



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 #2

December 8, 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 Board's letter of November 8, 2011, which allowed a further opportunity for interested parties to request cost award eligibility, established a deadline of November 14, 2011 for the filing of new requests for eligibility for cost awards. In earlier communications, the Board indicated that the costs to be awarded will be recovered from licensed rate-regulated electricity distributors and/or licensed rate-regulated electricity transmitters, as applicable depending on the initiative

On December 2, 2011, the Retail Council of Canada (RCC) submitted a request for cost eligibility for all five initiatives. The RCC apologized for its late submission, indicating that it had only recently become aware of the consultation process, and acted as soon as possible to request participant status and cost eligibility.

According to its request, RCC is a not-for-profit organization that represents Ontario and Canada's retail sectors, and its members account for 80% of total retail sales in the country. RCC's request also asserts that RCC represents the direct interests of Ontario retailers as consumers of electricity in relation to regulated services. RCC notes further that, as ratepayers who rely on electricity for their operations, its members have an

interest in all five of the initiatives covered in this coordinated consultation and can provide an important perspective because of their electricity consumption patterns.

Based on the criteria set out in section 3 of the Board's *Practice Direction on Cost Awards*, the Board has determined that RCC is eligible for an award of costs in respect of all five initiatives comprising this coordinated consultation process, subject to any objections that might be received from electricity distributors and transmitters.

Distributors and transmitters have until **December 16, 2011** to file any objections that they might have in relation to the cost eligibility request from RCC.

ISSUED at Toronto, December 8, 2011

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary