



EB-2009-0143

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 Essex
Powerlines Corporation for an order approving or fixing
just and reasonable rates and other charges for the
distribution of electricity to be effective May 1, 2010.

BEFORE: Ken Quesnelle
Presiding Member

DECISION AND ORDER ON COST AWARDS

Essex Powerlines Corporation (“Essex”) filed an application with the Ontario Energy Board (the “Board”) on September 28, 2009. The application was filed under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15 (Sched. B) (the “Act”), seeking approval for changes to the rates that it charges for electricity distribution to be effective May 1, 2010. The Board has assigned File Number EB-2009-0143 to this application.

On November 17, 2009, the Board issued Procedural Order No. 1 and stated that the Town of Amherstburg, Town of LaSalle, Municipality of Leamington, and Town of Tecumseh (collectively the “Representatives of the Streetlight Class”) applied for intervenor status and cost eligibility. In addition to the Representatives of the Streetlight Class, Energy Probe Research Foundation (“Energy Probe”), School Energy Coalition (“SEC”), and the Vulnerable Energy Consumers Coalition (“VECC”) also applied for intervenor status and cost eligibility. EnWin Utilities Ltd. (“EnWin”) applied for observer status. The Board granted intervenor status to the Representatives of the Streetlight Class, Energy Probe, SEC and VECC and granted EnWin observer status. The Board

also determined that Energy Probe, SEC, and VECC are eligible to apply for an award of costs under the Board's *Practice Direction on Cost Awards*.

The Board issued its Decision and Order on the application on April 1, 2010, in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by Essex.

Cost claims were submitted by Energy Probe, SEC and VECC by the May 1, 2010 deadline specified in the Decision and Order. Energy Probe submitted a revised cost claim on May 6, 2010. On May 5, 2010, Essex filed comments stating that it had no objection to the amounts submitted by the intervenors.

The Board reviewed the claims filed by Energy Probe, SEC and VECC, and found that one claim submitted by Energy Probe and one claim submitted SEC were not in accordance with the *Practice Direction on Cost Awards*, and has made the following adjustments:

- Energy Probe: \$29.30 reduction in disbursements;
- SEC: \$48.60 reduction in disbursements.

The Board finds that all parties are eligible for 100% of their reasonably incurred costs of participating in this proceeding subject to the adjustments referenced above. The Board finds that each party's claims, adjusted as described above, are reasonable and should be reimbursed by Essex.

THE BOARD THEREFORE ORDERS THAT:

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

- Energy Probe Research Foundation \$17,910.86;
- School Energy Coalition \$ 5,154.50; and
- Vulnerable Energy Consumers Coalition \$12,007.88.

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

DATED at Toronto, June 1, 2010.

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary