

Ontario Energy
Board

Commission de l'énergie
de l'Ontario



EB-2010-0182

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 Union Gas Limited for an order or orders approving certain Demand Side Management input assumptions for the 2010 program year.

BEFORE: Marika Hare
Presiding Member

Paula Conboy
Member

DECISION AND ORDER ON COST AWARDS

Union Gas Limited ("Union") filed an application with the Ontario Energy Board, (the "Board") dated April 30, 2010 seeking approval of certain demand side management input assumptions for its 2010 program year. The Board assigned File No. EB-2010-0182 to this application.

The Board issued its Decision and Order on June 22, 2010, in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by Union.

The Energy Probe Research Foundation ("Energy Probe") and Ontario Sustainable Energy Association ("OSEA") filed claims for an award of costs. No comments were received from Union.

The Board had not made provision for the consideration of cost eligibility previously, and will therefore consider both eligibility and quantum in this decision.

Board Finding

The Board has reviewed the cost claims filed by Energy Probe and OSEA. The Board finds Energy Probe eligible for 100% of their reasonably incurred costs of participating in this proceeding. The Board finds Energy Probe's claims are reasonable and will be reimbursed by Union.

The Board notes that OSEA's members include generators, a group that is specifically excluded from cost award eligibility, except in special circumstances. OSEA has not demonstrated that an exception to the Board's cost award eligibility criteria should be made in this case. OSEA does not represent the direct interests of consumers and does not primarily represent a public interest issue with respect to issues in this case. The Board therefore does not find OSEA to be eligible for cost awards.

THE BOARD THEREFORE ORDERS THAT:

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

Energy Probe \$712.38;
2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Union shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, July 23, 2010
ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary