



EB-2011-0328
EB-2011-0329

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

AND IN THE MATTER OF an application by Chatham-Kent Hydro Inc. and Middlesex Power Distribution Corporation under section 86 of the Ontario Energy Board Act, 1998 seeking an order for leave to amalgamate;

AND IN THE MATTER OF an application by Chatham-Kent Hydro Inc. under section 74 of the Ontario Energy Board Act, 1998 seeking an order to amend its distribution licence;

AND IN THE MATTER OF a request by Middlesex Power Distribution Corporation under section 77(5) of the Ontario Energy Board Act, 1998 seeking the cancellation of its distribution licence.

BEFORE: Paula Conboy
Presiding Member

Paul Sommerville
Member

DECISION AND ORDER ON COST AWARDS

Background

Chatham-Kent Hydro Inc. ("Chatham-Kent"), a licensed electricity distributor, filed an application with the Ontario Energy Board, received on September 1, 2011, under section 86(1)(c) of the *Ontario Energy Board Act*, 1998, S.O. 1998, c. 15 (Schedule B)

(the “Act”), seeking leave to amalgamate with Middlesex Power Distribution Corporation (“Middlesex”). The Board assigned File Number EB-2011-0328 to the application.

Chatham-Kent and Middlesex also filed an application under section 74 of the Act to amend Chatham-Kent’s electricity distribution licence to include in its service area the area currently served by Middlesex, and to include Middlesex’s identified Conservation and Demand Management (“CDM”) targets. Middlesex also requested that its electricity distribution licence be cancelled following close of the transaction and approval by the Board. The Board assigned File Number EB-2011-0329 to this matter. In the Notice of Application and Written Hearing issued on September 19, 2011, the Board stated that it would hear these matters together, pursuant to section 21(5) of the Act.

On October 25, 2011, the Board issued its Procedural Order No. 1, granting the School Energy Coalition (“SEC”) intervenor status. The Board also determined that SEC was eligible to apply for an award of costs under the Board’s *Practice Direction on Cost Awards*.

On December 16, 2011 the Applicants were granted leave to amalgamate by the Board pending completion of the transaction. On January 11, 2012 Chatham-Kent filed a notice of completion of the transaction. On January 20, 2012 the Board cancelled Middlesex’s electricity distribution licence and amended Chatham-Kent’s electricity distribution licence to include the service areas and CDM targets previously included in Middlesex’s licence.

On February 24, 2012, the Board issued its Procedural Order No. 2, in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by Chatham-Kent.

The Board received SEC’s cost claim. On March 9, 2012, Chatham-Kent filed a letter stating that it found SEC’s cost submission to be prudent and reasonable, and supported the cost claim.

Board Findings

The Board has reviewed SEC’s cost claim and finds that SEC is eligible for 100% of its reasonably incurred costs of participating in this proceeding. The Board finds that all claims are reasonable and Chatham-Kent shall reimburse SEC for its costs.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Chatham-Kent shall immediately pay School Energy Coalition \$1,518.00.
2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Chatham-Kent shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, March 20, 2012

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary