



**EB-2008-0310**

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

**AND IN THE MATTER OF** an application pursuant to  
subsection 86(2) of the *Ontario Energy Board Act*, 1998 by  
the Town of Essex for leave to acquire shares of E.L.K.  
Energy Inc.

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

Paul Vlahos  
Member

Ken Quesnelle  
Member

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

The Town of Essex ("Essex") filed an application with the Ontario Energy Board (the "Board"), received on September 18, 2008, under subsection 86(2) of the *Ontario Energy Board Act* (the "Act"), seeking leave to acquire all of the outstanding shares of E.L.K. Energy Inc. ("ELK Energy"). The Board has assigned the application file number EB-2008-0310.

The School Energy Coalition ("SEC") received intervenor status and was deemed eligible to apply for an award of costs.

The Board made an oral decision on January 19, 2009 which granted leave to Essex to acquire the remaining shares of ELK Energy. The Board issued an Order on January 20, 2009 which set out the process for eligible parties to file their cost claims and to respond to any objections raised by Essex. The deadline for cost claims was February 9, 2009.

On April 8, 2009, the Board received a cost claim from SEC. No comments were received from Essex.

The Board has made one adjustment to SEC's cost claim. SEC claimed a total of 31.20 hours of consulting fees for Mr. Shepherd. This claim was reduced by 0.9 hour to match the information filed with the costs claim.

The Board finds that SEC is eligible to recover 100% of its reasonably incurred costs of participating in this proceeding. The Board finds that SEC's claim, adjusted as described, is reasonable and shall be reimbursed by Essex.

**THE BOARD THEREFORE ORDERS THAT:**

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Essex shall immediately pay SEC \$10,001.00.
2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Essex shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, April 27, 2009.

ONTARIO ENERGY BOARD

*Original signed by*

Kirsten Walli  
Board Secretary