



EB-2008-0244

IN THE MATTER OF the *Ontario Energy Board Act*,
1998, S.O. 1998, c.15 (Schedule B);

AND IN THE MATTER OF an application by
PowerStream Inc. for an order approving just and
reasonable rates and other charges for electricity
distribution to be effective May 1, 2009.

BEFORE: Gordon Kaiser
Presiding Member and Vice Chair

Paul Vlahos
Member

Cathy Spoel
Member

DECISION AND ORDER ON COST AWARDS

PowerStream Inc. ("PowerStream") filed an application with the Ontario Energy Board (the "Board"), on October 10, 2008 under section 78 of the *Ontario Energy Board Act*, 1998, seeking approval for changes to the rates that PowerStream charges for electricity distribution, to be effective May 1, 2009. The Board assigned File Number EB-2008-0244 to the application.

On March 3, 2009, the Board issued Procedural Order No. 1 and approved the intervention and cost eligibility status for the Vulnerable Energy Consumers Coalition ("VECC"), the Association of Major Power Consumers in Ontario ("AMPCO"), Consumers Council of Canada ("CCC"), Energy Probe Research Foundation ("Energy Probe") and the School Energy Coalition ("SEC"). In addition, the Board granted intervenor status to Hydro One Networks Inc. ("HONI") and the Smart Sub-Metering

Working Group (“SSMWG”). SSMWG is not eligible for cost awards as it does not meet the eligibility criteria set out in section 3.03 of *the Practice Direction on Cost Awards*.

The Board held a Settlement Conference in this matter from May 19 to 21, 2009 and a Settlement Proposal was filed with the Board on May 29, 2009. On June 3, 2009, the Ontario Energy Board approved the terms and conditions of the Settlement Proposal. PowerStream and the intervenors settled all issues with the exception of one.

The one outstanding issue, raised by the SSMWG was whether and to what extent PowerStream should be permitted to include the costs and revenues associated with its condominium suite metering activities, in distribution rates.

On June 15, 2009, the Board held a one-day oral hearing to hear the outstanding issue.

The Board issued its Majority Decision and Minority Decision on July 27, 2009 in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by PowerStream.

The Board received cost claims from CCC, Energy Probe, SEC and VECC. No comments were received from PowerStream.

Board Findings

The Board finds that CCC, Energy Probe, SEC and VECC are eligible for 100% of their reasonably incurred costs of participating in this proceeding. The Board finds that each party’s claim is reasonable and will be reimbursed by PowerStream.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, PowerStream Inc. shall immediately pay:

- Consumers Council of Canada \$62,346.34;
- Energy Probe \$24,014.06;
- School Energy Coalition \$63,902.85; and
- Vulnerable Energy Consumers Coalition \$24,703.01.

2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, PowerStream Inc. shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, October 13, 2009

ONTARIO ENERGY BOARD

Original signed by

John Pickernell
Assistant Board Secretary