



EB-2011-0013
EB-2011-0014
EB-2011-0015

IN THE MATTER OF *the Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B; and in particular sections 36.1(1), 38(1), 40(1), 90(1), thereof;

AND IN THE MATTER OF an application by Union Gas Limited for an Order designating the area known as the Jacob Pool, in the Municipality of Chatham-Kent, as a gas storage area;

AND IN THE MATTER OF an application by Union Gas Limited for authority to inject gas into, store gas in and remove gas from the areas designated as the Jacob Pool and to enter into and upon the lands in the said areas and use the said lands for such purposes;

AND IN THE MATTER OF an application by Union Gas Limited to the Ministry of Natural Resources for a license to drill wells in the said areas;

AND IN THE MATTER OF an application by Union Gas Limited for an Order granting leave to construct natural gas pipelines in the Municipality of Chatham-Kent.

BEFORE: Marika Hare
Presiding Member

DECISION AND ORDER ON COST AWARDS

Background

On January 17, 2011 Union Gas Limited ("Union") filed three applications with the Ontario Energy Board (the "Board") under sections 36.1(1), 38(1), 40(1) and 90(1) of the

Ontario Energy Board Act, 1998, S.O. 1998, c.15, Schedule B (the “Act”). Union applied for the following:

1. Designation of the proposed Jacob Gas Storage Pool (the “Jacob Pool”) and authority to operate the Jacob Pool, pursuant to section 36.1(1) and subsection 38(1) of the Act, respectively. This application was assigned Board File No. EB-2011-0013;
2. Leave to construct a transmission pipeline, pursuant to section 90 of the Act, to connect the proposed Jacob Pool with the Dover Transmission Station on Union’s Panhandle System; and various gathering pipelines to connect wells to a proposed compression station. This application was assigned Board File No. EB-2011-0014; and
3. Licences to drill three injection/withdrawal wells in the proposed Jacob Pool, pursuant to section 40 of the Act. This application was assigned Board File No. EB-2011-0015.

The Board determined that the three applications should be consolidated and heard together as one proceeding pursuant to section 21(5) of the Act. The Board assigned File Numbers EB-2011-0013, EB-2011-0014 and EB-2011-0015 to the three proceedings.

On March 2, 2011, the Board issued Procedural Order No. 1, granting the Ministry of Natural Resources, Enbridge Gas Distribution Inc. and Kent Federation of Agriculture (“KFA”) intervenor status. The Board also determined that KFA was eligible to apply for an award of costs under the Board’s *Practice and Direction on Cost Awards*.

The Board issued its Decision with Reasons on July 19, 2011, in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by Union.

The KFA cost claim consisted of claims made by two consultants; Mr. Harry Lawson and Mr. Jed Chinneck. On August 2, 2011 KFA requested an extension to submit Mr. Harry Lawson’s (“Mr. Lawson”) cost claim by August 8, 2011. Also on August 2, 2011, the Board received Mr. Jed Macraw Chinneck’s (“Mr. Chinneck”) cost claim. Mr. Lawson’s cost claim was received by the Board on August 8, 2011. By a letter dated August 9, 2011, Union stated that it had no objection the cost claims submitted by KFA.

Board Findings

The Board has reviewed the two cost claims from KFA.

The Board has adjusted the cost claim of Mr. Chinneck from \$330 to \$170 per hour to reflect the correct tariff for case management fees. This reduces Mr. Chinneck's total claim to \$1,392.73.

The cost claim of Mr. Lawson included car travel rates that do not comply with the Board's *Practice Direction on Cost Awards*. The Board has therefore made an adjustment to reduce the travel car rate from \$0.55 per kilometer to \$0.40 per kilometer, effectively reducing this portion of the cost claims from \$124.92 to \$90.86. Mr. Lawson's total revised claim is \$1,799.42.

The Board finds the adjusted cost claim of KFA to be reasonable and that Union shall reimburse the costs, as noted below, subject to the adjustment referenced above.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Union shall immediately pay:
 - Kent Federation of Agriculture (Mr. Chinneck) \$1,392.73; and
 - Kent Federation of Agriculture (Mr. Lawson) \$1,799.42
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, September 14, 2011
ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary