



**EB-2009-0422**

**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 Dawn Gateway Pipeline Limited Partnership for an Order or Orders granting leave to construct a natural gas pipeline and ancillary facilities in the Townships of St. Clair and Dawn-Euphemia, all in the County of Lambton, and approving the regulatory framework and the tariff for the transmission of gas on the Ontario portion of the Dawn Gateway Pipeline.

**BEFORE:** Gordon Kaiser  
Vice Chair and Presiding Member

Cynthia Chaplin  
Vice Chair

Cathy Spoel  
Member

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

### **Background**

Dawn Gateway Pipeline Limited Partnership ("Dawn Gateway LP") filed an Application with the Ontario Energy Board (the "Board"), dated December 23, 2009 under sections 36 and 90 of the Ontario Energy Board Act, 1998, S.O. 1998, C.15 (Schedule B) for approval of a regulatory framework for the Ontario portion of the Dawn Gateway

Pipeline including charging tolls at negotiated prices and for leave to construct approximately 17 kilometers of 24 inch diameter steel natural gas pipeline in the County of Lambton. The Board assigned the application Board File No. EB-2009-0422.

In its Procedural Order No. 1, the Board granted intervenor status to Canadian Manufacturers and Exporters (“CME”); Enbridge Gas Distribution Inc. (“Enbridge”); Federation of Rental-Housing Providers of Ontario (“FRPO”); GAPLO – Union (a group of landowners), the Canadian Association of Energy and Pipeline Landowner Associations and certain landowners who are affected directly by the proposed Dawn Gateway project (collectively “GAPLO/CAEPLA”); Industrial Gas Users Association (“IGUA”); and TransCanada Pipelines Limited (“TransCanada”). The Board granted cost eligibility status to CME, FRPO, IGUA and GAPLO/CAEPLA. On February 12, 2010 GAPLO/CAEPLA withdrew as an intervenor from the proceeding.

At the conclusion of the oral hearing on March 1 and 2, 2010, the Board issued its Decision on the application on March 9, 2010, in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by Dawn Gateway LP.

On June 17, 2010, the Board issued its Decision and Order on Cost Awards and approved the cost claims by the CME, FRPO and IGUA.

The Board awarded CME a cost award of \$17,256.39 for this proceeding. On June 17, 2010, CME contacted the Board regarding the amount of approved cost award. The Board reviewed the CME’s costs claims and confirmed that the cost of the Transcripts of \$205.75 and for two hotel charges of \$14.58 each were not awarded because they were not in accordance with the *Practice Direction on Cost Awards*. The Board asked CME to file additional documentation if available. In response CME filed a receipt for the cost of the Transcripts. The Board finds that these costs are now in accordance with the *Practice Direction on Cost Awards*. The Board confirms that the claim for hotel charges is not in accordance with the *Practice Direction on Cost Awards*.

**THE BOARD THEREFORE ORDERS THAT:**

Pursuant to section 30 of the Ontario *Energy Board Act, 1998*, Dawn Gateway LP shall immediately pay Canadian Manufacturers and Exporters an additional amount of \$205.75.

**DATED** at Toronto, July 20, 2010

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary