



**EB-2009-0387**

**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 Five Nations  
Energy Inc, seeking changes to the uniform provincial  
transmission rates for 2010.

**BEFORE:** Paul Sommerville  
Presiding Member

Paula Conboy  
Member

## **DECISION AND ORDER ON COST AWARDS**

### **Background**

Five Nations Energy Inc. ("FNEI") filed an application with the Ontario Energy Board (the "Board") dated February 26, 2010 under section 78 of the *Ontario Energy Board Act*, 1998, S.O. c.15, (Schedule B). FNEI sought approval for changes to the uniform transmission rates that FNEI charges for electricity transmission, to be effective January 1, 2010. The Board assigned the application file number EB-2009-0387.

On April 27, 2010, the Board issued Procedural Order No. 1 and an Interim Rate Decision, which stated that the Independent Electricity System Operator (the "IESO") and Energy Probe Research Foundation ("Energy Probe") were granted intervenor status. The Procedural Order also stated that Energy Probe will be eligible to apply for an award of costs under the Board's *Practice Direction on Cost Awards*.

The Board issued its Decision on the application on November 1, 2010, in which it set out the process for Energy Probe to file its cost claim and to respond to any objections raised by FNEI.

The Board received the cost claim from Energy Probe. On December 7, 2010, FNEI filed a letter stating that it had no objections to Energy Probe's cost claim.

### **Board Findings**

The Board has reviewed Energy Probe's cost claim. The Board has made one adjustment to Energy Probe's cost claim. The Board notes that the total amount on Form 1 filed by Energy Probe does not match with the information filed on its Form 3. This claim was reduced by \$297.23 to match the information filed on Form 3 of the cost claim.

The Board finds that Energy Probe is eligible to recover 100% of its reasonably incurred costs of participating in this proceeding. The Board finds that Energy Probe's claim, adjusted as described above, is reasonable and shall be reimbursed by FNEI.

### **THE BOARD THEREFORE ORDERS THAT:**

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, FNEI shall immediately pay Energy Probe Research Foundation \$9,514.58.
2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, FNEI shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

**DATED** at Toronto, December 30, 2010.

### **ONTARIO ENERGY BOARD**

*Original Signed By*

John Pickernell  
Assistant Board Secretary