



EB-2007-0606
EB-2007-0615

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 or fixing a multi-year incentive rate mechanism to determine rates for the regulated distribution, transmission and storage of natural gas, effective January 1, 2008;

AND IN THE MATTER OF an Application by Enbridge Gas Distribution Inc. for an Order or Orders approving or fixing rates for the distribution, transmission and storage of natural gas, effective January 1, 2008;

AND IN THE MATTER OF a combined proceeding Board pursuant to section 21(1) of the *Ontario Energy Board Act, 1998*.

BEFORE: Gordon Kaiser
Vice Chair and Presiding Member

Paul Sommerville
Member

Cynthia Chaplin
Member

DECISION AND ORDER ON COST AWARDS – Phase 3

Union Gas Limited (“Union”) filed an Application on May 11, 2007 under section 36 of the *Ontario Energy Board Act, 1998*, S.O. c.15, Sched. B, as amended, for an order of the Ontario Energy Board (the “Board”) approving or fixing a multi-year incentive rate mechanism to determine rates for the regulated distribution, transmission and storage of natural gas, effective January 1, 2008.

Enbridge Gas Distribution Inc. (“Enbridge”) filed an Application on May 11, 2007 under section 36 of the *Ontario Energy Board Act, 1998*, S.O. c.15, Sched. B, as amended, for an order of the Board approving or fixing rates for the distribution, transmission and storage of natural gas, effective January 1, 2008.

The Board assigned file number EB-2007-0606 to the Union Application and file number EB-2007-0615 to the Enbridge Application and issued a Notice of Applications and Combined Proceeding dated May 25, 2007.

The Board in its EB-2007-0606/0615 Decision, dated July 31, 2008, granted eligible intervenors the opportunity to file their final cost claims by September 22, 2008. The Consumers Council of Canada (“CCC”), the Industrial Gas Users Association (“IGUA”), Energy Probe Research Foundation (“Energy Probe”), the Vulnerable Energy Consumers Coalition (“VECC”), the School Energy Coalition (“SEC”), the City of Timmins, the Association of Power Producers of Ontario (“APPrO”), the Building Owners and Managers Association of Greater Toronto (“BOMA”), the Wholesale Gas Service Purchases Group (“WGSPG”), the London Property Management Association (“LPMA”) and CCC/VECC/City of Kitchener, regarding their jointly retained expert, filed cost claims with the Board. Union and Enbridge did not file objections to any of the claimed costs.

The Board reviewed the cost claims filed by CCC (including the joint CCC/VECC and City of Kitchener claim for expert evidence), IGUA, Energy Probe, VECC, SEC, APPrO, the City of Timmins, BOMA, WGSPG and LPMA. The review of the claims indicated that one cost claimed is not in accordance with the Board’s *Practice Direction on Cost Awards* and therefore the Board has made an adjustment to the cost claim:

- IGUA: \$36.85 reduction in disbursements.

Based upon its review, and with the exception noted above, the Board finds that the aforementioned intervenors are eligible for 100% of their costs.

With respect to the apportionment of costs between Enbridge and Union, the Board is of the view that an equal split between Union and Enbridge is practical and reasonable.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 20 of the *Ontario Energy Board Act, 1998*, Union and Enbridge shall immediately pay the costs of the eligible intervenors as indicated in Appendix A attached to this Decision and Order.
2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Union and Enbridge shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, November 19, 2008.

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

APPENDIX A

(EB-2007-0606/0615 Cost Awards- Phase 3)

| | (a) | (b) | (c) |
|--|---------------------|---------------------|---------------------|
| | Total | Union | Enbridge |
| Association of Power Producers of Ontario | \$3,537.23 | \$1,768.62 | \$1,768.62 |
| Building Owners and Managers Association | \$4,382.40 | \$2,191.20 | \$2,191.20 |
| CCC/VECC/CITY OF KITCHENER | \$15,234.87 | \$7,617.44 | \$7,617.44 |
| City of Timmins | \$8,402.63 | \$4,201.32 | \$4,201.32 |
| Consumer Council of Canada | \$32,959.79 | \$16,479.90 | \$16,479.90 |
| Energy Probe | \$7,292.89 | \$3,646.45 | \$3,646.45 |
| Industrial Gas Users Association* | \$36,525.11 | \$18,262.56 | \$18,262.56 |
| London Property Management Association | \$4,639.11 | \$2,319.56 | \$2,319.56 |
| School Energy Coalition | \$74,051.67 | \$37,025.84 | \$37,025.84 |
| Vulnerable Energy Consumers Coalition | \$25,427.19 | \$12,713.60 | \$12,713.60 |
| Wholesale Gas Service Purchasers Group | \$1,022.18 | \$511.09 | \$511.09 |
| | | | |
| TOTAL ** | \$213,475.07 | \$106,737.54 | \$106,737.54 |
| <p>* net of Board adjustments in the amount of \$36.85 **Note: may not add up due to rounding</p> | | | |