



EB-2009-0180
EB-2009-0181
EB-2009-0182
EB-2008-0183

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

AND IN THE MATTER OF an application pursuant to section 60(1) of the *Ontario Energy Board Act*, 1998 by 1798594 Ontario Inc. seeking an electricity distribution licence;

AND IN THE MATTER OF an application pursuant to section 86(1)(a) of the *Ontario Energy Board Act*, 1998 by Toronto Hydro Energy Services Inc. seeking an order granting leave to sell streetlighting assets as an entirety or substantially as an entirety to 1798594 Ontario Inc.;

AND IN THE MATTER OF an application pursuant to section 86(1)(b) of the *Ontario Energy Board Act*, 1998 by Toronto Hydro Energy Services Inc. seeking an order granting leave to sell streetlighting assets necessary in serving the public to 1798594 Ontario Inc.;

AND IN THE MATTER OF an application pursuant to section 86(1)(c) by Toronto Hydro-Electric System Limited and 1798594 Ontario Inc. seeking leave to amalgamate;

AND IN THE MATTER OF a request pursuant to section 77(5) of the *Ontario Energy Board Act*, 1998 by 1798594 Ontario Inc. seeking the cancellation of the distribution licence applied for in a separate application under section 60 of the *Ontario Energy Board Act*, 1998;

AND IN THE MATTER OF an application pursuant to section 18(2) of the *Ontario Energy Board Act*, 1998 by 1798594 Ontario Inc. and Toronto Hydro-Electric System Limited for an order assigning Toronto Hydro-Electric System Limited's electricity distribution licence to a proposed amalgamated entity consisting of 1798594 Ontario Inc. and Toronto Hydro-Electric System Limited.

BEFORE: Gordon Kaiser
Vice Chair and Presiding Member

Cynthia Chaplin
Member

Ken Quesnelle
Member

DECISION AND ORDER ON COST AWARDS

On June 15, 2009, Toronto Hydro Corporation's subsidiaries, 1798594 Ontario Inc. ("NewCo"), Toronto Hydro Energy Services Inc. ("THESI") and Toronto Hydro-Electric System Limited ("THESL") collectively referred to as the "Applicants" filed applications with the Ontario Energy Board (the "Board") under sections 60(1), 86(1)(a)(b)(c) and 77(5) of Ontario Energy Board Act, 1998, S.O. 1998, c. 15 (Schedule B) (the "Act"). The applications were later amended to include a request for an order under section 18(2) of the Act and to withdraw the request which had been made under section 77(5) of the Act. The Board assigned the applications file numbers EB-2009-0180, EB-2009-0181, EB-2009-0182 and EB-2009-0183.

The Board in its Procedural Order No. 1 stated that the parties that were granted intervenor status in this proceeding are as follows: the City of Toronto, the Electricity Distributors Association ("EDA"), the Electrical Contractors Association of Ontario ("ECAO") and Greater Toronto Electrical Contractors Association ("GTECA"), Energy Probe Research Foundation ("Energy Probe"), Hydro Ottawa Limited, Powerstream Inc., Save the Toronto Bluffs, the School Energy Coalition ("SEC"), Veridian Connections Inc. and the Vulnerable Energy Consumers Coalition ("VECC"). The ECAO/GTECA, Energy Probe, SEC and VECC were found to be eligible for cost awards in this proceeding.

The Board issued its Decision and Order on the applications on February 11, 2010, in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by THESL. The Board in its Decision and Order has determined that it is appropriate to deal with the cost claims in two phases and any costs relating to the continuation of this proceeding will be dealt with at a later time.

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

Board Findings

The Board reviewed the cost claims filed by ECAO, Energy Probe, SEC and VECC to ensure they were compliant with the *Board's Practice Direction on Cost Awards*. Following the review, the Board requested and received signed Form 3 from Energy Probe. The Board notes that the total amount on Form 2 filed by Energy Probe does not match with the information filed on its Form 3. The Board has determined that the total amount on Form 3 is the correct amount.

The Board finds that ECAO, Energy Probe, SEC and VECC are eligible to recover 100% of their reasonably incurred costs of participating in this proceeding.

THE BOARD ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, THESL shall immediately pay:
 - Electrical Contractors Association of Ontario \$20,541.59;
 - Energy Probe Research Foundation \$15,306.81;
 - School Energy Coalition \$21,608.80; and
 - Vulnerable Energy Consumers Coalition \$14,812.27.

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

DATED at Toronto, April 19, 2010

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary