



**EB-2010-0138**

**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 Niagara  
Peninsula Energy Inc. for an order approving or fixing just  
and reasonable rates and other charges for electricity  
distribution to be effective May 1, 2011.

**BEFORE:** Marika Hare  
Presiding Member

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

### **Background**

Niagara Peninsula Energy Inc. ("Niagara Peninsula") filed an application with the Ontario Energy Board (the "Board"), received on November 26, 2010, under section 78 of the *Ontario Energy Board Act*, 1998, S.O. 1998, c. 15, seeking approval for changes to the rates that Niagara Peninsula charges for electricity distribution, to be effective May 1, 2011. The Board assigned File Number EB-2010-0138 to the application.

The Board issued a Notice of Application and Hearing on December 16, 2010. Energy Probe Research Foundation ("Energy Probe"), the School Energy Coalition ("SEC"), and the Vulnerable Energy Consumers Coalition ("VECC") applied for intervenor status and cost eligibility. Mr. Jacob Birch requested intervenor status and did not apply for cost eligibility. Ms. Marie Goertzen applied for observer status.

On January 20, 2011, the Board issued its Procedural Order No. 1 granting Mr. Birch, Energy Probe, SEC, and VECC intervenor status, and Ms. Goertzen observer status. The Board determined that Energy Probe, SEC, and VECC were eligible to apply for an award of costs under the *Board's Practice Direction on Cost Awards*.

The Board issued its Decision and Order on May 30, 2011, in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by Niagara Peninsula.

Energy Probe and SEC filed a cost claim by the deadline specified in the Decision and Order. VECC's cost claim was received by the Board on June 27, 2011, and is accepted by the Board notwithstanding the late filing. No comments were received from Niagara Peninsula.

### **Board Findings**

The Board has reviewed SEC's, Energy Probe's and VECC's cost claims. The Board finds the cost claims by SEC, Energy Probe and VECC's to be reasonable and that Niagara Peninsula shall reimburse the costs, as noted below.

### **THE BOARD THEREFORE ORDERS THAT:**

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Niagara Peninsula shall immediately pay:
  - Energy Probe Research Foundation \$16,893.71;
  - School Energy Coalition \$13,537.24; and
  - Vulnerable Energy Consumers Coalition \$12,749.80.
2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Niagara Peninsula shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

**DATED** at Toronto, July 21, 2011

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary