



Ontario
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Virtual Hearings Guide

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Purpose

As a result of the COVID-19 pandemic, the OEB has started to hold hearings in a virtual format. Conducting oral hearings in a virtual format, where applicable, allows 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. Please review the information prior to participating. For each virtual hearing, the OEB will 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

In advance of the pre-hearing conference or hearing, please download Zoom from [the Zoom download center](#) as needed.

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

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). You can test your internet connection speed in advance by [visiting the Rogers internet speed test site](#)
- Close applications you are not using
- Avoid using bandwidth intensive applications on your work/home network (gaming or audio and video streaming)

Sound Quality

- It is recommended that participants consider using an external headphone and microphone. The built-in microphone on your device could affect sound quality by introducing background noise. Avoid using speakerphone, which decreases audio quality
- Put your cellphone on silent mode so that notification sounds do not disrupt the hearing
- Always keep your microphone on mute when you are not using it
- Speak slowly and clearly into the microphone; do not turn your head away when speaking
- Avoid shuffling papers or typing when your microphone is on
- 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
- Do not put the call on hold
- 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.

All parties intending to attend the virtual oral hearing are required to attend the pre-hearing conference.

The Panel of Commissioners will determine whether they will attend the pre-hearing conference depending upon the specifics of the application.

Audioconference and Videoconference Options

Participants will receive correspondence from the OEB (Case Manager/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 landline phone only.

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

Hearing Process

The process for the 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 and 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.

When speaking look into the camera rather than at the person you are speaking to.

Breakout Rooms

Zoom allows for the creation of secure breakout rooms for participants. OEB IT 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 required to file compendia in electronic form one day in advance of their scheduled cross-examination by 4:45 pm.

The applicant is expected to display their own documents. An intervenor conducting a cross-examination will have the option of controlling the presentation of the documents, or the intervenor can request OEB staff control the presentation of documents. It is preferable to have a small number of individuals displaying documents.

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. The hearing will not 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 on the same day. The case manager will review the transcript and identify for OEB Staff Counsel any gaps in the transcript due to transcription issues. OEB Staff Counsel will raise the matter with the parties.

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.

OEB IT can be reached through Zoom chat, at ithelp@oeb.ca or 416-457-3326/416-716-5218 if:

- You have difficulty joining Zoom
 - If you are unable join Zoom please contact the OEB's Network Analyst by phone or email
- You have technical difficulties during the hearing
 - If you experience technical difficulties during the conference or test session, please contact the OEB's Network Analyst by phone or email. You can also use the chat function in ZOOM to contact OEB IT. 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

If you are unable to join ZOOM, contact OEB IT or the Hearing Advisor.

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

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

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

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: Use the “raise hand” button in Zoom to signal that you wish to speak, or find an appropriate break in the conversation. Please do not speak 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

Use pen and paper: Take notes with pen and paper. The sound of typing can be distracting and make it hard to hear others as can shuffling papers

No food: Please do not eat during the proceeding

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 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. The phone numbers are noted in the meeting invitation and under the microphone icon in ZOOM.

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 re-join the hearing. The hearing will continue once the Panel Commissioner re-joins the hearing.

If the affected Commissioner is unable to re-join the hearing within 5 mins, the Presiding Commissioner or Commissioner may adjourn the hearing and move the remaining Commissioners to a breakout room and move the Applicant and intervenors to a breakout room, 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 mins, the Presiding Commissioner will adjourn the hearing and will direct the Hearings Advisor to move the Applicant, intervenors and OEB staff to a breakout room. The Panel of Commissioners, OEB legal staff and OEB IT will remain 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.