



EB-2013-0109

**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 clearing certain non-commodity related deferral accounts and sharing utility earnings pursuant to a Board approved earnings sharing mechanism;

**AND IN THE MATTER OF** an Application by Union Gas Limited for an order approving a deferral account to capture variances between earnings sharing, deferral account and other balances approved for disposition and amounts actually refunded/recovered; and

**AND IN THE MATTER OF** a motion commenced by the Ontario Energy Board pursuant to section 19(4) of the *Ontario Energy Board Act*, 1998 and Rule 43.01 of the Board's Rules of Practice and Procedure to review the Board's direction in its EB-2011-0210 Decision and Order requiring Union to annually prepare and file separate audited financial statements for that portion of its business that is subject to rate regulation.

**BEFORE:** Ken Quesnelle  
Presiding Member

Marika Hare  
Member

Ellen Fry  
Member

**DECISION AND ORDER ON COST AWARDS**

**July 7, 2014**

## Background

Union Gas Limited (“Union”) filed an application dated May 9, 2013 with the Ontario Energy Board (the “Board”) under section 36 of the *Ontario Energy Board Act, 1998*, S.O. c.15, Schedule B, (the “Application”). It addressed the sharing of 2012 earnings under the incentive rate mechanism approved by the Board as well as the final disposition of 2012 year-end deferral account and other balances.

On June 25, 2013, the Board issued Procedural Order No. 1, granting the Association of Power Producers of Ontario (“APPrO”), Building Owners and Managers Association (“BOMA”), Canadian Manufacturers and Exporters (“CME”), Consumers Council of Canada (“CCC”), Energy Probe Research Foundation (“Energy Probe”), Federation of Rental-housing Providers of Ontario (“FRPO”), Industrial Gas Users Association (“IGUA”), London Property Management Association (“LPMA”), Ontario Greenhouse Vegetable Growers (“OGVG”) and Vulnerable Energy Consumers Coalition (“VECC”) intervenor status and cost award eligibility.

On June 26, 2013, the Board granted the School Energy Coalition (“SEC”) intervenor status and cost award eligibility.

On May 8, 2014, the Board issued a Decision and Rate Order, in which it set out the process for intervenors to file their cost claims, for Union to object to the cost claims and for intervenors to respond to any objections raised by Union.

The Board received cost claims from APPrO, BOMA, CME, CCC, Energy Probe, FRPO, IGUA, LPMA, OGVG, SEC and VECC.

On May 28 and May 30, 2014, Union filed its response to the cost claims filed and stated that it had no objections to the cost claims from APPrO, BOMA, CME, CCC, Energy Probe, FRPO, IGUA, LPMA, OGVG, SEC and VECC.

The Board issued a Final Decision and Rate Order on June 19, 2014.

## Board Findings

The Board finds that all parties are eligible for 100% of their reasonably incurred costs of participating in this proceeding. The claim of FRPO requires a minor reduction due to HST charged on mileage. The claim of Energy Probe also requires a minor reduction due to an incorrect calculation in its cost claim summary. The Board finds that the claims of APPRO, BOMA, CME, CCC, IGUA, LPMA, OGVG, SEC and VECC and the adjusted claims of Energy Probe and FRPO are reasonable and each of these claims shall 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 the following amounts to the intervenors for their costs:
  - Association of Power Producers of Ontario \$18,768.17;
  - Building Owners and Managers Association \$37,103.55;
  - Canadian Manufacturers and Exporters \$54,763.09;
  - Consumers Council of Canada \$12,678.60;
  - Energy Probe Research Foundation \$19,671.91;
  - Federation of Rental-housing Providers of Ontario \$41,336.41;
  - Industrial Gas Users Association \$8,324.92;
  - London Property Management Association \$14,719.31;
  - Ontario Greenhouse Vegetable Growers \$7,143.86;
  - School Energy Coalition \$36,517.00; and
  - Vulnerable Energy Consumers Coalition \$14,026.87.
  
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, July 7, 2014

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary