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**By Electronic Mail**

January 30, 2009

Ontario Energy Board  
27<sup>th</sup> Floor, 2300 Yonge Street  
Toronto, ON M4P 1E4

Attention: Ms. Kirsten Walli,  
Board Secretary

Dear Ms. Walli:

**Re: Consultation on Energy Issues Relating to Low Income Consumers  
Case No. EB-2008-0150**

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We are counsel to ACTO, CELA, ISAC, LIEN and TEA.

We note the letter dated January 23, 2009 filed with you by Enbridge Gas Distribution Inc. That letter asks for clarification whether costs eligibility in this consultation applies to intervenor groups or individual intervenors.

It is clear from the Board's notifications concerning costs awards that each intervenor found eligible for an award of costs is entitled to the maximum.

Although Enbridge declines to comment on individual claims, we comment as follows on our clients' applications for awards of costs.

Each of our clients is a registered participant in the above referenced consultation. Each was approved by the Board as eligible for an award of costs in the Board's decision on costs eligibility dated August 15, 2008.

In Appendix A to its notification of this consultation dated July 2, 2008, the Board announced that costs awards will be available for preparing for, attending at and reporting on the stakeholder conference to a maximum of 40 hours.

Specifically, Appendix A provides that "Costs may be pooled when groups with common viewpoints collaborate and pool their resources."

In its notification dated September 5, 2008, the Board announced a further costs award allowance to a maximum of 10 hours "For those parties that are eligible for costs awards and wish to submit written comments".



Our clients each made a sustained and substantive contribution to the consultation with oral presentations and written submissions.

We submitted our clients' application for awards of costs to the Board on January 9, 2009.

It will be apparent from our clients' presentation and written submission that they collaborated extensively between themselves to avoid duplication before the Board.

Nonetheless, the total hours involved in preparing for, making presentations in and making submissions subsequent to the consultation substantially exceeded the aggregate total of the maximum hours. Consistently with the Board's original notifications, our clients limited their costs applications accordingly.

We respectfully submit that, having complied with all conditions for an award of costs, it is self evident that each of our clients is entitled to the maximum hours allowed by the Board in this consultation for costs awards.

Intervenors generally, and our clients in particular, have relied on the Board's cost eligibility notifications described above when instructing counsel and consultants to assist them in participating in this important consultation. They have acted reasonably and responsibly and should, we respectfully submit, be entitled to their award of costs in full.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Paul Manning', is written over the typed name. The signature is stylized with a large, looping 'P' and a long, sweeping underline that extends to the right.

Paul Manning

cc. All registered participants

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