



**EB-2014-0134**

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

**AND IN THE MATTER OF** cost awards in relation to a  
consultation process to review the current Demand Side  
Management (DSM) Guidelines and develop a new DSM  
framework to be used for the development of the next  
generation of DSM plans.

**BEFORE:** Marika Hare  
Presiding Member

Cathy Spoel  
Board Member

**DECISION AND ORDER ON COST AWARDS  
March 27, 2015**

**BACKGROUND**

On April 10, 2014, the Ontario Energy Board (the OEB) issued a letter initiating a consultation process to review the current Demand Side Management Guidelines and to develop a new DSM framework to be used for the development of the next generation of DSM plans.

In letters issued on April 10, 2014 and September 15, 2014, the OEB stated that cost awards would be available to eligible persons under section 30 of the *Ontario Energy*

*Board Act, 1998* in relation to their participation in the development of the new DSM framework.

The OEB determined that the following persons would be eligible for an award of costs:

- Association of Power Producers of Ontario (APPRO)
- Building Owners and Managers Association of Greater Toronto (BOMA)
- Canadian Manufacturers and Exporters (CME)
- Consumers Council of Canada (CCC)
- Energy Probe Research Foundation (Energy Probe)
- Environmental Defence (ED)
- Federation of Rental-housing Providers of Ontario (FRPO)
- Green Energy Coalition (GEC)
- Industrial Gas Users Association (IGUA)
- London Property Management Association (LPMA)
- Low Income Energy Network (LIEN)
- Ontario Greenhouse Vegetable Growers (OGVG)
- Ontario Sustainable Energy Association (OSEA)
- School Energy Coalition (SEC)
- Vulnerable Energy Consumers Coalition (VECC)

The OEB decided that the cost awards would be recovered from all rate-regulated natural gas distributors based on their respective distribution revenue.

The following activities were made eligible for cost awards:

<b>Activity Eligible for Cost Awards</b>	<b>Maximum Number of Hours</b>
Preparation for, attendance at, and reporting on the working group sessions held on April 25, 2014, June 18, 2014, and July 25, 2014	Actual Meeting Time multiplied by 1.5
Written comments on the draft DSM framework and draft DSM guidelines	24 hours

On February 9, 2015, the OEB issued a Notice of Hearing for Cost Awards (the Notice).

All eligible participants listed above submitted cost claims except OGVG and VECC. On March 3, 2015, Enbridge filed its response to the cost claims filed and stated that the submissions were within tolerance of the guidelines except that, as a result of the conversion from \$U.S. to \$CAN, the hourly rate charged by GEC's consultant exceeded the maximum hourly rate prescribed in the cost assessment guidelines.

### **OEB Findings**

The OEB has reviewed all the cost claims. In their cost claims ED, IGUA, and SEC indicated that they excluded hours from their cost claims in order to keep the total within the maximum hours allowed by the OEB. SEC argued that this is a circumstance in which the OEB should exercise its discretion to order costs at a level in excess of the caps stipulated in the original OEB letter. In support of this, SEC argued that the issues raised by the consultation were material and took considerably more time than the OEB had contemplated at the outset of the consultation. Other parties who incurred additional hours did not request additional costs.

The OEB finds that the hours allocated for this consultation may not have been sufficient given its eventual scope and the time required for responsible participation. The OEB will exercise its discretion to consider claims for a reasonable amount of additional time spent by any of the parties, provided such claims are properly explained and justified.

The OEB agrees with Enbridge that the hourly rate for the GEC consultant should be reduced from \$356.25 to \$330 to be in accordance with the cost award tariff in the Practice Direction on Cost Awards.

The OEB finds that all parties are eligible for 100% of their reasonably incurred costs of participating in this proceeding up to the maximum number of hours allowed above.

The approved cost claims are as follows:

Association of Power Producers of Ontario	\$6,059.63
Building Owners and Managers Association of Greater Toronto	\$7,585.01

Canadian Manufacturers and Exporters	\$8,118.49
Consumers Council of Canada	\$16,034.70
Energy Probe Research Foundation	\$5,607.23
Environmental Defence	\$13,453.21
Federation of Rental-housing Providers of Ontario	\$4,288.35
Green Energy Coalition	\$8,606.40
Industrial Gas Users Association	\$20,610.59
London Property Management Association	\$8,241.09
Low Income Energy Network	\$12,264.53
Ontario Sustainable Energy Association	\$19,441.02
School Energy Coalition	\$20,695.95

A decision on any extra hours allowed, if any, will be made following the submission of the additional cost claims.

**THE OEB THEREFORE ORDERS THAT:**

1. The rate-regulated natural gas distributors shall pay the costs awarded to each of the Eligible Participants as set out in **Appendix A** to this Decision and Order.
2. Any eligible party who wishes to file an additional cost claim must do so by **April 8, 2015**. The additional cost claim must be filed with the OEB and one copy is to be served on each rate-regulated natural gas distributor. The cost claims must be completed in accordance with section 10 of the OEB's *Practice Direction on Cost Awards*.
3. Natural gas distributors will have until **April 15, 2015** to object to any aspect of the additional costs claimed. The objection must be filed with the OEB and one copy must be served on the eligible person against whose additional cost claim the objection is being made.
4. An eligible person whose additional cost claim was objected to will have until **April 22, 2015** to make a reply submission as to why its additional cost claim should be allowed. A copy of the reply submission must be filed with the OEB and one copy is to be served on the objecting natural gas distributor.

5. The rate-regulated natural gas distributors listed in Appendix A to this Decision and Order shall pay the OEB's costs of, and incidental to, this consultation.
6. Payment of cost awards and of the OEB's costs referred to in paragraphs 1 and 5 shall be made to the Ontario Energy Board in accordance with the invoice issued to the each rate-regulated natural gas distributor, and shall be due at the same time as cost assessments under section 26 of the Act are due.

**DATED** at Toronto, March 27, 2015

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary

**Appendix A**

**Decision and Order on Cost Awards  
Dated March 27, 2015**

**EB-2014-0134**

**Review the current Demand Side Management (DSM) Guidelines and develop a new DSM framework to be used for the development of the next generation of DSM plans**

<b>Gas Distributor, Transmitter, Storage Company</b>	<b>APPo</b>	<b>BOMA</b>	<b>CME</b>	<b>CCC</b>	<b>Energy Probe</b>	<b>ED</b>	<b>FRPO</b>	<b>GEC</b>	<b>IGUA</b>	<b>LPMA</b>	<b>LIEN</b>	<b>OSEA</b>	<b>SEC</b>	<b>TOTAL</b>
Enbridge Gas Distribution	3,282.77	4,109.13	4,398.14	8,686.70	3,037.68	7,288.19	2,323.19	4,662.46	11,165.65	4,464.56	6,644.23	10,532.05	11,211.90	81,806.63
Union Gas	2,762.16	3,457.48	3,700.65	7,309.10	2,555.94	6,132.38	1,954.76	3,923.06	9,394.93	3,756.54	5,590.54	8,861.80	9,433.84	68,833.19
Natural Resource Gas	14.70	18.40	19.70	38.90	13.60	32.64	10.40	20.88	50.01	19.99	29.76	47.17	50.21	366.38
<b>TOTAL</b>	<b>\$ 6,059.63</b>	<b>\$ 7,585.01</b>	<b>\$ 8,118.49</b>	<b>\$ 16,034.70</b>	<b>\$ 5,607.23</b>	<b>\$ 13,453.21</b>	<b>\$ 4,288.35</b>	<b>\$8,606.40</b>	<b>\$ 20,610.59</b>	<b>\$ 8,241.09</b>	<b>\$ 12,264.53</b>	<b>\$19,441.02</b>	<b>\$20,695.95</b>	<b>\$ 151,006.20</b>