



**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 with a review of its policy regarding the cost of  
capital.

**BEFORE:** Pamel Nowina  
Vice-Chair

## **DECISION ON COST ELIGIBILITY**

**September 8, 2009**

On April 14, 2009 the Ontario Energy Board (the “Board”) issued its Decision on Cost Eligibility in relation to an earlier phase of this consultation process.

On July 30, 2009, the Board commenced the second phase of this consultation process with the release of an issues list. In the Board’s July 30, 2009 letter, the Board confirmed that cost awards will be available to eligible persons under section 30 of the *Ontario Energy Board Act, 1998* for their participation in this later phase of the consultation, and made provision for the filing of cost eligibility requests by interested parties beyond those already found to be eligible in the Board’s April 14, 2009 Decision. The Board also stated that the costs awarded will be recovered from utilities as follows: 1/3 of the costs awarded will be recovered from all rate-regulated licensed electricity distributors; 1/3 of the costs awarded will be recovered from all gas distributors; and 1/3 of the costs awarded will be recovered from all rate-regulated licensed electricity transmitters. The Board clarifies through this Decision that costs will not be recovered from gas distributors whose rates are not regulated by the Board.

The Board received a request for cost eligibility from the Building Owners and Managers Association of the Greater Toronto Area ("BOMA Toronto").

Based on the criteria set out in section 3 of the Board's *Practice Direction on Cost Awards*, the Board has determined that BOMA Toronto is eligible for an award of costs in this process.

The Board notes that, based on the criteria set out in section 3 of the Board's *Practice Direction on Cost Awards*, BOMA Toronto is eligible for an award of costs in this process. However, due to an administrative oversight, distributors and transmitters were not provided with an opportunity to file any objections to BOMA Toronto's request. The Board therefore confirms BOMA Toronto's eligibility, subject to any objections that might be filed by the electricity and gas utilities from whom costs awarded will be recovered. **Any such objections must be filed with the Board no later than September 15, 2009**, in accordance with the filing instructions set out below.

All participants eligible for an award of costs in this consultation are reminded that cost awards will be limited to the activities and maximum amounts identified by the Board. Further, the Board expects that 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.

### ***Instructions on Filing Material with the Board***

All filings in relation to this consultation must quote file number **EB-2008-0084** and include your name, address, telephone number and, where available, an e-mail address and fax number. Two paper copies and one electronic copy of each filing must be provided. Paper copies are to be addressed to the Board Secretary at the Board's mailing address set out above. The electronic copy must be in searchable/unrestricted PDF format, be submitted through the Board's web portal at [www.errr.oeb.gov.on.ca](http://www.errr.oeb.gov.on.ca) and conform to the document naming conventions and document submission standards outlined in the RESS e-Filing Guides (available on the Board's website at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca) on the e-Filing Services web page). A user ID is required for filings through the web portal. If you do not have a user ID, please visit the Board's web site on the e-Filings Services web page and fill out a user ID password request. If the web portal is not available, the electronic copy may be submitted by e-mail to

[BoardSec@oeb.gov.on.ca](mailto:BoardSec@oeb.gov.on.ca). Participants that do not have internet access may file their electronic copy on diskette or CD.

Filings must be received by **4:45 pm** on the required date.

**DATED** at Toronto, September 8, 2009

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary