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2005 December 14

Mr. Patrick Hoey  
Director, Regulatory Affairs  
Enbridge Gas Distribution Inc.  
500 Consumers Road  
Toronto ON M2J 1P8

Dear Mr. Hoey:

**RE: Enbridge Gas Distribution Inc. 2006 Test Year Rate Application  
Board File No. EB-2005-0001 – Partial Decision on Cost Awards**

The Board today has issued its Partial Decision on Cost Awards in regard to the above noted matter and an executed copy is enclosed herewith.

Yours truly,

Peter H. O'Dell  
Assistant Board Secretary

- c. R. Warren (Counsel/CCC)
- P. Thompson (Counsel/IGUA)
- D. MacIntosh (Energy Probe)
- D. Poch (Counsel/GEC)
- M. Klippenstein (Counsel/Pollution Probe)
- M. Rowan (CME)
- M. Janigan (Counsel/VECC)
- V. Young (OAPPA)
- J. Shepherd (Counsel/SEC)

PARTIAL DECISION ON COST AWARDS

**EB-2005-0001**

**EB-2005-0437**

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

**AND IN THE MATTER OF** an Application by Enbridge Gas  
Distribution Inc. for an Order or Orders approving or fixing  
just and reasonable rates and other charges for the sale,  
distribution, transmission and storage of gas commencing  
January 1, 2006.

Before: Pamela J. Nowina  
Presiding Member and Vice Chair

Paul Sommerville  
Member

Cynthia Chaplin  
Member

PARTIAL DECISION ON COST AWARDS

2005 December 14

## PARTIAL DECISION ON COST AWARDS

Enbridge Gas Distribution Inc. (“EGDI”, or the “Applicant”) filed an Application, dated March 18, 2005, with the Ontario Energy Board (the “Board”) under section 36 of the *Ontario Energy Board Act 1998*, S.O. 1998, c.15, (Schedule B). The Board has assigned file number EB-2005-0001 to the Application and has issued a Notice of Application dated April 13, 2005.

The following parties requested intervenor status and to be eligible for an award of costs:

1. Consumers Council of Canada (“CCC”)
2. Industrial Gas Users Association (“IGUA”)
3. Energy Probe Research Foundation (“Energy Probe”)
4. Green Energy Coalition (“GEC”)
5. Pollution Probe (“Pollution Probe”)
6. Canadian Manufacturers & Exporters (“CME”)
7. Vulnerable Energy Consumers Coalition (“VECC”)
8. Ontario Association of Physical Plant Administrators (“OPPA”)
9. School Energy Coalition (“SEC”)

The Board found all parties who requested costs, eligible to apply for an award of costs.

The Board held an Issues Day on May 5, 2005, a Motions Day on July 4, 2005. The hearing commence on August 16 and concluded on October 27, 2005.

On October 28, 2005, the Board received a request from CCC and SEC for interim costs orders

On November 8, 2005, the Board issued Procedural Order No. 6 wherein the Board ordered all intervenors that wished to receive a costs award for the evidentiary portion of the proceeding file their requests for costs in the manner set out in the Board’s Practice Direction on Cost Awards by November 18, 2005. Intervenors were expected to excise from their claims any costs that are associated with the preparation of their closing arguments, even where such costs were incurred prior to October 27, 2005. This was to be the only opportunity to claim costs for the evidentiary portion of the proceeding. Costs awards for the argument portion of the hearing will be determined after a final decision has been rendered in the main proceeding.

The Board further ordered EGDI to file any objections to intervenor cost submissions by December 2, 2005. On December 2, EDGI filed a letter indicating that it had no objections to the cost submissions.

**PARTIAL DECISION ON COST AWARDS**

**Findings**

The Board therefore orders the following:

1. CCC, IGUA, Energy Probe, GEC, Pollution Probe, CME, VECC, OPPA and SEC be awarded 100% of their reasonably incurred cost up to the end of the evidentiary portion of the hearing and to be paid by EDGI upon receipt of the Board's Cost Orders.
2. The Board's costs of this proceeding as of December 1, 2005 are to be paid by EDGI upon receipt of the Board's invoice.

Dated at Toronto December 14, 2005

Signed on the Behalf of the Panel

*Original Signed By*

Pamela J. Nowina  
Presiding Member and Vice Chair