant and combined the vast majority of their regulatory activities beyond the interrogatory phase, it is difficult to isolate their individual entries. As such, Hydro Ottawa has evaluated the cost claims of these two intervenors together.

Pollution Probe and CAFES claimed a total of 5 hours (1.5 hours and 3.5 hours respectively) for work on the preparation of the issues list, whereas the majority of other intervenors spent approximately 1 hour for the same task. Hydro Ottawa suggests that a reduction in time spent is warranted based on the relative time claimed by others. While Hydro Ottawa recognizes that this elevated time may be partly attributed to CAFES being a newer participant in OEB proceedings, if this should be the case, the utility respectfully submits that ratepayers should not absorb intervenor orientation or onboarding costs. Accordingly, Hydro Ottawa suggests that a reduction of 3 hours is warranted.

In addition, the time spent by these intervenors on reviewing evidence and preparing interrogatories is disproportionate to the actual scope and subject matter of the questions they submitted. Many of their interrogatories lacked appropriate evidentiary references, which created significant additional work for the applicant during the response phase. As a comparison, these combined intervenors spent 40.75 hours to review evidence to produce 125 questions. In contrast, CCC, which covered a much broader range of complex issues, claimed 63.5 hours and produced 303 questions, while VECC spent 43.25 hours navigating highly technical areas to produce 299 questions. While Hydro Ottawa appreciates that an intervenor may thoroughly review evidence without the need to ask a question, the hours claimed here remain disproportionate with peer activity. Hydro Ottawa proposes a reduction of 10 hours for this phase.

Similarly, Pollution Probe and CAFES spent more time on Technical Conference follow-up than any other single group. Their consultant billed 8.5 hours for this activity, a total exceeded only by SEC's 10.1 hours. The vast majority of other intervenors, including those utilizing multiple consultants, averaged only 4 hours on this task. Hydro Ottawa accordingly proposes a reduction of 4 hours.

In total, Hydro Ottawa suggests a reduction of 17 hours from the cost claims submitted by Pollution Probe and CAFES.

School Energy Coalition (SEC)

In providing feedback on SEC's cost claim, Hydro Ottawa recognizes that the explanation provided by SEC's council explains that SEC took on a more substantial leadership role in some aspects of the application. In addition, through the review of the detailed docket, Hydro Ottawa took into consideration SEC's indication that it could not easily separate some individual categories of work.

In its cost claim, SEC outlined that "divided responsibility between its counsel, the undersigned Mark Rubenstein, and consultant Jane Scott. Ms. Scott had responsibility for, among other matters, OM&A, load forecast, cost of capital, cost allocation, and rate design." Hydro Ottawa notes that while the division of work may be beneficial for the intervenor, it appears to have increased overall costs. While Hydro Ottawa understands that retaining multiple representatives is not unusual, and in some cases ensures comprehensive representation, this structure has led to noteworthy cost escalations in this proceeding. Specifically, SEC's total hours increased up to the Settlement proceeding from 244 hours in the previous application to 314 hours in the current proceeding, representing an increase of 70 hours (or 44%).

While Hydro Ottawa acknowledges that SEC "took the lead in reviewing certain aspects of capital spending and DSP," their costs related to evidence review and interrogatory preparation increased by 18%. By comparison, CCC and VECC, both of whom also manage highly complex elements of the application, successfully reduced their hours in this same category by 4% and 37% respectively. While the reductions of CCC and VECC may partially relate to the significantly different expert evidence process between the two proceedings, SEC's escalation remains an outlier. Even allowing for the possibility that SEC may have needed to increase time related to the DSP, Hydro Ottawa suggests a reduction of 5 hours from SEC's claim for evidence review and interrogatory preparation.

Hydro Ottawa notes that SEC charged a total of 32.2 hours for attendance at the Technical Conference, which was more time than any other intervenor group in this proceeding. This total includes one of their two representatives charging 24.8 hours for the event alone. Hydro Ottawa suggests time may have been recorded incorrectly and should be reduced. In addition, while Hydro Ottawa understands that SEC's council led certain aspects of the proceeding, the hours claimed for Technical Conference follow-up activities appear to be misaligned and higher than other intervenors. Follow-up activities almost double the second representative's specific hours. Hydro Ottawa proposes a decrease of 7 hours from SEC's cost claim.

In total, Hydro Ottawa suggests a reduction of 12 hours from SEC's total cost claim.

Vulnerable Energy Consumers Coalition (VECC)

Although SEC assumed a primary leadership role and covered most aspects of the application's scope, each consultant for VECC independently claimed more hours in their time claim submissions than SEC's counsel in the combined category of interrogatory response review and Technical Conference preparation. In total, VECC spent significantly more time than SEC on these two activities which was also significantly more time spent than on Hydro Ottawa's previous application (noting that both organizations utilized two representatives). This volume of hours appears misaligned with SEC's lead role, which was also explicitly recognized by both CCC and BOMA. While Hydro Ottawa appreciates that VECC focuses on highly technical, complex, and time-consuming aspects of the application (such as load forecast, rate design and cost allocation), this specialized scope does not fully explain the misalignment in hours claimed. Accordingly, Hydro Ottawa proposes a reduction of 12 hours, which only marginally reduces VECC's hours below those claimed by SEC.

Comments within the VECC reply signed by Mark C. Garner

While Hydro Ottawa acknowledges the important role of intervenors in the regulatory process and supports their participation, it submits that the OEB should consider the signed reply by Mr. Garner and the deliberate choice of demeaning language in the written argument when determining cost awards. The use of terms such as "oxymoronic" to describe the company's corporate structure, and the reference to a witness as an "underling" serves no analytical purpose and does not align with the professional decorum expected in these proceedings. Accordingly, Hydro Ottawa requests that the OEB consider a reduction in the cost award for this intervenor to signal that the OEB does not condone the use of such language and tactics. Hydro Ottawa proposes that any reduction in this instance be redirected to the Hydro Ottawa 2026 Low-income Energy Assistance Program (LEAP) fund.

OEB Staff Costs

Regarding OEB Staff costs, first, Hydro Ottawa notes that invoices for OEB Staff costs typically contain minimal detailed information, often appearing as a single line without supporting breakdown or explanation. This lack of granularity provides no clarity to utilities regarding which specific services are being charged or their associated rates, thereby limiting a utility's ability to reasonably estimate regulatory costs related to future proceedings. To enhance accountability, Hydro Ottawa requests that the OEB require Staff costs to be itemized in a manner consistent with Appendix 2-M - One-time Costs. Specifically, that the costs be broken down by expert costs, legal fees, consultant fees, and other costs (such as transcription services etc.); or alternatively, aligned with the detailed formatting required of intervenor submissions. Furthermore, Hydro Ottawa requests that these itemized costs be placed on the record to ensure full transparency to ratepayers.

Secondly, Hydro Ottawa requests confirmation that only the costs incurred after a formal request for expert evidence has been approved are eligible for cost recovery. In its submission regarding the need for expert evidence, OEB Staff stated, "The evidence would be prepared by Christensen Associates Energy Consulting"[5], and noted that "OEB staff expects the report will include analysis of the productivity factor, benchmarking and resultant stretch factor, growth factor, and the links to and impacts of the proposed deferral and variance accounts."[6] OEB Staff highlighted that it "formally requested to file expert evidence after the technical conference, only after obtaining a clear understanding of the custom rate framework put forward by Hydro Ottawa[7]." Accordingly, Hydro Ottawa seeks clarity and confirmation that only costs incurred after

[5] Sept 29, 2025 letter
[6] October 3, 2025
[7] October 3, 2025

the procedural milestone of October 7, 2025, directly related to the drafting and preparation of the expert report, are eligible for cost recovery.

Hydro Ottawa also notes that the final expert report only marginally addressed benchmarking and did not produce a concrete growth factor. Rather than delivering a quantifiable metric, the consultant offered only a conceptual approach and ultimately declined to suggest an actual growth factor.

Debrief Session

Hydro Ottawa has observed that the OEB offers debriefing sessions for rate applicants, and hereby formally requests a debriefing session. While this submission provides targeted feedback regarding intervenor cost claims, Hydro Ottawa has broader suggestions aimed at strengthening the adjudicative process. These recommendations focus on supporting rate applicants and ensuring that both intervenor and Board Staff participation is efficient and effective. Hydro Ottawa acknowledges that it is currently represented on the OEB's Adjudicative Modernization Committee, however the utility believes that some of its feedback is either distributor-specific or too granular for that broader industry forum. A dedicated debriefing session would provide an appropriate venue to share detailed operational insights and explore constructive, collaborative feedback.

All of which is respectfully submitted.

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

Sincerely,

Signed by:
April Barrie
1E403775748B4CB...

April Barrie
Director, Regulatory Affairs
Directeur, Affaires réglementaires
AprilBarrie@hydroottawa.com
Tel./tél.: 613 738-5499 | ext./poste 2106
Cell.: 613 808-3261

CC: Charles Keizer, Torys LLP
Daliana Coban, Torys LLP
Jonathan Myers, Torys LLP