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OEB Seeking Input on Virtual Hearings

By Fred D. Cass

The OEB has issued a letter to stakeholders seeking input on virtual hearings. The letter notes that the OEB's offices have not yet reopened and that some applications may be ready to proceed to oral hearing while the offices remain closed or while participants are unable to attend the OEB in person. So as not to delay the timely processing of applications, the OEB may choose to hold virtual hearings, although its planning for this new form of hearing is in the early stages.

The OEB is using Zoom technology for a technical conference and a settlement conference in two different applications that are now before it and it proposes to use this technology to facilitate virtual hearings. The OEB anticipates that pre-hearing conferences will be held well in advance of actual hearing dates so that it can seek input from the applicant and intervenors and establish procedures specific to a particular hearing. Ultimately, though, it will be up to the individual OEB panel hearing an application to determine whether the application will proceed to a virtual hearing.

The OEB has indicated that it is consulting with stakeholders specifically on three questions, as follows: (1) what issues should the OEB consider as it plans for the ability to hold a virtual hearing? (2) are there technical obstacles that would prevent a stakeholder from participating in a virtual hearing? and (3) are there matters that should be specifically discussed at a pre-hearing conference in advance of a virtual hearing?

The OEB has asked that stakeholders submit their comments by June 30, 2020.

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