



**EB-2010-0331**  
**EB-2010-0332**

**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  
Brampton Networks Inc. for an Order or Orders granting  
approval of initiatives and amounts related to the  
Conservation and Demand Management Code;

**AND IN THE MATTER OF** an Application by Hydro One  
Networks Inc. for an Order or Orders granting approval of  
initiatives and amounts related to the Conservation and  
Demand Management Code.

**BEFORE:** Marika Hare  
Presiding Member

Karen Taylor  
Member

Paul Sommerville  
Member

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

On November 1, 2011 Hydro One Networks Inc. ("Hydro One", collectively the "Applicant") and Hydro One Brampton Networks Inc. ("Hydro One Brampton", collectively the "Applicant") filed individual applications pursuant to the Board's CDM Code that was issued on September 16, 2010. The CDM Code was developed by the Board in response to a Directive from the Minister of Energy dated March 31, 2010.

In its application Hydro One was seeking recovery of approximately \$32 million in costs associated with its proposed six programs. Hydro One Brampton was seeking approximately \$8 million for the same six programs.

In its Notice of Application and Hearing, issued November 19, 2010, the Board combined the hearings on these applications. By Procedural Order No. 1, the Board ordered that an oral hearing for the applications would commence on February 3, 2011.

On February 1, 2011, the Board issued Procedural Order No. 2 revising the schedule for the hearing. This was done in response to a letter received from the School Energy Coalition.

On March 2, 2011, the Board sent a letter to all parties in the proceeding informing them that at the outset of the oral hearing scheduled for March 4, 2011, the Board was interested in hearing submissions from parties regarding four preliminary matters.

On March 4, 2011, the Board heard submissions from parties on the four issues noted above. On March 7, 2011, the Board reconvened and provided its Decision on the issues set out above orally.

On March 8, 2011, the Board issued Procedural Order No. 4 reiterating its determinations from the oral hearing and providing a schedule for Hydro One to file outstanding information.

On March 10, 2011, the Applicant filed a letter notifying the Board that it wished to withdraw its applications for Board-Approved CDM programs. Within its letter the Applicant noted it was concerned that it may be some considerable time before it was able to file the requested evaluation plans and that the OPA programs may not yet be at the stage required by the Board to determine if the Applicant's programs are not duplicative.

On March 17, 2011 the Board issued Procedural Order No. 5 where it granted Hydro One Brampton and Hydro One permission to withdraw their applications for Board-Approved conservation and demand management ("CDM") programs, pursuant to section 20.01(b) of the Board's *Rules of Practice and Procedure*.

The Board noted in Procedural Order No. 5 that intervenors eligible for an award of costs shall file their cost submission within seven days of the date of the Procedural Order.

The Board received cost claims from the following parties:

Party	Amount
Association of Major Power Consumers in Ontario ("AMPCO")	\$40,255.19
Canadian Energy Efficiency Alliance ("CEEA")	\$54,748.91
Canadian Manufacturers & Exporters ("CME")	\$28,164.01
Consumer Council of Canada ("CCC")	\$38,562.46
Energy Probe Research Foundation ("Energy Probe")	\$7,937.00
Green Energy Coalition ("GEC")	\$31,378.01
Low Income Energy Network ("LIEN")	\$30,206.76
Pollution Probe	\$11,986.14
School Energy Coalition ("SEC")	\$23,986.76
Vulnerable Energy Consumers Coalition ("VECC")	\$5,623.15

On April 1, 2011 Hydro One filed a letter with the Board noting that it has no issues with the cost claims from AMPCO, CCC, CME, Energy Probe, LIEN, SEC and VECC. Hydro One did however request that with respect to Pollution Probe's claim, the Assessment Officer ensure that all the disbursement receipts have been received and match what has been claimed. With respect to the cost claim for GEC, Hydro One requested that the Assessment Officer ensure that Form 2 for EB-2010-0008 be removed as it does not relate to this proceeding.

On April 1, 2011, in response to Hydro One's cost claim objection letter, GEC filed a letter informing the Board that its cost claim mistakenly included supporting documents from another proceeding, but that this clerical error did not affect GEC's total claim.

On April 5, 2011 Hydro One filed a letter requesting the Board grant it an extension to review the cost claim submitted by CEEA as the CEEA did not forward its filing to Hydro One until April 4, 2011. The Board granted this extension.

On April 8, 2011 Hydro One filed a letter with the Board informing the Board that it will raise no issues in respect to CEEA's cost claim.

## Board Findings

The Board has determined that the cost claims submitted by AMPCO and CEEA are excessive.

The Board notes that these parties have filed for cost claims that reflect substantially more than 100 total hours for senior professional services. This standard exceeds that experienced by other intervenors, whose engagement in the case is reasonably comparable to that of these parties. The Board reminds intervenors that there is an onus on intervenors to utilize professional service providers in a responsible and judicious manner, as it is ultimately ratepayers who bear the costs associated with Board processes, including intervenor costs. Senior professionals are expected to provide services on a cost-effective basis. Where numerous professionals are engaged, it is expected that their aggregate claim will not be materially higher than other intervenors.

Accordingly the Board has reduced the approved costs claims for these parties to reflect an overall engagement of senior professionals at 100 hours.

With regard to the cost claim filed by LIEN, the Board notes that the applications brought forward by both Hydro One and Hydro One Brampton were for the approval of Board-Approved CDM Programs, none of which were primarily targeted to low-income consumers. LIEN's stated primary objective as an intervenor is the protection of low-income consumers. Given that these applications did not invoke any particular issues with respect to low-income consumers, the Board has determined that LIEN's cost claim, which is in excess of \$30,000, is not reasonable. Accordingly, the Board has reduced the approved cost claim for LIEN by \$5,000.

The Board has determined that the costs as filed by CME, CCC, Energy Probe, GEC, Pollution Probe, SEC and VECC are in accordance with the *Practice Direction on Cost Awards* and reflect a reasonable amount of preparation and attendance at procedural matters. The Board therefore finds that CME, CCC, Energy Probe, GEC, Pollution Probe, SEC and VECC are entitled to 100% of their reasonably incurred costs of participating in this proceeding.

The Board approves the cost claims for each intervenor as found in the table below:

Party	Amount
Association of Major Power Consumers in Ontario ("AMPCO")	\$30,345.56
Canadian Energy Efficiency Alliance ("CEEA")	\$38,827.21
Canadian Manufacturers & Exporters ("CME")	\$28,164.01
Consumer Council of Canada ("CCC")	\$38,562.46
Energy Probe Research Foundation ("Energy Probe")	\$7,937.00
Green Energy Coalition ("GEC")	\$31,378.01
Low Income Energy Network ("LIEN")	\$25,206.76
Pollution Probe	\$11,986.14
School Energy Coalition ("SEC")	\$23,986.76
Vulnerable Energy Consumers Coalition ("VECC")	\$5,623.15

#### THE BOARD ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Hydro One Networks Inc. shall immediately pay:

• Association of Major Power Consumers in Ontario	\$15,172.78
• Canadian Energy Efficiency Alliance	\$19,413.61
• Canadian Manufacturers & Exporters	\$14,082.01
• Consumers Council of Canada	\$19,281.23
• Energy Probe Research Foundation	\$3,968.50
• Green Energy Coalition	\$15,689.01
• Low Income Energy Network	\$12,603.38
• Pollution Probe	\$5,993.07
• School Energy Coalition	\$11,993.38
• Vulnerable Energy Consumers Coalition	\$2,811.58

2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Hydro One Brampton Networks Inc. shall immediately pay:

• Association of Major Power Consumers in Ontario	\$15,172.78
• Canadian Energy Efficiency Alliance	\$19,413.61
• Canadian Manufacturers & Exporters	\$14,082.01
• Consumers Council of Canada	\$19,281.23

• Energy Probe Research Foundation	\$3,968.50
• Green Energy Coalition	\$15,689.01
• Low Income Energy Network	\$12,603.38
• Pollution Probe	\$5,993.07
• School Energy Coalition	\$11,993.38
• Vulnerable Energy Consumers Coalition	\$2,811.58

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

**DATED** at Toronto, April 21, 2011

**ONTARIO ENERGY BOARD**

*Originally Signed by*

Kirsten Walli  
Board Secretary