



**EB-2007-0606**  
**EB-2007-0615**

**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 approving or fixing a multi-  
year incentive rate mechanism to determine rates for the  
regulated distribution, transmission and storage of natural  
gas, effective January 1, 2008;

**AND IN THE MATTER OF** an Application by Enbridge Gas  
Distribution Inc. for an Order or Orders approving or fixing  
rates for the distribution, transmission and storage of natural  
gas, effective January 1, 2008;

**AND IN THE MATTER OF** a combined proceeding Board  
pursuant to section 21(1) of the *Ontario Energy Board Act*,  
1998.

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

Paul Sommerville  
Member

Cynthia Chaplin  
Member

### **DECISION AND ORDER ON COST AWARDS – Phase I**

Union Gas Limited (“Union”) filed an Application on May 11, 2007 under section 36 of the *Ontario Energy Board Act, 1998*, S.O. c.15, Sched. B, as amended, for an order of the Ontario Energy Board (the “Board”) approving or fixing a multi-year incentive rate

mechanism to determine rates for the regulated distribution, transmission and storage of natural gas, effective January 1, 2008.

Enbridge Gas Distribution Inc. (“Enbridge” or “EGD”) filed an Application on May 11, 2007 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, 2008.

The Board has assigned file number EB-2007-0606 to the Union Application and file number EB-2007-0615 to the Enbridge Application and has issued a Notice of Applications and Combined Proceeding dated May 25, 2007.

The Board in its Decision on Motion dated October 15, 2007 allowed that a phased cost award process would be available to each participant, who was eligible for costs, in this proceeding with the understanding that if a claim is made for one of the phases, no further claim may be made for that phase at a later time. The Board also indicated that it would accept claims at the end of the final phase from those who might prefer to submit only one cost claim. The three phases were defined as: (i) costs incurred up to the filing date for intervenor evidence, (ii) costs incurred between the filing date for intervenor evidence and the end of the oral hearing and (iii) costs incurred between the end of the oral hearing and the completion of argument.

Procedural Order No. 10, dated November 7, 2007, directed eligible intervenors, choosing a phased approach, to file their claims for phase 1 by November 14, 2007.

The Consumers Council of Canada (“CCC”), the Industrial Gas Users Association (“IGUA”), Energy Probe Research Foundation (“Energy Probe”), the Vulnerable Energy Consumers Coalition (“VECC”), the School Energy Coalition (“SEC”), the Association of Power Producers of Ontario (“APPRO”), the Building Owners and Managers Association of Greater Toronto (“BOMA”), the Wholesale Gas Service Purchases Group (“WGSPG”), the London Property Management Association (“LPMA”) and

CCC/VECC/City of Kitchener, regarding their jointly retained expert, filed phase 1 cost claims with the Board. Union and Enbridge did not file objections to these cost claims.

The Board reviewed the cost claims filed by CCC (including the joint CCC/VECC and City of Kitchener claim for expert evidence), IGUA, Energy Probe, VECC, SEC, APPrO, BOMA, WGSPG and LPMA and determined that the following adjustments were appropriate:

- IGUA: a \$112.00 reduction in disbursements
- VECC: reductions reflecting application of the appropriate tariff and elimination of hours incurred outside of phase 1 (9 hours in April 2007 and 8 hours in November 2007)
- SEC: reductions reflecting application of the appropriate tariff and elimination of hours incurred outside of phase 1 (25.7 hours in October)

With respect to the adjustments to the SEC and VECC claims for the October and November hours, SEC and VECC are not precluded from including these hours in their phase 2 claim of this proceeding. The Board notes that VECC had included the April hours in its EB-2006-0209 proceeding cost claim.

Based upon its review Board finds that the aforementioned intervenors are eligible for 100% of their adjusted costs.

With respect to the apportionment of costs between Enbridge and Union, the Board is of the view that an equal split between Union and Enbridge is practical and reasonable.

**THE BOARD THEREFORE ORDERS THAT:**

1. Pursuant to section 20 of the *Ontario Energy Board Act, 1998*, Union and Enbridge shall immediately pay the costs of the eligible intervenors as indicated in Appendix "A" attached to this Decision and Order.

**ONTARIO ENERGY BOARD**

**DATED** at Toronto, February 7, 2008.

*Original signed by*

Kirsten Walli  
Board Secretary

## APPENDIX A

	(a) Total	(b) Union	(c) Enbridge
Consumers Council of Canada *	<b>\$126,946.81</b>	<b>\$ 63,473.41</b>	<b>\$ 63,473.41</b>
Industrial Gas Users Association**	<b>\$ 60,800.00</b>	<b>30,400.00</b>	<b>30,400.00</b>
Energy Probe Research Foundation	<b>\$ 44,900.13</b>	<b>22,450.07</b>	<b>22,450.07</b>
Ontario Association of Physical Plant Administrators	<b>\$ 12,810.97</b>	<b>6,405.49</b>	<b>6,405.49</b>
School Energy Coalition**	<b>\$ 58,312.00</b>	<b>29,156.00</b>	<b>29,156.00</b>
Vulnerable Energy Consumers Coalition**	<b>\$ 42,180.15</b>	<b>21,090.08</b>	<b>21,090.08</b>
Building Owners and Managers Association	<b>\$ 24,205.50</b>	<b>\$ 12,102.75</b>	<b>\$ 12,102.75</b>
London Property Management Association	<b>\$ 26,991.97</b>	<b>\$ 13,495.99</b>	<b>\$ 13,495.99</b>
Wholesale Gas Services Purchasers Group	<b>\$ 5,701.74</b>	<b>\$ 2,850.87</b>	<b>\$ 2,850.87</b>
<b>Total</b>	<b>\$402,849.27</b>	<b>\$201,424.66</b>	<b>\$201,424.66</b>

\* includes cost for consultant retained on behalf of CCC, VECC and the City of Kitchener

\*\* net of Board adjustments