



Ontario Energy Board Commission de l'énergie de l'Ontario

DECISION AND ORDER ON COST AWARDS

EB-2014-0370

ONTARIO POWER GENERATION INC.

Application to Dispose of Balances in Certain Deferral and
Variance Accounts

BEFORE: Allison Duff
Presiding Member

Cathy Spoel
Member

November 19, 2015

INTRODUCTION AND SUMMARY

Ontario Power Generation Inc. (OPG) filed an application with the Ontario Energy Board (OEB) on December 18, 2014 under section 78.1 of the *Ontario Energy Board Act, 1998, S.O. 1998, c. 15, (Schedule B)*, seeking approval for an order or orders related to deferral and variance accounts, including disposition of account balances as at December 31, 2014.

The OEB granted the Association of Major Power Consumers in Ontario (AMPCO); Canadian Manufacturers & Exporters (CME); Consumers Council of Canada (CCC); Energy Probe Research Foundation (Energy Probe); London Property Management Association (LPMA) and School Energy Coalition (SEC) intervenor status and cost award eligibility.

On September 10, 2015, the OEB issued its Decision and Order, in which it set out the process for intervenors to file their cost claims, for OPG to object to the claims and for intervenors to respond to any objections raised by OPG.

The OEB received cost claims from AMPCO, CME, CCC, Energy Probe, LPMA and SEC. On October 29, 2015, OPG filed its response outlining its objection to Energy Probe's cost claim. OPG noted that Procedural Order No. 2 dated March 13, 2015 stated that "Energy Probe should be aware that the OEB will not generally allow the recovery of costs for the attendance of more than one representative of any party, unless a compelling reason is provided when cost claims are filed."

No response was received from Energy Probe.

OEB Findings

The OEB has reviewed the claims filed by AMPCO, CME, CCC, Energy Probe, LPMA and SEC to ensure that they are compliant with the OEB's *Practice Direction on Cost Awards*.

The OEB notes that Energy Probe is claiming costs for attendance of both Mr. Schwartz and Mr. MacIntosh at the settlement conference, and that no compelling reason has been provided. The OEB will disallow the 10 hours of costs claimed for the attendance of Mr. MacIntosh. The OEB finds that Energy Probe's claim will be revised to \$14,079.30.

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

THE OEB ORDERS THAT:

Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, OPG shall immediately pay the following amounts to the intervenors for their costs:

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|---|-------------|
| • Association of Major Power Consumers in Ontario | \$10,785.85 |
| • Canadian Manufacturers & Exporters | \$23,921.82 |
| • Consumers Council of Canada | \$13,610.85 |
| • Energy Probe Research Foundation | \$14,079.30 |
| • London Property Management Association | \$6,413.88 |
| • School Energy Coalition | \$36,935.18 |

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

DATED at Toronto November 19, 2015

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary