



EB-2010-0199

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

AND IN THE MATTER OF cost awards in relation to the
2010 Natural Gas Market Review consultation process.

BEFORE: **Paula Conboy**
Presiding Member

DECISION AND ORDER ON COST AWARDS

On July 13, 2010, the Board issued a letter announcing the launch of the 2010 Natural Gas Market Review (the "Review") and describing the consultative process to help the Board to review and examine recent developments in North American natural gas supply markets to consider any potential implications for the Ontario natural gas market.

The July 13, 2010 letter notified interested stakeholders that cost awards would be available to eligible persons under section 30 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B (the "Act") in relation to their participation in this consultation process and that any costs awarded would be recovered from rate-regulated gas distributors based on their respective distribution revenues.

In accordance with the Board's August 20, 2010 Decision on Cost Eligibility, and the Board's Supplemental Decision on Cost Eligibility issued on September 22, 2010, the following eleven participants were found to be eligible for an award of costs: the Association of Power Producers of Ontario ("APPrO"); Canadian Manufacturers & Exporters ("CME"); the City of Timmins; the Consumers Council of Canada ("CCC"); the

Council of Canadians (“CoC”); Energy Probe Research Foundation (“Energy Probe”); the Federation of Rental-Housing Providers of Ontario (“FRPO”); Industrial Gas Users Association (“IGUA”); London Property Management Association (“LPMA”); School Energy Coalition (“SEC”); and the Vulnerable Energy Consumers Coalition (“VECC”), collectively, the “eligible participants”.

The Board allowed eligible participants to claim the costs of an expert to prepare a separate expert submission for the stakeholder conference. Two separate expert submissions were received by the Board, one sponsored by CoC, and the other sponsored by a group of six eligible participants (namely, CCC, CME, FRPO, LPMA, SEC, and VECC, collectively, “the Group”) and the City of Kitchener.

On January 31, 2011, the Board issued a Notice of Hearing for Cost Awards (the “Notice”) in relation to the stakeholder consultation on the Review. The eligible activities in the consultation and the maximum number of hours for each, as previously determined by the Board, were listed in Attachment A to the Notice.

The following eligible participants submitted cost claims: APPrO; CME; CCC; CoC; Energy Probe; FRPO; IGUA; LPMA; SEC; and VECC. No cost claim was submitted by City of Timmins. No objections were received from Enbridge and Union.

The cost claims filed by each of the eligible participants are within the approved overall limits set by the Board and identified in the Notice. While CME notes in their filing that their claim may exceed the Board’s allowance, the Board notes that CME’s overall claim of 132.8 hours is within the approved overall limits set by the Board for total hours in the event an expert is retained by a collaborative as identified in the Notice (i.e., up to 119 hours + (20 hours * the number of additional members in collaborative). For the Group this amounts to up to 219 (i.e., 119 hours + (20 * 5)). Further, the Board acknowledges comment from FRPO, SEC and LPMA that CME assumed responsibility for retaining and managing the expert sponsored by the Group. Also, SEC and LPMA note that as a consequence of work done by CME and the expert the hours they are claiming are lower than the Board’s allowance for this consultation. The Board appreciates that the Group effectively communicated and co-ordinated their participation in this consultation process.

The Board has reviewed the cost claims filed and finds that the cost claims filed by APPrO, CME, CCC, CoC, Energy Probe, FRPO, IGUA, LPMA, SEC and VECC are in

accordance with the Board's Practice Direction on Cost Awards. The Board therefore finds that APPrO, CME, CCC, CoC, Energy Probe, FRPO, IGUA, LPMA, SEC and VECC are entitled to one hundred percent (100%) of their claimed costs.

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 pay the amounts to the parties listed in Appendix "A" (attached hereto).
2. Enbridge Gas Distribution Inc., Union Gas Limited and Natural Resource Gas Limited shall immediately pay the Board's costs of and incidental, to this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, April 7, 2011

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

Appendix A

Decision and Order on Cost Awards

April 6, 2011

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[2010 Natural Gas Market Review Consultation Process]

| Gas Distributor | Association of Power Producers of Ontario | Canadian Manufacturers & Exporters | Consumers Council of Canada | Council of Canadians | Energy Probe Research Foundation | Federation of Rental-Housing Providers of Ontario | Industrial Gas Users Association | London Property Management Association | School Energy Coalition | The Vulnerable Energy Consumer's Coalition | Total Billing |
|--------------------------------|---|------------------------------------|-----------------------------|----------------------|----------------------------------|---|----------------------------------|--|-------------------------|--|----------------------|
| ENBRIDGE GAS DISTRIBUTION INC. | 7,031.18 | 22,922.28 | 3,002.52 | 17,017.22 | 8,309.39 | 7,874.32 | 8,362.14 | 8,506.42 | 5,668.48 | 2,439.58 | 91,133.51 |
| UNION GAS LIMITED | 6,044.69 | 19,706.26 | 2,581.26 | 14,629.69 | 7,143.57 | 6,769.54 | 7,188.92 | 7,312.96 | 4,873.18 | 2,097.30 | 78,347.38 |
| NATURAL RESOURCE GAS LIMITED | 22.75 | 74.17 | 9.71 | 55.06 | 26.89 | 25.48 | 27.06 | 27.52 | 18.34 | 7.89 | 294.87 |
| Total: | 13,098.62 | 42,702.70 | 5,593.50 | 31,701.97 | 15,479.84 | 14,669.34 | 15,578.11 | 15,846.91 | 10,560.00 | 4,544.77 | \$169,775.76 |