



**EB-2009-0422**

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

**AND IN THE MATTER OF** an Application by Dawn Gateway Pipeline Limited Partnership for an Order or Orders granting leave to construct a natural gas pipeline and ancillary facilities in the Townships of St. Clair and Dawn-Euphemia, all in the County of Lambton, and approving the regulatory framework and the tariff for the transmission of gas on the Ontario portion of the Dawn Gateway Pipeline.

**BEFORE:** Gordon Kaiser  
Vice Chair and Presiding Member

Cynthia Chaplin  
Vice Chair

Cathy Spoel  
Member

## **DECISION AND ORDER ON COST AWARDS**

### **Background**

Dawn Gateway Pipeline Limited Partnership ("Dawn Gateway LP") filed an Application with the Ontario Energy Board (the "Board"), dated December 23, 2009 under sections 36 and 90 of the Ontario Energy Board Act, 1998, S.O. 1998, C.15 (Schedule B) for approval of a regulatory framework for the Ontario portion of the Dawn Gateway Pipeline including charging tolls at negotiated prices and for leave to construct

approximately 17 kilometers of 24 inch diameter steel natural gas pipeline in the County of Lambton. The Board assigned the application Board File No. EB-2009-0422.

In its Procedural Order No. 1, the Board granted intervenor status to Canadian Manufacturers and Exporters (“CME”); Enbridge Gas Distribution Inc. (“Enbridge”); Federation of Rental-Housing Providers of Ontario (“FRPO”); GAPLO – Union (a group of landowners), the Canadian Association of Energy and Pipeline Landowner Associations and certain landowners who are affected directly by the proposed Dawn Gateway project (collectively “GAPLO/CAEPLA”); Industrial Gas Users Association (“IGUA”); and TransCanada Pipelines Limited (“TransCanada”). The Board granted cost eligibility status to CME, FRPO, IGUA and GAPLO/CAEPLA. On February 12, 2010 GAPLO/CAEPLA withdrew as an intervenor from the proceeding.

At the conclusion of the oral hearing on March 1 and 2, 2010, the Board issued its Decision on the application on March 9, 2010, in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by Dawn Gateway LP.

The Board received cost claims from CME, FRPO and IGUA. No comments were received from Dawn Gateway LP. GAPLO/CAEPLA did not submit a cost claim.

### **Board Findings**

The Board reviewed the cost claims filed by CME, FRPO and IGUA.

The review of the claims indicated that FRPO cost claim is not fully in accordance with the Board’s Practice Direction on Cost Awards as a receipt for accommodation is missing from the filing.<sup>1</sup> Therefore the Board has made an adjustment to FRPO’s cost claim in an amount of \$52.49.

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<sup>1</sup> On May 4, 2010, Board Staff contacted Mr. Dwayne Quinn, FRPO representative, due to a missing receipt for \$52.49. On May 5, 2010, Mr. Quinn filed a reply explaining that he was not given a separate receipt at the hotel and cannot complete the filing.

The Board finds that all parties are eligible for 100% of their reasonably incurred costs of participating in this proceeding. The Board finds that each party's claim, except for the FRPO which was adjusted as described above, are reasonable and Dawn Gateway LP shall reimburse all parties for their costs.

**THE BOARD THEREFORE ORDERS THAT:**

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Dawn Gateway LP shall immediately pay:
  - Canadian Manufacturers and Exporters \$17,256.39;
  - Federation of Rental-Housing Providers of Ontario \$ 9,822.72; and
  - Industrial Gas Users Association \$11,899.91.
2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Dawn Gateway LP shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

**DATED** at Toronto, June 17, 2010

**ONTARIO ENERGY BOARD**

Original Signed By

Kirsten Walli  
Board Secretary