



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

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.

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

- Association of Major Power Consumers in Ontario (“AMPCO”);
- Association of Power Producers of Ontario (“APPRO”);
- Canadian Manufacturers & Exporters (“CME”);
- Canadian Wind Energy Association (“CanWEA”);

- Consumers Council of Canada (“CCC”);
- Energy Probe Research Foundation (“Energy Probe”);
- London Property Management Association (“LPMA”);
- National Chief’s Office on behalf of the Assembly of First Nations (“NCO”);
- Northwatch;
- Ontario Sustainable Energy Association (“OSEA”);
- Ontario Waterpower Association (“OWA”);
- Pollution Probe; and
- Vulnerable Energy Consumers Coalition (“VECC”).

Electricity transmitters 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 transmitters. However, there was a delay in the Board’s process for posting the eligibility request from AMPCO. As such, the Board’s decision on the eligibility of AMPCO is subject to any objections from transmitters.

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: AMPCO; CME; CCC; Energy Probe; LPMA; NCO; Northwatch; Pollution Probe; and VECC. As noted above, the Board’s determination in relation to the eligibility of AMPCO is subject to any objections that might be filed by licensed electricity transmitters. Any such objections must be filed with the Board by **June 2, 2010**, in accordance with the filing instructions set out in the Board’s letter of April 19, 2010.

The following participants would not usually be eligible for an award of costs, due to their inclusion in the list of ineligible parties in section 3.05 of the Practice Direction:

- APPrO;
- CanWEA;
- OSEA; and
- OWA.

However, the Board has found that special circumstances exist in this consultation that would allow these participants to be eligible. Specifically, generators are customers of transmitters and, in that sense, they can be likened to consumers in the circumstances

of this consultation. The Board also notes that these participants have established constituencies that represent significant expertise in the matters relevant to this consultation, and are therefore expected to assist the Board in developing a better understanding of the issues of broad interest that are being considered in this consultation.

The Board will expect co-operation among participants with similar interests, and will consider any lack of cooperation when determining the amount of a cost award.

ISSUED at Toronto, May 21, 2010

ONTARIO ENERGY BOARD

Original Signed By

Paul Sommerville
Presiding Member