



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

DECISION AND ORDER ON COST AWARDS

EB-2016-0004

Generic Proceeding on Community Expansion

BEFORE: Ken Quesnelle
Presiding Member and Vice Chair

Cathy Spoel
Member

Paul Pastirik
Member

March 28, 2017

INTRODUCTION AND SUMMARY

Union Gas Limited (Union) filed an application with the Ontario Energy Board (OEB) on July 23, 2015, seeking approval to provide natural gas service to certain rural and remote communities in Ontario.¹

In a letter dated January 20, 2016, the OEB informed all parties that it intended to proceed with a generic hearing on its own motion as the issues raised by all the parties in Union's application were common to all gas distributors and new entrants seeking to provide gas distribution services in communities that do not have access to natural gas. The OEB also noted in that letter that Union's application would be put on hold until the completion of the generic hearing.

The OEB further determined that Union's application and evidence would form part of the record of the generic proceeding and all parties that were granted intervention status in the EB-2015-0079 proceeding would be deemed as intervenors in the generic proceeding and would also be granted the same cost eligibility status.

On November 17, 2016, the OEB issued its Decision on the generic community expansion proceeding. In that Decision, the OEB stated that cost awards will be apportioned among rate-regulated natural gas distributors based on the OEB's revised Cost Assessment Model. The following participants are eligible for cost awards (collectively, eligible parties):

- Association of Power Producers of Ontario (APPrO)
- Building Owners and Managers Association Toronto (BOMA)
- Canadian Propane Association (CPA)
- Consumers Council of Canada (CCC)
- Energy Probe Research Foundation (Energy Probe)
- Environmental Defence
- Federation of Rental-Housing Providers of Ontario (FRPO)
- Industrial Gas Users Association (IGUA)
- London Property Management Association (LPMA)
- MoCreebec Eeyoud and Anwaatin Inc. (Anwaatin Inc.)
- Northeast Midstream
- Northwestern Ontario Associated Chambers of Commerce Coalition (NOACC)
- Ontario Federation of Agriculture (OFA)

¹ EB-2015-0079 proceeding

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- Ontario Geothermal Association (OGA)
 - Ontario Sustainable Energy Association (OSEA)
 - School Energy Coalition (SEC)
 - Vulnerable Energy Consumers Coalition (VECC)

The OEB received cost claims from the following participants: Anwaatin Inc., BOMA, CPA, CCC, Energy Probe, Environmental Defence, FRPO, IGUA, LPMA, Northeast Midstream, NOACC, OGA, OSEA, SEC and VECC. APPRO and OFA did not file a cost claim.

On December 9, 2016, Enbridge filed a letter stating that it had no overall objection to the cost claims but noted the following:

- Anwaatin Inc.'s receipts for courier charges were not provided;
- BOMA's courier charge does not match Blizzard Courier cost and there is an overlap of Marion Fraser's hours with OSEA – 25 hours are claimed on March 26 as an example;
- CPA provided no receipts for registered mail and conference calls and the claim included \$842.75 for photocopies (high quality paper not necessary);
- NOACC's disbursement receipts were not provided, the totals don't match receipts provided and the claim included \$700 for photocopies; and
- OSEA's overlap of Marion Fraser's hours with BOMA – 25 hours are claimed on March 26 as an example.

On December 13, 2016, Enbridge filed another letter regarding Anwaatin Inc.'s revised cost claim dated December 19, 2016 to reflect a change in Ms. DeMarco's hourly rate. Enbridge stated that it had no objection to Anwaatin Inc.'s revised claim.

On December 9, 2016, Union filed a letter stating that there is a wide variation in the amount of hours claimed under each category. Union stated that Anwaatin, BOMA, CPA, OGA and VECC have claimed preparation hours in excess of the average hours claimed by other parties. Union further stated that of these parties, all but BOMA filed evidence in the proceeding. In Union's view, the OEB should consider the value provided in relation to the total amount of hours, and total dollar amount of the intervenor cost claims.

OEB Findings

The OEB has reviewed the cost claims to ensure they were compliant with the OEB's *Practice Direction on Cost Awards*. The following adjustments to disbursements have been made:

- The claim of BOMA requires a reduction of \$3.52 because the courier receipt does not match with the claim.
- The claim of FRPO requires a reduction of \$43.68 due to double HST charged on mileage.
- The claim of OSEA requires a reduction of \$0.54 because the courier receipt does not match with the claim.
- The claim of CPA requires a reduction of \$101.66 due to missing receipts for telephone and registered mail.
- The claim of NOACC requires a reduction of \$137.85 due to errors in courier, telephone, air, hotel, meals and other travel claims.

With respect to fees, the OEB finds it reasonable to award a maximum of \$100,000 if the intervenor provided expert evidence and witnesses and \$75,000 if they did not. This is after weighing the impact of their contributions in assisting the OEB in making its final decision on this case. This results in a reduction for BOMA, CPA, OGA and VECC.

The Board finds that the claims of Anwaatin, CCC, Energy Probe, Environmental Defence, IGUA, LPMA, Northeast Midstream and SEC and the adjusted claims of BOMA, CPA, FRPO, NOACC, OGA, OSEA and VECC are reasonable. The OEB approves cost awards for the eligible participants as follows:

• Anwaatin Inc.	\$96,422.75
• Building Owners and Managers Association Toronto	\$75,034.88
• Canadian Propane Association	\$102,790.40
• Consumers Council of Canada	\$63,859.69
• Energy Probe Research Foundation	\$40,430.06
• Environmental Defence	\$23,121.26
• Federation of Rental-Housing Providers of Ontario	\$47,606.32
• Industrial Gas Users Association	\$68,121.47
• London Property Management Association	\$44,740.59
• Northeast Midstream	\$7,656.00
• Northwestern Ontario Associated Chambers of Commerce Coalition	\$62,271.05
• Ontario Geothermal Association	\$100,139.56
• Ontario Sustainable Energy Association	\$29,301.19
• School Energy Coalition	\$50,392.92
• Vulnerable Energy Consumers Coalition	\$101,118.51

Process for Paying the Cost Awards

The amount payable by each rate-regulated utility in relation to costs awarded to each Eligible Participant is listed in Schedule A to this Decision and Order. However, the amounts will not be paid directly by the utility to the participant.

The OEB will use the process set out in section 12 of the *Practice Direction* to implement the payment of the cost awards. Therefore, the OEB will act as a clearing house for all payments of cost awards relating to this consultation process. Invoices will be issued to rate-regulated utilities at the same time as the invoices for cost assessments are made under section 26 of the Act. The practice of the OEB is to issue to each rate-regulated utility one invoice that covers all cost awards payable by the rate-regulated utility for the relevant period. As a result, the invoice may cover cost awards payable in relation to a number of consultations, including this one.

THE ONTARIO ENERGY BOARD THEREFORE ORDERS THAT:

1. Each natural gas rate-regulated utility listed in Schedule A to this Decision and Order shall pay the amounts set out in Schedule A in relation to the costs awarded to each Eligible Participant.
2. Each natural gas rate-regulated utility listed in Schedule A to this Decision and Order shall pay the OEB's costs of, and incidental to, this consultation.
3. The payments referred to in paragraph 1 shall be made to the OEB in accordance with the invoice issued to each natural gas rate-regulated utility, and shall be due at the same time as cost assessments under section 26 of the Act are due.

DATED at Toronto March 28, 2017

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Schedule A

OEB's Decision and Order on Cost Awards

EB-2016-0004

Natural Gas Distributors	Anwaatin Inc.	BOMA	CPA	CCC	Energy Probe	Environmental Defence	FRPO	IGUA	LPMA	Northeast Midstream	NOACC	OGA	OSEA	SEC	VECC	Total
Enbridge Gas Distribution	57,554.51	44,788.14	61,355.35	38,117.70	24,132.61	13,801.03	28,416.10	40,661.54	26,705.55	4,569.85	37,169.44	59,773.07	17,489.81	30,079.41	60,357.40	544,971.51
Union Gas	38,646.06	30,073.84	41,198.21	25,594.85	16,204.29	9,266.96	19,080.53	27,302.96	17,931.95	3,068.51	24,958.12	40,135.75	11,743.86	20,197.39	40,528.12	365,931.41
Natural Resource Gas	222.17	172.89	236.85	147.14	93.16	53.28	109.69	156.96	103.09	17.64	143.48	230.74	67.52	116.11	232.99	2,103.73
Total	\$ 96,422.75	\$75,034.88	\$ 102,790.40	\$ 63,859.69	\$ 40,430.06	\$ 23,121.26	\$ 47,606.32	\$ 68,121.47	\$ 44,740.59	\$ 7,656.00	\$ 62,271.05	\$ 100,139.56	\$ 29,301.19	\$ 50,392.92	\$ 101,118.51	\$ 913,006.65