



ERTH Power Corporation Inc.

**Application for electricity distribution rates and other
charges effective May 1, 2025**

**PROCEDURAL ORDER NO. 5
February 27, 2025**

ERTH Power Corporation Inc. (ERTH Power) filed an incentive rate-setting mechanism (IRM) application with the Ontario Energy Board (OEB) on October 11, 2024, under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval for changes to its electricity distribution rates to be effective May 1, 2025. ERTH Power has also applied for incremental capital funding to support the purchase of property, design, construction, and furnishing of a new administrative and operational facility.

Technical Conference and Undertakings

In accordance with Procedural Order No. 3, the School Energy Coalition (SEC) and Vulnerable Energy Consumers Coalition (VECC) submitted requests for additional procedural steps following their review of ERTH Power's interrogatory responses. Both SEC and VECC requested that a Technical Conference be convened to allow for further clarification of specific interrogatory responses. ERTH Power opposed the request for a Technical Conference and, instead, proposed that a Settlement Conference be held. ERTH Power submitted that a Settlement Conference could reduce regulatory burden while providing an opportunity for parties to discuss and attempt to resolve the material issues in this proceeding.

In Procedural Order No. 4, a Technical Conference was scheduled for February 6, 2025. The OEB acknowledged ERTH Power's proposal for a Settlement Conference and noted that a Settlement Conference was still an option for a procedural step following the Technical Conference, if warranted. The OEB also noted that it would establish timelines for other procedural steps following the completion of the Technical Conference and filing of any undertaking responses.

ERTH Power filed its responses to the undertakings that arose from the Technical Conference on February 14, 2025.

Findings

The OEB has reviewed the record of the Technical Conference, including responses to undertakings, in relation to ERTH Power's request for incremental capital funding. In line with its earlier determination to consider a Settlement Conference following the completion of the Technical Conference, the OEB finds that it is appropriate to proceed with a Settlement Conference.

To facilitate an efficient settlement process, OEB staff and intervenors intending to submit clarification questions to ERTH Power as part of the settlement process are encouraged to do so as far in advance as possible of the commencement of the Settlement Conference.

The OEB notes that further procedural orders may be issued as needed. In the meantime, the OEB is making provision for the following matters related to this proceeding.

IT IS THEREFORE ORDERED THAT:

1. A Settlement Conference among parties and OEB staff will be convened on **March 20, 2025**, starting at **9:30 a.m.** If necessary, the Settlement Conference will continue on **March 21, 2025**. This will be a virtual event and information on how to participate will be provided in advance of the conference.
2. **Within 48 hours** of the conclusion of the Settlement Conference, ERTH Power shall file a letter informing the OEB of the status of the settlement discussions including whether a tentative agreement has been reached or if the parties propose to continue the settlement discussions.
3. If there is no settlement proposal arising from the Settlement Conference, ERTH Power shall file a statement to that effect with the OEB by **March 28, 2025**. In that event, parties shall file and serve on the other parties by **April 4, 2025**, any submissions on which issues shall be heard in writing, and for which issues the OEB should hold an oral hearing.
4. If there is a settlement, any settlement proposal arising from the Settlement Conference shall be filed with the OEB on or before **April 11, 2025**. 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.
5. Any written submissions from OEB staff on a settlement proposal shall be filed with the OEB and served on all other parties by **April 25, 2025**.

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](#).

Please quote file number, **EB-2024-0021** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address.
- Please 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. Please visit the [File documents online page](#) of the OEB's website for more information. All participants shall download a copy of their submitted cost claim and serve it on all required parties as per the [Practice Direction on Cost Awards](#).

All communications should be directed to the attention of the Registrar and be received by end of business, 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, Urooj Iqbal at urooj.iqbal@oeb.ca and OEB Counsel, James Sidlofsky at james.sidlofsky@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, **February 27, 2025**

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar