

**Ontario Energy  
Board**  
P.O. Box 2319  
27th. Floor  
2300 Yonge Street  
Toronto ON M4P 1E4  
Telephone: 416- 481-1967  
Facsimile: 416- 440-7656  
Toll free: 1-888-632-6273

**Commission de l'énergie  
de l'Ontario**  
C.P. 2319  
27e étage  
2300, rue Yonge  
Toronto ON M4P 1E4  
Téléphone: 416-481-1967  
Télécopieur: 416-440-7656  
Numéro sans frais: 1-888-632-6273



## **BY E-MAIL AND WEB POSTING**

October 25, 2010

**To: All Licensed Electricity Distributors  
Vulnerable Energy Consumers Coalition  
Association of Major Power Consumer in Ontario  
School Energy Coalition  
London Property Management Association  
Canadian Manufacturers & Exporters  
Low Income Energy Network**

**Re: Notice of Hearing for Cost Awards  
Electricity Distributors: Customer Service, Rate Classification and Non-  
Payment Risk  
Board File No: EB-2007-0722**

### **Background**

#### **A. The Consultations**

On September 6, 2007, the Ontario Energy Board (the "Board") commenced a consultation process on issues associated with the provision of service by electricity distributors (EB-2007-0722) (the "Customer Service Consultation"). In its September 6, 2007 letter, the Board indicated that cost awards would be available under section 30 of the *Ontario Energy Board Act, 1998* (the "Act") to eligible participants in relation to their participation in the Customer Service Consultation, and that costs awarded would be recovered from all licensed electricity distributors based on their respective distribution revenues.

In its letter dated March 6, 2008, the Board advised interested parties of its determination that issues that were being reviewed as part of the Risk Management Consultation (EB-2007-0635) would thereafter be more effectively addressed as part of the Customer Service Consultation

#### **B. Parties Eligible for Cost Awards**

In its decisions relating to cost eligibility in this process dated October 12, 2007, March

6, 2008, March 26, 2008, April 3, 2008 and July 24, 2008, the Board found the following participants to be eligible for an award of costs in the Customer Service Consultation: Vulnerable Energy Consumers Coalition ("VECC"), the Federation of Rental-Housing Providers of Ontario ("FRPO"), the Building Owners and Managers Association of the Greater Toronto Area ("BOMA"), the Association of Major Power Consumers in Ontario ("AMPCO"), the School Energy Coalition ("SEC"), the Canadian Manufacturers & Exporters ("CME"), the London Property Management Association ("LPMA"), and the Energy Probe Research Foundation.

In its Notice of Proposal to Amend Codes in this process dated March 10, 2009, the Board also extended eligibility for cost awards in the EB-2007-0722 consultations to all additional participants that were found to be eligible for an award of costs in the Consultation on Energy Issues Relating to Low Income Consumers (EB-2008-0150), namely: the Advocacy Centre for Tenants Ontario; the Canadian Environmental Law Association; Ontario Energy Board, the Consumers Council of Canada; EnviroCentre; the Green Energy Coalition; Green Light on A Better Environment; the Industrial Gas Users Association; the Income Security Advocacy Centre; the Kingston Community Legal Clinic; the Low Income Energy Network; the National Chief's Office on behalf of the Assembly of First Nations; Nipissing First Nation; the Ontario Municipal Social Services Association; the Pollution Probe Foundation; and the Toronto Environmental Alliance.

All of the stakeholders listed above are collectively referred to as the "eligible participants".

### **C. Past Cost Awards**

In its order dated December 18, 2009, the Board awarded costs in respect of the following phases of the EB-2007-0722 and EB-2007-0635 consultations.

- i) Preparation for and attendance at a stakeholder meeting, to a maximum of actual meeting time plus preparation time limited to 1.5 times actual meeting time.
- ii) The provision of written comments on the March 6, 2008 Board Staff Discussion Paper entitled "Electricity Distributors: Customer Service, Rate Classification and Non-Payment Risk", to a maximum of 30 hours.

### **D. Activities Eligible for Further Cost Awards**

The present hearing will assess costs for eligible participants in relation to the following further activities in the EB-2007-0722 process:

- i) The provision of written comments on the March 29, 2010 Notice Of Proposal To Amend Codes, to a maximum of 25 hours.
- ii) The provision of written comments on the October 1, 2009 Notice Of Revised Proposal To Amend Codes, to a maximum of 15 hours.

- iii) The provision of written comments on the October 1, 2009 Notice Of Further Revised Proposal To Amend Codes, to a maximum of 8 hours.

Written comments on one or more of the above Notices was provided by the following eligible participants: AMPCO, CME, LPMA, SEC and VECC. In addition, joint submissions were filed by LIEN on behalf of themselves and ATCO, CELA, TEA and ISAC.

In correspondence to the Board dated October 18, 2010, LIEN requested late intervenor status and cost eligibility. This request is unnecessary as LIEN's intervenor status and eligibility for a cost award was approved in this process on March 10, 2009, along with the other eligible participants from EB-2008-0150.

### **Notice of Hearing**

The Board is initiating this hearing on its own motion in order to determine the cost awards that will be made in accordance with section 30 of the Act in relation to the eligible participants set out in B) above and in respect of the eligible activities set out in D) above. The file number for this hearing is EB-2007-0772.

This hearing will not address cost awards in relation to the provision of written comments on the Notice of Updated Proposed Low-Income Customer Service Amendments to the Distribution System Code, the Retail Settlement Code and the Standard Service Supply Code issued September 30, 2010. Cost awards in relation to that notice and comment process will be addressed once the proposed low-income customer amendments have been adopted.

The Board intends to proceed by way of written hearing unless a party can satisfy the Board that there is a good reason for not holding a written hearing. If a party wants to object to a written hearing, the objection must be received by the Board no later than **7 days** after the date of this Notice.

Assuming that the Board does not receive any objections to a written hearing, the hearing will follow the process set out below.

1. The eligible participants shall submit their cost claims by **November 5, 2010**. A copy of the cost claim must be filed with the Board and one copy is to be served on each licensed distributor. The cost claims must be completed in accordance with section 10 the Board's *Practice Direction on Cost Awards*.
2. Distributors will have until **November 19, 2010** to object to any aspect of the costs claimed. A copy of the objection must be filed with the Board and one copy must be served on the eligible participant against whose claim the objection is being made.
3. The eligible participant whose cost claim was objected to will have until **November 26, 2010** to make a reply submission as to why its cost claim should

be allowed. A copy of the reply submission must be filed with the Board and one copy is to be served on the objecting distributor.

4. The Board will then issue its decision on cost awards. The Board's costs may also be addressed in the cost awards decision.

Service of cost claims, objections and reply submissions on other parties may be effected by courier, registered mail, facsimile or e-mail.

All submissions in this hearing (i.e., cost claims, objections and replies) will form part of the public record. Copies of the submissions will be available for inspection at the Board's office and the submissions may be published on the Board's website.

Parties must file a paper copy and one electronic copy of their submissions with the Board Secretary by **4:45 pm** on the required dates. The Board requests that interested parties make every effort to provide electronic copies of their filings in searchable/unrestricted Adobe Acrobat (PDF) format, and to submit their filings through the Board's web portal at [www.errr.oeb.gov.on.ca](http://www.errr.oeb.gov.on.ca). A user ID is required to submit documents through the Board's web portal. If you do not have a user ID, please visit the "e-filings services" webpage on the Board's website at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca), and fill out a user ID password request. Additionally, interested parties are requested to follow the document naming conventions and document submission standards outlined in the document entitled "RESS Document Preparation – A Quick Guide" also found on the e-filing services webpage. If the Board's web portal is not available, electronic copies of filings may be filed by e-mail at [boardsec@oeb.gov.on.ca](mailto:boardsec@oeb.gov.on.ca).

Those that do not have internet access should provide a CD or diskette containing their filing in PDF format.

All submissions must quote file number **EB-2007-0722** and include your name, address, telephone number and, where available, your e-mail address and fax number.

**If you do not file a letter objecting to a written hearing or do not participate in the hearing by filing written submissions in accordance with this Notice, the Board may proceed without your participation and you will not be entitled to further notice in this proceeding.**

Yours truly,

*Original signed by*

John Pickernell  
Assistant Board Secretary