



EB-2008-0237

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 Niagara-on-the-
Lake Hydro Inc. for an order approving or fixing just and
reasonable rates and other charges for the distribution of
electricity to be effective May 1, 2009.

BEFORE: Cathy Spoel
Presiding Member

Pamela Nowina
Member and Vice-Chair

DECISION AND ORDER ON COST AWARDS

Background

Niagara-on-the-Lake Hydro Inc. ("NOTL") filed an application with the Ontario Energy Board on August 6, 2008, under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval for changes to the rates that it charges for electricity distribution to be effective May 1, 2009. NOTL is the licensed electricity distributor serving the Town of Niagara-on-the-Lake. The Board has assigned the application file number EB-2008-0237.

The Association of Major Power Consumers in Ontario (AMPCO), Energy Probe Research Foundation ("Energy Probe"), the School Energy Coalition ("SEC"), and the Vulnerable Energy Consumers Coalition ("VECC") were granted intervenor status and were found to be eligible to apply for an award of costs.

The Board issued its Decision and Order on the application on March 25, 2009, in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by NOTL.

AMPCO did not file a cost claim. The Board received cost claims from Energy Probe, SEC and VECC. On April 27, 2009, the Board received comments from NOTL stating that it found the percentage of interrogatories of each intervenor which were either non-material or not a matter of principle was small. NOTL also indicated that it had no objection to the cost claims of Energy Probe, SEC or VECC.

The Board finds that all parties are eligible for 100% of their reasonably incurred costs of participating in this proceeding. The Board finds that each party's claims are reasonable and should be reimbursed by NOTL.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, NOTL shall immediately pay:
 - Energy Probe \$11,867.71;
 - SEC \$ 6,778.55; and
 - VECC \$10,147.51.
2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, NOTL shall pay the Board's costs of and incidental to this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, May 19, 2009
ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary