

Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto ON M4P 1E4
Telephone: 416- 481-1967
Facsimile: 416- 440-7656
Toll free: 1-888-632-6273

Commission de l'Énergie de l'Ontario
C.P. 2319
27e étage
2300, rue Yonge
Toronto ON M4P 1E4
Téléphone; 416- 481-1967
Télécopieur: 416- 440-7656
Numéro sans frais: 1-888-632-6273



EB-2011-0052

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 stakeholders in a consultative process for the Preliminary Assessment of Incentive Regulation Plans of the Natural Gas Utilities.

BEFORE: Paula Conboy
Presiding Member

Karen Taylor
Member

DECISION ON COST ELIGIBILITY

On February 25, 2011, the Ontario Energy Board (the "Board") issued a letter to interested stakeholders giving notice of a consultation process for the Preliminary Assessment of Incentive Regulation Plans of the Natural Gas Utilities. That letter also notified interested stakeholders 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 Enbridge Gas Distribution Inc ("Enbridge") and Union Gas Limited ("Union") based on their respective distribution revenues.

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

- Association of Power Producers of Ontario (“APPrO”);
- Canadian Manufacturers & Exporters (“CME”);
- Consumers Council of Canada (“CCC”);
- Energy Probe Research Foundation (“Energy Probe”);
- Industrial Gas Users Association (“IGUA”);
- London Property Management Association (“LPMA”);
- Ontario Association of Physical Plant Administrators (“OAPPA”);
- School Energy Coalition (“SEC”); and
- Vulnerable Energy Consumers Coalition (“VECC”).

Enbridge and Union 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 and no such objections were filed.

Based on the criteria set out in section 3 of the Board’s *Practice Direction on Cost Awards* (“Practice Direction”), the Board has determined that CME, CCC, Energy Probe, IGUA, LPMA, OAPPA, SEC and VECC are eligible for an award of costs.

APPrO would not usually be eligible for an award of costs, as it advocates on behalf of Ontario generators and generators are ineligible for a cost award pursuant to section 3.05(b) of the Practice Direction. However, the Board hereby finds that special circumstances exist in this consultation that allow APPrO to be eligible for a cost award. Specifically, many of the generators may be customers of Enbridge and Union, and in that sense, they can be likened to consumers in the circumstances of 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, April 8, 2011.
ONTARIO ENERGY BOARD

Original signed by

Paula Conboy
Presiding Member

Original signed by

Karen Taylor
Member