

*Submitted via email*

June 30, 2020

Ms. Christine E. Long  
Registrar and Board Secretary  
Ontario Energy Board  
PO Box 2319  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, ON M4P 1E4

Dear Ms. Long:

**Re: Input to Ontario Energy Board (“OEB”) on Virtual Hearings**

Hydro Ottawa appreciates the opportunity to provide feedback on the OEB’s plans to conduct application hearings on a virtual basis, as signalled in the correspondence to stakeholders dated June 17, 2020.

As a regulated electricity distributor, Hydro Ottawa maintains a general interest in the processes and practices employed by the OEB in the fulfillment of the Board’s oversight mandate. With respect to the matters addressed in the OEB’s letter, however, the utility’s interests are more magnified than usual, seeing as Hydro Ottawa has a five-year Custom Incentive Rate-Setting (“Custom IR”) application that is currently before the OEB for review.<sup>1</sup> Hydro Ottawa filed this application on February 10, 2020 and requested that the proposed rates and charges take effect as of January 1, 2021. The utility therefore has a vested interest in the timely review and adjudication of this application in the midst of the ongoing COVID-19 pandemic.

The steps taken thus far by OEB staff to facilitate the timely and efficient processing of Hydro Ottawa’s application have been commendable. Similarly, the information presented at the recent orientation session for distributors who are filing rebasing applications in 2021 and 2022 suggested that the early experience with virtual technical conferences and settlement conferences has been positive.<sup>2</sup> Together, these efforts bode well for continued success on the part of the OEB in using tools and technologies to help ensure that it remains able to perform its critical adjudicative functions, notwithstanding the challenges presented by the present pandemic.

As communicated to the OEB staff who are engaged in the review of Hydro Ottawa’s active application, the utility supports the OEB’s plans to conduct key segments of the review process (e.g. technical conference, settlement conference, and oral hearing) through virtual platforms. The utility views the Board’s proposed course of action in this regard as being consistent with the objective of regulatory efficiency and with administrative best practice.

With respect to the specific questions tabled for stakeholder feedback in the OEB’s June 17, 2020 letter, Hydro Ottawa offers the following comments:

1. What issues should the OEB consider as it plans for the ability to conduct a virtual hearing?

In a virtual setting, a key objective should be ensuring that participants understand which party is allowed/encouraged to speak at a given time. This will be particularly important for purposes of witness cross-examination. The role of the facilitator and moderator thus assumes heightened importance in a virtual hearing.

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<sup>1</sup> EB-2019-0261

<sup>2</sup> <https://www.oeb.ca/sites/default/files/COS-orientation-session-presentation-20200623.pdf>

In the context of a settlement conference, it is imperative to configure and administer the videoconferencing platform (in this case, Zoom) correctly, so as to ensure that access is granted to authorized users only and that confidentiality is safeguarded. At the beginning of the pandemic, concerns regarding unauthorized access to Zoom proliferated – although the company has subsequently done an effective job of addressing these concerns and introducing additional access controls, such as stronger encryption standards.

At the same time, it is important to ensure that Zoom can likewise be configured to satisfy the unique needs and context of an oral hearing, which carries requirements for openness and accessibility to interested members of the public.

2. Are there any technical obstacles which would prevent you from participating in a virtual hearing?

Audio quality, loss of internet connection, and sufficient internet bandwidth for participants working remotely will be important issues to consider and mitigate. The OEB may wish to have contingency guidelines in place in the event that a hearing participant experiences one of these challenges. As a general matter, Hydro Ottawa is confident that the tools and resources which have been made available to its employees to enable remote working capabilities will facilitate effective participation on their part.

3. Are there matters you think should be specifically discussed at a pre-hearing conference in advance of a virtual hearing?

Essential logistical matters should be discussed at such conferences. For example, this could include the order in which OEB staff and intervenors will pose questions, the process for introducing motions, how motions will be considered and adjudicated by OEB Panel members, and permissible uses of the chat feature within Zoom.

In the proceeding involving Hydro Ottawa's rate application, OEB staff have scheduled a virtual rehearsal session for technical conference participants. This is for purposes of testing the Zoom platform and reviewing the planned sequence of the event. Hydro Ottawa welcomes this approach and likewise encourages its use in advance of a virtual hearing.

Once again, Hydro Ottawa appreciates the solicitation of stakeholder input on the matter of virtual hearings and hopes that the foregoing comments will assist the OEB in its planning. The utility supports the steps taken by the OEB to facilitate virtual hearings in the face of the challenges and constraints imposed by the COVID-19 pandemic.

If you have any questions or require anything further, please do not hesitate to get in touch.

Yours truly,

*(original signed by)*

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