



EB-2009-0055

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 amending or varying the rate or rates charged to customers as of October 1, 2009.

BEFORE: Pamela Nowina
Presiding Member and Vice Chair

Paul Sommerville
Member

DECISION AND ORDER ON COST AWARDS

Enbridge Gas Distribution Inc. ("Enbridge") filed an application, dated March 18, 2009 (the "Application"), 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 "Act") for an order approving the disposition of balances in certain deferral or variance accounts. The Board assigned file number EB-2009-0055 to the proceeding.

The Board issued its Decision and Order on the matter on August 7, 2009.

On September 2, 2009, the Board received a letter from Enbridge seeking to vary the August 7, 2009 Decision and Order to alter the timing of the clearances of the balances in the deferral and variance accounts. In its Decision and Order, the Board had ordered the clearances to occur in October and November of 2009 to coincide with the October 1, 2009 quarterly commodity rate adjustment process for Enbridge (“QRAM”). In its letter, Enbridge requested that the clearance dates be postponed until 2010 when it expects that its new Customer Information System (“CIS”) will be able to facilitate the billing of the clearances. The Board issued its Supplementary Decision and Order relating to this portion of the proceeding on September 17, 2009.

In its August 7, 2009 Decision and Order, the Board adopted the List of Intervenors approved in the Enbridge 2009 IRM rates proceeding (EB-2008-0219) and stated that parties deemed eligible for an award of costs in that proceeding would also be eligible to claim an award of costs in this proceeding.

In its September 17, 2009 Supplementary Decision and Order, the Board stated that only IGUA, CME and Energy Probe would be eligible to submit any supplemental cost claim relating to this portion of the proceeding.

The deadline for submitting cost claims in the August 7, 2009 Decision and Order was August 28, 2009. The deadline for submitting claims relating to the Supplementary Decision and Order was September 28, 2009.

The following intervenors filed cost claims relating to the August 7, 2009 Decision and Order:

- The Building Owners and Managers Association (“BOMA”);
- The Canadian Manufacturers & Exporters (“CME”);
- The Consumers Council of Canada (“CCC”),
- Energy Probe Research Foundation (“Energy Probe”);
- The Industrial Gas Users Association (“IGUA”),
- The School Energy Coalition (“SEC”); and
- The Vulnerable Energy Consumer Coalition (“VECC”).

Two intervenors filed supplemental cost claims relating to the Supplementary Decision and Order: CME and Energy Probe. IGUA did not file a supplemental cost claim.

Enbridge submitted letters to the Board relating to the cost claims on September 4, 2009, October 1, 2009 and October 14, 2009 and indicated that its review revealed that even though the IGUA, SEC and VECC cost claims were received after the Board's due date, the claims were nonetheless within the tolerances of the Board's cost guidelines.

Board Findings

The Board reviewed the cost claims filed by BOMA, CME, CCC, Energy Probe, IGUA, SEC and VECC.

The Board found that all parties are eligible for 100% of their reasonably incurred costs of participating in this proceeding. The Board finds that each party's claim is reasonable and all parties shall 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:

- Building Owners and Managers Association \$2,445.04;
- Canadian Manufacturers & Exporters \$6,423.11;
- Consumers Council of Canada \$2,772.00;
- Energy Probe Research Foundation \$2,436.28;
- Industrial Gas Users Association \$2,938.73;
- School Energy Coalition \$4,091.40; and
- Vulnerable Energy Consumer Coalition \$2,706.00.

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, November 2, 2009.

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary