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

Ontario

DECISION AND ORDER ON COST AWARDS

EB-2015-0074

HALTON HILLS HYDRO INC.

Application for electricity distribution rates and other charges beginning May 1, 2016

BEFORE: Ellen Fry
Presiding Member

Susan Frank
Member

Paul Pastirik
Member

May 5, 2016

INTRODUCTION AND SUMMARY

Halton Hills Hydro Inc. (HHHI) filed a complete cost of service application with the Ontario Energy Board (OEB) on October 2, 2015 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), seeking approval for changes to the rates that HHHI charges for electricity distribution, to be effective May 1, 2016.

The OEB granted Energy Probe Research Foundation (Energy Probe), School Energy Coalition (SEC) and Vulnerable Energy Consumers Coalition (VECC) intervenor status and cost award eligibility.

On March 24, 2016, the OEB issued its Decision and Rate Order, in which it set out the process for intervenors to file their cost claims, for HHHI to object to the claims and for intervenors to respond to any objections raised by HHHI.

The OEB received cost claims from Energy Probe, SEC and VECC.

On April 11, 2016, HHHI filed its response stating its agreement with the cost claim submitted by SEC.   HHHI objected to cost claims submitted by Energy Probe and VECC related to the preparation and submission of pre-settlement conference clarifying questions. HHHI noted that since Procedural Order No. 1 did not provide for additional discovery through a second round of information requests or a technical conference, HHHI did not recognize the cost claims associated with the questions as valid.

VECC replied that further clarification was required prior to the commencement of negotiations. As a courtesy and for efficiency, the questions were provided in advance of the settlement conference. Doing so enabled the negotiations to begin with fewer delays. VECC submitted that providing the questions in advance of the settlement conference generated no time expenditure additional to the time that would have been spent presenting questions at the settlement conference itself for the first time.   Energy Probe replied that clarification on some interrogatory responses was needed in order to be fully prepared to engage in the settlement conference. Energy Probe submitted that rather than delay settlement discussions by asking clarification questions on the morning of the settlement conference, Energy Probe provided clarification questions to HHHI prior to the settlement conference.

Findings

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

With respect to HHHI's objection to pre-settlement conference questions, the OEB agrees with VECC and Energy Probe that they increased the efficiency of the discussions in the settlement conference process and therefore allows the costs for this purpose. However, the OEB considers that the time claimed by VECC for settlement conference preparation overall is excessive. VECC claimed a total of 21.8 hours by 3 highly experienced counsel/consultants. The OEB considers that this is significantly more than should be required and notes that it is significantly more than the time claimed by other parties. The OEB will disallow 33% of this time reducing the costs by $2,482.09.

The OEB finds that the claims of Energy Probe and SEC and the adjusted claim of VECC are reasonable. Each of these claims shall be reimbursed by HHHI.

THE ONTARIO ENERGY BOARD ORDERS THAT:

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

- Energy Probe Research Foundation $17,808.79
- School Energy Coalition $17,302.56
- Vulnerable Energy Consumers Coalition $17,721.15

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

DATED at Toronto May 5, 2016

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary