



**EB-2008-0408**

**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 parties in a consultation process to examine  
issues relating to the transition to International Financial  
Reporting Standards.

## Decision on Cost Eligibility and Direction to Parties

On December 23, 2008, the Ontario Energy Board initiated a consultation process to examine issues relating to the transition to International Financial Reporting Standards ("IFRS"). In its letter of that date inviting participation in the consultation, the Board indicated that cost awards would be available to eligible participants under section 30 of the *Ontario Energy Board Act, 1998* for their participation.

The Board received requests for cost eligibility from:

- Association of Major Power Consumers in Ontario
- Building Owners and Managers Association
- Canadian Manufacturers & Exporters
- Consumers Council of Canada
- Energy Probe Research Foundation
- Industrial Gas Users Association
- London Property Management Association

- School Energy Coalition
- Vulnerable Energy Consumer Coalition

In its letter initiating the consultation, the Board indicated that the costs of eligible parties would be paid by gas and electricity distributors. The distributors were given an opportunity to object to the requests for cost eligibility. No objections were received to the requests for cost eligibility.

The Board finds that all participants who sought cost eligibility are eligible for costs in this consultation.

Participants are reminded that a cost award may not necessarily cover all of an eligible participant's costs of participation in the consultation. Recovery of one hundred percent of costs should not be relied upon. In Appendix A of its letter initiating the consultation, the Board set out the activities, and the maximum number of hours, for which costs would be available. In addition, section 5 of the Practice Direction sets out some of the factors the Board may consider in determining the amount of costs awarded to a party:

The Board will require co-operation among participants with similar interests, and will consider any lack of co-operation when determining the amount of a cost award.

In its letter initiating the consultation, the Board invited participants to indicate whether costs for an expert report should be considered for this consultation. The Board finds that it is premature to decide at this point whether the retention of an expert consultant, in addition to the consultant already retained by the Board, is needed. The Board will reconsider the issue in light of the outcome of the issues meeting.

The School Energy Coalition ("SEC") attended the earlier IFRS meetings held under Board file number EB-2008-0104, and filed written submissions with the Board addressing both procedural and substantive matters arising from that earlier consultation. SEC requested costs for its participation in this file.

In its July 24, 2008 letter inviting participation in the EB-2008-0104 consultation, the Board stated that cost awards would not be made available in relation to participation in the stakeholder meetings. SEC undertook participation in the consultation with this knowledge.

In addition, the Board's July 24<sup>th</sup> letter referred to the letter of May 8, 2008, which initiated the EB-2008-0104 process. That letter stated: "Board staff anticipates that any substantive modifications [to regulatory requirements in relation to utility accounting] will only be made by the Board following the appropriate, and more broad-based, consultation process". This sentence affirms that although the May 8<sup>th</sup> letter was addressed to utilities, a broad-based consultation process, which would include stakeholders such as SEC, was planned as a subsequent process following the sessions that were to focus on the regulated entities' awareness of IFRS and their related implementation plans. The Board confirms that no cost awards will be given for participation in EB-2008-0104.

Cost eligible participants are reminded that they must submit cost claims in accordance with the Board's Practice Direction on Cost Awards and ensure their claims are consistent with the Board's required forms and recently revised Cost Awards Tariff.

**DATED** at Toronto, January 28, 2009.

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary