



EB-2014-0290

IN THE MATTER OF the *Ontario Energy Board Act*, 1998, S.O. 1998, c.15 (Schedule B);

IN THE MATTER OF an application by Enbridge Gas Distribution Inc. for: an order or orders granting leave to construct a natural gas pipeline and ancillary facilities in the Town of Milton, City of Markham, Town of Richmond Hill, City of Brampton, City of Toronto, City of Vaughan and the Region of Halton, the Region of Peel and the Region of York; and an order or orders approving the methodology to establish a rate for transportation services for TransCanada Pipelines Limited;

AND IN THE MATTER OF a Notice of Motion by Environmental Defence for review of the Board's Decision and Order on Cost Awards in EB-2012-0451/EB-2012-0433/EB-2013-0074.

BEFORE: Marika Hare
Presiding Member

**DECISION AND ORDER ON
ENVIRONMENTAL DEFENCE MOTION TO REVIEW
November 6, 2014**

Background

Enbridge Gas Distribution Inc. ("Enbridge") received approval of its EB-2012-0451 application for a system expansion in the Greater Toronto Area ("Enbridge's GTA Application"). The Board heard Enbridge's GTA Application in a combined proceeding

that included two other related system expansion applications by Union Gas Limited (“Union”) - Parkway West and Brantford-Kirkwall Parkway D projects, EB-2012-0433 and EB-2013-0074 respectively (“Combined Proceeding”).

The Board granted intervenor status and authorized cost award eligibility to a number of organizations and individuals including Environmental Defence (“ED”).

In the Combined Proceeding the Board determined that intervenors would track their costs for the related issues separately from the costs for the project-specific issues and that the applicants would share the costs for the related issues equally, and bear the project-specific costs individually.

On January 30, 2014, the Board issued its Decision and Order that dealt with all three applications and set out the cost awards procedural steps. ED’s intervention and participation was solely related to Enbridge’s GTA Application and its cost claims were submitted relative to participation in Enbridge’s GTA Application. On March 31, 2014 the Board issued its Decision and Order on Cost Awards and revised it on April 3, 2014 (“Decision on Cost Awards”). In the Decision on Cost Awards the Board awarded to ED an unreduced amount of \$145,712.58 claimed for their participation in the proceeding. This was paid in full by Enbridge as ordered by the Board.

Motion to Review

On August 5, 2014 ED filed with the Board a Motion to Review and Vary (“Motion”) the Decision and Order on Cost Awards. The Board assigned File No. EB-2014-0290 to the Motion.

ED asked in the Motion that the Board award a supplementary cost claim of \$16,739.14, which ED, due to clerical error, inadvertently omitted to claim. ED asked that the supplementary costs be paid entirely by Enbridge as all of ED’s participation in the combined proceeding was focused on project specific issues related to Enbridge’s GTA application. The supplementary costs claimed by ED in the Motion are for a consultant’s costs to prepare and attend the Technical and Settlement conferences. ED asked that the Board review the Motion by a written proceeding.

ED provided a copy of the Motion to all the parties in the original proceeding and to both Enbridge and Union. No party requested to participate in the Motion proceeding. On October 16, 2014, Enbridge filed a letter with the Board stating it had no objections to ED being awarded the costs claimed in the Motion.

Board Findings

The Board approves a supplementary award of \$16,739.14 as submitted by

ED on August 5, 2014. The Board found that supplemental costs claimed by ED were reasonable and related to information that was helpful to the Board. The Board accepts that the omission to file the supplemental costs was due to an inadvertent oversight. In the Board's view, the late filing of the Motion for Review of the Cost Award Decision does not materially affect any other party. The Board has taken into account that Enbridge has filed a letter with the Board stating it has no objection to the full amount of the supplementary cost award.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the Ontario *Energy Board Act, 1998*, Enbridge Gas Distribution Inc. shall pay to Environmental Defence the awarded costs in the amount of \$16,739.14;
2. Enbridge Gas Distribution Inc. shall pay the Board's costs and incidental to, this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, November 6, 2014

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary