



EB-2010-0300
EB-2010-0333

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 Union Gas Limited for an order or orders pre-approving the cost consequences associated with three long-term natural gas transportation contracts;

AND IN THE MATTER OF an Application by Enbridge Gas Distribution Inc. for an order or orders pre-approving the cost consequences associated with a long-term natural gas transportation contract.

BEFORE: Paul Sommerville
Presiding Member

Marika Hare
Member

Karen Taylor
Member

DECISION AND ORDER ON COST AWARDS

Background

Union Gas Limited (“Union”) filed an application on October 5, 2010 with the Ontario Energy Board (the “Board”) seeking approval of the cost consequences associated with three long-term natural gas transportation contracts. The three contracts make provision

for transportation services on the TransCanada PipeLines Limited (“TCPL”) system between Niagara and Kirkwall (the “Niagara contract”), between Parkway and Union’s Eastern Delivery Area and between Parkway and Union’s Northern Delivery Area (the “Parkway contracts”) . This application was assigned Board File No. EB-2010-0300. Subsequently, Union withdrew its request for pre-approval of the cost consequences of the Parkway contracts.

Enbridge Gas Distribution Inc. (“Enbridge”) filed an application dated November 9, 2010 with the Board seeking approval of the cost consequences associated with a long-term natural gas transportation contract. The contract is for transportation service on the TCPL system between Niagara and Enbridge’s Central Delivery Area. This application was assigned Board File No. EB-2010-0333.

Pursuant to section 21 (5) of the *Ontario Energy Board Act, 1998*, (the “Act”)the Board considered these applications together through a consolidated hearing.

The Board issued its Decision and Order regarding these matters on January 27, 2011 and set out the process for intervenors to file their cost claims and to respond to any objections raised by Union and Enbridge. In its Decision and Order, the Board stated that it would determine eligibility for costs in accordance with its *Practice Direction on Cost Awards*. The Board also stated that when determining the amount of the cost awards, it would apply the principles set out in section 5 of the Board’s *Practice Direction on Cost Awards*.

The following participants submitted cost claims by the February 17, 2011 deadline specified in the Decision and Order: the Canadian Manufacturers & Exporters (“CME”), the Consumers Council of Canada (“CCC”), Energy Probe Research Foundation (“Energy Probe”), the Federation of Rental-housing Providers of Ontario (“FRPO”); and the Industrial Gas Users Association (“IGUA”).

On February 25, 2011, Enbridge replied to the cost claims stating that it had no issues with CME’s, CCC’s, Energy Probe’s and IGUA’s cost claims. With respect to FRPO’s cost claim, Enbridge noted that while FRPO had only monitored Enbridge’s proceeding, it had participated in Union’s EB-2010-0030 proceeding.

On February 28, 2011, the Association of Power Producers of Ontario (“APPPrO”) submitted its cost claim and apologized for the late filing and requested an extension of time in this matter.

On March 4, 2011, Union replied that it had no concerns with APPPrO’s cost claim with respect to Union’s EB-2010-0300 proceeding.

Enbridge also replied to APPPrO’s cost claim on March 4, 2011 stating that it found the claims to be consistent with the allowances of prescribed rates within the cost assessment guidelines and had no objection.

Board Findings

The Board has reviewed the claims filed by APPPrO, CCC, CME, Energy Probe, FRPO, and IGUA.

The Board has adjusted the cost claim of FRPO in the EB-2010-0300 proceeding to appropriately reflect the correct tariff for case management. The Board has determined that the total revised claim for FRPO is \$8,582.35.

The Board finds APPPrO, CCC, CME, Energy Probe, FRPO and IGUA are eligible to recover 100% of their reasonably incurred costs of participating in this proceeding. The Board finds that FRPO’s claim, adjusted as described above, is reasonable and shall be reimbursed by Enbridge and Union.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the Ontario *Energy Board Act, 1998*, Enbridge shall immediately pay:
 - a. Association of Power Producers of Ontario \$5,964.17;
 - b. Consumers Council of Canada \$7,402.07;
 - c. Canadian Manufacturers & Exporters \$11,568.99;
 - d. Energy Probe Research Foundation \$4,081.63; and
 - e. Industrial Gas Users Association \$2,559.34.

2. Pursuant to section 30 of the Ontario *Energy Board Act, 1998*, Union shall immediately pay:
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| a. Association of Power Producers of Ontario | \$5,586.44; |
| b. Consumers Council of Canada | \$7,513.95; |
| c. Canadian Manufacturers and Exporters | \$13,015.39; |
| d. Energy Probe Research Foundation | \$3,296.19; |
| e. Federation of Rental-housing Providers of Ontario | \$8,582.35; and |
| f. Industrial Gas Users Association | \$3,302.14. |
3. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Enbridge and Union shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, March 21, 2011.

ONTARIO ENERGY BOARD

Original Signed By

John Pickernell
Assistant Board Secretary