



EB-2010-0377  
EB-2010-0378  
EB-2010-0379  
EB-2011-0004  
EB-2011-0043

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

**AND IN THE MATTER OF** cost award eligibility for  
interested parties in a coordinated consultation process  
for the development of a renewed regulatory framework  
for electricity distributors and transmitters.

**BEFORE** Paula Conboy  
Presiding Member

Karen Taylor  
Member

## **SUPPLEMENTAL DECISION ON COST ELIGIBILITY**

December 7, 2011

On December 2, 2011, the Ontario Energy Board (the "Board") issued a Decision on Cost Eligibility (the "December Decision") in relation to its coordinated consultation process to develop a renewed regulatory framework for electricity distributors and transmitters ("RRFE").

The consultation encompasses five inter-related policy initiatives which support RRFE development:

- Distribution Network Investment Planning (EB-2010-0377);

- Regulatory Framework for Regional Planning for Electricity Infrastructure (EB-2011-0043);
- Establishment, Implementation and Promotion of a Smart Grid in Ontario (EB-2011-0004);
- Approaches to Mitigation for Electricity Transmitters and Distributors (EB-2010-0378); and
- Defining and Measuring the Performance of Electricity Transmitters and Distributors (EB-2010-0379).

The December Decision inadvertently omitted to address a request for cost eligibility for the smart grid initiative (EB-2011-0004) from the Consumers Council of Canada (“CCC”). CCC submitted its request for cost eligibility on November 22, 2011, after the November 14, 2011 deadline established for that purpose in the Board’s November 8, 2011 letter. CCC noted in its request that the Board determined it to be eligible for an award of costs in respect of its participation in the other four RRFE initiatives in a previous decision, and is now requesting eligibility in respect of the fifth initiative.

In earlier communications, the Board had indicated that cost awards would be available to eligible persons under section 30 of the *Ontario Energy Board Act, 1998* in relation to their participation in one or more of the above-noted initiatives. In the case of the smart grid initiative, the costs to be awarded will be recovered from licensed rate-regulated electricity distributors and licensed rate-regulated electricity transmitters.

Based on the criteria set out in section 3 of the Board’s *Practice Direction on Cost Awards*, the Board has determined that CCC is eligible for an award of costs in respect of the smart grid initiative, subject to any objections that might be received from electricity distributors and transmitters. Distributors and transmitters have until **December 21, 2011** to file any objections that they might have in relation to the new cost eligibility request from CCC.

**ISSUED** at Toronto, December 7, 2011  
**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary