



**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 awards in relation to the  
Stakeholder Consultation on the Preliminary Assessment  
of the Incentive Regulation Plans of the Natural Gas  
Utilities.

**BEFORE:** Karen Taylor  
Presiding Member

Paula Conboy  
Member

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

On February 25, 2011, a letter was issued announcing that the Board had decided to conduct a preliminary assessment of the incentive regulation plans of Enbridge Gas Distribution Inc. ("Enbridge") and Union Gas Limited ("Union"). The assessment was intended to assist the Board in better understanding how the incentive regulation plans functioned during the plan terms.

The February 25, 2011 letter notified interested stakeholders that cost awards would be available to eligible persons under section 30 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B (the "Act") in relation to their participation in this consultation process and that any costs awarded would be recovered from Enbridge and Union based on their respective distribution revenues.

In accordance with the Board's April 8, 2011 Decision on Cost Eligibility, and the Board's Supplemental Decision on Cost Eligibility issued on April 15, 2011, the following ten participants were found to be eligible for an award of costs:

- Association of Power Producers of Ontario ("APPrO");
- Canadian Manufacturers & Exporters ("CME");
- Consumers Council of Canada ("CCC");

- Energy Probe Research Foundation (“Energy Probe”);
  - Federation of Rental-housing Providers of Ontario (“FRPO”);
  - 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”)
- (collectively, the “eligible participants”).

On October 20, 2011, the Board issued a Notice of Written Hearing for Cost Awards (the “Notice”) in relation to the stakeholder consultation on the preliminary assessment of the incentive regulations plans of Enbridge and Union. In the Notice, the Board stated that the stakeholder meeting was for one (1) day on April 29, 2011 and as a consequence, eligible participants will be allowed to claim costs of up to 11 hours (a maximum of 11 hours of preparation, attendance, and report time for the day) for this consultation.

The following eligible participants submitted cost claims: APPrO; CME; Energy Probe; FRPO; IGUA; LPMA; OAPPA; SEC; and VECC. CCC did not submit a cost claim. No objections were received from Enbridge and Union.

The cost claims filed by FRPO; LPMA; OAPPA; and VECC are within the approved overall limits set by the Board and identified in the Notice.

IGUA, CME and Energy Probe claimed hours for work that they carried out after the stakeholder consultation ended (which was September 30, 2011). The Board is disallowing these hours and is reducing claimed costs as follows. The Board will reduce IGUA’s claimed costs by \$1,118.70 (3 hours @ \$330 per hour + tax effect); CME’s by \$675.74 (2.6 hours @ \$230 per hour + tax effect); and Energy Probe’s by \$793.42 (0.5 hours @ \$330 per hour + 2.0 hours @ \$290 per hour + tax effect).

The Board finds that SEC’s overall claim of 15.6 hours exceeds the approved overall limit (of 11 hours) set by the Board. As a result, the Board will reduce SEC’s claimed costs by \$1,518.00 (4.6 hours @ \$330 per hour).

APPrO and CME have claimed business class rates for rail travel. The Board’s *Practice Direction on Cost Awards* states that “air and rail travel will be limited to economy fare rates”. Consequently, to adjust the train fare rates from business

class to economy class, the Board will reduce APPrO's claimed costs by \$69.16 and CME's claimed costs by \$82.49.

The Board has reviewed the cost claims filed and finds that the cost claims filed by FRPO, LPMA, OAPPA, and VECC and the cost claims filed by APPrO, CME, Energy Probe, IGUA and SEC, as adjusted according to the Decision herein are in accordance with the Board's *Practice Direction on Cost Awards*. The Board therefore finds that FRPO, LPMA, OAPPA and VECC are entitled to one hundred percent (100%) of their claimed costs and that APPrO, CME, Energy Probe, IGUA and SEC are entitled to one hundred percent (100%) of their costs as adjusted by the Board herein.

**THE BOARD THEREFORE ORDERS THAT:**

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Enbridge Gas Distribution Inc. and Union Gas Limited shall each pay the amounts to the parties listed in Appendix "A" (attached hereto).
2. Enbridge Gas Distribution Inc. and Union Gas Limited shall each immediately pay the Board's costs of and incidental, to this consultation immediately upon receipt of the Board's invoice.

**DATED** at Toronto, January 19, 2012  
ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli  
Board Secretary

## Appendix A

### Decision and Order on Cost Awards

January 19, 2012

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#### Stakeholder Consultation on the Preliminary Assessment of the Incentive Regulation Plans of the Natural Gas Utilities

Natural Gas Utility	Association of Power Producers of Ontario	Canadian Manufacturers & Exporters	Energy Probe Research Foundation	Federation of Rental-Housing Providers of Ontario	Industrial Gas Users Association	London Property Management Association	Ontario Association of Physical Plant Administrators	School Energy Coalition	Vulnerable Energy Consumer's Coalition	Total Billing
ENBRIDGE GAS DISTRIBUTION INC.	\$1,329.14	\$1,570.13	\$1,423.11	\$1,470.21	\$1,326.07	\$828.50	\$408.67	\$1,951.93	\$737.76	\$11,045.52
UNION GAS LIMITED	\$1,142.66	\$1,349.83	\$1,223.45	\$1,263.94	\$1,140.02	\$712.26	\$351.33	\$1,678.07	\$634.25	\$9,495.81
<b>Total:</b>	\$2,471.80	\$2,919.96	\$2,646.56	\$2,734.15	\$2,466.09	\$1,540.76	\$760.00	\$3,630.00	\$1,372.01	\$20,541.33