



**EB-2011-0327**

**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 seeking approval of its 2012-2014 demand side management plan;

**AND IN THE MATTER OF** a Notice of Motion by Canadian Manufacturers & Exporters for review of the Board's Decision and Order on Cost Awards in EB-2011-0327.

**BEFORE:** Cathy Spoel  
Presiding Member

Cynthia Chaplin  
Vice-Chair

Paula Conboy  
Member

**DECISION AND ORDER ON  
CANADIAN MANUFACTURERS & EXPORTERS MOTION TO REVIEW  
August 23, 2012**

**Background**

Union Gas Limited ("Union Gas") filed an application with the Ontario Energy Board (the "Board") on September 23, 2011, seeking approval for its 2012-2014 Demand Side Management ("DSM") plan including a 2012 DSM budget of \$30.954 million. The application was filed pursuant to the Board's DSM Guidelines that were issued on June 30, 2011 (EB- 2008-0346). The Board assigned the application file number EB-2011-0327.

On November 4, 2011, the Board issued its Procedural Order No. 1 and Cost Eligibility Decision, granting the following parties intervenor status and cost award eligibility:

- Association of Power Producers of Ontario (“APPrO”);
- Building Owners and Managers Association Toronto (“BOMA”);
- Canadian Manufacturers & Exporters (“CME”);
- Consumers Council of Canada (“CCC”);
- Energy Probe Research Foundation (“Energy Probe”)
- Federation of Rental-housing Providers of Ontario (“FRPO”);
- Green Energy Coalition (“GEC”);
- Industrial Gas Users Association (“IGUA”);
- Low-Income Energy Network (“LIEN”);
- London Property Management Association (“LPMA”);
- Pollution Probe;
- School Energy Coalition (“SEC”); and
- Vulnerable Energy Consumers Coalition (“VECC”).

The Board issued its Decision and Order on the Settlement Agreement on February 21, 2012, in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by Union Gas.

The Board received cost claims from APPrO, BOMA, CME, CCC, Energy Probe, FRPO, GEC, IGUA, LIEN, LPMA, Pollution Probe, SEC and VECC.

On April 27, 2012, the Board issued its Decision and Order on Cost Awards.

### **Motion to Review**

On July 16, 2012, CME filed a Motion to Review (the “Motion”) the Board’s April 27, 2012 Decision and Order on Cost under Rules 42 to 45 of the Board’s *Rules of Practice and Procedure*.

In the Motion, CME requested that the Board review the Decision, wherein CME was awarded the sum of \$35,530.02 for its reasonably incurred costs of participating in the proceeding. CME also requested that it be allowed to submit a supplementary cost

claim in the amount of \$20,698.37 for its reasonably incurred costs from September 23, 2011, up to and including December 20, 2011. The Board decided to continue to use the original file number, EB-2011-0327, in hearing the Motion.

On July 31, 2012 the Board issued Procedural Order No. 5 allowing for submissions on the Motion to be filed by Union Gas and Board staff. On August 13, 2012 Union Gas filed its submission noting that it had no comments on the Motion. No other submissions were received.

### **Board Findings**

The Board has reviewed the Motion filed by CME. The Board finds that the grounds raised by CME are sufficient to allow the Board to review its original Cost Award Decision based on the new information provided by CME. The Board has reviewed the supplemental cost claim filed by CME to ensure that it is compliant with the Board's *Practice Direction on Cost Awards*.

The Board notes that in its Procedural Order No. 1 and Cost Eligibility Decision dated November 4, 2011, the Board stated that "given the widespread availability and use of electronic documents, it is no longer reasonable for intervenors to make claims for the recovery of costs of copying or printing case documents, other than materials that are filed for use during the hearing." The Board has reviewed CME's cost claim and has adjusted it accordingly unless the amount is *de minimis*.

The Board will not approve the costs claimed by CME for photocopying (\$433.92). The Board further notes that CME's cost claim includes conference call charges (\$18.44) for which there is no receipt. The Board has therefore adjusted CME's supplemental cost claim and finds that CME is awarded \$20,246.01. The Board finds that the adjusted claim of CME is reasonable and shall be reimbursed by Union Gas.

### **THE BOARD THEREFORE ORDERS THAT:**

1. Pursuant to section 30 of the Ontario *Energy Board Act, 1998*, Union Gas shall immediately pay:
  - Canadian Manufacturers & Exporters \$20,246.01.

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

**DATED** at Toronto, August 23, 2012

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary