



RP-2001-0029

COST AWARD

Recommendation of Assessment Officer

TO:

Malcolm Jackson	Presiding Member
George Dominy	Member
Paul Sommerville	Member

INTERVENOR:

Coalition for Efficient Energy Distribution (“CEED”)

APPLICANTS:

Union Gas Limited (“Union”)

CEED was awarded its costs by the Ontario Energy Board (the "Board") pursuant to its Decision on Costs dated November 26, 2002. The Board awarded CEED 100% of its reasonably incurred costs, subject to the Board's assessment process and payable by Union.

CEED was represented in the hearing by Mr. George Vegh of the law firm of MacLeod Dixon LLP.

In the course of making this Recommendation, the Assessment Officer has considered the following material:

- Affidavits dated May 24, 2002 from Mr. Vegh to the Board, with attached statement of costs;
- The public record of the proceedings.

The Assessment Officer has assessed CEED's Cost Award based on the figures it provided on May 24, 2002.

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COSTS - Claimed

	Item	GST	
Legal Fees (George Vegh)	\$20,664.00	\$0	
Legal Fees (Ziyaad Mia)	\$3,646.50	\$0	
Disbursements	\$1,092.00	\$0	
Totals	\$25,402.50	\$0	\$25,402.50

Goods and Services Tax

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CEED is a full registrant for GST purposes, claiming no GST and this Recommendation is made on that basis.

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Objections

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There were no objections filed by Union

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Assessment of Costs

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The Assessment Officer has reviewed the claim for costs and, according to the direction of the Board, has calculated all of CEED's reasonably incurred costs.

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Legal and Consulting Fees

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The Assessment Officer has assessed CEED's legal and consulting costs at 100 percent.

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Disbursements

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McLeod Dixon charges a flat 3.5% of total fees as disbursement costs. In this case the amount is \$1,092.00. While this may be prudent business practice for McLeod Dixon, it is of no benefit to the Board. The Cost Assessment Officer must ensure that costs claimed are actually incurred. CEED has been advised in previous proceedings that the Board would not accept this practice in future proceedings. Disbursement costs are therefore disallowed.

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The Cost Award is assessed as follows:

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COSTS - Recommendation

	Item	GST
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Legal Fees (George Vegh)	\$20,664.00	\$0	
Legal Fees (Ziyaad Mia)	\$3,646.50	\$0	
Disbursements	\$500.00	\$0	
Totals	\$24,810.50	\$0	\$24,810.50

Recommendation

IT IS THEREFORE RECOMMENDED THAT the Board issue an Order requiring Union to pay CEED the sum of **\$24,810.50.**

DATED at Toronto, November 28, 2002

Paul B. Pudge
Assessment Officer

IMPORTANT

TO: Coalition for Efficient Energy Distribution (“CEED”)

AND TO: Union Gas Limited (“Union”)

- 1 This Cost Award is being issued pursuant to Section 30 of the Ontario Energy Board Act, 1998.
- 2 The Alliance’s statement of costs is first assessed by the Assessment Officer, who then makes a Recommendation.
- 3 An objection to this Recommendation must be filed with the Board within ten (10) working days of the date of the Recommendation.
- 4 The Board shall consider this Recommendation, and any objection, after the ten working days and may accept or not accept this Recommendation, with or without holding a hearing.
- 5 A Board Order will be issued fixing the amount to be paid by Union to CEED after the Board's consideration.