



**EB-2008-0221**

**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 Bluewater  
Power Distribution Corporation for an order approving just  
and reasonable rates and other charges for electricity  
distribution to be effective May 1, 2009.

**BEFORE:** Cathy Spoel  
Presiding Member

Pamela Nowina  
Member and Vice-Chair

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

### **Background**

Bluewater Power Distribution Corporation ("Bluewater") filed an application with the Ontario Energy Board under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval for changes to the rates that Bluewater charges for electricity distribution, to be effective May 1, 2009. The application was received on September 9, 2008 and the Board has assigned the application File Number EB-2008-0221.

The Association of Major Power Consumers in Ontario (AMPCO), the Canadian Manufacturers & Exporters ("CME"), 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 6, 2009, in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by Bluewater.

The Board received cost claims from AMPCO, CME, SEC and VECC.

Bluewater filed a letter, dated April 24, 2009, which raised concerns about the magnitude of the total costs claimed. Bluewater requested that the CME's claim should be examined since it is almost 50% higher than the next highest claim. In support of its concern, Bluewater provided the following summary of the cost claims:

Association of Major Power Consumers of Ontario	\$ 20,174.36	
Vulnerable Energy Consumers of Canada	\$ 22,628.93	
School Energy Coalition	\$ 23,934.15	
Canadian Manufacturers and Exporters	<u>\$ 35,848.43</u>	(\$32,952 excluding disbursement)
<b>TOTAL</b>	<b><u>\$102,585.87</u></b>	

CME filed a reply, dated May 8, 2009, and stated that this was due to a change in file management for unusual circumstances which resulted in more time being spent than would have been the case. CME proposed that the fees component be reduced by \$5,000 from \$32,952 to \$27,952. In its May 8, 2009 letter, CME stated that Bluewater has accepted the adjustment cost claim of CME of \$30,598.43 including disbursements and GST.

### **Board Findings**

The Board reviewed the cost claims filed by AMPCO, VECC, SEC and CME.

The Board notes that since CME and Bluewater have come to an agreement on CME's costs, the Board therefore approves 100% of costs including CME's revised numbers. The review of the claims indicated that one cost claim is not in accordance with the Board's Practice Direction on Cost Awards and therefore the Board has made an adjustment to CME's cost claim in an amount of \$15.00 reduction in disbursement.

The Board finds that AMPCO, VECC, SEC and CME are eligible for 100% of their reasonably incurred costs of participating in this proceeding. The Board finds that each party's claims, adjusted as described, are reasonable and should be reimbursed by Bluewater.

**THE BOARD THEREFORE ORDERS THAT:**

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Bluewater shall immediately pay:

- AMPCO                      \$20,174.36;
- SEC                         \$23,934.15;
- VECC                      \$22,628.93; and
- CME                        \$30,583.43.

2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Bluewater shall pay the Board's costs of and incidental to this proceeding immediately upon receipt of the Board's invoice.

**DATED** at Toronto, May 27, 2009

**ONTARIO ENERGY BOARD**

*Original Signed by*

Kirsten Walli  
Board Secretary