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Our File: EB20240115

Ontario Energy Board
2300 Yonge Street
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Toronto, Ontario
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Attn: Ritchie Murray, Registrar

Dear Mr. Murray:

Re: EB-2024-0115 – Hydro Ottawa 2026-2030 – SEC Cost Claim Objection Reply

We are counsel to the School Energy Coalition ("SEC"). We are in receipt of Hydro Ottawa Limited's ("Hydro Ottawa") objection to SEC's cost claim. Below is our reply.

General

Hydro Ottawa spends a considerable amount of its letter comparing the time individual intervenors spent in this application against the last application (EB-2019-0261). The clear intent is to try to show that claims are unreasonable on the basis that both applications "featured similarly sized evidentiary records (pre-filed evidence) and comparable complexity", and so are "misaligned with the OEB regulatory efficiency objectives."[1] SEC strongly disagrees for a number of reasons.

First, while the page count of the pre-filed evidence may or may not be the same as in Hydro Ottawa's EB-2019-0261 application (SEC has not counted), the scale of the amounts requested from customers, including schools, was an order of magnitude higher. That is a large driver of the time intervenors must spend reviewing an application. For example, in EB-2019-0261, Hydro Ottawa sought approval of a five-year capital budget of approximately $504M[2]. In this Application, that amount was more than double, at $1.2Bn.[3] Similarly, in the last application the distribution bill impact for an average GS>50kW customer over the five years was approximately 30%.[4] In this case, Hydro Ottawa's Application proposed 60%.[5]

Second, this application was considerably more complex than the last. Among many other factors, it involved a number of substantial changes to the proposed rate framework, material changes to the company's planning process, the consideration of NWS and DERs, the impact of electrification on planning and load forecasts, and a substantial proposed change in the company's workforce. As Hydro

[1] Hydro Ottawa Letter, June 18, 2026, p.3
[2] EB-2019-0261, Exhibit 1-1-5, p.7, Table 4
[3] Exhibit 1-2-3, p.28, Table 4
[4] EB-2019-0261, Exhibit 1-1-5, p.19, Table 15
[5] Exhibit 1-2-1, p.17

Ottawa put it in its application, the company is facing a "*paradigm shift* in demand and performance," which included a "capital investment program of *unprecedented scope and scale*" to address "emerging and evolving drivers which are posing *transformational challenges* for Hydro Ottawa's planning and operations, and shifting the business landscape in a *dramatic fashion"* [emphasis added].[6] In justifying its increased regulatory costs, the company noted that there has been a "*change in the level of complexity* being introduced into rate applications" [emphasis added].[7] To now claim that the applications are of "comparable complexity" is not credible.

Third, Hydro Ottawa's last application involved a near-full settlement, with only one discrete issue going to a written hearing.[8] This application included a three-day hearing on one of the largest components of the revenue requirement (OM&A), and a major driver of the significant bill increases.[9]

Finally, it is s unfair for Hydro Ottawa to object to the cost claims in the way it has now, when it expected the increase in intervenor costs before it filed the application. Hydro Ottawa budgeted and sought for recovery, a 30% increase in intervenor costs compared to what it incurred in the last application.[10] That is in addition to the more than doubling of its forecast one-time regulatory costs in preparing this application compared to EB-2019-0261, including a more than six-fold increase in forecast legal costs.[11]

SEC Specific

Hydro Ottawa makes several specific comments regarding SEC's cost claim, in which it recommends a reduction of 12 hours. Each should be rejected.

First, it suggests that the use of two representatives increased SEC's costs, by reference to the time spent up to the settlement process compared to the last application. As SEC noted above, the two applications cannot reasonably be compared. The increased time spent through the discovery process was a function of the size, breadth and magnitude of both the Application and the request. This is especially the case for the proposed capital plan and DSP of "unprecedented scope and scale", material parts of which SEC took a leading role in reviewing. Comparing time spent by different intervenors who focused on different aspects of the application is simply not meaningful.

Second, Hydro Ottawa takes issue with the time SEC spent attending the Technical Conference and undertaking follow-up activities.

As discussed in its cover letter to its cost claim, there were times when both representatives attended the Technical Conference at the same time, because certain witness panels dealt with areas that crossed both representatives' areas of responsibility.[12] For an Application of this size, that is almost

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[6] Exhibit 1-2-3, p.3-4
[7] Exhibit 4-2-3, p.2
[8] See *Decision and Order* (EB-2019-0261), November 19, 2020, p.2
[9] *Decision and Order* (EB-2024-0115), May 12, 2026, p.7-8
[10] Exhibit 4-2-3, p.1, Table 1
[11] Exhibit 4-2-3; Interrogatory Responses 4-CCC-60
[12] Hydro Ottawa also notes that "one of their two representatives charging 24.8 hours for the event alone" and that this might be "recorded incorrectly and should be reduced." It was not recorded incorrectly. The undersigned had overall responsibility and attended all aspects of the Technical Conference, to which this time is actually less than the total time of the Technical Conference when the start and end times are reviewed on the transcript (which also does not account for attending the Technical Conference, even online, 10-15 minutes before the formal day begins to deal with any administrative matters and to ensure there are no technical issues).

unavoidable, and a function of how the Applicant constructed its witness panels.[13] SEC divided responsibility between its consultant and counsel primarily by evidentiary exhibit at the start of the proceeding. Hydro Ottawa split individual issues and evidentiary exhibits across panels. This appears to be no different from how Hydro Ottawa itself operated. There were times at the Technical Conference where it was represented by two lawyers, presumably because each was responsible for different aspects of the Application that were addressed by the same panel.[14]

On the time spent on Technical Conference follow-up activities, this category primarily relates to reviewing Technical Conference undertaking responses, of which there were 120, totaling more than 700 pages. Moreover, reviewing undertaking responses is often done in conjunction with preparation for the Settlement Conference. Other intervenors may have classified some of that time in that category. As SEC mentioned in its cover letter, where time dockets include multiple activities, we allocated them 50% between categories, as it is not practically possible to separate them out with precision.

Summary

SEC submits that Hydro Ottawa's objection is without merit and should be rejected. SEC submits that its participation in this proceeding was responsible, fair, and commensurate with both the impact on customers, and the role it took in the proceeding. SEC asks that it be awarded the full amount sought in its claim.

Yours very truly,
Shepherd Rubenstein P.C.

Mark Rubenstein

cc: Brian McKay, SEC (by email)
Applicant (by email)

[13] See Hydro Ottawa Letter: Re Technical Conference Witness Panels (September 8, 2025)
[14] For example, at the Technical Conference both Ms. Coban and Mr. Myers were present for Hydro Ottawa Witness Panel #3 (See TC Transcript Day 3, September 24, 2025)