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File No. 21902.27

October 16, 2026

BY RESS

Mr. Ritchie Murray
Ontario Energy Board
2300 Yonge Street, 27th floor
P.O. Box 2319
Toronto, ON M4P 1E4

Dear Mr. Murray:

Re: EB-2026-0052 – InnPower Corporation – 2027 Cost of Service Application Comments on Intervenor Request Letters

We represent InnPower Corporation ("**InnPower**") in the above-noted matter. The Ontario Energy Board ("**OEB**") has received Intervenor Request Letters from the School Energy Coalition, Vulnerable Energy Consumer Coalition ("**VECC**"), Consumers Council of Canada ("**CCC**"), Hydro One Networks Inc., and an individual intervenor, Ms. Brittany Watts. While InnPower takes no position on the Intervenor Request Letters, it does have one matter it wishes to raise with the OEB.

As the Commission is aware, Rule 22.02 in the OEB *Rules of Practice and Procedure* sets out the test for intervenor status in this proceeding. An intervenor generally must demonstrate a "substantial interest" in the proceeding. Where an intervention request is made by an individual, there are two additional considerations that must be addressed, which is whether the individual: (i) raises a unique issue that is not already expected to be adequately addressed by another intervenor; or (ii) has expertise that the OEB would find helpful. The OEB recently confirmed that these are screening criteria for individual participation and that, where they are not met, individuals may nonetheless share their perspectives through other avenues, including letters of comment, participation through an intervenor group whose interests align with their own, or other forms of engagement.[1]

First, based on the information provided in the Intervention Form, it is not apparent that Ms. Watts has demonstrated a substantial interest in this proceeding. Nearly all of the responses provided in the Intervention Form appear to be non-responsive to the questions posed, and the information submitted does not provide sufficient detail for the OEB to assess whether Ms. Watts has a substantial interest in InnPower's application for 2027 electricity distribution rates. While the OEB may be inclined to

[1] OEB, Report Back to the Minister Intervenors and Regulatory Efficiency, September 27, 2024, p.10, online: <https://www.rds.oeb.ca/CMWebDrawer/Record/881075/File/document>

infer from Ms. Watts' Letter of Comment that she may be an InnPower ratepayer, the materials filed do not contain evidence that would support such a conclusion.

Second, it is not clear that Ms. Watts raises any issue that would not already be addressed by VECC or CCC. Based on the information provided, Ms. Watts' stated objective is to "stop the electric rate increase" due to affordability concerns. Affordability and the impact of proposed rates on residential customers are issues that consumer representatives such as VECC and CCC typically advance. The Intervention Form does not explain what unique perspective Ms. Watts would add or what issues her participation would raise that would not otherwise be before the OEB. Ms. Watts appears to fall within the consumer group represented by VECC, as reflected in VECC's Annual Filing of Frequent Intervenor:

> VECC was formed in 1999 with the intent of representing the interests of residential consumers in matters of energy regulation and policy where those consumers, by reason of age, income, tenure or place of residence, language, literacy, or other infirmity may experience greater hardship than other residential consumers as a result of increased rates or policies that place demands on customers. These same consumers may have difficulty, or lack the resources to ensure that their voice is heard by regulators and policy makers deciding upon energy issues.

VECC states in its intervention form that its members include residential customers of InnPower who will be materially affected by the Application. VECC's participation therefore already provides a local residential customer perspective on the issues in this proceeding. VECC has also committed to coordinating its participation with other intervenors that have similar interests.

Similarly, in its Annual Filing of Frequent Intervenor Status, CCC identifies the promotion of the "financial sustainability" of consumers as a core organizational objective. CCC also states in its intervention form that it represents residential electricity consumers and that the outcome of this proceeding will affect the rates paid by residential consumers in InnPower's service territory. CCC will also provide a local residential customer perspective on the issues in this proceeding. CCC has likewise committed to coordinating its participation with other intervenors.

Accordingly, should the OEB grant Ms. Watts intervenor status, this may be an opportunity for the OEB to direct Ms. Watts to coordinate her participation through CCC and/or VECC, particularly given the apparent overlap in their respective interests and intended scope of participation. The OEB's *Report Back to the Minister on Intervenors and Regulatory Efficiency* states it intends to group intervenors representing the same category of interest and will require those intervenors to work together to limit costs and reduce duplication. Such an approach also aligns with the Ministry's December 19, 2025 Letter of Direction that the OEB advance the OEB's 10-point action plan on intervenor reform.

This has been implemented recently in EB-2024-0198 and EB-2025-0295. Intervenors with similar interests were directed to work together on interrogatories, technical conferences, filing of expert evidence, and cross examinations. Working through experienced intervenors will assist Ms. Watts in participating responsibly, minimize duplication, and aims for process efficiency. For example, coordination may have avoided Ms. Watts filling out both an Intervention Form and Letter of Comment.

Third, it is not apparent from Ms. Watts' filings that she has identified any particular expertise that would assist the OEB in its consideration of the issues in this proceeding. Rate proceeding records are often lengthy, technical, and complex, and can be challenging to review and synthesize within the timelines set by the OEB. Based on the materials filed to date, it is difficult to assess whether Ms. Watts will be able to engage with the evidentiary record in a way that supports effective participation in the proceeding.

Finally, InnPower wishes to emphasize the importance of maintaining the confidentiality of confidential information and preserving the confidentiality of the settlement conference process. InnPower anticipates that OEB Staff will assist Ms. Watts in understanding the applicable process, including her rights and obligations as an intervenor. Potential disclosure of confidential information may present a particular risk in this proceeding.

Yours truly,

BORDEN LADNER GERVAIS LLP



John Vellone

JV/