



EB-2008-0346
EB-2008-0150

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 a
consultation process on the development of demand side
management guidelines for natural gas distributors.

BEFORE Cathy Spoel
Presiding Member

DECISION AND ORDER ON COST AWARDS

Background

On October 31, 2008, the Ontario Energy Board (the “Board”) began a consultation process to develop guidelines for demand side management (“DSM”) to be used by natural gas distributors in developing their next generation DSM plans.

In its October 31, 2008 letter, the Board stated that cost awards would be available to eligible persons under section 30 of the *Ontario Energy Board Act, 1998* (the “Act”) in relation to their participation in this consultation, and that any costs awarded would be recovered from all rate-regulated natural gas distributors based on their respective distribution revenues.

In accordance with the Board's November 28, 2008 Decision on Cost Eligibility, the following participants were found to be eligible for an award of costs: Building Owners and Managers Association of the Greater Toronto Area ("BOMA"); Canadian Manufacturers & Exporters ("CME"); Consumers Council of Canada ("CCC"); Energy Probe; Green Energy Coalition ("GEC"); Industrial Gas Users Association ("IGUA"); London Property Management Association ("LPMA"); Low-Income Energy Network ("LIEN"); Pollution Probe; School Energy Coalition ("SEC"); and Vulnerable Energy Consumers Coalition ("VECC").

By letter dated March 19, 2010 (the "March Letter"), the Board determined that all participants deemed to be eligible in the Board's August 15, 2008 Decision on Cost Eligibility in EB-2008-0150 and its November 28, 2008 Decision on Cost Eligibility in EB-2008-0346, were also eligible for an award of costs in this consultation process, and were not required to file a request for eligibility. The Federation of Rental-housing Providers of Ontario ("FRPO") is the only participant whose cost award eligibility in EB-2008-0150 was extended to this consultation process.

On April 14, 2011, the Board issued a supplementary decision on cost eligibility and granted the Ontario Sustainable Energy Association ("OSEA") and the Toronto and Region Conservation Authority ("TRCA") cost eligibility for all activities outlined in Appendix A of the March Letter.

The Board's Decision and Order on Cost Awards dated June 9, 2010 provided the Board's findings with regards to cost award requests for all eligible activities that occurred between October 31, 2008 and January 6, 2010.

As noted in the Board's January 21, 2011 letter, cost awards were made available for preparation, attendance and reporting at the April 29, 2010 stakeholder meeting and May 13, 2010 webinar for the maximum of actual meeting time plus 50% of meeting time for preparation and reporting. In addition, provisions for written comments were made available on the Concentric Energy Advisor Report (up to 30 hours), the Pacific Economics Group Research Report (up to 10 hours), and the Staff Discussion Paper and Revised Guidelines (up to 20 hours) for a maximum of up to 70.5 hours total for all activities.

By letter dated March 29, 2011, the Board advised that cost awards would be available in relation to the provision of comments up to a maximum of 10 hours, in addition to the hours provided in the January 21, 2011 letter of the Board.

On August 18, 2011, the Board issued a Notice of Hearing for Cost Awards in relation to this consultation process (the "Notice"). BOMA, CCC, CME, Energy Probe, GEC, IGUA, LIEN, LPMA, OSEA, Pollution Probe, SEC, TRCA, and VECC submitted cost claims by September 6, 2011. A late cost claim was submitted by FPRO on October 2, 2011 due to an administrative error.

On September 20, 2011, an objection was received by Enbridge Gas Distribution Inc. ("Enbridge"). Enbridge noted that various individual cost claims included HST on the entire claim although some of the services performed were prior to July 1, 2010, the date HST came into effect. Enbridge further commented that within some individual cost claims the suggested maximum allowed hours per individual activity were exceeded but that the total hours requested within each claim were within the total hours allowed by the Board.

Board Findings on the Cost Claims of the Eligible Participants

The Board notes CME's acknowledgement that while the time claimed for the provision of written comments on the Staff Discussion Paper and on the Board's March 29, 2011 letter is greater than the allowable time for these two items, the overall time spent on all activities is less than the allocated time in all other categories. However, in fairness to those participants who did observe the Board's limits, the Board denies CME's claim and has adjusted its cost claim accordingly.

The cost claims filed by CCC, GEC, Energy Probe, LIEN and Pollution Probe included HST on the entire claim amount, although some activities took place prior to the date HST took effect. Accordingly, these claims have been adjusted for GST to reflect activities which occurred prior to July 1, 2010.

The cost claims filed by all other eligible participants are within the maximums set by the Board in its letters dated January 21, 2011 and March 29, 2011. The Board finds that each of these eligible participants is entitled to 100% of its reasonably incurred costs of participating in this consultation.

The amount payable by each individual licensed rate-regulated gas distributor in relation to costs awarded to each eligible participant is listed in Appendix A to this Decision and Order.

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 all licensed rate-regulated gas 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 licensed rate-regulated gas 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 licensed rate-regulated gas 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 licensed rate-regulated gas 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. The individual licensed rate-regulated gas distributors listed in Appendix A to this Decision and Order shall pay the Board's costs of, and incidental to, this consultation.
4. Payment of cost awards and of the Board's costs referred to in paragraphs 2 and 3 shall be made to the Ontario Energy Board in accordance with the invoice

issued to the individual licensed rate-regulated gas distributor, and shall be due at the same time as cost assessments under section 26 of the Act are due.

DATED at Toronto, December 28, 2011

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

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

EB-2008-0346
Consultation on Demand Side Management Guidelines for Natural Gas Distributors

Cost awards in relation to eligible activities for the period January 6, 2010 to March 29, 2011 (\$)

Gas Distributor* Eligible Participant	Enbridge Gas Distribution Inc.	Union Gas Ltd.	Natural Resource Gas Ltd.	Total Awarded	Total Claimed
BOMA	5,402.77	4,644.75	17.48	10,065.00	10,065.00
CCC	9,726.75	8,362.08	31.47	18,120.30	19,017.90
CME	7,618.44	6,549.56	24.65	14,192.65	16,696.90
Energy Probe	8,025.57	6,899.57	25.97	14,951.10	15,354.66
FRPO	5,362.03	4,609.73	17.35	9,989.10	9,989.60
GEC	13,817.30	11,878.71	44.71	25,740.72	26,670.04
IGUA	9,449.29	8,123.54	30.57	17,603.41	17,603.41
LIEN	13,385.50	11,507.50	43.31	24,936.31	25,994.34
LPMA	6,027.31	5,181.67	19.50	11,228.49	11,228.49
OSEA	13,847.27	11,904.48	44.80	25,796.55	25,796.55
Pollution Probe	5,981.36	5,142.17	19.35	11,142.88	11,196.15
SEC	13,940.91	11,984.98	45.11	25,971.00	25,971.00
TRCA	7,307.02	6,281.84	23.64	13,612.50	13,612.50
VECC	7,451.52	6,406.07	24.11	13,881.70	13,881.70
TOTAL	127,343.05	109,476.64	412.02	237,231.71	243,078.24

* Cost awards allocated to rate-regulated natural gas distributors based on their respective distribution revenues.