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BY EMAIL

March 31, 2025

Nancy Marconi
Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4
Registrar@oeb.ca

Dear Nancy Marconi:

Re: EB-2024-0021 ERTH Power Corporation 2025 Distribution Rates

Pursuant to Procedural Order No. 5, a settlement conference for ERTH Power Corporation's (ERTH Power) application for 2025 rates was held on March 20, 2025, and continued on March 21, 2025. The settlement conference solely addressed the Incremental Capital Module (ICM) request in ERTH Power's application. Following the conclusion of the settlement conference, ERTH Power filed a letter with the OEB indicating that no settlement had been reached.¹

In the event of no settlement, Procedural Order No. 5 directed parties to file any submissions on which issues should proceed by way of a written hearing, and which should be addressed through an oral hearing. OEB staff, although not a party to the settlement conference, offers the following comments on next steps in this proceeding.

OEB staff suggests that the Incentive Rate-setting Mechanism portion of ERTH Power's application be processed separately from the ICM request. This will enable the OEB to make a determination in time for ERTH Power to obtain 2025 rates for a May 1, 2025 effective date.

OEB staff further suggests that the ICM request in ERTH Power's application be addressed by way of a written hearing. The subject matter of the ICM request pertains to a single project which has been explored through interrogatories and a

¹ [Letter](#) filed on March 21, 2025 by ERTH Power

technical conference. As noted in ERTH Power's March 27, 2025 letter² to the OEB, OEB staff does not object to the application being heard by written hearing. A written hearing would balance procedural fairness with regulatory efficiency and enable the OEB to consider the ICM application on a focused and transparent basis.

Yours truly,

Urooj Iqbal
Advisor, Incentive Rate-setting

CC: All parties in EB-2024-0021

² [Letter](#) filed on March 27, 2025 by ERTH Power