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**Commission de l'énergie
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BY E-MAIL AND WEB POSTING

September 2, 2011

**To: All Licensed Electricity Distributors
Vulnerable Energy Consumers Coalition
Low Income Energy Network
London Property Management Association
Canadian Manufacturers & Exporters
Association of Major Power Consumer in Ontario
School Energy Coalition**

**Re: Notice of Hearing for Cost Awards (Phase 3)
Electricity Low-Income Customer Service Code Amendments
Board File No: EB-2007-0722**

Background

A. The Consultations

On September 6, 2007, the Ontario Energy Board (the “Board”) commenced a consultation process on issues associated with the provision of service by electricity distributors (EB-2007-0722) (the “Customer Service Consultation”). In its September 6, 2007 letter, the Board indicated that cost awards would be available under section 30 of the *Ontario Energy Board Act, 1998* (the “Act”) to eligible participants in relation to their participation in the Customer Service Consultation, and that costs awarded would be recovered from all licensed electricity distributors based on their respective distribution revenues.

In its letter dated March 6, 2008, the Board advised interested parties of its determination that issues that were being reviewed as part of the Risk Management Consultation (EB-2007-0635) would thereafter be more effectively addressed as part of the Customer Service Consultation.

B. Parties Eligible for Cost Awards

In its decisions relating to cost eligibility in this process dated October 12, 2007, March 6, 2008, March 26, 2008, April 3, 2008 and July 24, 2008, the Board found the following participants to be eligible for an award of costs in the Customer Service Consultation: Vulnerable Energy Consumers Coalition ("VECC"), the Federation of Rental-Housing Providers of Ontario ("FRPO"), the Building Owners and Managers Association of the Greater Toronto Area ("BOMA"), the Association of Major Power Consumers in Ontario ("AMPCO"), the School Energy Coalition ("SEC"), the Canadian Manufacturers & Exporters ("CME"), the London Property Management Association ("LPMA"), and the Energy Probe Research Foundation.

In its Notice of Proposal to Amend Codes in this process dated March 10, 2009, the Board also extended eligibility for cost awards in the EB-2007-0722 consultations to all additional participants that were found to be eligible for an award of costs in the Consultation on Energy Issues Relating to Low Income Consumers (EB-2008-0150), namely: the Advocacy Centre for Tenants Ontario; the Canadian Environmental Law Association; the Consumers Council of Canada; EnviroCentre; the Green Energy Coalition; Green Light on A Better Environment; the Industrial Gas Users Association; the Income Security Advocacy Centre; the Kingston Community Legal Clinic; the Low Income Energy Network ("LIEN"); the National Chief's Office on behalf of the Assembly of First Nations; Nipissing First Nation; the Ontario Municipal Social Services Association; the Pollution Probe Foundation; and the Toronto Environmental Alliance.

All of the stakeholders listed above are collectively referred to as the "eligible participants".

C. Past Cost Awards (Phases 1 and 2)

In its order dated December 18, 2009, the Board awarded costs in respect of Phase 1 of the EB-2007-0722 and EB-2007-0635 consultations for:

- i) Preparation for and attendance at a stakeholder meeting, to a maximum of actual meeting time plus preparation time limited to 1.5 times actual meeting time.

- ii) The provision of written comments on the March 6, 2008 Board Staff Discussion Paper entitled “Electricity Distributors: Customer Service, Rate Classification and Non-Payment Risk”, to a maximum of 30 hours.

In its order dated August 19, 2011, the Board awarded costs in respect of the Phase 2 of the EB-2007-0722 consultations for:

- i) The provision of written comments on the March 10, 2009 Notice Of Proposed Amendments to Codes, to a maximum of 25 hours.
- ii) The provision of written comments on the October 1, 2009 Notice Of Revised Proposed Customer Service Amendments to Codes, to a maximum of 15 hours.
- iii) The provision of written comments on the March 12, 2010 Notice Of Further Revised Proposed Customer Service Amendments to Codes, to a maximum of 8 hours.

D. Activities Eligible for Further Cost Awards (Phase 3)

The present hearing will assess costs for eligible participants in relation to the following further (Phase 3) activities in the EB-2007-0722 process:

- i) The provision of written comments on the September 30, 2010 Notice Of Updated Proposed Low-Income and Other Customer Service Code Amendments, to a maximum of 15 hours.
- ii) The provision of written comments on the February 8, 2011 Notice Of Revised Updated Proposed Low-Income and Other Customer Service Code Amendments, to a maximum of 15 hours.

Written comments on both of the above Notices was provided by the following eligible participants: VECC, LPMA and LIEN. No comments were filed during Phase 3 of the consultations by AMPCO or SEC. CME filed a letter indicating that they had no further comments.

Notice of Hearing

The Board is initiating this hearing on its own motion in order to determine the cost awards that will be made in accordance with section 30 of the Act in relation to the eligible participants set out in section B) above and in respect of the eligible activities set out in section D) above. The file number for this hearing is EB-2007-0772.

The Board expects to decide this fall if there will be any further phases in this consultation. If so, cost awards in relation to further rounds of notice and comment process will be addressed separately later.

The Board intends to proceed by way of written hearing unless a party can satisfy the Board that there is a good reason for not holding a written hearing. If a party wants to object to a written hearing, the objection must be received by the Board no later than **7 days** after the date of this Notice.

Assuming that the Board does not receive any objections to a written hearing, the hearing will follow the process set out below.

1. The eligible participants shall submit their cost claims by **September 19, 2011**. A copy of the cost claim must be filed with the Board and one copy is to be served on each licensed distributor. The cost claims must be completed in accordance with section 10 the Board's *Practice Direction on Cost Awards*.
2. Distributors will have until **September 26, 2011** to object to any aspect of the costs claimed. A copy of the objection must be filed with the Board and one copy must be served on the eligible participant against whose claim the objection is being made.
3. The eligible participant whose cost claim was objected to will have until **October 3, 2011** to make a reply submission as to why its cost claim should be allowed. A copy of the reply submission must be filed with the Board and one copy is to be served on the objecting distributor.
4. The Board will then issue its decision on cost awards. The Board's costs may also be addressed in the cost awards decision.

Service of cost claims, objections and reply submissions on other parties may be effected by courier, registered mail, facsimile or e-mail.

All submissions in this hearing (i.e., cost claims, objections and replies) will form part of the public record. Copies of the submissions will be available for inspection at the Board's office and the submissions may be published on the Board's website.

Parties must file a paper copy and one electronic copy of their submissions with the Board Secretary by **4:45 pm** on the required dates. The Board requests that interested parties make every effort to provide electronic copies of their filings in searchable/unrestricted Adobe Acrobat (PDF) format, and to submit their filings through the Board's web portal at www.errr.ontarioenergyboard.ca. A user ID is required to submit documents through the Board's web portal. If you do not have a user ID, please visit the "e-filings services" webpage on the Board's website at www.ontarioenergyboard.ca, and fill out a user ID password request. Additionally, interested parties are requested to follow the document naming conventions and document submission standards outlined in the document entitled "RESS Document Preparation – A Quick Guide" also found on the e-filing services webpage. If the Board's web portal is not available, electronic copies of filings may be filed by e-mail at boardsec@ontarioenergyboard.ca. Those that do not have internet access should provide a CD containing their filing in PDF format.

All submissions must quote file number **EB-2007-0722** and include your name, address, telephone number and, where available, your e-mail address and fax number.

If you do not file a letter objecting to a written hearing or do not participate in the hearing by filing written submissions in accordance with this Notice, the Board may proceed without your participation and you will not be entitled to further notice in this proceeding.

Yours truly,

Original signed by

John Pickernell
Assistant Board Secretary