



EB-2007-0722
EB-2007-0635

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B;

AND IN THE MATTER OF cost awards in relation to the consultation processes to examine issues relating to electricity distributors' provision of service and customer non-payment risk

BEFORE Ken Quesnelle
Presiding Member

DECISION AND ORDER ON COST AWARDS (Phase 3)

Background

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

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; 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”.

Past Cost Awards - Phases 1 and 2

In its order dated December 18, 2009, the Board awarded costs in respect of the first phase of the EB-2007-0722 and EB-2007-0635 consultations, more specifically in relation to:

- 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 second phase of the EB-2007-0722 consultation, more specifically in relation to:

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

Phase 3 Cost Awards

Activities Eligible for Phase 3 Cost Awards

As indicated in the Notice of Hearing for Phase 3 Cost Awards issued September 2, 2011, further costs awards will be assessed for eligible participants in relation to the following 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 one or more of the above Notices was provided by the following eligible participants: CME, LPMA and VECC. In addition, a joint submission was filed by LIEN on behalf of themselves and ATCO, CELA, TEA and ISAC.

Phase 3 Cost Claims Submitted

Phase 3 cost claims were submitted by four eligible participants: LIEN, CME, LPMA, and VECC. Cost claims were due by September 19, 2011. One participant (LIEN) filed its cost claim on September 21, 2011.

In its letter of September 2, 2011, the Board directed that distributors had until September 26, 2011 to object to any aspect of the costs claimed submitted. One distributor contacted Board staff to enquiry about when the late cost claim may be submitted. No substantive objections to these cost claims were filed by distributors.

Board Findings on the Phase 3 Cost Claims of the Eligible Participants

The Board has reviewed the cost claims filed by LIEN, CME, LPMA and VECC and finds that they are all within the approved time limits and approved hourly rates set by the Board. The Board therefore finds that the LIEN, CME, LPMA and VECC cost claims are reasonable and they are each entitled to 100% of the costs as claimed.

The amount payable by each individual licensed electricity distributor in relation to costs awarded in this phase to each eligible participant is listed in Appendix A to this Decision and Order. These costs have been allocated to each distributor based on their respective distribution revenues, as indicated in the Board's correspondence of June 4, 2007 and September 6, 2007.

Process for Paying the Cost Awards

As stated in the Notice, the Board will use the process set out in section 12 of the Practice Direction to implement the payment of the cost awards. Therefore, the Board will act as a clearing house for all payments of cost awards relating to this consultation process. Invoices will be issued to distributors at the same time as are invoices for cost assessments made under section 26 of the *Ontario Energy Board Act, 1998* (the "Act"). The practice of the Board is to issue to each distributor one invoice that covers all cost awards payable by the distributor for the relevant period. As a result, the invoice may cover cost awards payable in relation to a number of consultations, including this one.

THE BOARD THEREFORE ORDERS THAT:

1. The amounts to be paid by each individual distributor in relation to the costs awarded to each eligible participant are as set out in Appendix A to this Decision and Order.
2. The individual distributors listed in Appendix A to this Decision and Order shall pay the costs awarded to each of the eligible participants as set out in Appendix A.
3. Payment of cost awards shall be made to the Ontario Energy Board in accordance with the invoice issued to the individual distributor, and shall be due at the same time as cost assessments under section 26 of the Act are due.

DATED at Toronto, November 15, 2011

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Appendix A
to the Board's Decision and Order on Cost Awards

EB-2007-0722
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**Ontario Energy Board
EB-2007-0722**

