



EB-2009-0332

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 Horizon
Utilities Corporation for an order approving the recovery of
certain amounts related to an unforeseen loss of revenue
to be effective May 1, 2010.

BEFORE: Cynthia Chaplin
Vice Chair

DECISION AND ORDER ON COST AWARDS

Background

On September 3, 2009 Horizon Utilities Corporation ("Horizon") filed an application with the Ontario Energy Board (the "Board") requesting an order or orders of the Board granting approval for the recovery of certain amounts related to an unforeseen and significant distribution revenue deficiency due to a change in operations on the part of one of its Large Use customers. Horizon proposed to recover this deficiency through a Z-factor related rate rider to be effective January 1, 2010, subsequently revised to May 1, 2010.

On October 23, 2009, the Board issued Procedural Order No. 1 granting Consumers Council of Canada ("CCC"), Energy Probe Research Foundation ("Energy Probe"), School Energy Coalition ("SEC"), Vulnerable Energy Coalition ("VECC") and U.S. Steel Canada Inc. ("U.S. Steel") intervenor status. The Board determined that the following intervenors are eligible for an award of costs: CCC, Energy Probe, SEC and VECC. On November 5, 2009, the Board Issued Procedural Order No. 2 clarifying that although

U.S. Steel had been granted intervenor status, it had not been granted eligibility for cost awards.

The Board issued its Decision on the application on March 24, 2010, in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by Horizon.

The Board received cost claims from CCC, Energy Probe, SEC and VECC. No comments were received from Horizon.

Board Findings

The Board has reviewed CCC's, Energy Probe's, SEC's and VECC's cost claims and has found that all parties are eligible for 100% of their reasonably incurred costs of participating in this proceeding. The Board finds that CCC's, Energy Probe's, SEC's and VECC's claims are reasonable and Horizon shall reimburse all parties for their costs.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Horizon shall immediately pay:
 - Consumers Council of Canada \$17,137.32;
 - Energy Probe Research Foundation \$7,278.90;
 - School Energy Coalition \$9,708.00; and
 - Vulnerable Energy Consumers Coalition \$6,773.72.
2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Horizon shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, May 10, 2010.

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary