



EB-2013-0202

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 for an order or orders approving a multi-year incentive rate mechanism to determine rates for distribution, transmission and storage of gas effective January 1, 2014.

BEFORE: Ken Quesnelle
Presiding Member

Paula Conboy
Member

Ellen Fry
Member

DECISION AND ORDER ON COST AWARDS
December 2, 2013

Background

Union Gas Limited (“Union”) filed an Incentive Rate Mechanism application on July 31, 2013 with the Ontario Energy Board (the “Board”) pursuant to section 36 of the *Ontario Energy Board Act, 1998*. The application was for an order or orders approving a multi-year Incentive Rate Mechanism (“IRM”) framework to determine rates for the distribution, transmission and storage of natural gas, effective January 1, 2014.

On September 19, 2013, the Board issued Procedural Order No. 1, granting the Building Owners and Managers Association Toronto (“BOMA”), the Canadian Manufacturers and Exporters (“CME”), Consumers Council of Canada (“CCC”), Energy Probe Research Foundation (“Energy Probe”), the Federation of Rental-housing Providers of Ontario (“FRPO”), the Industrial Gas Users Association (“IGUA”), the London Property Management Association (“LPMA”), the Ontario Association of Physical Plant Administrators (“OAPPA”), the Ontario Greenhouse Vegetable Growers (“OGVG”), the School Energy Coalition (“SEC”) and the Vulnerable Energy Consumers Coalition (“VECC”) intervenor status and cost award eligibility.

On October 7, 2013, the Board issued its Decision and Order, in which among other things it set out the process for intervenors to file their cost claims, for Union to object to the claims and for intervenors to respond to any objections raised by Union.

In response to the Board’s Order, BOMA, CME, Energy Probe, FRPO, IGUA, LPMA and OGVG filed cost claims. CCC, SEC and VECC did not submit cost claims.

No objections to the cost claims were received from Union.

Board Findings

The Board has reviewed the cost claims.

The Board notes that intervenors were involved in discussions with Union of a settlement that was reached prior to the commencement of this proceeding. Union has assumed responsibility to pay intervenors directly for their costs incurred with respect to those discussions but not for costs incurred by the intervenors to participate in the Board’s proceeding¹. The Board notes that CME’s cost claim includes 2.9 hours of costs incurred prior to the issuance of the Notice of Application on August 14, 2013. For this reason, the Board will reduce CME’s claim by 2.9 hours.

The Board finds that the parties that have filed cost claims are eligible for 100% of the incurred costs of participating in this proceeding. The Board finds that the claims of BOMA, Energy Probe, FRPO, IGUA, LPMA, OGVG and CME (adjusted) are reasonable and that each of these claims shall be reimbursed by Union.

¹ Transcript, Volume 1, October 3, 2013, page 34

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the Ontario *Energy Board Act, 1998*, Union shall immediately pay the following amounts to the intervenors for their costs:
 - Building Owners and Managers Association Toronto \$1,864.50;
 - Canadian Manufacturers and Exporters \$3,130.10;
 - Energy Probe Research Foundation \$792.08;
 - Federation of Rental-housing Providers of Ontario \$786.71;
 - Industrial Gas Users Association \$317.03;
 - London Property Management Association \$447.48; and
 - Ontario Greenhouse Vegetable Growers \$2,691.66.

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, December 2, 2013

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary