



EB-2010-0219

IN THE MATTER OF the *Ontario Energy Board Act*,
1998, S.O. 1998, c. 15, Schedule B;

AND IN THE MATTER OF cost award eligibility for
interested parties in the consultation process
regarding the review of the Board's current electricity
distribution cost allocation policy.

BEFORE: Marika Hare
Presiding Member

Paul Sommerville
Member

DECISION ON COST ELIGIBILITY

On September 2, 2010, the Ontario Energy Board ("the Board") issued a letter to interested parties initiating a consultation process to review the Board's current electricity distribution cost allocation policy.

In that letter, the Board indicated that cost awards will be available to eligible persons under section 30 of the *Ontario Energy Board Act, 1998* in relation to the consultation. The Board also indicated that costs awarded will be recovered from all rate-regulated electricity distributors based on their respective distribution revenues.

The Board received requests for cost award eligibility from the following participants by the September 17, 2010 deadline set out in the Board's September 2, 2010 letter:

- Association of Major Power Consumers in Ontario ("AMPCO");
- Canadian Manufacturers and Exporters ("CME");
- Canadian Solar Industries Association ("CanSIA");

- City of Welland (“Welland”);
- City of Windsor (“Windsor”);
- Consumers Council of Canada (“CCC”);
- London Property Management Association (“LPMA”);
- Town of Oakville (“Oakville”); and
- Vulnerable Energy Consumers Coalition (“VECC”).

School Energy Coalition (“SEC”) submitted a late request for cost award eligibility on September 23, 2010, noting that the deadline was missed due to unforeseen complications resulting from an office move.

Rate-regulated electricity distributors were given the opportunity to file any objections they might have in relation to the eligibility of the above-noted participants for an award of costs. The Board did not receive any objections from distributors.

Based on the criteria set out in section 3 of the Board’s *Practice Direction on Cost Awards* (“the Practice Direction”), the Board has determined that the following participants are eligible for an award of costs in relation to their participation in this consultation process: AMPCO, CME, CCC, LPMA, SEC and VECC.

CanSIA, as an organization that represents generators, is not normally eligible for cost awards due to the inclusion of generators in the list of ineligible parties in section 3.05 of the Practice Direction. The Board does not find that any special circumstances exist in this case to warrant granting eligibility for cost awards to CanSIA. The Board has also determined that Welland, Windsor and Oakville, as the effective owners of rate-regulated electricity distributors, are not eligible for cost awards in this consultation process.

The Board expects that all participants that are eligible for an award of costs in this consultation process will make every effort to communicate and co-ordinate their participation to the extent that they represent the same interests or class of persons.

DATED at Toronto, October 15, 2010

ONTARIO ENERGY BOARD

Original signed by

John Pickernell
Assistant Board Secretary