



**EB-2013-0301**

**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 relation to consultation to  
review the framework governing the participation of  
intervenors in Board proceedings

**BEFORE:** Marika Hare  
Board Member

Cathy Spoel  
Board Member

**DECISION ON COST ELIGIBILITY**  
**(Originally issued September 25, 2013 and as corrected on September 27, 2013)**

In a letter dated August 22, 2013 (“the cover letter”), the Board initiated a review of the framework governing the participation of intervenors in applications, policy consultations and other proceedings before the Board. The objective of the review is to determine whether there are ways in which the Board’s approach to intervenors might be modified in order to better achieve the Board’s statutory objectives.

A list of registered participants in this consultation is attached as Appendix A. Stakeholders that filed requests after the September 6, 2013 due date are responsible for requesting any documentation or notices sent to registered participants prior to the date their request was received by the Board.

The cover letter notified 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 eligible activities as set out in Appendix A of the cover letter. The cover letter also indicated that any costs awarded will be recovered from all rate regulated electricity distributors, all rate regulated natural gas distributors, all rate regulated electricity transmitters, Ontario Power Generation, the Ontario Power Authority, and the Independent Electricity System Operator, apportioned on a pro-rata basis relative to their contributions to the Board's annual cost assessment.

The Board received requests for cost award eligibility from the following stakeholders:

1. Association of Major Power Consumers in Ontario ("AMPCO")
2. Association of Power Producers in Ontario ("APPrO")
3. Building Owners and Managers Association – Greater Toronto ("BOMA")
4. Canadian Federation of Independent Business ("CFIB")
5. Canadian Manufacturers & Exporters ("CME")
6. Consumers Council of Canada ("CCC")
7. Ecology Ottawa
8. Energy Probe Research Foundation ("Energy Probe")
9. Federation of Rental-housing Providers of Ontario ("FRPO")
10. Gas Pipeline Landowners of Ontario and Lambton County Storage Association ("GAPLO/LCSA")
11. Green Energy Coalition ("GEC")
12. Industrial Gas Users Association ("IGUA")
13. Low-Income Energy Network ("LIEN")
14. London Property Management Association ("LPMA")
15. Nishnawbe Aski Nation ("NAN")
16. Northwatch
17. Ontario Association of Physical Plant Administrators ("OAPPA")
18. Ontario Sustainable Energy Association ("OSEA")
19. School Energy Coalition ("SEC")
20. Vulnerable Energy Consumers Coalition ("VECC")

Board licensees were given an opportunity to file objections to the cost eligibility requests; no objections were received.

Based on the criteria set out in section 3 of the Board's *Practice Direction on Cost Awards* (the "*Practice Direction*"), the Board finds that all stakeholders requesting cost eligibility are eligible for an award of costs.

Based on the content of some of the requests for cost eligibility, the Board considers it desirable to confirm the following in relation to cost awards generally:

- i. The Board will only award costs for contributions that the Board considers to be relevant to the issues to be considered by the Board in this consultation and that contribute to a better understanding by the Board of one or more of those issues;
- ii. Where similar interests are shared by stakeholders that are eligible for cost awards, the Board expects that reasonable efforts will be made to combine participation or to cooperate. The Board will consider any lack of cooperation when determining the amount of a cost award;
- iii. Cost awards are available in relation to the costs associated with the counsel and/or consultant fees (among others) incurred specifically for the purposes of participating in activities that are eligible for an award of costs. Cost awards are not available in relation to time spent by employees or officers of a participant.
- iv. Except as may otherwise be expressly provided by the Board at the relevant time, the hourly limits for eligible activities apply to each eligible participant, and not to each individual that may be acting on behalf of an eligible participant.

**DATED** at Toronto, September 27, 2013

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary

Appendix A – Participant List

APPENDIX A  
DECISION ON COST ELIGIBILITY  
EB-2013-0301  
Dated September 27, 2013

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