



EB-2012-0035

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 Toronto Hydro-Electric System Limited ("THESL") for an order approving or fixing just and reasonable rates and other charges for the distribution of electricity to be effective May 1, 2012, May 1, 2013, and May 1, 2014;

AND IN THE MATTER OF a Notice of Motion filed by Toronto Hydro-Electric System Limited on January 25, 2012 for a review of the Board's January 5, 2012 Decision with Reasons and Order on the Preliminary Issue.

DECISION AND ORDER ON COST AWARDS

December 5, 2012

Background

On January 26, 2012, THESL filed a motion to review (the "Motion", (EB-2012-0035) the Board's Decision with Reasons and Order on the Preliminary Issue (EB-2011-0144).

On February 6, 2012, THESL filed a letter indicating that it was aware that the Board might find it appropriate to hold the Motion in abeyance pending the determination of procedure on THESL's IRM/ICM application (EB-2012-0064), which dealt with similar issues. THESL indicated that it was not opposed to having the Motion held in abeyance. On February 14, 2012 the Board issued a Notice of Motion and Procedural Order No. 1 for the EB-2012-0035 proceeding, and indicated that the matter would be held in abeyance pending the resolution of procedural issues in the EB-2012-0064 proceeding.

On August 20, 2012, THESL filed a letter with the Board seeking to withdraw the Motion. The Board confirmed that the Motion was withdrawn by letter dated August 24, 2012.

On September 5, 2012, the Board issued its Procedural Order No. 2, which stated that although the Notice of Motion and Procedural Order No. 1 was silent on the issue of costs, the Board was prepared to consider limited cost claims for work intervenors in this proceeding had conducted on the Motion between January 26 and February 14, 2012.

On September 12, 2012, the Board received a cost claim from CCC. SEC filed a cost claim which was received by the Board on October 19, 2012. No comments were received from THESL.

The Board accepts SEC's cost claim notwithstanding the late filing.

Board Findings

The Board has reviewed the cost claims of CCC and SEC and finds that both parties are eligible for 100% of their reasonably incurred costs of participating in this proceeding. The Board finds that both claims are reasonable and THESL shall reimburse CCC and SEC for their costs.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the Ontario *Energy Board Act*, 1998, THESL shall immediately pay:
 - Consumers Council of Canada \$8,838.72; and
 - School Energy Coalition \$3,520.00.
2. Pursuant to section 30 of the Ontario *Energy Board Act*, 1998, THESL shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, December 5, 2012.

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary