



EB-2008-0411

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 Union Gas Limited pursuant to section 43(1) of the Act, for an Order or Orders granting leave to sell 11.7 kilometers of natural gas pipeline running between the St. Clair Valve Site and Bickford Compressor Site in the Township of St. Clair, all in the Province of Ontario.

BEFORE:

Gordon Kaiser
Vice Chair and Presiding Member

Cynthia Chaplin
Member

Cathy Spoel
Member

DECISION AND ORDER ON COST AWARDS

On December 23, 2008, Union Gas Limited ("Union") filed an application with the Ontario Energy Board (the "OEB") under section 43(1) of the Ontario Energy Board Act, 1998 seeking an order from the Board granting leave to sell 11.7 kilometers of 24 inch diameter steel natural gas pipeline running between the St. Clair Valve Site and the Bickford Compressor Site in the Township of St. Clair.

In Procedural Order No. 1, the Board granted intervenor status to Bluewater Gas Storage; Canadian Manufacturers & Exporters ("CME"); Dawn Gateway Pipeline L.P.

("DGPL"); Enbridge Gas Distribution Inc.; Federation of Rental-Housing Providers of Ontario ("FRPO"); GAPLO-Union (a group of landowners) and the Canadian Association of Energy and Pipeline Landowners' Association and certain landowners who are affected directly by the current application (collectively "GAPLO/CAEPLA"); Market Hub Partners Canada L.P.; Shell Energy North America Inc.; St. Clair Pipelines L.P.; and TransCanada PipeLines Limited ("TransCanada"). Nexen Marketing and Ontario Power Generation were given observer status in this proceeding. CME, FRPO, and GAPLO/CAEPLA were deemed eligible for cost awards.

The Board received cost claims from CME, FRPO and GAPLO/CAEPLA.

By letter dated January 18, 2010, Union raised concerns with the cost claims of CME. Union noted that Mr. Thompson's Statement of Hours included time spent corresponding with the NEB in October 2009 regarding Dawn Gateway LP's NEB application. Union also stated that CME's cost claim included time charges for an email from Mr. Thompson to Mr. Aiken and noted that it is unaware of Mr. Aiken's participation in or what contribution he may have made to the OEB proceeding.

On January 18, 2010, CME replied to Union's letter, and stated that CME corresponded with the NEB in order to properly represent and protect its client's interest in the OEB proceeding. CME submitted that the email to Mr. Aiken was to ascertain whether he would be available to help them analyze and comment on the calculation of the gain allocable to ratepayers that the Board directed Union to provide. CME noted that Mr. Aiken is well qualified to provide advice with respect to these types of calculations.

By letter dated February 12, 2010, GAPLO/CAEPLA withdrew its cost claim filed on December 14, 2009 in respect to the Phase I costs in this proceeding.

Board Findings on the Cost Claims of the Eligible Participants

The Board reviewed the cost claims filed by CME and FRPO to ensure they were compliant with the Board's *Practice Direction on Cost Awards*.

The Board finds that the amounts claimed by CME for correspondence with the NEB and Mr. Aiken are appropriate in the circumstances.

The Board finds that CME and FRPO are eligible for 100% of their reasonably incurred costs of participating in this proceeding. The review of the claims indicated that one cost claimed by CME is not in accordance with the *Board Practice Direction on Cost Awards* and therefore the Board has made the following adjustment to the cost claim: \$42.70 reduction in disbursements. The Board finds that CME's adjusted claim and FRPO's claims are reasonable and should be reimbursed by Union.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Union shall immediately pay:
 - Canadian Manufacturers & Exporters; \$100,574.79; and
 - Federation of Rental-Housing Providers of Ontario \$ 29,625.75.
2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Union shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, February 24, 2010.

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary