



**EB-2011-0277**

**IN THE MATTER OF** the *Ontario Energy Board Act*, 1998, S.O. 1998, c.15 (Schedule B) (the "Act");

**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, 2012.

**BEFORE:** Paul Sommerville  
Presiding Member

Ken Quesnelle  
Member

**DECISION AND ORDER ON COST AWARDS**  
**July 6, 2012**

**Background**

Enbridge Gas Distribution Inc. ("Enbridge") filed an application on September 1, 2011 (the "Application") with the Ontario Energy Board (the "Board") under section 36 of the Act for an order of the Board approving or fixing rates for the sale, distribution, transmission and storage of natural gas, effective January 1, 2012. The Board assigned File Number EB-2011-0277 to the application.

On October 13, 2012, the Board issued its Procedural Order No. 1, granting intervenor status to the following parties:

- Association of Power Producers of Ontario ("APPrO")
- Building Owners and Managers Association Toronto ("BOMA")

- Canadian Manufacturers & Exporters (“CME”)
- Comsatec Inc.
- Consumers Council of Canada (“CCC”)
- Direct Energy Marketing Limited
- Energy Probe Research Foundation (“Energy Probe”)
- Federation of Rental-housing Providers of Ontario (“FRPO”)
- Industrial Gas Users Association (“IGUA”)
- Jason Stacey, Natural Gas Specialist
- Just Energy Ontario L.P.
- Ontario Association of Physical Plant Administrators (“OAPPA”)
- Ontario Power Generation
- Pollution Probe (“Pollution Probe”)
- School Energy Coalition (“SEC”)
- Shell Energy North America (Canada) Inc.
- TransAlta Cogeneration LP
- TransCanada Energy Ltd.
- TransCanada Pipelines Limited
- Union Gas Limited
- Vulnerable Energy Consumer’s Coalition (“VECC”)

The Board granted observer status to Abe Huebner.

The Board also determined that APPrO, BOMA, CME, CCC, Energy Probe, FRPO, IGUA, OAPPA, Pollution Probe, SEC and VECC were eligible to apply for an award of costs under the Board’s *Practice Direction on Cost Awards*.

On May 10, 2012, the Board issued its Decision and Order, 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 APPrO, CME, Energy Probe, FRPO, IGUA, OAPPA and VECC by the May 24, 2012 deadline specified in the Decision and Order. CCC submitted its cost claim on May 25, 2012, BOMA on May 29, 2012 and SEC on June 1, 2012. Pollution Probe did not submit a cost claim. On May 31, 2012, Enbridge filed comments stating that the cost claims of APPrO, BOMA, CCC, CME, Energy Probe,

FRPO, IGUA, OAPPA and VECC are within tolerances of the guidelines. On June 4, 2012, Enbridge filed comment stating that SEC's cost claim is within tolerances of the guidelines.

### Board Findings

The Board accepts the cost claims filed by CCC, BOMA and SEC notwithstanding that they were filed after the deadline specified in the Decision and Order. The Board has reviewed the cost claims of APPrO, BOMA, CME, CCC, Energy Probe, FRPO, IGUA, OAPPA, SEC and VECC. The Board finds that CME's cost claim included disbursements that do not comply with the Board's *Practice Direction on Cost Awards*. The Board has therefore made an adjustment to reduce the disbursements by \$22.68. The Board notes that CME's total revised claim is \$34,780.60.

The Board finds that all parties are eligible for 100% of their reasonably incurred costs of participating in this proceeding subject to the adjustment referenced above. The Board finds that each party's claim, adjusted as described above, is reasonable and should 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:

- |                                                     |              |
|-----------------------------------------------------|--------------|
| • Association of Power Producers of Ontario         | \$11,742.23; |
| • Building Owners and Managers Association Toronto  | \$32,404.18; |
| • Canadian Manufacturers & Exporters                | \$34,780.60; |
| • Consumers Council of Canada                       | \$12,492.15; |
| • Energy Probe Research Foundation                  | \$10,535.25; |
| • Federation of Rental-housing Providers of Ontario | \$17,977.59; |
| • Industrial Gas Users Association                  | \$5,354.99;  |

- Ontario Association of Physical Plant Administrators \$1,805.00;
- School Energy Coalition \$19,086.00; and
- Vulnerable Energy Consumer's Coalition \$16,238.54.

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, July 6, 2012

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary