



**EB-2007-0681**

**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 or fixing just  
and reasonable rates and other charges for the distribution  
of electricity commencing May 1, 2008.

**BEFORE:** Gordon Kaiser  
Vice Chair and Presiding Member

Paul Sommerville  
Member

Paul Vlahos  
Member

### **DECISION AND ORDER ON COST AWARDS**

Hydro One Networks Inc. ("Hydro One") filed an application dated December 18, 2007 with the Ontario Energy Board (the "Board") under section 78 of the *Ontario Energy Board Act*, 1998; S.O. c.15, Schedule B, for an order or orders approving or fixing just and reasonable rates for the distribution, of electricity effective May 1, 2008. The Board assigned file number EB-2007-0681 to the Application.

On December 18, 2008, the Board issued its Decision with Reasons which set out the process for eligible intervenors to file their cost claims by January 22, 2009.

The Association of Major Power Consumers in Ontario ("AMPCO"), the Canadian Manufacturers & Exporters ("CME"), the Consumers Council of Canada ("CCC"), the Electrical Contractor's Association of Ontario ("ECAO"), the Energy Probe Research Foundation ("EP"), the Green Energy Coalition ("GEC"), the Pollution Probe ("PP"), the School Energy Coalition ("SEC") and the Vulnerable Energy Consumers Coalition ("VECC") filed cost claims with the Board.

No objections were received from Hydro One.

### **Board Findings**

On November 16, 2007, the Board amended its *Practice Direction on Cost Awards* (the "Practice Direction") to reflect a new tariff for legal counsel and consultants. The letter that accompanied the amendments to the tariff stated that the "new tariffs may be applied for work that is performed on or after November 16, 2007." Therefore, for all work performed before November 16, 2007, the old tariffs apply. Cost claims that did not properly reflect the applicable tariffs for work done before November 16, 2007 have been adjusted in accordance with the applicable tariffs.

A \$66.74 (GST included) cost claimed by CME for disbursements is not in accordance with the *Board Practice Direction on Cost Awards* and therefore the Board has adjusted CME's cost claim by this amount.

SEC's cost claim is substantially higher than the claims of the other intervenors. SEC provided a cover letter with its cost claim explaining why its cost claim is larger than would be expected.

To assess the merits of SEC's cost claim, the Board considered whether (a) it was reasonable for SEC to spend more time on this proceeding than other parties, and (b) SEC's participation in this proceeding was of significantly greater value to the Board than the participation of other parties. The Board considers that the harmonization proposal of the Applicant had a particular relevance to SEC, and that exploring the implications of the proposal reasonably required a somewhat extraordinary expenditure of time and effort for this intervenor. While this is true, the Board does not accept the claim as filed. SEC's correspondence evidences the extraordinary effort associated with the harmonization proposal. It does not explain why SEC's claim for the remainder of the case, that is the portion of the case not associated with the harmonization

proposal, was similar to the claims made by other broad purpose intervenors. Each of the other broad purpose intervenors also covered harmonization issues in differing degrees in their overall approach. The Board finds that SEC's cost claim will be reduced within those norms and, accordingly, the Board reduces SEC's cost award to \$140,000 from \$185,593.

**THE BOARD THEREFORE ORDERS THAT:**

1. Pursuant to section 30 of the Ontario Energy Board Act, 1998, Hydro One shall immediately pay:
  - To Association of Major Power Consumers in Ontario - \$ 94,660.67;
  - To Canadian Manufacturers & Exporters - \$108,452.57;
  - To Consumers Council of Canada - \$ 83,029.84;
  - To Electrical Contractor's Association of Ontario - \$ 11,666.78;
  - To Energy Probe Research Foundation - \$ 51,800.79;
  - To Green Energy Coalition - \$ 9,736.65;
  - To Pollution Probe - \$ 8,962.26;
  - To School Energy Coalition - \$140,000.00 and
  - To Vulnerable Energy Consumers Coalition - \$ 94,949.29.
2. Pursuant to section 30 of the Ontario Energy Board Act, 1998, Hydro One shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

**DATED** at Toronto, March 17, 2009.

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary