



EB-2009-0263

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 Festival
Hydro Inc. for an order approving or fixing just and
reasonable rates and other charges for the distribution of
electricity to be effective May 1, 2010.

BEFORE: Ken Quesnelle
Presiding Member

DECISION AND ORDER ON COST AWARDS

Festival Hydro Inc. ("Festival Hydro") filed an application (the "Application") with the Ontario Energy Board (the "Board") on August 28, 2009. The Application was filed under section 78 of the Ontario Energy Board Act, 1998, S.O 1998, c. 15 (Sched. B) (the "Act"), seeking approval for changes to the rates that it charges for electricity distribution to be effective May 1, 2010. The Board has assigned File Number EB-2009-0263 to this application.

On October 16, 2009, the Board issued Procedural Order No. 1 granting Energy Probe Research Foundation ("Energy Probe"), School Energy Coalition ("SEC") and Vulnerable Energy Consumers Coalition ("VECC") intervenor status. The Board determined that the intervenors are each eligible to apply for an award of costs under the Board's *Practice Direction on Cost Awards*.

The Board issued its Decision and Order on the application on April 1, 2010, in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by Festival Hydro.

Cost claims were submitted by Energy Probe and SEC by the May 1, 2010 deadline specified in the Decision and Order. Energy Probe submitted a revised cost claim on May 6, 2010. VECC submitted its cost claim on May 3, 2010. No comments were received from Festival Hydro.

The Board reviewed the claims filed by SEC, and found that one claim was not in accordance with the *Practice Direction on Cost Awards*, and has made the following adjustment:

- SEC: \$48.60 reduction in disbursements.

The Board accepts the cost claim filed by VECC and the revised cost claim filed by Energy Probe notwithstanding that they were filed after the deadline specified in the Decision and Order. The Board finds that all parties are eligible for 100% of their reasonably incurred costs of participating in this proceeding. The Board finds that each party's claims, adjusted as described above, are reasonable and should be reimbursed by Festival Hydro.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Festival Hydro Inc. shall immediately pay:
 - Energy Probe Research Foundation \$12,933.19;
 - School Energy Coalition \$ 3,715.25 ; and
 - Vulnerable Energy Consumers Coalition \$10,316.63.
2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Festival Hydro shall pay the Board's costs of and incidental to this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, May 27, 2010

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary