



EB-2009-0096

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 Hydro One
Networks Inc. for an order or orders approving or fixing
just and reasonable distribution rates and other charges
for 2010 and 2011.

BEFORE: Cynthia Chaplin
Vice Chair and Presiding Member

Paul Sommerville
Member

DECISION AND ORDER ON COST AWARDS

On July 13, 2009 Hydro One Networks Inc. ("Hydro One") filed an application for 2010 and 2011 distribution rates, including its Green Energy Plan. The Board assigned file number EB-2009-0096 to the application.

On September 9, 2009, the Board issued Procedural Order No. 1 granting 19 parties intervenor status. In Procedural Order No. 1 the Issues List Decision and Procedural Order No. 2, the Board determined that the following parties were eligible to apply for an award of costs:

- Association of Major Power Consumers in Ontario ("AMPCO");
- Consumers Council of Canada ("CCC");

- Canadian Manufacturers and Exporters (“CME”);
- Energy Probe Research Foundation (“Energy Probe”);
- Pollution Probe Foundation (“Pollution Probe”);
- School Energy Coalition (“SEC”);
- Vulnerable Energy Consumers Coalition (“VECC”);
- Green Energy Coalition (“GEC”);
- Electrical Contractors Association of Ontario (“ECAO”); and
- Common Voice Northwest.

The Board also approved cost eligibility status for EnviroCentre with the proviso that EnviroCentre limit its participation to the Green Energy Plan related issues.

The Board issued its Decision with Reasons 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 Hydro One.

The Board received cost claims from VECC; SEC; Pollution Probe; GEC; Energy Probe, ECAO, CCC; CME and AMPCO. Common Voice Northwest and EnviroCentre did not file a cost claim.

Hydro One filed a reply on May 7, 2010 and stated that it had no issues with respect to the claims from AMPCO, CCC, Energy Probe, Pollution Probe, SEC, VECC and ECAO. However, Hydro One requested that the Board:

- review CME’s and GEC’s disbursements and ensure that all the receipts match the respective claims;
- review all travel receipts to ensure that intervenors purchase economy class tickets in order to comply with the Board’s *Practice Direction on Cost Awards*.

On May 26, 2010, CME responded to Hydro One’s letter and stated that the economy class tickets they purchased are Tango class for the Ottawa to Toronto portion of the trip and Latitude class for the return flight. CME noted that each of these fare types produced an economy seat on Air Canada flights.

Board Findings

The Board has reviewed the cost claims by AMPCO, CCC, CME, Energy Probe, Pollution Probe, SEC, VECC, GEC and ECAO, and has concluded that:

- CCC's cost claim is not fully in accordance with the Board's *Practice Direction on Cost Awards* as a receipt for Legal Research is missing from the filing. Therefore the Board has made an adjustment to CCC's cost claim: \$114.06 reduction in disbursements.
- GEC used the wrong mileage rate of \$0.3375/km (the correct mileage rate is \$0.40/km). The Board has made an adjustment to GEC's cost claim: \$26.25 increase in disbursements.
- SEC's cost claim is not fully in accordance with the Board's *Practice Direction on Cost Awards* as two receipts for meal and one receipt for courier are missing from the filing. The Board has therefore made an adjustment to SEC's cost claim: \$268.79 reduction in disbursements. In addition, the total consulting fees in Form 3 does not match the total in Form 1 due to an apparent arithmetical error. The correct amount in consulting fees is \$165,837.00 (which is the amount derived from adding the totals in Form 1).

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

THE BOARD ORDERS THAT:

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

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| • Vulnerable Energy Consumers Coalition | \$100,136.88; |
| • School Energy Coalition | \$167,303.95; |
| • Pollution Probe Foundation | \$ 6,155.73; |
| • Green Energy Coalition | \$ 15,026.69; |
| • Energy Probe Research Foundation | \$ 52,591.24; |
| • Electrical Contractors Association of Ontario | \$ 22,765.36; |
| • Consumers Council of Canada | \$104,368.17; |
| • Canadian Manufacturers & Exporters | \$147,581.39; and |
| • Association of Major Power Consumers in Ontario | \$118,871.45. |

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

DATED at Toronto, June 17, 2010.

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary