



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

DECISION ON COST ELIGIBILITY

EB-2016-0003

ONTARIO ENERGY BOARD

Cost award eligibility for interested parties in a consultation on cost responsibility under the Ontario Energy Board's Transmission System Code and Distribution System Code in relation to load customers

BEFORE: **Cathy Spoel**
Presiding Member

Christine Long
Member

June 13, 2016

In a letter dated January 7, 2016, the Ontario Energy Board (OEB) announced that it was initiating a consultation aimed at ensuring that the cost responsibility provisions for load customers in the OEB's Distribution System Code and Transmission System Code are aligned and facilitate regional planning and the implementation of regional infrastructure plans.

That letter also identified 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 the consultation, and that any costs awarded will be recovered from all licensed rate regulated electricity distributors and transmitters based on their respective distribution or transmission revenues.

Requests for cost award eligibility were received from the following participants:

[Association of Major Power Consumers in Ontario](#)

[Building Owners and Managers Association, Greater Toronto](#)

[Canadian Manufacturers & Exporters](#)

[Common Voice Northwest \(CVNW\)](#)

[Consumers Council of Canada](#)

[London Property Management Association](#)

[School Energy Coalition](#)

[Vulnerable Energy Consumers Coalition](#)

[Nishnawbe Aski Nation](#)

[Northwestern Ontario Associated Chambers of Commerce \(NOACC\)](#)

[Northwatch](#)

No objections were received to any of the above requests for cost eligibility.

With the exception of NOACC and CVNW, all of the above listed participants are generally considered *prima facie* eligible to request an award of costs under the OEB's *Practice Direction on Cost Awards* and are therefore granted cost award eligibility in this consultation.

In a Decision on Motions to Review issued in the context of the OEB's consultation to develop a regulatory framework for regional planning (EB-2011-0043), the OEB granted cost award eligibility to NOACC on the basis that NOACC was in a position to participate for the purposes of representing small commercial or business consumers in their capacity as ratepayers. This consultation builds off of work done in the earlier regional planning consultation, and the OEB is interested in the perspective that might

be offered by this class of consumers, including in relation to issues that may be more unique to the North West region of the province. The OEB will therefore extend cost award eligibility to NOACC in this consultation.

As it did in the Decision on Motions to Review, the OEB cautions that NOACC's cost award eligibility and any costs awarded to it will be limited to participation that is focussed on the interests of small commercial or business consumers in their capacity as ratepayers, and not in relation to the broader business interests of this class of consumers in terms of matters such as regional economic development more generally.

According to its request for cost award eligibility, CVNW is an organization whose members include business (NOACC is a member), organized labour, post-secondary education, multicultural associations, development agencies and municipalities (the Northwestern Ontario Municipal Association is a member). CVNW is participating in this consultation as a member of the "NOACC Coalition". It has stated that it can speak to the direct business and social interests of its members in the Northwest, and will be able to provide insight into not only issues related to cost responsibility but also to environmental and other social imperatives, including but not limited to social imperatives that are geographical, economic and commercial. CVNW also noted that its members have recent experience on matters related to transmission, distribution and generation and the practical knowledge of how changes to the OEB's Codes with respect to cost responsibility will affect the Northwest region, particularly in terms of attracting new investment in resource based infrastructure.

In assessing the cost eligibility of an organization such as CVNW, the *Practice Direction on Cost Awards* states that the OEB may have regard to whether the individual members would themselves be eligible or ineligible. CVNW's membership consists of, among other entities, municipalities and organized labour. The OEB has generally found these entities to be ineligible for an award of costs. CVNW applied for cost award eligibility in relation to a number of the Renewed Regulatory Framework for Electricity initiatives, including the regional planning consultation, and was denied. The OEB finds that CVNW is not eligible for an award of costs under the *Practice Direction on Cost Awards* by virtue of its membership, and does not believe that special circumstances exist such as to warrant extending cost award eligibility to CVNW. The OEB also notes that NOACC, a member of CVNW, has been found to be eligible for an award of costs in this consultation, and that educational facilities are also already represented

DATED AT TORONTO June 13, 2016

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary