



**EB-2009-0102**

**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 Union Gas  
Limited for an order or orders approving certain Demand  
Side Management input assumptions for the 2009 program  
year.

**BEFORE:** Paul Sommerville  
Presiding Member

Cynthia Chaplin  
Member

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

Union Gas Limited ("Union") filed an application with the Ontario Energy Board, (the "Board") dated March 31, 2009 seeking approval of certain demand side management input assumptions for its 2009 program year. The Board assigned File No. EB-2009-0102 to this application.

The Canadian Manufacturers & Exporters ("CME"), the Energy Probe Research Foundation ("Energy Probe"), the Green Energy Coalition ("GEC"), the Industrial Gas Users Association ("IGUA"), the Vulnerable Energy Consumers Coalition ("VECC") and the School Energy Coalition ("SEC") received intervenor status and were deemed eligible to apply for an award of costs in this proceeding.

The Board issued its Decision and Order on June 29, 2009, in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by Union.

GEC and VECC did not file a cost claim. The Board received cost claims from CME, Energy Probe, IGUA and SEC. No comments were received from Union.

### **Board Finding**

The Board has reviewed the cost claims filed by CME, Energy Probe, IGUA and SEC.

The Board has noted that SEC's cost claim for 19.40 hours is substantially higher than the claims filed by the other intervenors. Although the scope of SEC's comments and review was similar to that of other intervenors, SEC has claimed preparation and argument times which far exceed those of the other intervenors (CME claimed 5.70 hours, Energy Probe 5.00 hours and IGUA 3.90 hours). Given the nature and scope of the proceeding, in the Board's view SEC's claim is excessive. The Board will award SEC an amount equal to the average cost claim of the other claimants and will also grant disbursements as claimed.

The Board finds CME, Energy Probe and IGUA are eligible for 100% of their reasonably incurred costs of participating in this proceeding. The Board finds that each party's claims are reasonable and will be reimbursed by Union.

### **THE BOARD THEREFORE ORDERS THAT:**

1. Pursuant to section 30 of the Ontario *Energy Board Act, 1998*, Union shall immediately pay:
  - CME \$1,439.55;
  - Energy Probe \$1,455.50;
  - IGUA \$1,048.11; and
  - SEC \$1,306.37.

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 10, 2009.

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary