



EB-2009-0174

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 Ontario Power Generation Inc. pursuant to section 78.1 of the *Ontario Energy Board Act, 1998* for an order or orders determining payment amounts for the output of certain of the generating facilities.

BEFORE: Cynthia Chaplin
Presiding Member

DECISION AND ORDER ON COST AWARDS

Ontario Power Generation Inc. ("OPG") filed an application for an accounting order with the Ontario Energy Board (the "Board") on June 9, 2009, under section 78.1 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15 (Schedule B). The Board assigned the application File No. EB-2009-0174.

The Board, in its Notice of Hearing and Procedural Order No.1 issued on June 30, 2009 stated that the Board adopted as intervenors in this proceeding the intervenors and parties of record from the payment amounts proceeding (EB-2007-0905). The procedural order also stated that any party that was determined to be eligible for costs in the payment amounts proceeding would be eligible for costs in this proceeding.

The Board issued its Decision and Order on the Application on October 6, 2009, in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by OPG.

The Board received cost claims from the Canadian Manufacturers & Exporters ("CME"); Energy Probe Research Foundation ("Energy Probe") and the School Energy Coalition ("SEC").

On November 2, 2009, OPG raised an objection to CME's cost claim on the grounds that the claim of \$52.50 (including GST) for the Lawyers' Professional Indemnity Company Civil Litigation Transaction Levy ("LPIC") is not an allowable disbursement listed in the *Board's Practice Direction on Cost Awards*.

In a letter dated November 3, 2009, CME stated that the disbursement is one that is "directly related to the party's participation in the process" and is therefore recoverable.

Board Findings

The Board has reviewed the cost claims filed by CME, Energy Probe and SEC. The Board finds that each party's claims are reasonable and should be reimbursed by OPG. The Board finds that the LPIC claimed by CME is a reasonable disbursement. The Board finds that CME, Energy Probe and SEC are eligible for 100% of their reasonably incurred costs of participating in this proceeding.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, OPG shall immediately pay:
 - Canadian Manufacturers & Exporters \$5,850.86;
 - Energy Probe Research Foundation \$2,488.19; and
 - School Energy Coalition \$5,007.80.
2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, OPG shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, December 2, 2009

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary