



EB-2010-0381

IN THE MATTER OF the Ontario Energy Board Act, 1998, S.O. 1998, c. 15, (Schedule B) pursuant to Section 90(1);

AND IN THE MATTER OF an application by Union Gas Limited for an Order granting leave to construct a natural gas pipeline and ancillary facilities in the City of London and the Municipality of Middlesex Centre, in the County of Middlesex.

BEFORE: Ken Quesnelle
Presiding Member

DECISION AND ORDER ON COST AWARDS

Background

Union Gas Limited ("Union") filed an application with the Ontario Energy Board on December 17, 2010, under section 90 of the Ontario Energy Board Act, 1998, S.O. 1998, c. 15, Schedule B for an order granting leave to construct approximately 6.6 kilometres of 8 inch diameter and 0.6 kilometres of 12 inch diameter natural gas pipeline, in the City of London and the Municipality of Middlesex Centre, County of Middlesex. The Board assigned the application file number EB-2010-0381.

On February 28, 2011, the Board issued its Procedural Order No. 1, granting the County of Middlesex (the "County"), the Corporation of the City of London, Mr. Ian Goudy of Goudy Farms Inc., Ms. Nancy Jackson and Mr. C. Harold Jackson intervenor status.

The Board issued its Decision and Order on July 13, 2011, in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by Union. In its Decision and Order, the Board noted that the County did not seek costs in this proceeding, however, given the circumstances of this case, the Board noted that the County should have an opportunity to seek an award of costs under section 3.04 of the Board's *Practice Direction on Cost Awards*.

On July 20, 2011, the Board received a cost claim from Mr. C. Harold Jackson. On July 27, 2011, the Board received a cost claim from the County. On July 27, 2011, the Board received an email from Mr. C. Harold Jackson indicating that he met with Mr. Ken McCorkle regarding his compensation letter submission and had received the requested compensation and wished to withdraw his claim to the Board. The Board observes that it is unusual for a utility to pay out a cost award in advance of a Board order.

By a letter dated August 2, 2011, Union stated that it had no objections to the County's cost claim. Union indicated that it has not received a cost claim from the Intervenor Mr. Goudy and had settled with the Intervenor Mr. Jackson, who had withdrawn his claim.

Board Findings

The Board reviewed the cost claim filed by the County and finds that the County is eligible for 100% of its reasonably incurred costs of participating in this proceeding. The Board finds that the County's claim is reasonable and Union shall reimburse the County for its costs.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Union shall immediately pay the County of Middlesex the sum of \$29,852.86.
2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Union shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, September 2, 2011.

ONTARIO ENERGY BOARD

Original Signed By

John Pickernell
Assistant Board Secretary