Ontario Energy Board | Commission de l'énergie de l'Ontario

EB-2026-0032

E.L.K. Energy Inc.

Application for electricity distribution rates beginning May 1, 2027

PROCEDURAL ORDER NO. 1
October 15, 2026

E.L.K. Energy Inc. (E.L.K. Energy) filed a cost of service application with the Ontario Energy Board (OEB) on August 28, 2026 under section 78 of the *Ontario Energy Board Act*, *1998* (OEB Act), seeking approval for changes to the rates that E.L.K. Energy charges for electricity distribution, beginning May 1, 2027.

This Procedural Order is being issued by the Registrar under delegated authority pursuant to section 6 of the OEB Act. The application will be heard by commissioners: Robert Dodds (presiding), David Sword, and Michael Janigan.

A revised Notice of Hearing was issued on September 25, 2026. Each of School Energy Coalition (SEC), Vulnerable Energy Consumers Coalition (VECC), and Hydro One Networks Inc. (Hydro One Networks) applied for intervenor status. SEC and VECC also applied for cost eligibility.

No objection was received from E.L.K. Energy.

SEC, VECC, and Hydro One Networks are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order. SEC and VECC are eligible to apply for an award of costs under the OEB's Practice Direction on Cost Awards.

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.

Consistent with the OEB's Practice Direction on Cost Awards, parties are reminded that, in determining the amount of a cost award, the OEB will consider (among other things) whether the cost eligible party has demonstrated through its participation and documented in its cost claim that it has made reasonable efforts to: (a) combine its intervention with that of one or more similarly interested parties and to co-operate with

all other parties, and (b) ensure that its participation was not unduly repetitive and was focused on relevant and material issues.

Issues List

OEB staff will canvas parties for any unique issues that warrant addition to the standard Issues List for electricity distribution rate applications. If parties recommend and agree to revisions, OEB staff will file a revised draft Issues List with the OEB. If there is no agreement on whether the standard Issues List should be revised, OEB staff will advise the OEB in writing. If intervenors and the applicant do not propose any amendments to the standard Issues List, OEB staff will notify the OEB of this fact. The OEB will approve an issues list prior to the filing of interrogatories.

Interrogatories

At this time, provision is being made for written interrogatories. In preparing interrogatories, parties should refer to the OEB's approved Issues List. Parties should consult sections 26 and 27 of the OEB's Rules of Practice and Procedure regarding required naming and numbering conventions and other matters related to interrogatories. The OEB will review the single test year application both in the context of the projects and programs that are requested for the test year and from the perspective of the distributor's plans for the subsequent four years until the next scheduled rebasing application.

Parties should examine the value presented by the proposed investments as opposed to focusing only on the costs. Parties should also assess the fit between the applicant's plans and its stated objectives and consider how the plans contribute to positive outcomes for customers, in particular those outcomes that arise from the asset management decisions reflected in the applicant's distribution system plan. The OEB will consider the entire five-year distribution system plan to assess the planning and pacing proposals of the applicant and whether the test year requests are appropriately aligned with the distribution system plan. The OEB will also consider productivity and benchmarking results in assessing cost forecasts, bill impacts and distributor performance.

Parties should not engage in detailed exploration of items that do not appear to be material. Parties should use the materiality thresholds documented in Chapter 2 of the Filing Requirements as a guide. In making its decision on cost awards, the OEB will consider whether intervenors made reasonable efforts to ensure that their participation in the hearing was focused on material issues.

Presentation of Settlement Proposal

The OEB is making provision for a settlement conference. Following the settlement conference, provision is being made for the filing of letters informing the OEB of the status of the settlement discussions, the presentation of any settlement proposal filed by E.L.K. Energy, whether full or partial, and for the presentation of any unsettled issues to be adjudicated by the OEB. E.L.K. Energy's presentation is intended to summarize and provide any salient information for the OEB's consideration in reviewing the settlement proposal.

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. OEB staff shall file a proposed issues list, or, alternatively, shall advise the OEB in writing that the parties and OEB staff have been unable to reach an agreement on a draft issues list by **October 23, 2026**.

2. OEB staff and intervenors shall request any relevant information and documentation from E.L.K. Energy that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **November 5, 2026**.

3. E.L.K. Energy shall file with the OEB complete written responses to all interrogatories and serve them on OEB staff and all intervenors by **Monday November 24, 2026**.

4. A settlement conference among the parties and, if provided for by the OEB in accordance with the Practice Direction on Settlement Conferences, OEB staff will be convened on **December 3-4, 2026**, starting at 9:30 a.m. If necessary, the settlement conference will continue on **December 7, 2026**. This will be a virtual event and information on how to participate will be provided in advance of the conference. If OEB staff or intervenors intend to submit clarification questions to E.L.K. Energy as part of the settlement process, they are encouraged to submit these questions as far in advance as possible of the commencement of the settlement conference, in the interests of making the settlement process as efficient as possible.

5. **Within 48 hours** of the conclusion of the settlement conference, E.L.K. Energy shall file a letter informing the OEB of the status of the settlement discussions

including whether a tentative agreement had been reached or if the parties propose to continue the settlement discussions.

6. If there is no settlement proposal arising from the settlement conference, E.L.K. Energy shall file a statement to that effect with the OEB by **December 10, 2026** In that event, parties shall file and serve on the other parties by **December 17, 2026** any submissions on which issues shall be heard in writing, and for which issues the OEB should hold an oral hearing.

7. If there is a settlement, any settlement proposal arising from the settlement conference shall be filed with the OEB on or before **January 13, 2027**. In addition to outlining the terms of any settlement, the settlement proposal should contain a list of any unsettled issues, indicating with reasons whether the parties believe those issues should be dealt with by way of oral or written hearing.

8. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties by **January 20, 2027**.

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-2026-0032)** 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, Tyler Davids at Tyler.Davids@oeb.ca and OEB Counsel, Ian Richler at Ian.Richler@oeb.ca.

Email: registrar@oeb.ca
Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, **October 15, 2026**

ONTARIO ENERGY BOARD

By delegation, before: Ritchie Murray

Ritchie Murray

Digitally signed by Ritchie Murray
Date: 2026.10.15 16:01:58 -04'00'

Ritchie Murray
Registrar

SCHEDULE A

LIST OF APPLICANT AND INTERVENORS

E.L.K. Energy Inc.

EB-2026-0032

DATED: October 15, 2026

E.L.K. Energy Inc.
EB-2026-0032

APPLICANT & LIST OF INTERVENORS

October 15, 2026

APPLICANT	Rep. and Contact Information for Service
E.L.K. Energy Inc.	**Josh Charles** Director, Regulatory Affairs E.L.K. Energy Inc. Tel: 519-251-7300 regulatory@elkenergy.com

APPLICANT COUNSEL

	Jonathan Myers Torys LLP Tel: 416-865-7532 jmyers@torys.com

INTERVENORS	Rep. and Contact Information for Service
Hydro One Networks Inc.	**Eryn MacKinnon** Regulatory Advisor Hydro One Networks Inc. Tel: 437-318-3700 regulatoryaffairs@hydroone.com
School Energy Coalition	**Mark Rubenstein** Counsel Shepherd Rubenstein Professional Corporation Tel: 647-483-0113 mark@shepherdrubenstein.com

APPLICANT & LIST OF INTERVENORS

October 15, 2026

School Energy Coalition	**Jay Shepherd** Counsel Shepherd Rubenstein Professional Corporation Tel: 416-804-2767 jay@shepherdrubenstein.com
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	Brian McKay Ontario Education Services Corporation Tel: 416-340-2540 SEC@oesc-cseo.org
Vulnerable Energy Consumers Coalition	**Bill Harper** Consultant Tel: 905-883-1727 bharper.consultant@bell.net
	Mark Garner Consultant - Project Manager Consultant Tel: 647-408-4501 markgarner@rogers.com