



**EB-2006-0144**

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

**AND IN THE MATTER OF** an Application under section 36 of the Act by Enbridge Gas Distribution Inc. for approval of an accounting order to establish a deferral account to record the costs of defending itself against the Ontario Energy's Board's appeal to the Ontario Court of Appeal, any costs of appeal proceedings thereafter and/or any re-hearing costs with respect to Alliance/Vector costs disallowed for recovery in the past by the Ontario Energy Board.

**AND IN THE MATTER OF** an Application under section 36 of the Act 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.

### **DECISION ON COST AWARDS**

Enbridge Gas Distribution Inc. ("EGDI", or the "Applicant") filed an Application, dated June 13, 2006, with the Ontario Energy Board (the "Board") under section 36 of the *Ontario Energy Board Act 1998*, S.O. 1998, c.15, (Schedule B) for approval to establish a deferral account to record all costs of defending itself against the Ontario Energy Board's appeal to the Ontario Court of Appeal, any costs of appeal proceedings thereafter and/or any re-hearing costs with respect to Alliance/Vector costs disallowed for recovery in the past by the Ontario Energy Board. EGDI indicated that the balance of the principal and interest accounts will be disposed of in the future as determined by the Board.

The Board assigned file number EB-2006-0144 to the Application.

The Board noted that EGDI forwarded copies of the Application to the parties in the EB-2005-0001 proceeding.

The Board issued a Notice of Written Proceeding and Procedural Order No. 1 on July 20, 2006 and August 25, 2006 respectively,

The Board received submissions from the Industrial Gas Users Association ("IGUA"), the Vulnerable Energy Consumer's Coalition, the Consumers Council of Canada, the Schools Energy Coalition ("SEC") and a reply submission from EGDI.

In its October 24, 2006 Decision the Board directed Intervenors eligible for cost awards to file their cost claims by November 15, 2006 in accordance with the Board's Practice Direction on Cost Awards. EGDI was to comment on these claims by November 22, 2006. The cost award applicants were to respond to EGDI's comments by November 29, 2006.

IGUA and SEC filed cost claims in accordance with the Board's directions.

No comments were received from EGDI.

The Board awards IGUA and SEC 100% of their costs.

The Board directs EGDI to pay the costs immediately upon receipt of the Board's Costs Orders.

**ISSUED** at Toronto, 2006 December 20

ONTARIO ENERGY BOARD

*Signed on the Behalf of the Panel*

Paul Sommerville

Presiding Member