Electricity Distribution System Owner/Operator	CME	LIEN	LPMA	VECC	TOTAL
Algoma Power Inc.	5.56	56.34	25.36	30.14	117.40
Atikokan Hydro Inc.	0.41	4.19	1.89	2.24	8.73
Attawapiskat Power Corp.	0.30	3.03	1.36	1.62	6.31
Bluewater Power Distribution Corp.	5.97	60.55	27.25	32.39	126.16
Brant County Power Inc.	1.92	19.42	8.74	10.39	40.46
Brantford Power Inc.	4.98	50.44	22.71	26.98	105.10
Burlington Hydro Inc.	8.82	89.38	40.24	47.81	186.24
Cambridge And North Dumfries Hydro Inc.	6.68	67.70	30.48	36.21	141.07
Canadian Niagara Power Inc.	5.14	52.08	23.44	27.86	108.52
Centre Wellington Hydro Ltd.	0.89	9.01	4.06	4.82	18.78
Chapleau Public Utilities Corp.	0.21	2.17	0.97	1.16	4.51
Chatham-Kent Hydro Inc.	4.29	43.47	19.57	23.25	90.58
Collus Power Corp.	1.73	17.52	7.89	9.37	36.50
Cooperative Hydro Embrun Inc.	0.19	1.94	0.87	1.04	4.05
Cornwall Street Railway Light And Power Company Ltd.	3.82	38.75	17.44	20.73	80.73
E.L.K. Energy Inc.	1.46	14.85	6.68	7.94	30.93
Enersource Hydro Mississauga Inc.	37.27	377.85	170.09	202.11	787.33
Enwin Utilities Ltd.	15.32	155.30	69.91	83.07	323.60
Erie Thames Powerlines Corp.	1.91	19.33	8.70	10.34	40.29
Espanola Regional Hydro Distribution Corp.	0.43	4.35	1.96	2.33	9.06
Essex Powerlines Corp.	3.18	32.27	14.53	17.26	67.25
Festival Hydro Inc.	3.02	30.62	13.78	16.38	63.80
Fort Albany Power Corp.	0.21	2.12	0.96	1.14	4.42
Fort Frances Power Corp.	0.49	4.98	2.24	2.67	10.38
Greater Sudbury Hydro Inc.	7.17	72.72	32.73	38.90	151.52
Grimsby Power Inc.	1.12	11.33	5.10	6.06	23.61
Guelph Hydro Electric Systems Inc.	7.66	77.70	34.98	41.56	161.91
Haldimand County Hydro Inc.	4.40	44.58	20.07	23.85	92.90
Halton Hills Hydro Inc.	3.05	30.96	13.94	16.56	64.51
Horizon Utilities Corp.	28.12	285.13	128.35	152.51	594.11
Hydro Hawkesbury Inc.	0.39	3.93	1.77	2.10	8.18
Hearst Power Distribution Company Ltd.	0.29	2.93	1.32	1.57	6.11
Hydro 2000 Inc.	0.11	1.11	0.50	0.59	2.31
Hydro One Brampton Networks Inc.	19.64	199.08	89.61	106.49	414.81
Hydro One Networks Inc.	334.98	3,396.08	1,528.74	1,816.56	7,076.36
Hydro One Remote Communities Inc.	3.74	37.87	17.05	20.26	78.91
Hydro Ottawa Ltd.	46.35	469.90	211.53	251.35	979.13
Innisfil Hydro Distribution Systems Ltd.	2.44	24.72	11.13	13.22	51.50
Kashechewan Power Corp.	0.29	2.92	1.31	1.56	6.08
Kenora Hydro Electric Corporation Ltd.	0.69	7.01	3.16	3.75	14.62
Kingston Hydro Corp.	3.28	33.30	14.99	17.81	69.38
Kitchener-Wilmot Hydro Inc.	10.53	106.79	48.07	57.12	222.51
Lakefront Utilities Inc.	1.39	14.05	6.33	7.52	29.29
Lakeland Power Distribution Ltd.	1.45	14.68	6.61	7.85	30.59
London Hydro Inc.	18.09	183.37	82.54	98.08	382.08
Middlesex Power Distribution Corp.	1.00	10.09	4.54	5.40	21.02
Midland Power Utility Corp.	1.05	10.67	4.80	5.71	22.24
Milton Hydro Distribution Inc.	3.85	39.05	17.58	20.89	81.38
Newmarket - Tay Power Distribution Ltd.	4.93	49.97	22.50	26.73	104.13
Niagara Peninsula Energy Inc.	8.72	88.40	39.79	47.29	184.20
Niagara-On-The-Lake Hydro Inc.	1.48	15.03	6.77	8.04	31.32
Norfolk Power Distribution Inc.	3.60	36.47	16.42	19.51	76.00
North Bay Hydro Distribution Ltd.	3.32	33.70	15.17	18.03	70.22
Northern Ontario Wires Inc.	0.82	8.33	3.75	4.46	17.36
Oakville Hydro Electricity Distribution Inc.	9.27	93.95	42.29	50.26	195.77
Orangeville Hydro Ltd.	1.48	15.01	6.76	8.03	31.27
Orillia Power Distribution Corp.	2.17	22.04	9.92	11.79	45.93
Oshawa Puc Networks Inc.	6.29	63.74	28.69	34.10	132.82
Ottawa River Power Corp.	1.16	11.81	5.32	6.32	24.61
Parry Sound Power Corp.	0.56	5.67	2.55	3.03	11.82
Peterborough Distribution Inc.	4.53	45.92	20.67	24.56	95.68
Powerstream Inc.	48.63	493.02	221.93	263.72	1,027.30
Puc Distribution Inc.	4.98	50.50	22.73	27.01	105.24
Renfrew Hydro Inc.	0.53	5.33	2.40	2.85	11.10
Rideau St. Lawrence Distribution Inc.	0.69	6.99	3.15	3.74	14.57
St. Thomas Energy Inc.	2.02	20.53	9.24	10.98	42.78
Sioux Lookout Hydro Inc.	0.60	6.06	2.73	3.24	12.62
Thunder Bay Hydro Electricity Distribution Inc.	5.74	58.19	26.19	31.12	121.24
Tillsonburg Hydro Inc.	0.89	9.03	4.06	4.83	18.82
Toronto Hydro-Electric System Ltd.	152.81	1,549.17	697.35	828.65	3,227.98
Veridian Connections Inc.	14.77	149.70	67.39	80.08	311.93
Wasaga Distribution Inc.	1.24	12.59	5.67	6.73	26.22
Waterloo North Hydro Inc.	8.17	82.81	37.28	44.30	172.56
Welland Hydro-Electric System Corp.	2.62	26.59	11.97	14.22	55.41
Wellington North Power Inc.	0.61	6.18	2.78	3.30	12.87
West Coast Huron Energy Inc.	0.62	6.27	2.82	3.36	13.07
Westario Power Inc.	2.70	27.39	12.33	14.65	57.07
Whitby Hydro Electric Corp.	5.89	59.74	26.89	31.95	124.47
Woodstock Hydro Services Inc.	2.14	21.68	9.76	11.60	45.17
TOTAL	919.26	9,319.46	4,195.13	4,984.97	19,418.82