



EB-2014-0227

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 the low income
assistance strategy review

BEFORE: Marika Hare
Board Member

Cathy Spoel
Board Member

DECISION ON COST ELIGIBILITY

In a letter dated [October 23, 2014](#) (the "Letter"), the Board invited interested stakeholders to provide input on the development of an ongoing ratepayer-funded bill assistance program for low-income electricity customers, as one facet of a broader review of strategies that the Board might employ, directly or indirectly, to assist those consumers.

The Letter stated 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 forming part of the Board's Low-income Assistance Strategy Review initiative, and that any costs awarded will be recovered from all rate-regulated electricity distributors and transmitters. The Board now confirms that costs awarded will be apportioned between distributors and transmitters as follows: (i) 75% will be apportioned to distributors and 25% will be apportioned to transmitters; and (ii) within each class, costs will be apportioned based on distribution or transmission revenues, as applicable.

The Board received two requests for cost award eligibility in response to the Letter. The Consumers Council of Canada (“CCC”) filed its request by the deadline established in the Letter. Rate-regulated electricity distributors and transmitters were given an opportunity to file objections to any cost eligibility requests that were received by the deadline. No objections to CCC’s request were filed. Based on the criteria set out in section 3 of the Board’s *Practice Direction on Cost Awards*, the Board finds that CCC is eligible for an award of costs. The Low Income Energy Network (“LIEN”) filed a late request for eligibility on October 31, 2014, after the deadline for objections had passed. Given that activities in this consultation are imminent, and that LIEN is *prima facie* eligible for an award of costs in accordance with the criteria set out in section 3 of the Board’s *Practice Direction on Cost Awards*, the Board considers it expedient to also find LIEN eligible for an award of costs.

It has come to the Board’s attention that certain members of the Financial Assistance Working Group, who are eligible for cost awards in relation to their participation in that initiative regarding the Low Income Assistance Program (or “LEAP”) (EB-2008-0150), may have believed that it was not necessary for them to also request cost eligibility for this consultation. This confusion may have arisen because, as noted in the Letter, Board staff held a meeting with Financial Assistance Working Group to discuss both the review of the LEAP Emergency Financial Assistance program (under EB-2008-0150) and the development of an ongoing ratepayer-funded bill assistance program for low-income electricity customers (under this EB-2014-0227 consultation). The members of the Financial Assistance Working Group that were determined to be eligible for an award of costs in the EB-2008-0150 consultation are CCC and LIEN, which as noted above did file a further request for cost eligibility, and the following:

- Vulnerable Energy Consumers Coalition;
- Salvation Army Centre of Hope; and
- Housing Help Association of Ontario

(collectively, the “Eligible Working Group Members”).

As noted above, given that the consultation activities in this low-income billing assistance program consultation are imminent, and that the Eligible Working Group Members are *prima facie* eligible for an award of costs in accordance with the criteria set out in section 3 of the Board’s *Practice Direction on Cost Awards*, the Board considers it expedient and appropriate to waive the usual process for the filing of cost eligibility requests. The Board will therefore extend cost award eligibility to any of the Eligible Working Group Members that wish to participate in this low-income billing assistance program consultation.

The eligibility granted to LIEN and the Working Group members noted above is subject to any objections that may be filed on or before **November 7, 2014**.

The Board expects that eligible stakeholders with similar interests will make reasonable efforts to coordinate their participation and to cooperate with other participants, and will consider any lack of coordination or cooperation when determining the amount of a cost award.

DATED at Toronto, October 31, 2014

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary