



EB-2010-0002

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 Hydro One
Networks Inc. for an order or orders approving a
transmission revenue requirement and rates and other
charges for the transmission of electricity for 2011 and
2012.

BEFORE: Paul Sommerville
Presiding Member

Ken Quesnelle
Member

Paula Conboy
Member

DECISION AND ORDER ON COST AWARDS

Background

Hydro One Networks Inc. ("Hydro One") filed an application dated May 19, 2010, with the Ontario Energy Board under section 78 of the Ontario Energy Board Act, 1998, c.15, Schedule B, seeking approval for changes to the transmission revenue requirement and rates that Hydro One charges for electricity transmission, to be effective January 1, 2011 and January 1, 2012. The Board assigned File Number EB-2010-0002 to the application.

On June 28, 2010, the Board issued its Procedural Order No. 1, granting 23 requests for intervenor status. The following parties applied for cost award eligibility:

- Association of Major Power Consumers in Ontario (AMPCO);
- Association of Power Producers in Ontario (APPrO);
- Building Owners and Managers Association of the Greater Toronto Area and the London Property Management Association (BOMA/LPMA);
- Consumers Council of Canada (CCC);
- Canadian Manufacturers and Exporters (CME);
- Energy Probe Research Foundation (“Energy Probe”);
- Pollution Probe,
- School Energy Coalition (SEC);
- Vulnerable Energy Consumers Coalition (VECC); and
- Lake Huron Anishinabek Transmission Company Inc. (LHATC).

The Board approved cost eligibility for all the intervenors listed above with the exception of LHATC.

The Board in its Procedural Order #1 stated that with regard to the APPrO request for cost eligibility, generators are generally not eligible for costs in accordance with section 3.05 of the Practice Direction on Cost Awards. However, section 3.07 allows that “the Board may, in special circumstances, find that a party which falls into one of the categories listed in section 3.05 is eligible for a cost award in a particular process.” The Board found, as it did in the previous Hydro One Transmission hearing, that APPrO is eligible for costs, but only to the extent that APPrO represents customer interests where such customers displace some of their loads and pay transmission rates for relevant services. The Board noted that when APPrO filed its cost claim it will be expected to explain how the issues for which it is seeking costs satisfy these conditions.

The Board issued its Decision with Reasons on the application on December 23, 2010, in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by Hydro One.

The following eligible participants submitted cost claims by the January 27, 2011 deadline specified in the Decision with Reasons: AMPCO, BOMA/LPMA, CCC, CME, Energy Probe, Pollution Probe, SEC and VECC.

On February 9, 2011, APPrO submitted its cost claim and apologized for the late filing due to an oversight and a misunderstanding around the Decision and the Board's initial finding on APPrO's cost eligibility. APPrO stated that they were participating in the Hydro One rate hearing exclusively on the matter of the Export Transmission Service Charge; they were representing member companies who are involved in the export of significant volumes of electricity from Ontario, and who are therefore "customers" of the transmitter. APPrO stated that it took no other part in the proceeding other than on this issue.

On February 3, 2011, Hydro One replied to the cost claims stating that it had no issues with the cost claims submitted by BOMA/LPMA, CCC, CME and VECC. With respect to the cost claims from Pollution Probe and SEC, Hydro One requested that all the disbursement receipts be reviewed to ensure that all the receipts match what was claimed. With respect to the cost claim from Energy Probe, Hydro One requested that the Form 1s be checked to match with Form 3. With respect to the cost claim from AMPCO, given the very large dollars and hours being claimed, Hydro One requested that the claim be reviewed to ensure that it is just and appropriate. By an email dated February 15, 2011, Hydro One indicated that it would not file an objection to APPrO's cost claim.

Board Findings

The Board find that APPrO satisfied the conditions enunciated in Procedural Order #1 with respect to cost eligibility.

The Board has reviewed the claims filed by AMPCO, BOMA/LPMA, CCC, CME, Energy Probe, Pollution Probe, SEC, VECC and APPrO.

Due to a calculation error when submitting Form 3, the Board has adjusted Energy Probe's cost claim. The Board notes that Energy Probe's total revised claim is \$36,760.95.

The Board has adjusted AMPCO's cost claim due to a calculation error on Forms 1 and 2. The Board notes that AMPCO's total revised claim is \$230,725.14.

The Board finds BOMA/LPMA, CCC, CME, Pollution Probe, SEC, VECC and APPrO are eligible to recover 100% of their reasonably incurred costs of participating in this proceeding. The Board finds that Energy Probe's and AMPCO's claims, adjusted as described above, are reasonable and shall be reimbursed by Hydro One.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the Ontario *Energy Board Act, 1998*, Hydro One shall immediately pay:
 - Association of Major Power Consumers in Ontario \$230,725.14;
 - Association of Power Producers in Ontario \$ 10,665.95;
 - Building Owners and Managers Association of the Greater Toronto Area \$ 20,460.00;
 - London Property Management Association \$ 25,774.46;
 - Consumers Council of Canada \$138,555.05;
 - Canadian Manufacturers and Exporters \$145,247.70;
 - Energy Probe Research Foundation \$ 36,760.95;
 - Pollution Probe \$ 5,401.16;
 - School Energy Coalition \$ 67,694.48; and
 - Vulnerable Energy Consumers Coalition \$ 88,310.61.

2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Hydro One shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, March 17, 2011.

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary