



**EB-2005-0551**

**IN THE MATTER OF** a proceeding initiated by the Ontario Energy Board to determine whether it should order new rates for the provision of natural gas, transmission, distribution and storage services to gas-fired generators (and other qualified customers) and whether the Board should refrain from regulating the rates for storage of gas.

**BEFORE:** Gordon E. Kaiser  
Presiding Member and Vice Chair

Cynthia Chaplin  
Member

Bill Rupert  
Member

**DECISION ON COST AWARDS**

2006 December 11

On December 29, 2005, the Ontario Energy Board (the "Board") issued a Notice of Proceeding on its own motion to determine: (i) whether it should order new rates for the provision of natural gas, transmission, distribution and storage services to gas-fired generators (and other qualified customers); and (ii) whether to refrain, in whole or part, from exercising its power to regulate the rates charged for the storage of gas in Ontario by considering whether, as a question of fact, the storage of gas in Ontario is subject to competition sufficient to protect the public interest. The Natural Gas and Electricity Interface Review ("NGEIR") proceeding was commenced pursuant to sections 19, 36 and 29 respectively of the *Ontario Energy Board Act, 1998*. The Notice of Proceeding directed Enbridge Gas Distribution Inc. ("Enbridge") and Union Gas Limited ("Union") to file evidence on potential rates for gas-fired generators.

In the December 29, 2005 Notice of Proceeding, the Board stated that it may order costs in this proceeding.

Twelve parties applied for and were determined by the Board to be eligible for costs incurred for this proceeding. The twelve parties were: the Association of Major Power Consumers in Ontario ("AMPCO"), the Association of Power Producers of Ontario (APPRO), the Canadian Manufacturers and Exporters ("CME"), the City of Kitchener ("Kitchener"), the Consumers Council of Canada ("CCC"), the Industrial Gas Users Association ("IGUA"), the Low-Income Energy Network ("LIEN"), the London Property Management Association ("LPMA"), the School Energy Coalition ("SEC"), the Vulnerable Energy Consumers' Coalition ("VECC"), the Wholesale Gas Purchasers Group ("WGSPG") and Energy Probe.

The Board noted in its December 29, 2005 Notice of Proceeding that Union and Enbridge would be ordered to pay any cost awards for this proceeding.

On October 4, 2006, BP Canada Energy Company ("BP") requested that it be granted cost eligibility in this proceeding. On October 20, 2006, the Board issued its Supplementary Cost Eligibility Decision and Procedural Order No. 10 in which the Board found that BP was eligible for costs in this proceeding. The Board also set out

dates for BP to file its cost claim, for Union and Enbridge to file any objections to the cost claim, and for BP to respond to any objections.

APPrO, IGUA, Energy Probe, CME, CCC, VECC, LIEN, LPMA, SEC, filed cost claims.

On October 13, 2006, Enbridge filed a letter indicating that the company had no objections to the claims filed. Union did not file any submissions.

On October 25, 2006, BP asked the Board to extend the deadline for filing its cost claim from October 26, 2006 to November 3, 2006. The Board granted this request. Neither Union or Enbridge commented on BP's claim.

The Board finds that APPrO, IGUA, Energy Probe, CME, VECC, LIEN, LPMA, CCC and SEC are entitled to 100 percent of their reasonably incurred costs of participating in this proceeding. The Board directs that each of Union and Enbridge pay an equal share of the aforementioned intervenor costs immediately upon receipt of the Board's Cost Orders.

The Board has reviewed BP's claim and finds that BP is entitled to the costs it reasonably incurred for the period of the NGEIR proceeding following the Board's request of BP to appear and to provide evidence.

The Board therefore directs BP to file and serve an amended cost claim which shows BP's reasonable costs incurred for the time period following the Board's July 12, 2006 request for BP to appear.

The Board further directs that the Board's costs of and incidental to this proceeding be paid by Union and Enbridge in equal shares immediately upon receipt of the Board's invoice.

ISSUED at Toronto, 2006 December 11.

**ONTARIO ENERGY BOARD**

Signed on the behalf of the Panel

*Original Signed By*

Gordon E. Kaiser  
Presiding Member and Vice Chair