



EB-2014-0195

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

AND IN THE MATTER OF for an order or orders
approving the clearance or disposition of amounts
recorded in certain deferral or variance accounts.

BEFORE: Emad Elsayed
Presiding Member

Ken Quesnelle
Vice Chair and Member

DECISION AND ORDER ON COST AWARDS
December 8, 2014

Background

Enbridge Gas Distribution Inc. ("Enbridge") filed an application dated June 11, 2014 with the Ontario Energy Board (the "Board") under section 36 of the *Ontario Energy Board Act*, S.O. 1998, c.15, (Schedule B) for an order approving the disposition of balances in certain deferral or variance accounts.

On August 5, 2014, the Board issued Procedural Order No. 1, granting 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"); School Energy Coalition ("SEC"); TransCanada Energy Ltd.; TransCanada Pipelines Ltd.; Union Gas Limited and Vulnerable Energy Consumers Coalition ("VECC") intervenor status. The Board determined that BOMA,

CME, CCC, Energy Probe, FRPO, IGUA, SEC and VECC are eligible to apply for an award of costs.

On October 23, 2014, the Board issued its Decision on Settlement Agreement and Rate Order, in which it set out the process for intervenors to file cost claims, for Enbridge to object to any claims, and for intervenors to respond to any objections raised by Enbridge.

The Board received cost claims from BOMA, CME, CCC, Energy Probe, FRPO and VECC. By e-mail dated November 7, 2014 and November 11, 2014, IGUA and SEC respectively said that they would not be submitting a cost claim.

On November 7, 2014, Enbridge filed its response to cost claims from BOMA, CCC, Energy Probe and FRPO. Enbridge had no comments with respect to the cost claims from CCC, Energy Probe and FRPO. However, Enbridge noted that BOMA's cost claim seemed to be out of line with the others. Enbridge submitted that BOMA claimed legal counsel costs comparable to the other intervenors, but included consultant costs which appeared to relate to a separate Demand Side Management ("DSM") related proceeding.

On November 12, 2014, BOMA filed an amended cost claim reducing its overall claim by approximately 50%.

On November 28, 2014, Enbridge filed a response relating to the amended cost claim of BOMA and the late claim of VECC for which it hadn't yet responded. Enbridge had no objection to VECC's claim but submitted that it was still not certain whether BOMA's amended consultant costs were appropriately recoverable within this proceeding as the supporting time docket still referred to DSM related activities. The BOMA time docket showed 7 hours of consultant time related to "Review of DSM Audit".

On December 4, 2014, BOMA filed a second amended cost claim, removing the costs related to the DSM activities. Enbridge had no objection to BOMA's second amended cost claim.

Board Findings

The Board has reviewed the cost claims of BOMA, CME, CCC, Energy Probe, FRPO and VECC.

The Board finds that the parties filing cost claims are eligible for 100% of the incurred costs of participating in this proceeding. The Board finds that all the claims are reasonable and each of these claims shall be reimbursed by Enbridge.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the Ontario *Energy Board Act, 1998*, Enbridge shall immediately pay the following amounts to the intervenors for their costs:
 - Building Owners and Managers Association \$4,023.88;
 - Canadian Manufacturers & Exporters \$4,918.61;
 - Consumers Council of Canada \$2,610.30;
 - Energy Probe Research Foundation \$3,248.25;
 - Federation of Rental-housing Providers of Ontario \$4,724.12; and
 - Vulnerable Energy Consumers Coalition \$2,617.99.

2. Pursuant to section 30 of the Ontario *Energy Board Act, 1998*, Enbridge shall pay the Board's costs of, and incidental to, this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, December 8, 2014

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary