



**Ontario Energy Board
Commission de l'énergie de l'Ontario**

**DECISION AND ORDER ON COST
AWARDS**

EB-2016-0215

ENBRIDGE GAS DISTRIBUTION INC.

**Application for natural gas distribution, transmission and storage rates
commencing January 1, 2017**

BEFORE: Peter C.P. Thompson, QC
Presiding Member

Allison Duff
Member

February 24, 2017

INTRODUCTION AND SUMMARY

Enbridge Gas Distribution Inc. (Enbridge) filed an application dated August 31, 2016 (updated October 4, 2016) with the Ontario Energy Board (OEB) pursuant to section 36 of the *Ontario Energy Board Act, 1998*, for an order or orders approving rates for 2017.

The OEB granted the following parties intervenor status and cost award eligibility:

- Association of Power Producers of Ontario (APPrO)
- Building Owners and Managers Association (BOMA)
- Canadian Manufacturers and Exporters (CME)
- Consumers Council of Canada (CCC)
- Energy Probe Research Foundation (Energy Probe)
- Federation of Rental-housing Providers of Ontario (FRPO)
- Industrial Gas Users Association (IGUA)
- Ontario Association of Physical Plant Administrators (OAPPA)
- School Energy Coalition (SEC)
- Vulnerable Energy Consumers Coalition (VECC)

On December 8, 2016, the OEB issued its Decision and Rate Order, in which it set out the process for intervenors to file their cost claims, for Enbridge to object to the claims and for intervenors to respond to any objection raised by Enbridge.

The OEB received cost claims from BOMA, CME, Energy Probe, FRPO, IGUA, OAPPA, SEC and VECC. APPrO and CCC did not file a cost claim. On January 12, 2017, Enbridge filed a letter stating that it had no objections to the cost claims filed by BOMA, CME, Energy Probe, FRPO, IGUA, OAPPA, SEC and VECC.

OEB Findings

The OEB has reviewed all cost claims to ensure that they are compliant with the OEB's *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.

The claim of BOMA requires a minor reduction because the courier receipt did not match with the cost claim. The claim of FRPO requires a reduction of \$16.65 due to double HST charges on the mileage and hotel parking claims.

The OEB notes that SEC claimed 25.7 hours at an hourly rate of \$230/hour for work done after September 2016 for work done by Mr. Rubenstein. Based on the OEB Registrar's letter to Mr. Shepherd dated February 10, 2017, Mr. Rubenstein is not eligible for the \$230/hr rate until September 2017 when he will have completed six years of practice since his call to the bar in September of 2011. The OEB has adjusted Mr. Rubenstein's hourly rate down to \$170/hr for work done after September 2016. This reduces SEC's total claim to \$4,936.97.

The OEB finds that the claims of CME, Energy Probe, IGUA, OAPPA and VECC and the adjusted claims of BOMA, FRPO and SEC are reasonable and each of these claims shall be reimbursed by Enbridge.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Enbridge shall immediately pay the following amounts to the intervenors for their costs:
 - Building Owners and Managers Association \$9,533.57
 - Canadian Manufacturers and Exporters \$8,880.67
 - Energy Probe Research Foundation \$9,081.79
 - Federation of Rental-housing Providers of Ontario \$14,984.03
 - Industrial Gas Users Association \$11,315.89
 - Ontario Association of Physical Plan Administrators \$2,001.00
 - School Energy Coalition \$4,936.97
 - Vulnerable Energy Consumers Coalition \$7,516.16

2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Enbridge shall pay the OEB's costs of, and incidental to, this proceeding immediately upon receipt of the OEB's invoice.

DATED at Toronto February 24, 2017

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary