



EB-2010-0354

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 Toronto
Hydro-Electric System Limited for an order approving just
and reasonable rates to be effective November 1, 2010.

AND IN THE MATTER OF a motion by Toronto
Hydro-Electric System Limited requesting the varying
of the Decision with Reasons issued October 29,
2010, which approved just and reasonable rates to be
effective November 1, 2010.

BEFORE: Paul Sommerville
Presiding Member

Ken Quesnelle
Member

DECISION AND ORDER ON COST AWARDS

Background

Toronto Hydro-Electric System Limited ("Toronto Hydro") filed an application with the Ontario Energy Board, (the "Board"), received on May 14, 2010, under section 78 of the Ontario Energy Board Act, 1998, S.O. 1998, c.15 (Schedule B), seeking approval for changes to the rates that Toronto Hydro charges for electricity distribution, to be effective May 1, 2011, subsequently revised to November 1, 2010. The application was for recovery of approved contact voltage remediation costs arising out of the Board's Decision on Toronto Hydro's EB-2009-0243 application for recovery of these costs. The Board assigned file number EB-2010-0193 to the application. The Board issued its Decision related to this application on October 29, 2010.

On November 18, 2010, Toronto Hydro filed a Notice of Motion to Review and Vary this Decision and Order (the “Motion”). The Board assigned the Application file number EB-2010-0354.

On January 14, 2011, the Board issued its Notice of Application and Hearing and Procedural Order No. 1, stating that it will adopt as intervenors in this proceeding the intervenors and any other parties of record from the EB-2010-0193 proceeding. The Vulnerable Energy Consumers’ Coalition (“VECC”), the School Energy Coalition (“SEC”), the Energy Probe Research Foundation (“Energy Probe”) and the Canadian Union of Public Employees, Local One (“CUPE One”), were intervenors in the EB-2009-0243 proceeding and were deemed by the Board to be intervenors in the EB-2010-0193 proceeding. The Board determined in EB-2009-0243 that CUPE One was not eligible for an award of costs as it did not meet the criteria outlined in the Board’s *Practice Direction on Cost Awards*.

The Board issued its Decision on the application on March 25, 2011, in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by Toronto Hydro.

The Board received one cost claim from the School Energy Coalition (“SEC”). No cost claims were received from VECC and Energy Probe. No comments were received from Toronto Hydro.

Board Findings

The Board has reviewed SEC’s cost claim. The Board finds that SEC is eligible to recover 100% of its reasonably incurred costs of participating in this proceeding. The Board finds that SEC’s cost claim is reasonable and shall be reimbursed by Toronto Hydro.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the Ontario *Energy Board Act*, 1998, Toronto Hydro shall immediately pay the School Energy Coalition the sum of \$4,554.00.

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

DATED at Toronto, May 11, 2011
ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary