



EB-2011-0327

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 Union Gas
Limited seeking approval of its 2012-2014 Demand Side
Management plan.

BEFORE: Cathy Spoel
Presiding Member

Cynthia Chaplin
Vice-Chair

Paula Conboy
Member

DECISION AND ORDER ON COST AWARDS
(Originally issued on April 27, 2012, corrected on July 6, 2012)

Background

Union Gas Limited ("Union Gas") filed an application with the Ontario Energy Board (the "Board") on September 23, 2011, seeking approval for its 2012-2014 Demand Side Management ("DSM") plan including a 2012 DSM budget of \$30.954 million. The application has been filed pursuant to the Board's DSM Guidelines that were issued on June 30, 2011 (EB- 2008-0346). The Board assigned the application file number EB-2011-0327.

On November 4, 2011, the Board issued its Procedural Order No. 1 and Cost Eligibility Decision, granting the following parties intervenor status and cost award eligibility:

- Association of Power Producers of Ontario (“APPrO”);
- Building Owners and Managers Association Toronto (“BOMA”);
- Canadian Manufacturers & Exporters (“CME”);
- Consumers Council of Canada (“CCC”);
- Energy Probe Research Foundation (“Energy Probe”)
- Federation of Rental-housing Providers of Ontario (“FRPO”);
- Green Energy Coalition (“GEC”);
- Industrial Gas Users Association (“IGUA”);
- Low-Income Energy Network (“LIEN”);
- London Property Management Association (“LPMA”);
- Pollution Probe;
- School Energy Coalition (“SEC”); and
- Vulnerable Energy Consumers Coalition (“VECC”).

The Board issued its Decision and Order on the Settlement Agreement on February 21, 2012, in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by Union Gas.

The Board received cost claims from APPrO, BOMA, CME, CCC, Energy Probe, FRPO, GEC, IGUA, LIEN, LPMA, Pollution Probe, SEC and VECC.

On March 22, 2012, Union Gas filed a letter with the Board noting that BOMA’s cost submission for printing and photocopying is high (approximately \$1,100 before HST) compared to other intervenors which range from \$0 to \$400.

Board Findings

The Board has reviewed the claims filed by APPrO, BOMA, CME, CCC, Energy Probe, FPRO, GEC, IGUA, LIEN, LPMA, Pollution Probe, SEC and VECC to ensure that they are compliant with the *Board’s Practice Direction on Cost Awards*.

The Board notes that in its Procedural Order No. 1 and Cost Eligibility Decision dated November 4, 2011, the Board stated that “given the widespread availability and use of

electronic documents, it is no longer reasonable for intervenors to make claims for the recovery of costs of copying or printing case documents, other than materials that are filed for use during the hearing.” The Board has reviewed intervenor cost claims and has adjusted them accordingly unless the amount is *de minimis*.

BOMA

The Board will not approve the requested photocopying and printing charges (\$1,179.61). and has therefore adjusted BOMA’s cost claim and finds that BOMA is awarded \$22,550.38.

LIEN

The Board will not approve the costs claimed by LIEN for photocopying (\$78.25). The Board further notes that LIEN’s cost claim includes taxi charges (\$58) for which LIEN did not provide receipts. The Board finds that LIEN is awarded \$23,169.00.

Pollution Probe

The Board notes that as stated in Procedural Order No. 1 and Cost Eligibility Decision, costs for printing/photocopying for materials that are filed for use during the hearing are allowed. Accordingly, the Board will allow the printing charges claimed by Pollution Probe. The Board finds that Pollution Probe is awarded \$24,302.69.

APPrO

The Board has determined that APPrO’s travel cost claim is not in accordance with the *Practice Direction on Cost Awards* as it does not incorporate use of the least cost travel alternative in that a business class train ticket was purchased instead of economy class. The Board has given notice that it would only award reimbursement for the amounts allowed under the government’s *Travel, Meal and Hospitality Expenses Directive*. The Board has accordingly reduced APPrO’s claim by \$146.68 and finds that APPrO is awarded \$30,739.92.

GEC

The Board notes that due to a calculation error when calculating Form 1 for Chris Neme, the Board has adjusted GEC's cost claim and finds that GEC is awarded a total revised claim of \$65,838.30.

SEC and VECC

The cost claims filed by SEC and VECC were received by the Board on March 9, 2012, and are accepted by the Board notwithstanding the late filing.

FRPO

The cost claim filed by FRPO was received by the Board on April 24, 2012. The Board recognizes that there was an administrative error on behalf of FRPO when filing its cost claim. The Board accepts FRPO's cost claim notwithstanding the late filing.

The Board finds that APPrO, BOMA, CME, CCC, Energy Probe, FRPO, GEC, IGUA, LPMA, LIEN, Pollution Probe, SEC and VECC are eligible for 100% of their reasonably incurred costs of participating in this proceeding. The Board finds that CCC, CME, IGUA, Pollution Probe, Energy Probe, LPMA, SEC and VECC claims are reasonable as are the adjusted claims of APPrO, BOMA, FRPO, GEC, and LIEN and shall be reimbursed by Union Gas.

THE BOARD THEREFORE ORDERS THAT:

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

• Association of Power Producers of Ontario	\$30,739.92;
• Building Owners and Managers Association Toronto	\$22,550.38;
• Canadian Manufacturers & Exporters	\$35,530.02;
• Consumers Council of Canada	\$35,798.40;
• Energy Probe Research Foundation	\$24,619.61;
• Federation of Rental-housing Providers of Ontario	\$28,067.52;
• Green Energy Coalition	\$65,838.30;

-
- Industrial Gas Users Association \$28,671.39;
 - London Property Management Association \$25,898.06;
 - Low-Income Energy Network \$23,169.00;
 - Pollution Probe \$24,311.75;
 - School Energy Coalition \$43,890.00; and
 - Vulnerable Energy Consumers Coalition \$23,667.14.

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

DATED at Toronto, April 27, 2012

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary