



EB 2009-0162
EB-2009-0163

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

AND IN THE MATTER OF cost awards for eligible participants in a consultation process on proposed changes to the *Natural Gas Reporting and Record Keeping Requirements: Gas Marketer Licence Requirements*;

AND IN THE MATTER OF cost awards for eligible participants in a consultation process on proposed changes to the *Natural Gas Reporting & Record Keeping Requirements: Rule for Gas Utilities*.

BEFORE: Cynthia Chaplin
Vice-Chair

DECISION AND ORDER ON COST AWARDS
April 30, 2010

Background

On September 21, 2009, the Ontario Energy Board (the "Board") released for comment proposed amendments to the Board's *Natural Gas Reporting and Record Keeping Requirements (RRR): Gas Marketer Licence Requirements* ("Gas Marketer RRR") and *Natural Gas Reporting & Record Keeping Requirements (RRR): Rule for Gas Utilities* ("Gas Utility RRR"). In the materials associated with the initiation of each of these consultations, the Board indicated that cost awards would be available to eligible

persons under section 30 of the *Ontario Energy Board Act, 1998* (the "Act") in relation to the provision of comments on the proposed changes to the applicable reporting and record-keeping document, up to a maximum of 10 hours, and that any costs awarded would be recovered from all rate-regulated gas distributors based on their respective distribution revenues.

On December 18, 2009, the Board gave notice of the adoption of amendments to the Gas Marketer RRR. On that date, the Board also issued revised proposed amendments to the Gas Utility RRR, and made provision for cost awards in relation to the provision of written comments on the revised proposed amendments, up to a maximum of 5 hours. On January 27, 2010, the Board gave notice of the adoption of amendments to the Gas Utility RRR.

The consultations on proposed changes to the Gas Marketer RRR and the Gas Utility RRR have therefore been completed.

In accordance with the Board's November 9, 2009 Decision on Cost Eligibility, the following participants were found to be eligible for an award of costs in relation to their participation in the consultations on proposed changes to the Gas Marketer RRR and the Gas Utility RRR:

- London Property Management Association ("LPMA"), in respect of both consultations; and
- School Energy Coalition ("SEC"), in respect of the consultation on the Gas Utility RRR,

(collectively, the "eligible participants").

On February 11, 2010, the Board issued a Notice of Hearing for Cost Awards (the "Notice") initiating a hearing on its own motion in order to determine the cost awards that will be made under section 30 of the Act in relation to the consultations on proposed changes to the Gas Marketer RRR and the Gas Utility RRR.

The Board received cost claims from LPMA and SEC within the deadline specified for that purpose in the Notice.

On March 24, 2010, Enbridge Gas Distribution Inc. filed a submission indicating that it found the cost claims to be “within allowable tolerances”. On March 25, 2010, Union Gas Limited filed a submission stating that it had no concerns with the cost claims submitted. Natural Resource Gas Limited did not make a filing in response to the Notice.

Board Findings on the Cost Claims of the Eligible Participants

The Board has reviewed the cost claims and finds that the cost claims filed by LPMA and SEC are in accordance with the overall limits set out in the relevant materials associated with the consultations on proposed changes to the Gas Marketer RRR and the Gas Utility RRR, and are also in accordance with the Board’s *Practice Direction on Cost Awards*. The Board therefore finds that each of these eligible participants is entitled to 100% of its reasonably incurred costs of participating in the consultation(s) in respect of which they were determined to be eligible.

Process for Paying the Cost Awards

In the materials initiating the consultations on proposed changes to the Gas Marketer RRR and the Gas Utility RRR, the Board indicated that it would act as a clearing house for all payments of cost awards. The Board has now determined, however, that in the circumstances of these consultations it is more efficient and expedient for the cost awards to be paid directly by the gas distributors to the eligible participants.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Enbridge Gas Distribution Inc., Union Gas Limited and Natural Resource Gas Limited shall immediately pay the costs awarded to each of the eligible participants, as set out in Appendix A attached to this Decision and Order.

DATED at Toronto, April 30, 2010.

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Appendix A

**To the Board's Decision and Order on Cost Awards
Dated April 30, 2010**

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	Amount Payable to LPMA	Amount Payable to SEC	Total Participant Cost Awards Payable
Gas Distributor			
ENBRIDGE GAS DISTRIBUTION INC.	3,324.20	1,329.51	4,653.71
UNION GAS LTD.	2,725.91	1,090.23	3,816.14
NATURAL RESOURCE GAS	13.64	5.46	19.10
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	6,063.75	2,425.20	8,488.95