



**EB-2010-0059**

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

**AND IN THE MATTER OF** cost awards for interested parties  
in a consultation process to establish a framework for  
transmission project development plans.

**BEFORE:** Paul Sommerville  
Presiding Member

### **DECISION AND ORDER ON COST AWARDS**

On April 19, 2010, the Ontario Energy Board (the "Board") issued a letter (the "April letter") in which it initiated a consultation process to facilitate the timely and cost effective development of major transmission facilities that may be required to connect renewable generation in Ontario. The Board indicated that cost awards would be available to eligible persons under section 30 of the *Ontario Energy Board Act, 1998* (the "Act") in relation to their participation in this consultation process and in accordance with the Board's *Practice Direction on Cost Awards* (the "Practice Direction"), and that any costs awarded would be recovered from all licensed electricity transmitters based on their respective transmission revenues.

In accordance with a series of Decisions on Cost Eligibility, the following participants were found to be eligible for an award of costs in this consultation: the Association of Major Power Consumers in Ontario; Association of Power Producers of Ontario; the Canadian Manufacturers & Exporters; the Canadian Wind Energy Association; the Consumers Council of Canada; Energy Probe Research Foundation; Lake Huron Anishinabek Transmission Co. Inc.; the London Property Management Association; the National Chief's Office on behalf of the Assembly of First Nations; Northwatch; the Ontario Sustainable Energy Association; the Ontario Waterpower Association; Pollution Probe; and the Vulnerable Energy Consumers Coalition (collectively, the "eligible participants").

Those decisions noted that the Board expected co-operation among participants with similar interests and that any lack of cooperation would be considered when determining the amount of a cost award.

On September 30, 2010 the Board issued a Notice of Hearing on Cost Awards (the "September Notice"), initiating a hearing on its own motion in order to determine the cost awards that will be made under section 30 of the Act in relation to this consultation.

Of the fourteen eligible participants, nine filed cost claims in accordance with the September Notice. The following eligible parties filed comments on the staff Discussion Paper issued April 19, 2010 but did not file any claims for costs: the Ontario Waterpower Association and the Vulnerable Energy Consumers Coalition.

Electricity transmitters were given an opportunity to file any objections they might have in relation to the cost claims filed by eligible participants. On October 13, 2010, Hydro One Networks Inc. ("Hydro One") requested that Lake Huron Anishinabek Transmission Company Inc. file a copy of the disbursement receipts in order to ensure that all the receipts match the claim. Hydro One raised no issues with respect to any other claims. On October 22, 2010, Fogler, Rubinoff LLP filed copies of its prebill on behalf of Lake Huron Anishinabek Transmission Company Inc. in response to the Hydro One objection.

### **Board Findings on the Cost Claims of the Eligible Participants**

The Board notes that the interests of National Chief's Office on behalf of the Assembly of First Nations and Northwatch seem to be similar for transmission and planning issues. The Board suggests that these two parties cooperate on any future consultations on these issues.

The Board further notes that the Ontario Sustainable Energy Association seems to share some of those interests. The Board cautions the Ontario Sustainable Energy Association to limit future submissions to the issues relevant to and under the jurisdiction of the Board in accordance with section 5.01(h) of the Practice Direction and to look to parties with the same interests for areas of cooperation. Issues with the practices and procedures of other organizations and agencies should be addressed with the relevant bodies.

The Board reminds participants that the failure to cooperate with other eligible participants with like interests could result in partial or full disallowance of future cost claims.

The cost claims filed by the eligible participants are in all cases within the approved limits set by the Board for each of the activities for which cost awards are available in relation to this consultation as listed in the Notice of Hearing for Cost Awards.

The Board finds that each of these eligible participants is entitled to 100% of its reasonably incurred costs of participating in this consultation:

The amount payable by each individual licensed distributor in relation to costs awarded to each eligible participant is listed in Appendix A to this Decision and Order.

### **Process for Paying the Cost Awards**

As previously stated in documents issued in this consultation, the Board will use the process set out in section 12 of its *Practice Direction on Cost Awards* to implement the payment of the cost awards. Therefore, the Board will act as a clearing house for all payments of cost awards relating to this consultation process. Invoices will be issued to distributors at the same time as are invoices for cost assessments made under section 26 of the Act. The practice of the Board is to issue to each distributor one invoice that covers all cost awards payable by that distributor for the relevant period. As a result, the invoice may cover cost awards payable in relation to a number of consultations, including this one.

### **THE BOARD THEREFORE ORDERS THAT:**

1. The amounts to be paid by each individual transmitter in relation to the costs awarded to each eligible participant are as set out in Appendix A to this Decision and Order.
2. The individual transmitters listed in Appendix A to this Decision and Order shall pay the costs awarded to each of the eligible participants as set out in Appendix A.

3. Payment of cost awards referred to in paragraphs 2 and 3 shall be made to the Ontario Energy Board in accordance with the invoice issued to the individual transmitter and shall be due at the same time as cost assessments under section 26 of the Act are due.

**DATED** at Toronto, November 30, 2010

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary

**Appendix A**

**To the Board's  
Decision and Order on Cost Awards  
DATED November 30, 2010**

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**Appendix A**  
**Decision and Order on Cost Awards**  
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**Framework for Transmission Project Development Planning**

<b>Licensed Electricity Transmission System Owner/Operator</b>	<i>Association of Major Power Consumers in Ontario</i>	<i>Association of Power Producers of Ontario</i>	<i>Canadian Manufacturers &amp; Exporters</i>	<i>Energy Probe Research Foundation</i>	<i>Lake Huron Anishinabek Transmission Co. Inc</i>	<i>London Property Management Association</i>	<i>National Chief's Office</i>	<i>Northwatch</i>	<i>Ontario Sustainable Energy Association</i>	<i>Total</i>
CANADIAN NIAGARA POWER INC.	16.81	36.67	37.09	17.67	36.57	19.69	38.76	26.57	37.29	267.12
FIVE NATIONS ENERGY INC.	20.14	43.93	44.44	21.17	43.81	23.59	46.44	31.83	44.67	320.01
GREAT LAKES POWER LTD.	126.53	275.92	279.11	132.96	275.20	148.15	291.68	199.94	280.60	2,010.09
NIAGARA WEST TRANSFORMATION CORP.	2.34	5.11	5.17	2.46	5.10	2.75	5.40	3.71	5.20	37.25
HYDRO ONE NETWORKS INC.	4,372.20	9,534.62	9,644.79	4,594.56	9,509.60	5,119.34	10,079.07	6,909.07	9,696.41	69,459.67
<b>TOTAL</b>	4,538.03	9,896.25	10,010.60	4,768.82	9,870.28	5,313.51	10,461.35	7,171.12	10,064.18	72,094.14