



EB-2009-0172

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 Enbridge
Gas Distribution Inc. for an Order or Orders approving or
fixing just and reasonable rates and other charges for the
sale, distribution, transmission and storage of gas
commencing January 1, 2010.

BEFORE: Gordon Kaiser
Vice Chair and Presiding Member

Paul Sommerville
Member

Cathy Spoel
Member

DECISION AND ORDER ON COST AWARDS

Enbridge Gas Distribution Inc. ("Enbridge") filed an Application on September 1, 2009 (as amended on September 14, 2009) with the Ontario Energy Board (the "Board") under section 36 of the Ontario Energy Board Act, 1998, S.O. c.15, Sched. B, as amended, for an order of the Board approving or fixing rates for the distribution, transmission and storage of natural gas, effective January 1, 2010. The Board has assigned the application file number EB-2009-0172.

On October 23, 2009, the Board issued Procedural Order No. 1 granting the following parties intervenor status and granting them eligibility to apply for an award of costs:

- Association of Power Producers of Ontario (“APPrO”);
- Building Owners and Managers Association of the Greater Toronto Area (“BOMA”);
- Canadian Manufacturers & Exporters (“CME”);
- Consumers Council of Canada (“CCC”);
- Energy Probe Research Foundation (“Energy Probe”);
- Industrial Gas Users Association (“IGUA”);
- Ontario Association of Physical Plant Administrators (“OAPPA”);
- Pollution Probe
- School Energy Coalition (“SEC”); and
- Vulnerable Energy Consumers Coalition (“VECC”).

The Board issued its Decision on the application on May 18, 2010, in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by Enbridge.

Cost claims were submitted by the APPrO, BOMA, CME, Energy Probe, Pollution Probe, SEC and VECC by the June 2, 2010 deadline specified in the Decision. On June 8, 2010, the Board received cost claims from the CCC, IGUA and OAPPA.

On June 16, 2010, Enbridge filed comments stating that it did not object to any of the cost claims as filed.

The Board has reviewed the cost claims filed by APPrO, BOMA, CME, CCC, Energy Probe, IGUA, OAPPA, Pollution Probe, SEC and VECC.

The Board finds that one claim submitted by CME and one claim submitted by SEC were not in accordance with the *Practice Direction on Cost Awards*, and has made the following adjustments:

- CME: \$6.85 reduction in disbursements;
- SEC: \$16.20 reduction in disbursements.

The Board finds that all parties are eligible for 100% of their reasonably incurred costs of participating in this proceeding subject to the adjustments referenced above. The Board finds that each party’s claims, adjusted as described above, are reasonable and should be reimbursed by Enbridge.

THE BOARD ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Enbridge shall immediately pay:

- Association of Power Producers of Ontario \$34,238.77;
- Building Owners and Managers Association
of the Greater Toronto Area \$10,348.41;
- Canadian Manufacturers & Exporters \$61,412.16;
- Consumers Council of Canada \$31,679.27;
- Energy Probe Research Foundation \$ 8,962.60;
- Industrial Gas Users Association \$34,195.39;
- Ontario Association of Physical Plant Administrators \$ 2,660.00;
- Pollution Probe \$22,615.85;
- School Energy Coalition \$32,569.00; and
- Vulnerable Energy Consumer's Coalition \$13,697.07.

2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Enbridge 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, 2010.

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary