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# Virtual Hearings Guide

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## Purpose

The OEB began to hold hearings in a virtual format as a result of the COVID-19 pandemic. Conducting oral hearings in a virtual format allowed the OEB to continue to process applications in an efficient and timely manner.

This document outlines the process for participating in a virtual hearing. It is meant as a general guide and the OEB Panel hearing the application may provide additional direction. Please review the information prior to participating. For each virtual hearing, the OEB may issue a document that includes specific details pertaining to that hearing.

## Technology Requirements

The OEB uses Zoom as its platform for virtual hearings, therefore it is important to review the technical information listed below.

### Download Zoom

It is recommended that you have the latest version of Zoom installed in advance of the pre-hearing conference or hearing.

You have the option of participating using your computer, smartphone, or tablet.

Please ensure your name and organization are clearly displayed when you log onto Zoom. If you become disconnected and need to connect via another device, please remember to identify yourself when you rejoin the proceeding.

The Zoom website offers resources to help you familiarize yourself with Zoom. It is important to understand how to join and leave a meeting and how to turn video and microphones on and off.

### Internet Connection

- A Zoom video call requires a high-speed internet connection (10-20 Mbps). It is recommended that you test your internet connection speed in advance of the virtual hearing. You can test your internet connection speed by contacting your internet service provider.
- Close applications you are not using.
- Avoid using bandwidth-intensive applications on your work/home network (ex: gaming or audio and video streaming).

### Sound Quality

- It is recommended that participants consider using an external headphone and microphone to improve sound quality when speaking.
- Avoid using speakerphone, which decreases audio quality.
- Always keep your microphone on mute when you are not speaking.
- Please be aware that background noise, such as typing, shuffling papers and other voices present in the room can interfere with the sound quality.
- Ensure your cellphone is on silent mode so that notification sounds do not disrupt the hearing when you are speaking – do not put the call on hold.

- Speak slowly and clearly into the microphone; do not turn your head away when speaking.
- Ensure your primary device, headset and microphone are adequately charged.
- Always keep your video turned off when you are not asking questions.
- Participate from a quiet and private location.
- Say your name whenever you start speaking.

### Secondary Device

- Consider installing Zoom on a secondary device such as a smartphone or tablet as a back-up.
- Smartphones are preferred to tablets, as they can connect to internet directly through mobile data plans, which eliminates connecting to home networks.
- Test connecting your computer to your smartphone's hotspot for an alternate internet access.
- Use a dedicated mobile hotspot device if you have one, since it performs better than a smartphone's hotspot.

## Pre-hearing Conference

The OEB will host a pre-hearing conference in advance of the virtual oral hearing. The pre-hearing conference will outline the process for the virtual oral hearing, review key technical and procedural considerations, review troubleshooting protocols and allow parties to familiarize themselves with Zoom and test equipment.

Parties intending to attend the virtual oral hearing are encouraged to attend the pre-hearing conference.

## Audioconference and Videoconference Options

Participants will receive correspondence from the OEB (Hearings Advisor) that includes the date, time, Zoom meeting link, and instructions to dial in using a telephone. Parties will be able to participate using their computer, smartphone, or tablet. Parties also have the option of participating via phone.

Participants should keep the meeting call-in information handy in the event they experience technical issues.

## Hearing Process

The process for a virtual oral hearing is similar to the process for an in-person hearing.

The hearing will commence with opening remarks from the Presiding Commissioner, the registering of appearances and preliminary matters.

OEB IT staff and an OEB Hearings Advisor will monitor the hearing. OEB IT will assist parties with any technical issues. The Hearings Advisor will support the Panel of Commissioners with coordination.

The Hearings Advisor will work in consultation with the parties in advance of the hearing to determine:

- the order in which intervenors will cross-examine witnesses
- intervenor cross-examination time estimates
- the order of the witness panels

The schedule will include an appropriate number of breaks to help prevent witness fatigue.

The witnesses will be affirmed.

Parties who intend to cross-examine witnesses should be present when cross-examination begins, to listen and adjust their questioning to avoid duplication.

Only the witness panel, the Panel of Commissioners and the party speaking/questioning the witnesses will have their cameras turned on during the hearing. All other participants are required to have their cameras turned off and microphones on mute. This is to prevent background noise and avoid bandwidth issues.

Each witness must have their own dedicated camera and microphone, which is achieved by each witness having their own individual laptop. Using one single camera for a panel of witnesses is not acceptable.

## In Camera Hearings

A virtual in camera hearing will be held if confidential information is discussed at the hearing.

Parties will be given notice when an in camera hearing will take place. Prior to the start of the in camera session, any intervenor who has not signed the OEB's Declaration and Undertaking form will be required to leave the hearing and will be moved to the waiting room for the duration of the in camera session. The live stream on the OEB's website will also be suspended.

Any party that has not signed the OEB's Declaration and Undertaking will be denied entry to the in camera session. Therefore, it is important to ensure your name and organization are clearly identified in Zoom. If your identity cannot be verified, you will not be granted access.

At the end of the in camera session, parties in the waiting room will be automatically moved to the main hearing room. The live stream will resume once the in camera hearing has concluded.

## Breakout Rooms

Zoom allows for the creation of secure breakout rooms for participants. The Hearings Advisor will set up breakout rooms for the witness panels and Panel of Commissioners. The breakout rooms will be secure, private and are provided for caucusing.

## Evidence

Zoom allows for the presentation of documents. To facilitate this, intervenors are requested to file compendia electronically one business day in advance of their scheduled cross-examination by 4:45 pm. If the compendia include information that is not on the record, intervenors are required to file it 48 hours in advance of their scheduled cross-examination by 4:45 pm.

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All materials filed should quote the EB number and provided in searchable/unrestricted PDF format with tabs to facilitate navigation of the document during the online presentation.

Compendia can be filed by:

1. Email to [registrar@oeb.ca](mailto:registrar@oeb.ca) with a copy to the applicant's regulatory coordinator
2. The [OEB's online filing portal](#) by 4:45pm

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](mailto:registrar@oeb.ca) for assistance.

For the purposes of efficiency, it is expected that the applicant will control the display of documents at the hearing. During cross-examination, parties (intervenor and OEB staff) may opt to display their own documents or rely on the applicant's staff to display documents.

Please ensure the documents are large enough to view on a laptop by using the tools in Adobe to increase the view size. The PDF view size must be set to 100 to 125%. While conducting cross-examination, please state the page number and any relevant reference information so that others can follow along.

To change the Zoom ratio, click on View Options, select Zoom Ratio and choose the option that suits your screen.

## Court Reporting

The virtual oral hearing will be transcribed by a court reporter. The proceeding will be recorded for the purposes of assisting with transcription only. The recording will not be posted on the public record.

The OEB will be video recording the hearing only for the purposes of a backup for transcription services. The video recording will be deleted after 30 days.

The audio feed from the virtual oral hearing will be live streamed on the OEB's website by clicking on the proceeding in the [regulatory calendar](#). The hearing may also be broadcast over video.

Any discussions (via email, phone or chat) that take place *outside* the virtual hearing room will not be transcribed. Discussions on technological issues will not form part of the transcript.

Video recording, audio recording, photographing and screen capturing the proceeding is prohibited.

The transcript of the hearing will be available to registered parties on the same day and on the public case record by next business day

## Process for Troubleshooting Technical Issues

OEB staff will actively monitor the hearing and will assist parties with technical issues.

In the event of technical issues, the OEB will pause the proceeding briefly to resolve the issue. If the issue cannot be resolved quickly, the Presiding Commissioner may choose to proceed with the next scheduled party and reschedule the affected party.

Parties should provide their phone and email details to the OEB to ensure they can be reached in case they are disconnected during cross-examination or witness testimony.

Participants should keep the meeting call-in information (Zoom member, participant ID and dial-in number) handy in the event of technological issues.

Hearings Advisors can be reached through Zoom chat if:

- You have technical difficulties joining Zoom or during the hearing
  - If you experience technical difficulties during the conference or test session, please contact the Hearings Advisors by email. Any discussions (via email, phone, or chat) that take place outside the virtual hearing room will not be transcribed.
- You have a weak audio connection and want to join via landline only (no video)
  - In the event your Zoom connection is weak, you have the option of connecting using a landline. You will not have visuals but will be able to participate through voice.
  - To do this, go into Zoom and click on the arrow to the right of the microphone icon, and click '*Switch to Phone Audio*', dial the number and enter the member and participant ID. Parties are advised to write down this information as soon as you join the Zoom meeting, in case Zoom fails unexpectedly and you would like to join via landline
  - You can mute and unmute using a landline by pressing \*6
  - You can mute/unmute on a cell phone by pressing the mute button
  - If calling in from a landline/cellphone, do not put the call on hold

## Appendix A - Virtual Hearing Etiquette

Arrive early: You should be prepared to join the virtual proceeding at least 15 minutes before the start to allow time to address any technical issues

Identify yourself: Please ensure that your name and organization are clearly displayed. If you are disconnected and need to connect via another device, please ensure you identify yourself when you rejoin the proceeding

Location: Please make reasonable efforts to find a quiet, private space for the duration of the proceeding

Muting your microphone: When you are not speaking, please remember to mute your microphone. Any background noise such as typing, shuffling papers or voices in the background may make it difficult for parties or the court reporter to hear the speaker

Speak loudly and clearly: Remember to unmute your microphone before speaking. Speak clearly and slowly to ensure everyone can follow what you are saying. This will reduce additional time required for repeating responses

Objecting, responding or commenting: To signal that you wish to speak, turn your camera on, find an appropriate break in the conversation, request to address the OEB Panel, say your name and then start speaking. Participants are reminded to refrain from speaking at the same time as someone else.

Time limits: The hearing schedule outlines time limits. If you intend to cross-examine, please be present when cross-examination begins and adjust your questions to avoid duplication

No recording: The OEB prohibits any video recording, audio recording, photographing and screen capturing of the proceeding

Materials: Ensure the documents you need are organized and prepared in advance

Confidentiality: All participants in an in-camera session are required to use video to confirm all have signed the declaration and undertaking

Dress appropriately: Dress as if you are attending an in-person hearing



## Appendix B - Troubleshooting Scenarios

If a witness or an intervenor during their scheduled questioning period is experiencing poor audio quality and cannot be heard clearly:

The Presiding Commissioner may pause the hearing (and stop transcription) and direct the party to turn their camera off. If this does not improve the audio quality, the party may have to leave and rejoin the hearing. Once the party has reconnected, the Presiding Commissioner will restart the hearing.

If the audio quality is not improved, the Presiding Commissioner may pause the hearing and direct the party to switch their audio feed from the computer to a landline or cell phone.

- To do this, the party does not have to leave the hearing and can dial-in using their cell phone/landline.
- Please remember to mute your laptop when switching to a phone to avoid creating audio feedback.
- The phone numbers are noted in the meeting invitation and under the microphone icon in Zoom (switch to phone audio).

In the event the matter cannot be resolved quickly, the Presiding Commissioner may make a determination on whether to adjust the schedule and continue or to adjourn the hearing.

If a witness or intervenor loses internet connection while they are speaking (testifying or asking questions, respectively) and exits the hearing:

The Presiding Commissioner may pause the hearing and direct the court reporter to stop transcribing the hearing. The affected party will have 5 minutes to rejoin the hearing (the party can rejoin using their computer or call-in using their cell phone or landline). In the event the party is unable to rejoin within 5 mins, the party is required to inform the OEB via email or call the OEB IT number provided.

In the event the affected party is unable to notify the OEB, the Panel of Commissioners will decide whether to continue or to adjourn the hearing.

If an OEB Commissioner loses internet connection and exits the hearing:

The Panel or Presiding Commissioner may pause the hearing while the affected Commissioner attempts to rejoin the hearing. The hearing will continue once the Panel Commissioner rejoins the hearing.

If the affected Commissioner is unable to rejoin the hearing within 5 minutes, the Presiding Commissioner or Commissioner may adjourn the hearing, move the remaining Commissioners to a breakout room and move the Applicant and intervenors to separate breakout rooms, advising them to stay there. The Hearings Advisor and OEB IT will remain in the hearing room to attempt to establish contact with the affected Commissioner and rectify the issue. Once the issue is resolved, the Hearings Advisor and OEB IT will put the affected Commissioner into the breakout room with the other Commissioners. The Hearings Advisor will then bring the Applicant

and intervenors back into the hearing room and then the Panel of Commissioners. The Presiding Commissioner will restart the hearing.

If the court reporter experiences technical issues:

The Presiding Commissioner will pause the hearing while the transcription issue is resolved.

If court reporting cannot be restored within 5 minutes, the Presiding Commissioner will adjourn the hearing and will direct the Hearings Advisor to move the Applicant and intervenors to separate breakout rooms. The Panel of Commissioners, OEB legal staff and OEB IT will remain in the hearing room while the issue is resolved. Once the issue is resolved, the Panel of Commissioners will be moved to their breakout room. Then the applicant, intervenors and OEB staff will return to the hearing room and then the Panel of Commissioners. The hearing will restart after the issue is resolved.

In the event the issue cannot be resolved, the Presiding Commissioner will adjourn the hearing and next steps/revised schedule will be communicated to parties at the earliest.