



EB-2008-0046

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 parties in a consultation process on an electricity
distributors' deferral and variance account review initiative.

BEFORE: Ken Quesnelle
Presiding Member

Paul Sommerville
Member

Decision on Cost Eligibility

On February 19, 2008, the Ontario Energy Board (the "Board") issued a letter announcing that it would consider options for the review and disposition of Account 1588 of the Uniform System of Accounts, the only variance account associated with the commodity of electricity. Further, the Board indicated that it would consider using disposition thresholds or "disposition triggers" for disposing of the balances in Account 1588. The Board also noted that it might extend this initiative to other electricity distributors' variance and deferral accounts ("Accounts") that are similar in nature to Account 1588.

On April 1, 2009, the Board issued a staff discussion paper setting out Board staff's initial thoughts on a framework for the review and disposition of all the Accounts. Board staff prepared this discussion paper to invite written comments from all interested parties for determining if, when, and how Account balances should be disposed of. Informed by Board staff's discussion paper and interested parties' comments, it is expected that the Board will issue guidelines on the Accounts' review and disposition processes.

The cover letter accompanying the staff discussion paper notified interested parties that cost awards would be available to eligible persons under section 30 of the *Ontario Energy Board Act, 1998* and that any costs awarded would be recovered from all rate-regulated licensed electricity distributors based on their respective distribution revenues. The cover letter also indicated that the rates of licensed distributors Cornwall Street Lighting and Power Company and Dubreuil Forest Products are not currently fixed or approved by the Board, and cost awards will not be recovered from these two distributors.

Parties Eligible for a Cost Award

The Board received requests for cost eligibility from the following interested parties:

- Association of Major Power Consumer in Ontario (“AMPCO”);
- Consumers Council of Canada (“CCC”);
- London Property Management Association (“LPMA”);
- School Energy Coalition (“SEC”); and
- Vulnerable Energy Consumers’ Coalition (“VECC”)

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 has not received any objections from distributors. A list of all registered participants is attached to this Decision as Appendix A.

Based on the criteria set out in section 3 of the Board’s *Practice Direction on Cost Awards*, the Board has determined that AMPCO, CCC, LPMA, SEC and VECC are eligible for an award of costs.

ISSUED at Toronto, May 4, 2009.

Original signed by

Ken Quesnelle
Presiding Member

Original signed by

Paul Sommerville
Board Member

APPENDIX A
Electricity Distributors Deferral and Variance Account Review
List of Participants
EB-2008-0046

DATE: May 4, 2009

Participant	Rep. And Address for Service
1. Association of Major Power Consumers in Ontario (AMPCO)	Christine Dade Dade & Associates 1449 Connery Crescent Oshawa ON L1J 8E8 Tel: 905-723-9895 Fax: Email: dade9895@rogers.com
2. Consumers Council of Canada (CCC)	Robert B. Warren WeirFoulds LLP The Exchange Tower, Suite 1600 P.O. Box 480, 130 King St. W. Toronto ON M5X 1J5 Tel: 416-365-1110 Fax: 416-365-1876 Email: rwarren@weirfoulds.com
3. London Property Management Association (LPMA)	Randy Aiken Aiken & Associates 578 McNaughton Ave. W. Chatham ON N7L 5J6 Tel: 519-351-8624 Fax: 519-351-4331 Email: raiken@xcelco.on.ca
4. School Energy Coalition (SEC)	Bob Williams, Co-ordinator Ontario Education Services Corporation c/o Ontario Public School Boards' Association 439 University Ave. 18 th Floor Toronto ON M5G 1Y8 Tel: 416-340-2540 Fax: 416-340-7571 Email: bwilliams@opsba.org

AND

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**5. Vulnerable Energy Consumers'
Coalition (VECC)**

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