



LYNNE ANDERSON
CHIEF COMMISSIONER | COMMISSAIRE EN CHEF

BY EMAIL

October 14, 2021

To: All Licensed Electricity Distributors
All Rate-Regulated Gas Distributors
All Licensed Transmitters
All Licensed Gas Marketers
All Licensed Electricity Retailers
All Licenced Unit Sub-Meter Providers
Independent Electricity System Operator
Ontario Power Generation
All Intervenors
All Other Interested Parties

Re: **Chief Commissioner Mid-Year Update 2021-2022**

In follow up to the letter you received from OEB CEO Susanna Zagar on October 5, 2021, I am writing to provide a mid-year update of adjudicative efforts underway for the 2021/22 fiscal year. I am also interested in feedback from our stakeholders, so I have highlighted a number of areas where I hope you will provide your input.

Effective April 1, 2021, we established updated performance standards for Leave to Construct electricity transmission lines and natural gas pipelines. This was supported by the development of standard Issues Lists for these proceedings that define the scope, providing greater consistency to applicants and intervenors.

The OEB's Rules of Practice and Procedure have been updated for the OEB's new governance structure, and subsequently were amended to clarify the circumstances in which Motions to Review may be brought forward, and the rules that apply in those circumstances. New performance standards were also established for these Motions to Review.

To enhance the OEB's transparency on meeting its performance standards, we are launching a new [adjudicative reporting dashboard](#). This dashboard is a snapshot report to stakeholders on the OEB's adjudicative work, including:

- The number of decisions issued (by application / energy type and hearing authority)
- The number of decisions that are issued early / on time / late
- The total number of adjudicative documents issued (including decisions)
- The ability to meet established performance targets (e.g., percentage of decisions issued within performance standards)
- The average number of calendar days it takes to meet key application performance milestones

The dashboard will be posted semi-annually on the OEB's website, with a discussion and analysis. We would love to hear feedback on this dashboard so it can be continuously improved. Please contact David.Martinello@oeb.ca with your input. Furthermore, we will soon be establishing a protocol for the reporting on our performance standards. This protocol will set out clear criteria for amending the performance standard when a proceeding is paused or put in abeyance, or when critical dates would fall within the holiday period at year end.

The transition to virtual adjudicative events, such as settlement conferences, technical conferences and hearings, has been very successful and has made these proceedings more accessible. For the first two quarters of this fiscal year, there have been 38 virtual adjudicative event days, including three oral hearings. The virtual events have been greatly assisted by the OEB's transition last year to a fully digital adjudication process, and by the extensive planning by staff and support by the numerous parties who have participated. Feedback to improve these virtual events can be provided to Christine.Long@oeb.ca.

For many years, certain powers of the OEB have been delegated to OEB employees under section 6 of the *Ontario Energy Board Act, 1998*. Approximately 80% of the decisions issued each year are made under delegated authority. Generally, these relate to matters such as licences, franchises and mechanistic rate applications. More recently some leave to construct applications have been delegated.

One of the recommendations made by the November 2020 [Ontario Energy Board Financial Review Report](#) was to “[i]ncrease the clarity of when delegated decisions are triggered to improve the sector’s understanding of their use.” Responsibility for these delegations rests with the Chief Commissioner, with the approval of the Chief Executive

Officer. I have recently concluded a review which has resulted in a complete refresh of the delegations under the general categories of Rates, Facilities, Licences (including Codes, Rules and associated approvals), Registrar, Cost Awards and Section 71 exemptions related to the OEB's Innovation Sandbox. The delegations have a consistent format and updated conditions and restrictions. We have posted a list of powers that have been delegated on our [website](#), and will keep the list current as any changes are made.

We have continued to work on our adjudicative processes. A jurisdictional review of intervenor processes has been completed and discussed at our new [Adjudicative Modernization Committee](#). We are working on a roadmap for a further review of our own processes. We have also formed a working group to review the filing requirements for rate applications by small electricity distributors (those with fewer than 20,000 customers). The group has met throughout the summer and is working on recommendations to emphasize quality over quantity of evidence, remove duplication, improve flow, simplify worksheets and provide clarity on expectations. We will consider these recommendations to make updates to our filing requirements, and we will also reflect on the applicability of these recommendations to larger distributors. I participated this year in the orientation session for distributors filing cost of service rate applications. I hope that those who attended found this session helpful.

I am very pleased that we now have [nine appointed Commissioners](#) with a broad range of skills and experience. We have also implemented a formal training plan for all Commissioners. I am very optimistic that with these highly qualified Commissioners, supported by the OEB's professional staff, we will continue to enhance the efficiency and effectiveness of our adjudicative processes.

Thank you for your support of our consultative processes and your feedback as we work to improve the OEB's processes and procedures.

Sincerely,



Lynne Anderson
Chief Commissioner