



**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 award eligibility for  
interested parties in a consultation process to facilitate the  
timely and cost effective development of major transmission  
facilities.

**BEFORE:** Paul Sommerville  
Presiding Member

### **SUPPLEMENTAL DECISION ON COST ELIGIBILITY**

On April 19, 2010, the Ontario Energy Board (the "Board") issued a letter to interested parties initiating a consultation process to assist the Board in developing a process to facilitate the timely and cost effective development of major transmission facilities that may be required to connect renewable generation in Ontario. That 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 licensed electricity transmitters.

On May 21, 2010, the Board issued a Decision on Cost Eligibility granting cost eligibility to a number of participants in this consultation.

Also on May 21, 2010, the Board received a late request for cost eligibility from Lake Huron Anishinabek Transmission Co. Inc. ("LHATC"), a corporation owned by First Nations that represents the nineteen Robinson-Huron Treaty First Nations and that was created with a view to owning and operating electricity transmission projects in those First Nations' traditional territories. That request has been posted on the Board's website.

The Board understands that LHATC does not currently own or operate any transmission assets, whether in Ontario or elsewhere, and on that basis, LHATC may not strictly speaking be ineligible for an award of costs under section 3.05 of the Board's *Practice Direction on Cost Awards*. The Board is, in any event, satisfied that special circumstances exist that would allow LHATC to be eligible for an award of costs in this consultation. The Board believes that LHATC is in a position to bring a unique perspective to this consultation and to the public interest that is relevant to that part of the Board's mandate that is the subject of the consultation.

The Board has therefore determined that, subject to any objections that might be filed by licensed electricity transmitters, LHATC is eligible for an award of costs in this consultation process. Any such objections must be filed with the Board by **June 7, 2010**, in accordance with the filing instructions set out in the Board's letter of April 19, 2010.

The Board reminds LHATC, and all other participants in this consultation, that eligibility is not a guarantee of recovery of all costs claimed. The Board also takes this opportunity to reiterate that it expects co-operation among participants with similar interests, and will consider any lack of cooperation when determining the amount of a cost award.

**DATED** at Toronto, May 27, 2010

**ONTARIO ENERGY BOARD**

*Original signed by*

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Paul Sommerville  
Presiding Member