

Ontario Energy
Board

Commission de l'énergie
de l'Ontario



EB-2007-0630

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

AND IN THE MATTER OF cost award eligibility for
interested parties in relation to a consultation
regarding Distributed Generation: Rates and
Connection.

BEFORE: Pamela Nowina
Presiding Member and Vice Chair

Ken Quesnelle
Member

DECISION ON COST ELIGIBILITY

August 14, 2007

On July 13, 2007, the Ontario Energy Board (the "Board") issued a letter to interested parties inviting interested parties to provide written comments on two documents: a Board staff document entitled "Staff Discussion Paper on Distributed Generation: Rates and Connections" and a report prepared by EES Consulting Inc. entitled "Discussion Paper on Distributed Generation (DG) and Rate Treatment of DG". The July 13, 2007 letter also notified interested parties that cost awards would be available to eligible persons under section 30 of the *Ontario Energy Board Act, 1998* in relation to their participation in this consultation process, and that any costs awarded would be recovered from rate-regulated licensed electricity distributors.

Twenty-two parties have indicated their interest in participating in this consultation process. All registered participants are posted on the Board's website at:

http://www.oeb.gov.on.ca/html/en/industryrelations/ongoingprojects_distributed-generation-ratesconnection.htm.

The Board received requests for cost eligibility from the following participants:

- Association of Power Producers of Ontario ("APPPrO");
- Canadian Solar Industries Association ("CanSIA");
- Consumers Council of Canada (the "Council")
- Energy Probe Research Foundation ("Energy Probe");
- Green Energy Coalition ("GEC");
- London Property Management Association ("LPMA");
- Ontario Sustainable Energy Association ("OSEA"); and
- School Energy Coalition ("SEC").

Electricity distributors were given an opportunity to file any objections they might have in relation to the eligibility of the above-noted participants for an award of costs. The Board did not receive any objections from distributors.

Based on the criteria set out in section 3 of the Board's Practice Direction on Cost Awards (the "Practice Direction"), the Board has determined that the following participants are eligible for an award of costs in this process: APPPrO, CanSIA, the Council, Energy Probe, GEC, OSEA, LPMA and SEC.

APPrO represents the interests of generators and, on that basis, would normally not be eligible for an award of costs under section 3.05 of the Practice Direction absent special circumstances. In support of its request for cost eligibility, APPrO noted that its members represent a distinct stakeholder group with an interest in the conditions under which any potential future generation facilities would operate. APPrO also submitted that its members would be significantly affected by the outcome of the consultation process. Since the Board believes that the views of generators will be important with respect to this consultation process and since APPrO members are generators that represent a comprehensive range of generation technologies, the Board has determined that special circumstances exist in this case and that APPrO will be eligible for an award of costs in this consultation process.

The Board notes that the cost eligibility request letters received from several participants indicate that each of these participants may have recourse to more than one professional advisor. The Board reminds these participants that, as set out in the Board's July 13, 2007 letter, cost awards will be available up to a maximum of 30 hours for each eligible participant. Participants that wish to retain the services of more than one professional advisor may do so, but will only receive funding to the maximum of 30 hours regardless of the number of professional advisors retained.

ISSUED at Toronto, August 14, 2007.

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary