



**EB-2010-0102**

**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 North Bay  
Hydro Distribution Ltd. for an order or orders approving or  
fixing just and reasonable distribution rates and other  
charges, to be effective May 1, 2011.

**BEFORE:** Karen Taylor  
Presiding Member

Paula Conboy  
Member

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

North Bay Hydro Distribution Ltd. ("North Bay Hydro"), a licensed distributor of electricity, filed an application with the Ontario Energy Board (the "Board") on October 15, 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 North Bay Hydro charges for electricity distribution, to be effective May 1, 2011. The Board assigned the application file number EB-2010-0102.

The Vulnerable Energy Consumers Coalition ("VECC") and Mr. Donald D. Rennick ("Mr. Rennick") applied and were granted intervenor status in this proceeding. Both parties were granted cost eligibility for their participation in the proceeding related to North Bay Hydro's request for revenue-to-cost ratio adjustments.

In a letter dated December 6, 2010, in response to Mr. Rennick's Notice of Intervention, the Board reminded Mr. Rennick that as an individual intervenor, the following

information should be used as guidance for what costs might or might not be recoverable in a cost award:

Mr. Rennick:

- may be eligible to recover out-of-pocket costs for photocopying or for travel to attend Ontario Energy Board related events if required;
- is not eligible to receive any costs (out-of-pocket travel costs or otherwise) for events organized by persons other than the Ontario Energy Board;
- may not be eligible to receive any costs associated with his time (e.g., the time spent preparing interrogatories, submissions, etc.); and may not recover any costs in advance.

The Board issued its Decision and Order on the application on April 7, 2011, in which it set out the process for eligible intervenors to file their cost claims and to respond to any objections raised by North Bay Hydro.

The Board received VECC's and Mr. Rennick's cost claims.

On April 28, 2011, North Bay Hydro objected to Mr. Rennick's claim in its entirety. North Bay Hydro objected to the cost claim for 11 hours of time in relation to arguments prepared for this application on the following grounds:

- There were no references or comments in Mr. Rennick's interrogatories, additional interrogatories or final submission with respect to the revenue-to-cost ratio adjustments proposed by North Bay Hydro which was the only aspect of the application eligible for an award of costs;
- Mr. Rennick acted as an individual ratepayer;
- Despite Mr. Rennick's *curriculum vitae*, North Bay Hydro submitted that Mr. Rennick's intervention was that of an individual and not as a consultant or expert;
- Mr. Rennick's claim appeared to be for this personal time and the Board had reminded Mr. Rennick that he would likely not be eligible to receive any costs associated with his time as an individual intervenor.

On May 3, 2011, Mr. Rennick replied to North Bay Hydro's objections to the costs claimed. Mr. Rennick submitted that he has met the cost eligibility criteria in Section 3, followed the cost eligibility process of Section 4, and maintained the Principles in awarding costs of Section 5 of the Board's *Practice Direction on Cost Awards*.

**Board Findings**

The Board has determined that Mr. Rennick's cost claim will be disallowed in its entirety. Mr. Rennick's Notice of Intervention filed on November 10, 2010 indicated that he was intervening as a ratepayer of North Bay Hydro. While that Notice also indicated that he was representing the interests of all North Bay Hydro customers, there was no substantiation of the claim that he represented any other ratepayers. In accepting Mr. Rennick's intervention, the Board specifically indicated that Mr. Rennick was being accepted as an individual intervenor and reminded him that he may not be eligible to receive any costs associated with his time (e.g., the time spent preparing interrogatories, submissions, etc.). While Mr. Rennick included as part of his cost claim his *curriculum vitae* wherein it is indicated that he is a Chartered Accountant, the Board finds that his intervention was as an individual ratepayer and not as a consultant or expert and therefore denies his claim for time spent in writing his argument.

The Board has reviewed VECC's cost claim. Due to a calculation error on Form 3, the Board has adjusted VECC's cost claim. VECC's total revised claim is \$428.74.

The Board finds VECC's cost claim to be reasonable. North Bay Hydro shall reimburse VECC for its costs, subject to the adjustment referenced above.

**THE BOARD ORDERS THAT:**

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, North Bay Hydro shall immediately pay the Vulnerable Energy Consumers Coalition the sum of \$428.74.
2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, North Bay 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