



EB-2010-0279

IN THE MATTER OF sections 25.20 and 25.21 of the
Electricity Act, 1998;

AND IN THE MATTER OF a Submission by the Ontario
Power Authority to the Ontario Energy Board for the review
of its proposed expenditure and revenue requirements and
the fees which it proposes to charge for the year 2011.

BEFORE: Paul Sommerville
Presiding Member

Karen Taylor
Member

DECISION ON COST ELIGIBILITY

On November 24, 2010, the Ontario Energy Board (the “Board”) issued a Notice of Application in regards to the Ontario Power Authority’s (“OPA”) 2011 Expenditure and Revenue Requirement Submission. The Notice of Application notified interested parties that cost awards would be available to eligible parties in relation to their participation in this proceeding, and informed parties to include the grounds for their cost awards eligibility in their intervention requests.

The Board received intervention requests from the Association of Power Producers of Ontario (“APPrO”), HQ Energy Marketing Inc. (“HQEM”), the Independent Electricity System Operator (“IESO”), Manitoba Hydro, Ontario Power Generation (“OPG”), and Shell Energy North America (Canada) Inc. (“Shell Canada”). The Board also received two requests for observer status. The Board approves the intervention requests from

APPrO, HQEM, IESO, Manitoba Hydro, OPG and Shell Canada and the two requests for observer status.

The Board also received requests for intervention and cost eligibility from the following participants:

- Electricity Distributors Association (“EDA”)
- Energy Probe Research Foundation (“Energy Probe”)
- Green Energy Coalition (“GEC”)
- Low-Income Energy Network (“LIEN”)
- Ontario Sustainable Energy Association (“OSEA”)
- Pollution Probe
- Vulnerable Energy Consumer Coalition (“VECC”)

The Board has determined that the following participants are eligible for an award of costs in this proceeding: Energy Probe, GEC, LIEN, Pollution Probe and VECC.

The Board makes no finding at this time with respect to the cost eligibility request submitted by the EDA. The Board will address the EDA’s cost eligibility if the EDA requests an award of costs.

The Board accepts OSEA’s participation as an intervenor in this proceeding. However, the Board has determined that OSEA is not eligible for a cost award. 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 has the expectation that all cost eligible intervenors will cooperate to the maximum extent possible and will be mindful of avoidable duplication.

ISSUED at Toronto, December 13, 2010

ONTARIO ENERGY BOARD

Original Signed By

Paul Sommerville
Presiding Member

Original Signed By

Karen Taylor
Member