

DECISION AND ORDER ON COST AWARDS

EB-2017-0371

**Consultation on the Regulation of Unit Sub-Meter Provider
Charges**

By Delegation Before: Brian Hewson

June 24, 2019

INTRODUCTION AND SUMMARY

On December 19, 2017, the Ontario Energy Board (OEB) commenced an initiative to develop methods for regulating unit sub-meter provider (USMP) charges. On April 3, 2019, amendments to the *Ontario Energy Board Act, 1998* (OEB Act) came into force removing the requirement for USMPs to obtain approval from the OEB for the rates they charge for providing unit sub-meter services. As a result, the OEB closed the consultation.

On May 2, 2019, the OEB issued a [Notice](#) of Hearing for Cost Awards (the Notice) in relation to the consultation. The OEB had, in a [letter dated April 3, 2018](#), stated that costs would be available under section 30 of the OEB Act to certain consumer and industry stakeholders who were invited to meetings with OEB staff. The letter stated that costs would be available for participating in the meetings up to a maximum of eight hours for one representative per organization, and that costs would be recovered from all licensed USMPs based on customer numbers.

A number of consumer representative stakeholders participated in the meetings with OEB staff as follows:

Consumer Representative Stakeholders	Meeting Date
Association of Community Organizations for Reform Now (ACORN) Advocacy Centre for Toronto Ontario (ATCO) Consumers Council of Canada (CCC) Public Interest Advocacy Centre (PIAC)	April 19, 2018
Building Owners and Managers Association of the Greater Toronto Area Federation of Rental-Housing Providers of Ontario (FRPO) Greater Toronto Apartment Association (GTAA)	May 7, 2018

FRPO submitted cost claims by the May 13, 2019 deadline specified in the Notice. CCC's and ACORN's cost claims were filed on May 30, 2019 and PIAC's cost claim was received by the OEB on May 31, 2019. These three cost claims are accepted by the OEB notwithstanding the late filing. ATCO and BOMA advised the OEB that they

would not be filing a cost claim for this proceeding. No objections were received from any licensed USMP.

OEB Findings

The OEB has reviewed the cost claims filed by ACORN, CCC, FRPO and PIAC to ensure they are compliant with the OEB's *Practice Direction on Cost Awards*.

The OEB has determined that ACORN's cost claim will be disallowed in its entirety. Section 6.05 of the *Practice Direction on Cost Awards* states:

A party will not be compensated for time spent by its employees or officers in preparing for or attending at Board processes. When determining whether an individual is an officer or employee of the party, the Board will look at the true nature of the relationship between the individual and the party and the role the individual performs for the party. The Board may deem the individual to be an officer or employee of the party regardless of the individual's title, position, or contractual status with the party. Furthermore, an employee or officer of a company or organization that is affiliated with or related to the party that is eligible for an award of costs will be deemed to be an employee or officer of the party.

The OEB's April 3, 2018 letter also stated that "employees of an invited organization are not eligible for cost awards."

ACORN's claim is for eight hours of John Anderson's time. Mr. Anderson's *curriculum vitae*, included with the cost claim, indicates that he is a National Director of ACORN. As such, Mr. Anderson's time should be paid for by the organization, not through the OEB's cost process.

The OEB finds that the claims of CCC, FRPO and PIAC are reasonable. The OEB approves cost awards for the Eligible Participants as follows:

- | | |
|---|------------|
| • Consumers Council of Canada | \$2,796.75 |
| • Federation of Rental-Housing Providers of Ontario | \$3,095.21 |
| • Public Interest Advocacy Centre | \$1,015.63 |

Process for Paying the Cost Awards

The amount payable by each licensed USMP in relation to costs awarded to each Eligible Participant is listed in Schedule A to this Decision and Order. However, the amounts will not be paid directly by the USMP to the Eligible Participant.

The OEB will use the process set out in section 12 of the *Practice Direction* to implement the payment of the cost awards. Therefore, the OEB will act as a clearing house for all payments of cost awards relating to this consultation process. Invoices will be issued to USMPs at the same time as the invoices for cost assessments are made under section 26 of the Act. The practice of the OEB is to issue to each USMP one invoice that covers all cost awards payable by the USMP for the relevant period. As a result, the invoice may cover cost awards payable in relation to a number of consultations, including this one.

THE ONTARIO ENERGY BOARD THEREFORE ORDERS THAT:

1. Each USMP listed in Schedule A to this Decision and Order shall pay the amounts set out in Schedule A in relation to the costs awarded to each Eligible Participant.
2. The payments referred to in paragraph 1 shall be made to the OEB in accordance with the invoice issued to each USMP, and shall be due at the same time as cost assessments under section 26 of the Act are due.

DATED at Toronto June 24, 2019

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Schedule A

OEB's Decision and Order on Cost Awards

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USMP	Consumers Council of Canada	Federation of Rental- Housing Providers of Ontario	Public Interest Advocacy Centre
Alexian Energy Services Inc	1.28	1.41	0.46
Carma Industries Inc.	319.78	353.90	116.13
Clean Cut Energy Corp	4.64	5.14	1.69
Comsatec Inc.	1.62	1.80	0.59
Dynergy Energy Management Inc.	1.43	1.59	0.52
ENERCAN Energy Management - Division of 373948 Ontario Inc.	31.35	34.70	11.39
EnerCare Connections Inc.	1,222.83	1,353.33	444.07
Ensqr Corp., Concord: Corporation	1.16	1.28	0.42
ND Energy Inc	3.83	4.24	1.39
Olameter Inc.	4.84	5.36	1.76
Onyx Energy	0.71	0.78	0.26
Pike Lake Golf Centre Limited	5.36	5.94	1.95
Alectra Energy Services (PowerStream)	158.66	175.60	57.62
Priority Submetering Solutions Inc.	281.01	311.00	102.05
Provident Energy Management Inc.	266.04	294.43	96.61
Simply Metering Solutions Inc.	3.76	4.16	1.37
Trilliant Networks (Canada) Inc.	2.65	2.94	0.96
Wyse Meter Solutions Inc.	449.97	497.99	163.41
YES Energy Management Inc.	35.80	39.62	13.00
USMP Total	\$ 2,796.75	\$ 3,095.21	\$ 1,015.63
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