



**EB-2007-0722**  
**EB-2007-0635**

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*,  
S.O. 1998, c. 15, Schedule B;

**AND IN THE MATTER OF** cost awards in relation to the  
consultation processes to examine issues relating to  
electricity distributors' provision of service and customer  
non-payment risk

**BEFORE** Paul Sommerville  
Presiding Member

Cathy Spoel  
Board Member

Ken Quesnelle  
Board Member

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

### **Background**

On June 4, 2007, the Ontario Energy Board (the "Board") commenced a consultation process on the management of customer commodity payment risk by electricity distributors (EB-2007-0635) (the "Risk Management Consultation"). On September 6, 2007, the Board commenced a separate consultation process on issues associated with the provision of service by electricity distributors (EB-2007-0722) (the "Customer Service Consultation"). In a letter dated March 6, 2008, the Board advised interested parties of its determination that issues that were being reviewed as part of the Risk Management Consultation would thereafter be more effectively addressed as part of the Customer Service Consultation.

In its July 10, 2007 Decision on Cost Eligibility, the Board found the following participants to be eligible for an award of costs in the Risk Management Consultation: Energy Probe Research Foundation (“Energy Probe”), London Property Management Association (“LPMA”) and the Vulnerable Energy Consumers Coalition (“VECC”). These participants are eligible for an award of costs in relation to the following activities:

- i. The provision of written comments on the June 4, 2007 Board staff Discussion Paper entitled “Electricity Distributors and Management of Customer Commodity Payment Default Risk”, to a maximum of 10 hours (see the Board’s letter dated June 4, 2007).
- ii. The provision of written comments on the March 6, 2008 Board staff Discussion Paper entitled “Electricity Distributors: Customer Service, Rate Classification and Non-Payment Risk”, to a maximum of 30 hours.

In its decisions relating to cost eligibility dated October 12, 2007, March 26, 2008 and April 3, 2008, the Board found the following participants to be eligible for an award of costs in the Customer Service Consultation: VECC, the Federation of Rental-Housing Providers of Ontario (“FRPO”), the Building Owners and Managers Association of the Greater Toronto Area (“BOMA”), the Association of Major Power Consumers in Ontario (“AMPCO”) and the School Energy Coalition (“SEC”). These participants are eligible for an award of costs in relation to the following activities:

- i. Preparation for and attendance at the October 18, 2007 stakeholder meeting, to a maximum of actual meeting time plus preparation time (limited to 1.5 times actual meeting time).
- ii. The provision of written comments on the March 6, 2008 Board staff Discussion Paper entitled “Electricity Distributors: Customer Service, Rate Classification and Non-Payment Risk”, to a maximum of 30 hours.

### **Cost Claims Submitted**

The Board’s correspondence indicated that the eligible participants should submit their cost claims by June 9, 2009. Timely cost claims were submitted by VECC, LPMA, SEC, and FRPO.

The Board received late cost claims from AMPCO (dated September 1, 2009), and Energy Probe (dated September 4, 2009). Both AMPCO and Energy Probe explained that there was an oversight in missing the due date for submitting their claims. As these consultations relate to work undertaken over a number of years and the delay in submitting the cost claims in that context is not material, the Board determined that it will hear the cost claims filed by AMPCO and Pollution Probe.

In its letter of September 28, 2009, the Board directed that distributors had until October 13, 2009 to object to any aspect of the costs claimed submitted by Pollution Probe for \$1,864.22 and the revised cost claim submitted by AMPCO for \$2,467.50.

No objections to these late cost claims were filed by distributors.

### **Application of Hourly Limits**

The Board has set out maximum limits in relation to preparing for and attending at the October 18, 2007 stakeholder meeting, and in relation to providing written comments on the Commodity Payment Risk Discussion Paper dated June 4, 2007 and on the Provision of Service Discussion Paper dated March 6, 2008.

The Board considers these hourly limits to apply to each of these discrete activities, and not overall. That is, the approved limit is a maximum of actual time, plus preparatory work at 1.5 times the attendance time, for preparing for and attending at the stakeholder conference, and a maximum of 10 hours for reviewing and providing written comments on the June 4, 2007 Staff Discussion Paper and a maximum of 30 hours for reviewing and providing written comments on the March 6, 2008 Staff Discussion Paper.

Further, the Board considers that the approved hourly limits apply to each eligible party, and not each individual participant acting on behalf of the eligible party.

### **Board Findings on the Cost Claims of the Eligible Participants**

The Board has reviewed the cost claims and finds that the cost claims filed by Energy Probe, LPMA, AMPCO, SEC, FRPO are all within the approved time limits set by the Board and at approved hourly rates. The Board therefore finds that Energy Probe, LPMA, AMPCO, SEC, FRPO cost claims are reasonable and they are each entitled to 100% of the costs as claimed.

The Board further finds that the number of hours submitted by VECC is within the allowable limits. However, the background material filed on behalf of the counsel retained by VECC to attend at the October 18, 2007 Stakeholder Meeting does not confirm that the person had sufficient years of legal experience post call to the Bar to warrant, under the Board's Practice Direction on Cost Awards then in effect, the hourly rate submitted of \$165. For the years of post-call to the Bar legal experience of that person, the appropriate hourly rate for attending at the meeting for 7 hours and for associated preparation time of 2.7 hours, is \$130 per hour under the then applicable Board Practice Direction on Cost Awards. Subject to this reduction, the Board finds the remainder of cost claim submitted by VECC to be reasonable. The total amount of the cost claim approved for VECC is therefore reduced to \$5,924.50.

The amount payable by each individual licensed electricity distributor in relation to costs awarded to each eligible participant is listed in Appendix A to this Decision and Order. These costs have been allocated to each distributor based on their respective distribution revenues, as indicated in the Board's correspondence of June 4, 2007 and September 6, 2007.

### **Process for Paying the Cost Awards**

As stated in the Notice, the Board will use the process set out in section 12 of the Practice Direction to implement the payment of the cost awards. Therefore, the Board will act as a clearing house for all payments of cost awards relating to this consultation process. Invoices will be issued to distributors at the same time as are invoices for cost assessments made under section 26 of the *Ontario Energy Board Act, 1998* (the "Act"). The practice of the Board is to issue to each distributor one invoice that covers all cost awards payable by the distributor for the relevant period. As a result, the invoice may cover cost awards payable in relation to a number of consultations, including this one.

### **THE BOARD THEREFORE ORDERS THAT:**

1. The amounts to be paid by each individual distributor in relation to the costs awarded to each eligible participant are as set out in Appendix A to this Decision and Order.

2. The individual distributors listed in Appendix A to this Decision and Order shall pay the costs awarded to each of the eligible participants as set out in Appendix A.
3. Payment of cost awards shall be made to the Ontario Energy Board in accordance with the invoice issued to the individual distributor, and shall be due at the same time as cost assessments under section 26 of the Act are due.

**DATED** at Toronto, December 18, 2009.

ONTARIO ENERGY BOARD

*Original signed by*

Kirsten Walli  
Board Secretary

**Appendix A**

**To The Board's Decision and Order on Cost Awards**

**EB-2007-0722**

**EB-2007-0635**

**Dated: December 18, 2009**

Appendix A

Electricity Distribution System Owner/Operator	Energy Probe	LPMA	VECC	AMPCO	SEC	FRPO	TOTAL
ATIKOKAN HYDRO INC.	0.63	2.19	2.00	0.87	2.15	2.22	10.06
ATTAWAPISKAT POWER CORP.	0.61	2.13	1.94	0.85	2.10	2.17	9.80
BARRIE HYDRO DISTRIBUTION INC.	20.09	69.99	63.83	27.92	68.80	71.11	321.74
BLUEWATER POWER DISTRIBUTION CORP.	11.30	39.37	35.90	15.70	38.70	40.00	180.97
BRANT COUNTY POWER INC.	4.22	14.71	13.42	5.87	14.46	14.95	67.63
BRANTFORD POWER INC.	10.92	38.05	34.70	15.17	37.40	38.65	174.89
BURLINGTON HYDRO INC.	19.74	68.80	62.75	27.44	67.63	69.90	316.26
CAMBRIDGE AND NORTH DUMFRIES HYDRO INC.	15.22	53.04	48.37	21.15	52.13	53.89	243.80
CANADIAN NIAGARA POWER INC.	10.49	36.54	33.33	14.57	35.92	37.13	167.98
CENTRE WELLINGTON HYDRO LTD.	1.77	6.15	5.61	2.45	6.00	6.25	28.23
CHAPLEAU PUBLIC UTILITIES CORP.	0.41	1.43	1.31	0.57	1.41	1.46	6.59
CHATHAM-KENT HYDRO INC.	9.81	34.19	31.18	13.64	33.60	34.73	157.15
CLINTON POWER CORP.	0.38	1.31	1.20	0.52	1.29	1.33	6.03
COLLUS POWER CORP.	3.36	11.71	10.68	4.67	11.51	11.90	53.83
COOPERATIVE HYDRO EMBRUN INC.	0.43	1.50	1.37	0.60	1.47	1.52	6.89
CORNWALL STREET RAILWAY LIGHT AND POWER COMPANY LTD.	8.34	29.06	26.50	11.59	28.56	29.52	133.57
DUTTON HYDRO LTD.	0.09	0.30	0.28	0.12	0.30	0.31	1.40
E.L.K. ENERGY INC.	2.70	9.42	8.59	3.76	9.26	9.57	43.30
ENERSOURCE HYDRO MISSISSAUGA INC.	82.96	289.09	263.65	115.30	284.16	293.71	1328.87
ENWIN POWERLINES LTD.	31.47	109.66	100.01	43.74	107.79	111.41	504.08
ERIE THAMES POWERLINES CORP.	5.34	18.62	16.98	7.43	18.30	18.92	85.59
ESPANOLA REGIONAL HYDRO DISTRIBUTION CORP.	0.88	3.07	2.80	1.22	3.02	3.12	14.11
ESSEX POWERLINES CORP.	7.01	24.44	22.29	9.75	24.02	24.83	112.34
FESTIVAL HYDRO INC.	6.68	23.28	21.23	9.29	22.89	23.66	107.03
FORT ALBANY POWER CORP.	0.39	1.37	1.25	0.55	1.34	1.39	6.29
FORT FRANCES POWER CORP.	1.00	3.48	3.17	1.39	3.42	3.53	15.99
GRAND VALLEY ENERGY INC.	0.16	0.57	0.52	0.23	0.56	0.58	2.62
GREAT LAKES POWER LTD.	9.30	32.39	29.54	12.92	31.84	32.91	148.90
GREATER SUDBURY HYDRO INC.	15.15	52.78	48.14	21.05	51.88	53.62	242.62

Appendix A

<b>Electricity Distribution System Owner/Operator</b>	<b>Energy Probe</b>	<b>LPMA</b>	<b>VECC</b>	<b>AMPCO</b>	<b>SEC</b>	<b>FRPO</b>	<b>TOTAL</b>
GRIMSBY POWER INC.	2.38	8.30	7.57	3.31	8.16	8.43	38.15
GUELPH HYDRO ELECTRIC SYSTEMS INC.	16.90	58.88	53.70	23.48	57.88	59.82	270.66
HALDIMAND COUNTY HYDRO INC.	8.57	29.85	27.22	11.90	29.34	30.33	137.21
HALTON HILLS HYDRO INC.	6.04	21.05	19.20	8.40	20.69	21.39	96.77
HORIZON UTILITIES CORPORATION	60.99	212.54	193.84	84.77	208.91	215.94	976.99
HYDRO HAWKESBURY INC.	0.87	3.05	2.78	1.22	3.00	3.10	14.02
HEARST POWER DISTRIBUTION COMPANY LTD.	0.64	2.25	2.05	0.90	2.21	2.28	10.33
HYDRO 2000 INC.	0.17	0.61	0.55	0.24	0.60	0.62	2.79
HYDRO ONE BRAMPTON NETWORKS INC.	44.07	153.56	140.05	61.25	150.94	156.02	705.89
HYDRO ONE NETWORKS INC.	642.30	2238.08	2041.23	892.66	2199.96	2273.97	10288.20
HYDRO OTTAWA LTD.	89.30	311.14	283.76	124.09	305.83	316.12	1430.24
INNISFIL HYDRO DISTRIBUTION SYSTEMS LTD.	4.71	16.43	14.98	6.55	16.15	16.69	75.51
KASHECHEWAN POWER CORP.	0.36	1.26	1.15	0.50	1.24	1.28	5.79
KENORA HYDRO ELECTRIC CORPORATION LTD.	1.41	4.93	4.49	1.96	4.84	5.01	22.64
KINGSTON ELECTRICITY DISTRIBUTION LTD.	7.31	25.48	23.24	10.16	25.05	25.89	117.13
KITCHENER-WILMOT HYDRO INC.	23.85	83.10	75.79	33.15	81.69	84.43	382.01
LAKEFRONT UTILITIES INC.	2.37	8.24	7.52	3.29	8.10	8.37	37.89
LAKELAND POWER DISTRIBUTION LTD.	2.81	9.79	8.93	3.91	9.63	9.95	45.02
LONDON HYDRO INC.	37.53	130.76	119.26	52.15	128.53	132.85	601.08
MIDDLESEX POWER DISTRIBUTION CORP.	2.05	7.13	6.50	2.84	7.01	7.24	32.77
MIDLAND POWER UTILITY CORP.	2.04	7.11	6.48	2.84	6.99	7.22	32.68
MILTON HYDRO DISTRIBUTION INC.	7.45	25.96	23.67	10.35	25.51	26.37	119.31
NEWBURY POWER INC.	0.05	0.18	0.16	0.07	0.17	0.18	0.81
NEWMARKET - TAY POWER DISTRIBUTION LTD.	11.07	38.57	35.18	15.39	37.92	39.19	177.32
NIAGARA PENINSULA ENERGY INC.	18.68	65.09	59.36	25.96	63.98	66.13	299.20
NIAGARA-ON-THE-LAKE HYDRO INC.	3.34	11.65	10.62	4.65	11.45	11.84	53.55
NORFOLK POWER DISTRIBUTION INC.	6.52	22.72	20.72	9.06	22.33	23.08	104.43
NORTH BAY HYDRO DISTRIBUTION LTD.	7.18	25.02	22.82	9.98	24.59	25.42	115.01
NORTHERN ONTARIO WIRES INC.	1.59	5.55	5.06	2.21	5.45	5.63	25.49
OAKVILLE HYDRO ELECTRICITY DISTRIBUTION INC.	20.62	71.84	65.52	28.65	70.61	72.99	330.23
ORANGEVILLE HYDRO LTD.	3.14	10.94	9.98	4.36	10.75	11.11	50.28
ORILLIA POWER DISTRIBUTION CORP.	4.50	15.70	14.32	6.26	15.43	15.95	72.16
OSHAWA PUC NETWORKS INC.	12.90	44.95	40.99	17.93	44.18	45.67	206.62



## Appendix A

<b>Electricity Distribution System Owner/Operator</b>	<b>Energy Probe</b>	<b>LPMA</b>	<b>VECC</b>	<b>AMPCO</b>	<b>SEC</b>	<b>FRPO</b>	<b>TOTAL</b>
OTTAWA RIVER POWER CORP.	2.51	8.76	7.99	3.49	8.61	8.90	40.26
PARRY SOUND POWER CORP.	1.30	4.52	4.12	1.80	4.44	4.59	20.77
PETERBOROUGH DISTRIBUTION INC.	8.88	30.95	28.23	12.34	30.42	31.45	142.27
POWERSTREAM INC.	83.01	289.25	263.80	115.36	284.31	293.88	1329.61
PUC DISTRIBUTION INC.	8.65	30.13	27.48	12.02	29.61	30.61	138.50
RENFREW HYDRO INC.	1.13	3.95	3.61	1.58	3.89	4.02	18.18
RIDEAU ST. LAWRENCE DISTRIBUTION INC.	1.10	3.85	3.51	1.53	3.78	3.91	17.68
ST. THOMAS ENERGY INC.	4.39	15.31	13.96	6.11	15.05	15.55	70.37
SIOUX LOOKOUT HYDRO INC.	1.05	3.65	3.33	1.45	3.58	3.71	16.77
THUNDER BAY HYDRO ELECTRICITY DISTRIBUTION INC.	11.66	40.61	37.04	16.20	39.92	41.26	186.69
TILLSONBURG HYDRO INC.	1.82	6.34	5.78	2.53	6.23	6.44	29.14
TORONTO HYDRO-ELECTRIC SYSTEM LTD.	321.45	1120.10	1021.55	446.74	1101.00	1138.04	5148.88
VERIDIAN CONNECTIONS INC.	30.80	107.34	97.90	42.81	105.51	109.06	493.42
WASAGA DISTRIBUTION INC.	2.36	8.23	7.50	3.28	8.09	8.36	37.82
WATERLOO NORTH HYDRO INC.	17.93	62.47	56.98	24.92	61.41	63.47	287.18
WELLAND HYDRO-ELECTRIC SYSTEM CORP.	5.27	18.37	16.75	7.32	18.05	18.66	84.42
WELLINGTON NORTH POWER INC.	0.87	3.04	2.77	1.21	2.99	3.09	13.97
WEST COAST HURON ENERGY INC.	1.14	3.97	3.62	1.59	3.91	4.04	18.27
WEST PERTH POWER INC.	0.53	1.86	1.70	0.74	1.83	1.89	8.55
WESTARIO POWER INC.	5.65	19.67	17.94	7.85	19.34	19.99	90.44
WHITBY HYDRO ELECTRIC CORP.	13.48	46.96	42.83	18.73	46.16	47.70	215.86
WOODSTOCK HYDRO SERVICES INC.	4.68	16.32	14.88	6.51	16.04	16.58	75.01
<b>TOTAL</b>	<b>\$ 1,864.22</b>	<b>\$ 6,496.00</b>	<b>\$ 5,924.50</b>	<b>\$ 2,590.88</b>	<b>\$ 6,385.20</b>	<b>\$ 6,600.00</b>	<b>\$ 29,860.80</b>