



# Protocol for Adjusting Adjudicative Timelines

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# 1. OVERVIEW

The Protocol for Adjusting Adjudicative Timelines (Protocol) establishes a transparent and predictable mechanism for adjusting the schedules of adjudicative proceedings to account for the winter Holiday Timeout Period and material delays that are not within the OEB's control.

The OEB has established performance standards for processing applications. The performance standards set out the typical steps and number of days that it takes to hear each type of application. The OEB has committed to issue decisions within the number of days specified in the performance standard, and the OEB reports semi-annually on how well it is achieving its targets in its [Adjudicative Reporting Dashboard](#).<sup>1</sup>

The Protocol accounts for:

a) The winter Holiday Timeout Period

The OEB has established a winter Holiday Timeout to account for limited stakeholder availability during the late December and early January holiday period.

b) Material delays that are not within the OEB's control

Delays that are 14 calendar days or longer, and are driven by applicant requests, or certain requests related to expert evidence, that may or may not have a defined time period at the time the request is made.

In either case, the performance standards will be adjusted to accommodate the timeout or delay, including the planned date for the OEB's final decision.

This Protocol is intended to facilitate a predictable, transparent, and mechanistic adjustment to the OEB's planned decision issuance dates so that parties to the OEB's adjudicative proceedings understand the implications of any delays in an expedient manner.

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<sup>1</sup> For cases heard by a panel of Commissioners, the Total Cycle Time target is 85% (i.e., the time between when the OEB issues a completeness letter for an application and when it issues its final decision) and the Decision Writing Time target is 90% (i.e., the time between the close of record and when the OEB issues its final decision). For cases heard under delegated authority, the Total Cycle Time target is 95%. The target is the percentage of cases weighed equally that meet the applicable performance standard.

The OEB posts the case schedules for cost based rate applications and select other proceedings on its [Status of Applications webpage](#), including any updates to the planned decision date. Select other proceedings may include:

- Incentive regulation annual update applications that are heard by a panel of Commissioners
- Major leave to construct applications
- Independent Electricity System Operator revenue requirement applications

The OEB issues final decisions and final rate orders twice a week, on Tuesdays and Thursdays. Final decisions related to publicly traded entities are issued after the markets close at 4:00 p.m. Other documents such as notices, procedural orders, interlocutory decisions (e.g., decisions on confidentiality, issues lists, and motions), and other correspondence are issued on any business day.

The Protocol will be reviewed from time to time to determine if amendments are warranted, including consideration of stakeholder feedback.

Details of the elements that comprise the Protocol are outlined below.

## **2. HOLIDAY TIMEOUT**

The OEB has established a Holiday Timeout period for the late December, early January period to account for limited stakeholder availability.

The processing of an application will be paused during this period and no procedural steps will be planned. The OEB will generally avoid issuing key documents during this period that require immediate action from recipients, except in instances where it could impact the implementation of January 1<sup>st</sup> rates or time-sensitive approvals.<sup>2</sup> The OEB will also consider requests by parties to issue documents during this period.

In a proceeding where the Holiday Timeout is triggered, the performance standard will be extended by the total number of calendar days associated with the Holiday Timeout, including the planned decision issuance date.

The Holiday Timeout will be planned to coincide with the Ontario Ministry of Education's public school winter break. Generally, the Holiday Timeout will be two weeks in duration

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<sup>2</sup> Key documents include final Decision and Order, Notice of Application and Hearing, procedural order, letter to industry, and interlocutory decision.

and will commence the first day of the week in which Christmas Day falls, to the end of the week in which New Year's Day falls. However, the specific dates for any given year will be outlined in letters to industry issued by the OEB in April and October.

The Holiday Timeout does not preclude any party or OEB staff from filing materials through the OEB's Regulatory Electronic Submission System (RESS) during the holiday period.

In rare circumstances, procedural events for a proceeding may need to be planned to occur during the Holiday Timeout. The OEB will work with parties to plan accordingly and accommodate schedules as appropriate.

**Appendix A** provides a list of some past and future Holiday Timeout dates and durations.

### **3. DEFINED EXTENSION REQUESTS AND UNDETERMINED EXTENSION REQUESTS**

Any party to a proceeding, including OEB staff, may request an extension (or delay) to the procedural schedule. Only a request from the applicant can trigger the Protocol and result in an adjustment to the procedural schedule.

The OEB will provide notice to the parties to a proceeding of the start and end of the extension period. If the extension will cause a delay to a decision issuance date, then the Case Manager will notify the applicant.

#### **3.1 Delay Threshold**

For a delay to result in an adjustment of a proceeding's timeline, the delay must meet a minimum threshold of 14 calendar days and be driven by one of the prescribed events listed below. The threshold of 14 calendar days was established to strike a balance in appropriately capturing delays of material length versus delays that may be accommodated within the established performance standard.

The prescribed list of events includes the most common requests made by applicants for extensions to deadlines, such as a request for more time to respond to interrogatories, or certain requests related to expert evidence. This protocol, including the use of a prescribed list, provides a predictable, transparent, and mechanistic method to account for delays.

### **3.2 Defined Extension Requests (Pause)**

When a request for a delay occurs in a proceeding and it has a known duration of at least 14 calendar days at the time the OEB is notified, it is called a Defined Extension Request. If the request is approved, the application will be paused<sup>3</sup> for the duration of the delay. The delay does not change the required procedural step(s) but rather extends the date(s) on which they occur. In a proceeding where the Protocol is triggered, the performance standard will be extended by the total number of calendar days associated with the pause, including the planned decision issuance date.

A prescribed list of events that qualify is set out below.

- An applicant is unable to complete directions for service of Notice within the established timeline
- An applicant requests additional time to respond to interrogatories and / or undertakings, and / or to file a settlement proposal, and / or to file an argument-in-chief / reply submission
- An applicant or expert witness already approved by the panel is not available to participate in an event on the application's scheduled timeline

The Protocol will not be triggered when partial filings take place (for example 80% of interrogatory responses are filed by the deadline), as long as work can continue by parties and the OEB while awaiting the remaining materials.

### **3.3 Undetermined Extension Requests (Abeyance)**

When a request for a delay occurs in a proceeding and the full duration of the delay is not known at the time the OEB is notified, and it is anticipated to be at least 14 calendar days, it is called an Undetermined Extension Request. If the request is approved, the application will be placed in abeyance<sup>4</sup>. Following the re-commencement of the proceeding, procedural step(s) may need to be added or modified depending on the nature of the delay. An example is a need for updated evidence to be filed before an application could continue to be processed, followed by the potential requirement for

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<sup>3</sup> An application is 'paused' when the delay causes the dates of the subsequent procedural steps to be postponed (e.g., dates are pushed back 14 calendar days or more).

<sup>4</sup> An application is placed in 'abeyance' when a proceeding can no longer continue until an event occurs. For instance, a major revision to an application such as a significant piece of new evidence must be filed, and / or the OEB must wait for external information (e.g., a court decision) before any other procedural step can occur.

further interrogatories on that updated evidence once the proceeding re-starts. Once the extent of the delay is known, the performance standard will be extended by the total number of calendar days associated with any approved request once the proceeding re-starts, including the issuance date of the OEB's final decision.

Generally, a proceeding that was placed in abeyance for an undetermined extension request will not be taken out of abeyance until it has returned to the same procedural step that it was in at the time it was placed in abeyance. For example, if the proceeding was placed in abeyance after interrogatory responses were filed on the applicant's pre-filed evidence because the applicant chose to file material updates to its application, then the proceeding will not come out of abeyance until after interrogatory responses are filed on the applicant's updated evidence. Once the proceeding resumes, procedural steps and corresponding dates may need to be added / modified.

A prescribed list of events that would qualify is set out below.

- The need (as determined by the OEB) for updated or additional materials to be filed by an applicant before a decision can be made
- The need (as determined by the OEB) to wait for the outcome of a court decision, or separate decision by the OEB or other authority
- Government and / or other third-party authority delays in filing necessary evidence to be included in an application

**Appendix B** provides an overview of how a delay would be accounted for in the planning of an adjudicative proceeding.

## **4. MULTIPLE DELAYS**

There may be circumstances where an application experiences multiple delays that do not, on their own, meet the 14 calendar day minimum threshold. If the combined duration of the multiple delays exceeds the 14 calendar day threshold, and each delay meets the criteria on the prescribed list, the application timeline will be adjusted.

For instance, if an application experiences three separate delays – each comprising five calendar days and each meets the criteria on the prescribed list – the performance standard will be extended by a total of 15 calendar days. Since the first two delays will only amount to ten calendar days, no adjustment will be made to the application timeline until the third delay occurs.

## Appendix A

### Past and Future Holiday Timeout Dates and Durations

<b>Fiscal Year</b>	<b>Start Date</b>	<b>End Date</b>	<b>Duration (calendar days)</b>
2022	Sat, Dec 17, 2022	Sun, Jan 08, 2023	23
2023	Sat, Dec 16, 2023	Sun, Jan 07, 2024	23
2024	Sat, Dec 21, 2024	Sun, Jan 05, 2025	16
2025	Sat, Dec 20, 2025	Sun, Jan 04, 2026	16
2026	Sat, Dec 19, 2026	Sun, Jan 03, 2027	16
2027	Sat, Dec 25, 2027	Sun, Jan 09, 2028	16
2028	Sat, Dec 23, 2028	Sun, Jan 07, 2029	16
2029	Sat, Dec 22, 2029	Sun, Jan 06, 2030	16
2030	Sat, Dec 21, 2030	Sun, Jan 05, 2031	16
2031	Sat, Dec 20, 2031	Sun, Jan 04, 2032	16
2032	Sat, Dec 25, 2032	Sun, Jan 09, 2033	16
2033	Sat, Dec 24, 2033	Sun, Jan 08, 2034	16
2034	Sat, Dec 23, 2034	Sun, Jan 07, 2035	16
2035	Sat, Dec 22, 2035	Sun, Jan 06, 2036	16
2036	Sat, Dec 20, 2036	Sun, Jan 04, 2037	16

## Appendix B

### Illustrative Examples

#### Holiday Timeout Example

The following example demonstrates how the Holiday Timeout would be accounted for in a cost-based rates proceeding for a utility with less than \$500 million in annual revenue requirement.

Based on an August 12, 2025, application filing date, the OEB would work to issue the completeness letter by August 26, 2025 (14 calendar days to assess completeness). The completeness letter confirms that the application contains the required information and also confirms that the processing of the application has begun. The dates that comprise a proceeding's timeline are calculated based on the applicable performance standard from the date the completeness letter is issued.

In 2025, the Holiday Timeout is effectively from Saturday, December 20, 2025, to Sunday, January 4, 2026, for a duration of 16 calendar days. The table below outlines how the adjudicative timeline would be amended to account for the Holiday Timeout.

	Original Proceeding Timeline		Revised Proceeding Timeline	
Procedural Step	Elapsed Calendar Days	Dates	Elapsed Calendar Days	Revised Dates
Completeness Letter Issued	0	August 26, 2025	0	August 26, 2025
Notice of Application Issued	10	September 5, 2025	10	September 5, 2025
Procedural Order No. 1 Issued	35	September 30, 2025	35	September 30, 2025
Applicant's Responses to Interrogatories Received	70	November 14, 2025	70	November 14, 2025
Oral Hearing	130	January 3, 2026	146	January 19, 2026
Argument in Chief Received	140	January 13, 2026	156	January 29, 2026
Applicant's Written Reply Argument Received	170	February 12, 2026	186	February 27, 2026
Decision Issued	230	April 13, 2026	246	April 30, 2026

The Decision Issued date would be revised from Monday, April 13, 2026, to Wednesday, April 29, 2026. However, it is the OEB's practice to push decision issuance dates to the following Tuesday or Thursday. In this example, the decision issuance date is pushed to Thursday, April 30, 2026.



## Defined Extension Request Example

The following example demonstrates how a Defined Extension Request would be accounted for in a cost-based rates proceeding for a utility with less than \$500 million in annual revenue requirement. An Undetermined Extension Request would function in the same manner, however, the length of the delay would not be known at the outset and it is possible that some procedural steps would need to be added or modified (e.g., additional interrogatories on new evidence filed).

Based on a March 18, 2022 application filing date, the OEB would work to issue the completeness letter by April 1, 2022 (14 calendar days to assess completeness). The completeness letter confirms that the application contains the required information and also confirms that the processing of the application has begun. The dates that comprise a proceeding's timeline are calculated based on the applicable performance standard from the date the completeness letter is issued.

If during the proceeding, an applicant requested an additional four weeks to respond to interrogatories, the protocol would account for the delay by adding four weeks to the overall proceeding's timeline. The expected decision date will be extended by four weeks.

The table below outlines how the adjudicative timeline would be amended to account for the four week delay.

Procedural Step	Original Proceeding Timeline		Revised Proceeding Timeline	
	Elapsed Calendar Days	Dates	Elapsed Calendar Days	Revised Dates
Completeness Letter Issued	0	April 1, 2022	0	April 1, 2022
Notice of Application Issued	10	April 11, 2022	10	April 11, 2022
Procedural Order No. 1 Issued	35	May 6, 2022	35	May 6, 2022
Applicant's Responses to Interrogatories Received	70	June 10, 2022	98	July 8, 2022
Applicant's Written Reply Argument Received	170	September 19, 2022	198	October 17, 2022
Decision Issued	230	November 17, 2022	258	December 15, 2022

The Decision Issued date would be revised from November 17, 2022 to December 15, 2022. Meeting the performance standard would be assessed by whether the decision was issued on or before December 15, 2022.