



**EB-2012-0246**

**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 consultation process to review the  
connection process for micro-embedded generation facilities.

**BEFORE:** Marika Hara  
Presiding Member

Cathy Spoel  
Member

### **DECISION ON COST ELIGIBILITY**

On May 15, 2012, the Ontario Energy Board (the “Board”) issued a letter to interested parties initiating a consultation process to assist the Board in improving the connection process for micro-embedded generation facilities. That letter also notified interested parties that cost awards would be available to eligible parties under section 30 of the *Ontario Energy Board Act, 1998* for their participation in this consultation and that any costs awarded would be recovered from all licensed electricity distributors based on their respective distribution revenues.

The Board received requests for cost eligibility from the following participants:

- Canadian Manufacturers & Exporters (“CME”);
- Canadian Solar Industries Association (“CanSIA”);
- City of Thunder Bay (“Thunder Bay”);
- Common Voice Northwest (“CVNW”)
- Green Energy Coalition (“GEC”) and ecoPerth;

- Northwestern Ontario Associated Chambers of Commerce (“NOACC”);
- Northwestern Ontario Municipal Association (“NOMA”);
- Ontario Sustainable Energy Association (“OSEA”);
- Pollution Probe; and
- Vulnerable Energy Consumers Coalition (“VECC”).

The Board’s May 15, 2012 letter made provision for the filing of objections by electricity distributors in relation to any of the requests for cost award eligibility. The Board did not receive any objections from distributors.

Based on the criteria set out in section 3 of the Board’s *Practice Direction on Cost Awards* (the “Practice Direction”), the Board has determined that the following participants are eligible for an award of costs in this consultation process: CME; GEC and ecoPerth; NOACC; Pollution Probe; and VECC.

CanSIA is an organization that primarily represents generators and commercial service providers. As such, it is not eligible for cost eligibility under the Practice Direction. The Board does not believe that there are special circumstances in this case to warrant cost eligibility for CanSIA. The Board therefore finds that CanSIA is not eligible for an award of costs.<sup>1</sup>

OSEA is an association whose membership consists predominantly of commercial service providers, generators or members that have plans to generate electricity in the future. As such, it is not eligible for cost eligibility under the Practice Direction. The Board does not believe that there are special circumstances in this case to warrant cost eligibility for OSEA. The Board therefore finds that OSEA is not eligible for an award of costs.<sup>2</sup>

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<sup>1</sup> This is consistent with the finding made in the Board’s October 15, 2010 Decision on Cost Eligibility in relation to the electricity distribution cost allocation policy consultation (EB-2010-0219) regarding CanSIA’s eligibility for an award of costs.

<sup>2</sup> This is consistent with the finding made in two other recent Board decisions regarding OSEA’s eligibility for an award of costs; specifically, the April 4, 2011 Decision on Cost Eligibility in relation to the smart grid consultation (EB-2011-0004) and the April 7, 2011 Decision on Motion to Review in relation to the Ontario Power Authority fees proceeding and two applications pertaining to conservation and demand management (EB-2010-0279/EB-2010-0331/EB-2010-0332).

CVNW, Thunder Bay, and NOMA each individually applied for cost award eligibility while also indicating their intention to cooperate and join with each other, and NOACC, to participate in this consultation process.

The Board finds that Thunder Bay is a municipality and the effective owner of an electricity distributor. Thunder Bay asked that the Board consider section 3.07 of the Practice Direction (special circumstances) to award Thunder Bay cost eligibility. Thunder Bay's letter requesting cost eligibility indicates that it is of the view that this consultation relates to the role Thunder Bay has in land use planning and development more generally within its jurisdiction. The Board notes that this consultation is relatively narrow in scope, the focus being on the connection process for micro-embedded generation facilities. This policy review is not intended to address land use planning and development. The Board therefore finds that Thunder Bay is not eligible for an award of costs.<sup>3</sup>

The Board notes that CVNW's members include municipalities and townships as well as other members such as organized labour, post secondary education institutions, and school boards in the Northwestern region of the Province. NOMA's letter states that it represents the interests of all the municipalities from Kenora and Rainy River in the west to Hornepayne and Wawa in the east. CVNW's and NOMA's letters requesting cost award eligibility are quite similar. Both indicate that they can speak to the interests of their members in the region, are aware of the geographical and technical issues relating to micro-embedded electricity generation and transmission/distribution in the region, and will be able to provide valuable insight into not only issues related to energy but also to environmental and other social imperatives, including social imperatives that are geographical, economic and commercial.

Based on CVNW's and NOMA's letters, the Board finds that the groups are ineligible for cost awards under section 3.05(i) of the Practice Direction. The Board does not believe that CVNW and NOMA primarily represent the direct interests of consumers (ratepayers) in relation to regulated services. NOMA asked that the Board consider section 3.07 of the Practice Direction (special circumstances) to award NOMA cost eligibility. The Board notes that this consultation is relatively narrow in scope, the focus being on the connection process for micro-embedded generation facilities. Based on

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<sup>3</sup> This is consistent with the finding made in the Board decision regarding Thunder Bay's eligibility for an award of costs; specifically, June 27, 2011 Decision on Motions to Review in relation to the regulatory framework for regional planning (EB-2011-0043).

CVNW's and NOMA's letter, the Board does not believe that CVNW and NOMA represent a public interest relevant to the Board's mandate in the context of the specific scope of this consultation. This policy review is not intended to be a broad exercise nor is it intended to address broader economic development, commercial, social or environmental imperatives. The Board does not believe that there are special circumstances in this case to warrant cost eligibility for NOMA (or CVNW). The Board therefore finds that CVMW and NOMA are not eligible for an award of costs in this consultation.<sup>4</sup>

The Board expects that parties with similar interest that are eligible for cost awards will co-operate with each other and any lack of cooperation will be considered by the Board when determining the amount of a cost award.

**ISSUED** at Toronto, July 17, 2012

**ONTARIO ENERGY BOARD**

*Original signed by*

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Marika Hare  
Presiding Member

*Original signed by*

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Cathy Spoel  
Member

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<sup>4</sup> This is consistent with the finding made in the Board decision regarding NOMA's eligibility for an award of costs; specifically, the June 27, 2011 Decision on Motions to Review in relation to the regulatory framework for regional planning (EB-2011-0043).