



EB-2005-0211

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 amending or varying the rate or rates charged to customers as of January 1, 2005. **(Phase 3)**

BEFORE: Gordon Kaiser
Vice-Chair and Presiding Member

Paul Vlahos
Member

Cynthia Chaplin
Member

DECISION AND ORDER ON COST AWARDS

In 2004, Union Gas Limited (“Union”) sold 1.6 petajoules (“PJ”) of surplus cushion gas for \$13.493 million resulting in a pre-tax gain on the sale of \$12.829 million. In two previous decisions¹, this Board determined that it has the jurisdiction under its governing statute to allocate all or part of this gain to utility customers. The question before the panel was whether there is any basis on the evidence for allocating all or part of the gain to customers.

The Consumers Council of Canada (“CCC”), the Industrial Gas Users Association (“IGUA”), the London Property Management Association (“LPMA”), the School Energy Coalition (“SEC”), the Vulnerable Energy Consumers Coalition (“VECC”), and the City of

¹ *Re Union Gas Limited*, Decision with Reasons, EB-2005-0211, (June 28, 2006); *Re Union Gas Limited*, Decision with Reasons, EB-2005-0211, (January 30, 2007)

Kitchener (“Kitchener”) applied for and were granted intervenor status and were deemed eligible to apply for an award of costs.

The Board issued its Decision on the application on June 27, 2007, in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by Union.

The Board received cost claims from CCC, IGUA, LPMA, SEC and VECC. No comments were received from Union.

The Board has adjusted the cost claim of SEC and VECC to appropriately reflect the correct tariff for their counsel (0 – 5 years of experience, rather than 6 – 10 years).

The Board finds that all parties are eligible for 100% of their reasonably incurred costs for their participation in this proceeding. The Board finds that all parties’ cost claims, as adjusted, 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
 - CCC \$5,097.54;
 - IGUA \$12,804.18;
 - LPMA \$5,823.21;
 - SEC \$4,759.37; and
 - VECC \$3,888.25.

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, July 31, 2008
ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary