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**BY E-MAIL AND WEB POSTING**

June 28 2007

**To: All Licensed Electricity Distributors  
Energy Probe Research Foundation  
Green Energy Coalition  
London Property Management Association  
Pollution Probe  
School Energy Coalition**

**Re: Notice of Hearing for Cost Awards for Stakeholder Consultations on  
Regulatory Barriers to Conservation and Demand Management  
(EB-2007-0097)**

### **Background**

On March 28, 2007 the Board issued a letter announcing a number of meetings that were to be held across the province to discuss conservation and demand management ("CDM"), and in particular, regulatory barriers to CDM.

In its March 28, 2007 letter, the Board stated that cost awards would be available under section 30 of the *Ontario Energy Board Act, 1998* (the "Act") to eligible persons in relation to their participation in this consultation process. Under section 30 of the Act, the Board may order a person to pay all or part of a person's costs of participating in a consultation process initiated by the Board. The Board's March 28, 2007 letter stated that cost awards would be available in relation to attendance at any meetings with Board staff and for time spent in preparation for the meeting. Preparation time was limited to 1.5 times actual meeting time. The Board's March 28, 2007 letter also stated that the costs would be recovered from all licensed electricity distributors based on their respective distribution revenues.

In its March 28, 2007 letter, the Board stated that parties identified in the Board's February 5, 2007 Decision on Cost Eligibility in the EB-2006-0266 proceeding (the "Cost Decision") were also eligible for an award of costs in this process, and were not required to file a request for eligibility in this process. The March 28, 2007 letter also stated that

if any person was not identified as eligible for an award of costs in the Cost Decision, but wanted to be eligible for an award of costs in this proceeding, that person was required to file with the Board a written submission to that effect by April 11, 2007. No requests for cost eligibility for this proceeding were received by the Board from any party not identified in the Cost Decision.

There were five parties identified in the Cost Decision as eligible for an award of costs that participated in this process by attending one of the meetings. In accordance with the Cost Decision, and the Board's March 28, 2007 letter, the Board finds that the following parties are eligible for an award of costs in this process: Energy Probe Research Foundation, Green Energy Coalition, London Property Management Association, Pollution Probe, and School Energy Coalition (altogether, the "eligible parties").

### **Notice of Hearing**

The Board is initiating this hearing on its own motion in order to determine the cost awards that may be made in accordance with section 30 of the Act in respect of the stakeholder consultations on regulatory barriers to CDM. The file number for this hearing is **EB-2007-0097**.

As previously indicated, any costs awarded in this proceeding will be recovered from all licensed electricity distributors based on their respective distribution revenues.

The Board intends to proceed by way of written hearing unless a party can satisfy the Board that there is a good reason for not holding a written hearing. If a party wants to object to a written hearing, the objection must be received by the Board no later than **7 days** after the date of this notice.

Assuming that the Board does not receive any objections to a written hearing, the hearing will follow the process set out below.

1. The eligible parties shall submit their cost claims by **July 13, 2007**. A copy of the cost claim must be filed with the Board and one copy is to be served on each licensed electricity distributor. The cost claims must be completed in accordance with section 10 of the Board's Practice Direction on Cost Awards (the "Practice Direction"). If the eligible party has already filed its cost claim

with the Board and the cost claim was completed in accordance with section 10 of the Practice Direction, the eligible party does not need to file its cost claim again. However, the eligible party must still serve its cost claim on each licensed electricity distributor. Service to the distributors can be by courier, registered mail, facsimile, or e-mail.

2. Licensed electricity distributors will have until **July 27, 2007** to object to any aspect of the costs claimed. A copy of the objection must be filed with the Board and one copy must be served on the party against whose claim the objection is being made.
3. The party whose cost claim was objected to will have until **August 3, 2007** to make a reply submission as to why its cost claim should be allowed. A copy of the reply submission must be filed with the Board and one copy is to be served on the licensed electricity distributor who filed the objection to the party's request for a cost claim.
4. The Board will then issue its decision on the cost awards. The Board's costs may also be addressed in the cost awards decision.

All submissions in this hearing (i.e., cost claims, objections, or responses), will form part of the public record. Copies of the submissions will be available for inspection at the Board's office and the submissions may be published on the Board's website.

Parties must file five (5) paper copies of their submissions, and an electronic copy of their submissions in searchable Adobe Acrobat (PDF) or Word, with the Board Secretary by **4:30 pm** on the required dates. Electronic copies may be submitted on diskette or by e-mail to [boardsec@oeb.gov.on.ca](mailto:boardsec@oeb.gov.on.ca). The submissions must quote file number **EB-2007-0097** and include your name, address, e-mail address, telephone number, and fax number.

The Board has determined that it will invoke sections 12.04 to 12.06 of the Practice Direction. Therefore, the Board will act as a clearing house for all payments of cost awards in this process.

Distributors shall pay any amount prescribed by the Board's cost order and as provided in the Board's invoice to the distributor. Invoices will be issued to distributors when the

cost assessments made under section 26 of the Act are issued. The payment of invoiced amounts shall be due the same time the cost assessments are due. Please note that the Board will not send out any invoices for any cost awards until all eligible parties have submitted their cost claims and the Board will not send out any payments for the cost awards to eligible parties until at least 80% of the total amount owed by the distributors has been received by the Board.

When determining the amount of the cost awards, the Board will apply the principles set out in section 5 of the Practice Direction. The maximum hourly rates set out in the Board's Cost Award Tariff will also be applied. The Board's *Practice Direction* and the Board's Cost Award Tariff can be found on the Board's website at [http://www.oeb.gov.on.ca/html/en/industryrelations/rulesguidesandforms\\_regulatory.htm#general](http://www.oeb.gov.on.ca/html/en/industryrelations/rulesguidesandforms_regulatory.htm#general).

**If you do not file a letter objecting to a written hearing or do not participate in the hearing by filing written submissions in accordance with this notice, the Board may proceed without your participation and you will not be entitled to further notice in this proceeding.**

Yours truly,

*Original Signed By*

Peter H. O'Dell  
Assistant Board Secretary