



**EB-2010-0310**

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B) pursuant to Section 90(1);

**AND IN THE MATTER OF** an application by Enbridge Gas Distribution Inc. for an Order varying a condition of approval of Decision and Order EB-2009-0187 by which the Ontario Energy Board granted leave to construct a natural gas pipeline in the Region of York.

**BEFORE:** Paul Sommerville  
Presiding Member

### **DECISION AND ORDER ON COST AWARDS**

Enbridge Gas Distribution Inc. ("Enbridge") filed an application with the Ontario Energy Board (the "Board") on September 3, 2009, under section 90 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B, (the "Act") for an order granting leave to construct approximately 16.7 kilometres of 406 millimetre (16 inch) diameter extra high pressure steel pipeline to deliver natural gas to the York Energy Centre LP ("YEC"), a proposed natural gas generating facility. The Board assigned file number EB-2010-0310 to this proceeding.

In the Notice of Application and Procedural Order No. 1 issued on October 28, 2010, the Board deemed all of the participants in the EB-2009-0187 leave to construct proceeding to be registered intervenors in this proceeding. In addition, the Board granted intervenor status to the Township of King who did not participate in the EB-2009-0187 proceeding.

On November 2, 2010 the Board received a request for cost award eligibility from Harten Consulting, a Division of Harten Group ("Harten"). On November 9, 2010

Enbridge filed a letter indicating that it had no objection to the Board awarding cost eligibility to Harten.

On November 26, 2010, Enbridge filed with the Board and delivered to all intervenors a letter withdrawing its application effective November 29, 2010. On December 2, 2010 the Board approved Enbridge's request to withdraw the EB-2010-0310 application and ordered EB-2010-0310 closed effective November 29, 2010.

On December 8, 2010, the Board received cost claim from Harten. Enbridge filed a comment with the Board indicating that it did not object to Harten's cost claim. No other cost claim was filed in this proceeding.

### **Board Findings**

The Board has reviewed Harten's request for cost eligibility and Enbridge's comment not objecting to cost eligibility request and has found that Harten is eligible for cost award. The Board reviewed Harten's cost claim and has found that it is reasonable.

The Board finds that Harten is eligible to recover 100% of its reasonably incurred costs of participating in this proceeding. The Board finds that Harten's claim is reasonable and shall be reimbursed by Enbridge.

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

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Enbridge shall immediately pay Harten Consulting \$745.80
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, January 12, 2011

### **ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary