



EB-2011-0118

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

AND IN THE MATTER OF an application pursuant to section 74 of the *Ontario Energy Board Act, 1998* by Hydro One Networks Inc. for an Order or Orders including an exemption from section 6.2.6 and section 6.2.7 of the Distribution System Code relating to the connection of micro-embedded generation facilities to its distribution system.

BEFORE: Cynthia Chaplin
Vice Chair and Presiding Member

Marika Hare
Member

DECISION AND ORDER ON COST AWARDS

Background

Hydro One Networks Inc. ("Hydro One") filed an application with the Ontario Energy Board (the "Board") dated April 19, 2011 for a six month exemption from certain sections of the Distribution System Code ("DSC" or "Code") relating to the required timelines for connection of micro-embedded generation facilities to Hydro One's distribution system (the "Application"). The Board held an oral hearing on August 11 and 12, 2011, and a Decision and Order on the Application was issued on October 11, 2011.

On July 20, 2011, the Board issued Procedural Order No. 1 granting intervenor status to the following parties:

- Canadian Manufacturers & Exporters (“CME”)
- Azgard Solar
- Canadian Solar Industries Association (“CanSIA”)
- Eva Ligeti
- Ontario Power Authority
- Power Worker’s Union
- RaSolar
- Sustainable Energy Technologies Ltd.
- Wayne L. McLellan
- Lloyd Kerr
- Ontario Sustainable Energy Association (“OSEA”)
- Steve Quenneville (Yellow Creek Farms)

The Board also granted cost eligibility status to CanSIA, CME, OSEA, Mr. McLellan and Yellow Creek Farms.

The Board issued its Decision and Order on the Application on October 11, 2011,¹ in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by Hydro One.

The Board received cost claims from CanSIA, CME, OSEA, Mr. McLellan and Yellow Creek Farms. By letter dated December 7, 2011, Hydro One stated that it had no issues with respect to the claims from CME and OSEA. With regard to CanSIA’s cost claim, Hydro One requested that the Board review the disbursements such as courier costs and ensure that all the receipts match the respective claims. With regard to Yellow Creek Farms’ cost claim, Hydro One requested that the Board review the cost claims and stated that the claim was not filed in accordance with the Board’s *Practice Direction on Cost Awards*, and that receipts for some disbursements were not submitted.

¹ A corrected Decision and Order and errata sheet was issued on October 12, 2011.

Board Findings

The Board has reviewed the cost claims filed by CanSIA, CME, OSEA, Mr. McLellan and Yellow Creek Farms.

The Board finds that CME's cost claim includes disbursements for travel that do not comply with the OEB's *Practice Direction on Cost Awards*. The Board has therefore made an adjustment to CME's cost claim resulting in a reduction to CME's total claim from \$5,053.18 to \$4,969.57.

The Board has determined that the claim by OSEA is excessive. The Board notes that CanSIA's claim was higher than OSEA's claim, but the Board derived significant value from the contributions of CanSIA through its witness panel, cross-examination, and submissions. The Board finds that the contributions OSEA made through its witness panel, cross-examination and submissions did not contribute to the Board's understanding of the relevant issues to a degree that is commensurate with the level of costs claimed. The Board will award the full level of OSEA's disbursements, but will reduce the other costs claimed by OSEA by 10%.

The Board has reduced Mr. McLellan's claim to reflect the travel car rate of \$0.40 per kilometer. The Board finds that Mr. McLellan's claim includes disbursements for meals and parking that are without receipts, and therefore do not comply with the Board's *Practice Direction on Cost Awards*. The Board has made these adjustments to Mr. McLellan's costs. Mr. McLellan's total revised claim is \$228.81.

The Board has similarly reduced Yellow Creek Farms' claim to reflect the travel car rate of \$0.40 per kilometer. Due to a calculation error on Form 1, the Board has adjusted Yellow Creek Farms' claim by \$36.56. Yellow Creek Farms' revised claim is \$945.93.

The Board appreciates the contributions of Mr. McLellan and Yellow Creek Farms. In addition to the cost claims to be awarded, the Board will grant honorariums of \$500 to each of Mr. McLellan and Yellow Creek Farms.

The Board finds that CanSIA and CME are eligible for 100% of their reasonably incurred costs of participating in this proceeding. The Board finds that CanSIA, CME, OSEA, Mr. McLellan and Yellow Creek Farms claims are reasonable as adjusted by the Board in this Decision and Order and shall be reimbursed by Hydro One.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Hydro One shall immediately pay:

- Canadian Solar Industries Association \$41,004.84;
- Canadian Manufacturers & Exporters \$4,969.57;
- Ontario Sustainable Energy Association \$33,031.86;
- Wayne L. McLellan \$728.81; and
- Yellow Creek Farms \$1,445.93.

2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Hydro One shall pay the Board's costs of and incidental to this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, January 30, 2012.

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary