



EB-2008-0219

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, 2009.

BEFORE: Pamela Nowina
Vice-Chair and Presiding Member

Paul Sommerville
Member

David Balsillie
Member

DECISION AND ORDER ON COST AWARDS FOR PHASE 1

Enbridge Gas Distribution Inc. (“Enbridge”) filed an Application on September 26, 2008 with the Ontario Energy Board (the “Board”) under section 36 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Sched. B, as amended, for an order of the Board approving or fixing rates for the distribution, transmission and storage of natural gas, effective January 1, 2009 (the “Application”). The Board assigned file number EB-2008-0219 to the Application and issued a Notice of Application dated October 20, 2008.

The Association of Power Producers of Ontario (“APPPrO”), the Building Owners & Managers Association of the Greater Toronto Area (“BOMA”), the Canadian Manufacturers & Exporters (“CME”), the Consumers Council of Canada (“CCC”), the Energy Probe Research Foundation (“Energy Probe”), the Industrial Gas Users Association (“IGUA”), the Association of Physical Plant Administrators (“OAPPA”), the

School Energy Coalition (“SEC”), and the Vulnerable Energy Consumers Coalition (“VECC”) applied for and were granted intervenor status, and were deemed eligible to apply for an award of costs.

In Procedural Order No. 1, issued November 13, 2008, the Board ordered that the Application be heard in two phases, with the setting of rates to be dealt with in Phase 1. In Procedural Order No.3, issued on December 18, 2008, the Board set out the process for eligible intervenors to file their cost claims for all Phase 1 costs incurred up to December 18, 2008.

The Board received cost claims from APPrO, BOMA, CME, CCC, Energy Probe, IGUA, OAPPA, SEC and VECC. On January 8, 2009, Enbridge submitted a letter stating that the cost submissions filed were within the guidelines set out in the Board’s *Practice Direction on Cost Awards*.

The Board reviewed the cost claims filed by APPrO, BOMA, CME, CCC, Energy Probe, IGUA, OAPPA, SEC and VECC, and found that one claim was not in accordance with the *Practice Direction on Cost Awards*, and has made the following adjustment:

- CME: \$10.50 reduction in disbursements.

The Board accepts the cost claims filed by SEC and VECC notwithstanding that they were filed after the deadline specified in the Procedural Order. The Board finds that all parties are eligible for 100% of their reasonably incurred costs of participating in this proceeding. The Board finds that each party’s claims, adjusted as described above, are reasonable and should be reimbursed by Enbridge.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Enbridge shall immediately pay:

- APPrO \$14,356.21;
- BOMA \$ 6,639.06;
- CME \$14,156.05;
- CCC \$ 8,974.35;
- Energy Probe \$ 3,625.65;

- IGUA \$ 8,922.34;
- OAPPA \$ 1,520.00;
- SEC \$ 9,943.48; and
- VECC \$ 6,208.06

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

DATED at Toronto, February 9, 2009

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary