



EB-2009-0139

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 Toronto
Hydro-Electric System Limited for an order approving just
and reasonable rates and other charges for electricity
distribution to be effective May 1, 2010.

BEFORE: Howard Wetston
Chair & Presiding Member

Gordon Kaiser
Vice Chair & Member

Ken Quesnelle
Member

DECISION AND ORDER ON COST AWARDS

Toronto Hydro-Electric System Limited ("Toronto Hydro") filed an application with the Ontario Energy Board (the "Board") on August 28, 2009 under section 78 of the *Ontario Energy Board Act*, 1998, S.O. 1998, c. 15, (Schedule B), seeking approval for changes to the rates that Toronto Hydro charges for electricity distribution, to be effective May 1, 2010. The Board assigned the File Number EB-2009-0139 to this application.

The following parties applied for cost award eligibility: Association of Major Power Consumers in Ontario ("AMPCO"), Building Owners and Managers Association of the Greater Toronto Area ("BOMA"), Canadian Union of Public Employees, Local One ("CUPE One"), Consumers Council of Canada ("CCC"), Energy Probe Research

Foundation (“Energy Probe”), Pollution Probe, School Energy Coalition (“SEC”) and Vulnerable Energy Consumers Coalition (“VECC”).

On October 19, 2009, the Board issued Procedural Order No. 1. The Board found that each of these parties, except for CUPE One was eligible for a cost award under the Board’s *Practice Direction on Cost Awards*. The Board determined that CUPE One was not eligible for an award of costs as it does not meet the criteria outlined in the Board’s *Practice Direction on Cost Awards*.

The Board issued its Decision on the application on April 9, 2010, in which it also set out the process for intervenors to file their cost claims and to respond to any objections raised by Toronto Hydro.

The Board received cost claims from the AMPCO, BOMA, CCC, Energy Probe, Pollution Probe, SEC and VECC. No comments were received from Toronto Hydro.

The Board has reviewed the claims filed by AMPCO, BOMA, CCC, Energy Probe, Pollution Probe, SEC and VECC. The Board finds that one of the claims submitted by BOMA and one of the claims submitted by SEC were not in accordance with the *Practice Direction on Cost Awards*, and has made the following adjustments:

- BOMA: \$77.33 reduction in disbursements;
- SEC: \$32.40 reduction in disbursements.

The Board finds that all parties are eligible for 100% of their reasonably incurred costs of participating in this proceeding subject to the adjustments referenced above. The Board finds that each party’s claims, adjusted as described above, are reasonable and should be reimbursed by Toronto Hydro.

THE BOARD ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Toronto Hydro shall immediately pay:

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| • Association of Major Power Consumers in Ontario | \$15,255.56; |
| • Building Owners and Managers Association of the Greater Toronto Area | \$22,573.65; |

- Consumers Council of Canada \$34,064.74;
- Energy Probe Research Foundation \$17,191.50;
- Pollution Probe \$25,083.14;
- School Energy Coalition \$36,533.75; and
- Vulnerable Energy Consumers Coalition \$23,793.32.

2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Toronto Hydro shall pay the Board's costs of and incidental to this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, June 8, 2010

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary