



EB-2008-0187

IN THE MATTER OF the *Ontario Energy Board Act*,
1998, S.O. 1998, c. 15, (Schedule B);

AND IN THE MATTER OF an application by Hydro
One Networks Inc. for an order or orders approving
just and reasonable rates and other charges for
electricity distribution to be effective May 1, 2009.

BEFORE: Paul Vlahos
Presiding Member

Ken Quesnelle
Board Member

DECISION ON COST ELIGIBILITY

Hydro One Networks Inc. ("Hydro One") filed an application with the Ontario Energy Board, received on November 7, 2008, 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 Hydro One charges for electricity distribution, to be effective May 1, 2009. The Board has assigned the application file number EB-2008-0187. The Board issued a Notice of Application and Hearing dated December 12, 2008, in which it indicated that it may order costs to eligible intervenors.

Parties Eligible for a Cost Award

A list of all registered participants is attached to this Decision as Appendix A.

The Board received three requests for observer status, all of which are approved. The Board received requests for intervenor status from the following interested parties:

- Ontario Power Generation;
- PowerStream Inc.;
- Power Workers Union;
- Rogers Cable Communications Inc. ("Rogers");
- Society of Energy Professionals.

On January 6, 2009, Rogers stated the following in its intervention request:

When Hydro One files its draft rate order, as directed, Rogers will be in a position to assess the impact of the 2008 rates decision on Rogers' Hydro One bills, and to determine whether the directed rate mitigation will apply in 2009. If rate mitigation does not apply in 2009, Rogers will have an interest in ensuring that it is properly implemented.

On January 27, 2009 the Board issued a letter to Rogers asking if it is still requesting intervenor since it did not file comments on Hydro One's 2008 draft rate order.

On January 29, 2009, Roger has informed the Board that it will no longer be seeking intervenor status.

The Board approves the remaining intervention requests as submitted, except for PowerStream Inc. In its intervention request letter dated January 5, 2009, PowerStream Inc. indicated that it intends to participate in the proceeding by reviewing the application and evidence, but it does not intend to file interrogatories or evidence. Under those circumstances, the Board finds it appropriate to grant PowerStream Inc. observer status rather than intervenor status in this proceeding.

The Board also received requests for intervenor status and cost eligibility from the following interested parties:

- Association of Major Power Consumers in Ontario ("AMPCO");
- Canadian Manufacturers & Exporters ("CME");
- Consumer Council of Canada ("CCC");
- Corporation of the Municipality of West Grey ("West Grey");
- Energy Probe;
- Pollution Probe;

- School Energy Coalition (“SEC”);
- Vulnerable Energy Consumers’ Coalition (“VECC”).

Hydro One was given an opportunity to file any objections it might have in relation to the eligibility of the above-noted participants for an award of costs. Hydro One has not filed any objections with respect to the cost award eligibility of any of the above-noted participants.

Based on the criteria set out in section 3 of the Board's *Practice Direction on Cost Awards* (the “Practice Direction”), the Board has determined that AMPCO, CCC, CME, Energy Probe, Pollution Probe, SEC, and VECC are eligible for an award of costs.

The Board has determined that West Grey does not meet the eligibility requirements under section 3 of the Practice Direction on Cost Awards, and is therefore not eligible for an award of costs. However, the Board accepts them as an intervenor in this proceeding.

Please note that even if the Board determines that a party is eligible for a cost award, the party should not assume that it will recover 100% of its costs. 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 expects co-operation among parties with similar interests and will consider any lack of co-operation when determining the amount of a cost award.

ISSUED at Toronto, January 30, 2009
ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

**Appendix A
To
Decision on Cost Eligibility
Hydro One Networks Inc.
EB-2008-0187**

Intervention List

January 30, 2009

Hydro One Networks Inc.

**2009 EDR 3rd Gen IRM Application
EB-2008-0187
APPLICANT & LIST OF INTERVENORS**

DATE 30/01/09

Applicant

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Intervenors

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