



EB-2009-0084

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 participants in a consultative process to help the Board to determine whether current economic and financial market conditions warrant an adjustment to any of the Cost of Capital parameter values (i.e., the Return on Equity, Long Term Debt rate, and/or Short Term Debt rate) set out in the Board's February 24, 2009 letter to all licensed electricity distributors informing them of the parameter updates for 2009 Cost of Service Applications.

BEFORE: Pamela Nowina
Presiding Member and Vice Chair

DECISION ON COST ELIGIBILITY

April 14, 2009

On March 17, 2009, the Ontario Energy Board (the "Board") issued a letter to interested stakeholders giving notice of a consultation process to help it to determine whether current economic and financial market conditions warrant an adjustment to any of the Cost of Capital parameter values (i.e., the Return on Equity, Long Term Debt rate, and/or Short Term Debt rate) set out in the Board's February 24, 2009 letter. That letter was issued to all licensed electricity distributors informing them of the parameter updates for 2009 Cost of Service Applications. That letter also notified interested stakeholders that cost awards would be available to eligible persons under section 30 of the *Ontario Energy Board Act, 1998* in relation to their participation in this consultation process, and that any costs awarded would be recovered from rate-regulated licensed electricity distributors.

The Board received requests for cost eligibility from the following stakeholders:

- The Consumers Council of Canada;
- Canadian Manufacturers and Exporters;
- Energy Probe Research Foundation;
- Industrial Gas Users Association;
- London Property Management Association;
- School Energy Coalition; and
- The Vulnerable Energy Consumer's Coalition.

Electricity distributors were given an opportunity to file any objections they might have in relation to the eligibility of the above-noted participants for an award of costs. The Board did not receive any objections from distributors.

Based on the criteria set out in section 3 of the Board's *Practice Direction on Cost Awards*, the Board has determined that all of the above stakeholders are eligible for awards of costs in this process. The Board expects that these eligible participants will make every effort to communicate and co-ordinate their participation in this process to the extent that they represent the same interests or class of persons.

Participants are reminded that cost awards available to eligible participants will be limited to certain activities identified by the Board. In addition, participants are advised that in the event that the Board determines that there is merit in considering adjustment to any of the Cost of Capital parameter values calculated by the Board's formulaic approaches for the 2009 rate year, the Board will initiate an appropriate process to consider those adjustments.

DATED at Toronto, April 14, 2009

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary