



EB-2009-0130

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

AND IN THE MATTER OF a motion by VECC requesting the
Board to review and vary certain aspects of Decision and
Order EB-2008-0233 dated April 6, 2009 and Decision and
Order EB-2008-0226 dated April 17, 2009.

AND IN THE MATTER OF Rules 42, 44.01 and 45.01 of the
Board's *Rules of Practice and Procedure*.

BEFORE: Gordon Kaiser
Presiding Member and Vice-Chair

Paul Sommerville
Member

DECISION AND ORDER ON COST AWARDS

Innisfil Hydro Distribution Systems Limited ("Innisfil Hydro") filed an application with the Ontario Energy Board under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B as amended, for an order approving or fixing just and reasonable rates for the distribution of electricity, to be effective as of May 1, 2009. The Board assigned file number EB-2008-0233 to the application. The Board issued its Decision and Order related to this application on April 6, 2009.

On April 24, 2009, VECC filed a Notice of Motion to Review and Vary this Decision and Order.

COLLUS Power Corporation ("COLLUS") filed an application with the Ontario Energy Board under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15,

Schedule B as amended, for an order approving or fixing just and reasonable rates for the distribution of electricity, to be effective as of May 1, 2009. The Board assigned file number EB-2008-0226 to the application. The Board issued its Decision and Order related to this application on April 17, 2009.

On April 28, 2009, VECC filed a Notice of Motion to Review and Vary this Decision and Order.

VECC requested that the two motions be heard together due to the similarity of the issues raised by these two appeals.

On July 6th, 2009, an oral hearing was held and the Board issued an oral decision in this matter.

On August 25, 2009, the Board issued a Rate Order ordering Innisfil Hydro and COLLUS, among other matters, to record the incremental costs arising solely as a result of the VECC motion to review the respective decisions, including any intervenor costs, in a deferral account.

On September 29, 2009, the Board issued its Procedural Order No.3 in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by Innisfil Hydro and COLLUS.

The Board in its Notice of Hearing and Procedural Order No. 1 dated June 3, 2009, stated that it will adopt as intervenors in this proceeding the intervenors and any other parties of record from both the EB-2008-0226 and EB-2008-0233 proceedings.

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 received cost claims from Energy Probe, SEC and VECC. No comments were received from Innisfil Hydro and COLLUS.

Board Findings

The Board has reviewed Energy Probe’s, SEC’s and VECC’s cost claims.

The Board has made one adjustment to Energy Probe's cost claim. Energy Probe claimed a total of 5.00 hours of consulting fees for Mr. David MacIntosh (Preparation: 1.5 hours, Attendance Oral Hearing: 3.25 hours and Case Management: 0.25 hour). This claim was reduced by \$15.37 to match the information filed on Form 3 with the cost claim.

The Board finds that SEC and VECC are eligible to recover 100% of their reasonably incurred costs of participating in this proceeding. The Board finds that Energy Probe's claim, adjusted as described, is reasonable and shall be reimbursed by Innisfil Hydro and COLLUS.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Innisfil Hydro and COLLUS shall each immediately pay :
 - Energy Probe Research Foundation \$1,139.35;
 - School Energy Coalition \$1,233.98; and
 - Vulnerable Energy Consumers Coalition \$3,659.26.

2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Innisfil Hydro and COLLUS shall each pay the Board's costs of and incidental to, using a 50% ratio this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, January 21, 2010
ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary