



EB-2010-0377
EB-2010-0378
EB-2010-0379
EB-2011-0004
EB-2011-0043

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

AND IN THE MATTER OF a Notice of Motion filed by
Northwatch to review the Board's October 18, 2012
Decision and Order on Cost Awards in relation to the
consultation process to develop a Renewed Regulatory
Framework.

BEFORE Christine Long
Presiding Member

Marika Hare
Member

**DECISION AND ORDER ON MOTION TO REVIEW
December 6, 2012**

Background

On October 18, 2012 the Board issued a [Decision and Order on Cost Awards](#) (the "Decision") in relation to the consultation process to develop a Renewed Regulatory Framework for Electricity. Northwatch was one of the participants to which costs were awarded in the Decision however Northwatch was not awarded the full amount it had claimed for the following reasons:

The Board finds that Northwatch claimed 10 hours for time spent by a Northwatch staff member on consultation activities. The Board's Practice Direction does not allow costs for time spent by employees of a participant. In addition, Northwatch claimed mileage at \$0.41 (which is not the appropriate rate of \$0.40 per the Ontario Government) and 'double counted' HST. Accordingly, the Board is reducing Northwatch's claimed costs by \$3,350.63.

On November 7, 2012 Northwatch submitted a Notice of Motion requesting that the Board review the parts of its Decision pertaining to Northwatch and vary its Decision by awarding 100% of the costs and disbursements plus HST submitted for recovery for Northwatch's consultant, Ms. Brennain Lloyd (the "Motion"). In its Motion Northwatch argues that the Board made an error in fact by stating that Northwatch claimed 10 hours for time spent by a Northwatch staff member. The Motion goes on to argue, and provide evidence, in the form of an Affidavit sworn by Ms. Lloyd, that Ms. Lloyd is not a staff member of Northwatch but rather a consultant working for Northwatch on a contractual basis.

The Decision had reduced Northwatch's total claim by \$3,350.63. Of this amount, \$3,300.00 was in relation to the 10 hours spent by Ms. Lloyd on activities related to the proceeding and the remaining \$50.63 was in relation to a correction made by the Board of the mileage rate and related HST. The Motion did not present an argument, or provide evidence, in relation to the reduction of Northwatch's claim due to correction of the mileage rate and HST.

Board Findings

The Board finds that it is appropriate to dispose of this Motion without a hearing in accordance with section 21.(4)(b) of the *Ontario Energy Board Act* (the "OEB Act") which states the Board may dispose of a proceeding without a hearing if "*the Board determines that no person, other than the applicant, appellant or licence holder will be adversely affected in a material way by the outcome of the proceeding and the applicant, appellant or licence holder has consented to disposing of a proceeding without a hearing.*"

This finding is based on two factors.

First, a reversal of the Board's Decision in respect of the time spent by Ms. Lloyd in this proceeding would result in the payment by each individual rate-regulated licensed electricity distributor and transmitter of its proportionate share of \$3,300.00. The Board has concluded that the financial impact to these entities would not be material.

Second, by letter dated November 29, 2012, Northwatch consented to the disposition of its Motion without a hearing.

Based on the evidence provided in the Motion, the Board finds that Ms. Lloyd was retained as a consultant and was not an employee of Northwatch when she completed the work on behalf of Northwatch in relation to the consultation process to develop a Renewed Regulatory Framework. The Board will therefore award Northwatch \$3,300.00 for the time she spent on consultation activities. The Board will uphold its determination to reduce the claim by \$50.63 due to a correction of the mileage rate and HST.

The amount payable by each individual rate-regulated licensed electricity distributor and transmitter in relation to costs awarded to Northwatch is listed in Appendix A to this Decision and Order.

Process for Paying the Cost Awards

Consistent with other costs awarded in relation to the consultation on the Renewed Regulatory Framework, the Board has determined that the costs awarded in this Decision will be recovered from all rate-regulated licensed electricity distributors (65% of the costs awarded) and all rate-regulated licensed transmitters (35% of the costs awarded).

The Board will use the process set out in section 12 of the Practice Direction to implement the payment of the cost award. Therefore, the Board will act as a clearing house for the payments of cost awards set out in this Decision and Order. Invoices will be issued to distributors at the same time as the invoices for cost assessments are made under section 26 of the Act. The practice of the Board is to issue to each rate-regulated licensed distributor and transmitter one invoice that covers all cost awards payable by the distributor/transmitter for the relevant period. As a result, the invoice may cover cost awards payable in relation to a number of consultations, including this one.

THE BOARD THEREFORE ORDERS THAT:

1. The amounts to be paid by each individual rate-regulated licensed distributor and transmitter in relation to the costs awarded to Northwatch are as set out in **Appendix A** to this Decision and Order.
2. The individual distributors listed in **Appendix A** to this Decision and Order shall pay the costs awarded to Northwatch as set out in **Appendix A**.
3. Payment of the cost award referred to in paragraph 2 shall be made to the Ontario Energy Board in accordance with the invoice issued to the individual distributor, and shall be due at the same time as cost assessments under section 26 of the Act are due.

DATED at Toronto, December 6, 2012

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

Appendix A

To December 6, 2012 Decision and Order on Motion to Review

Electricity Distribution System Owner/Operator	Northwatch	Total
Algoma Power Inc.	\$ 12.46	\$ 12.46
Atikokan Hydro Inc.	\$ 0.82	\$ 0.82
Attawapiskat Power Corp.	\$ 0.65	\$ 0.65
Bluewater Power Distribution Corporation	\$ 13.58	\$ 13.58
Brant County Power Inc.	\$ 4.21	\$ 4.21
Brantford Power Inc.	\$ 11.26	\$ 11.26
Burlington Hydro Inc.	\$ 21.13	\$ 21.13
Cambridge and North Dumfries Hydro Inc.	\$ 16.71	\$ 16.71
Canadian Niagara Power Inc.	\$ 11.88	\$ 11.88
Centre Wellington Hydro Ltd.	\$ 2.03	\$ 2.03
Chapleau Public Utilities Corporation	\$ 0.44	\$ 0.44
Entegrus Powerlines Inc.	\$ 12.91	\$ 12.91
Collus Powerstream Corp.	\$ 4.09	\$ 4.09
Cooperative Hydro Embrun Inc.	\$ 0.51	\$ 0.51
Cornwall Street Railway Light And Power Company Ltd.	\$ 8.45	\$ 8.45
E.L.K. Energy Inc.	\$ 3.16	\$ 3.16
Enersource Hydro Mississauga Inc.	\$ 82.63	\$ 82.63
Enwin Utilities Ltd.	\$ 35.22	\$ 35.22
Erie Thames Powerlines Corporation	\$ 5.61	\$ 5.61
Espanola Regional Hydro Distribution Corporation	\$ 0.95	\$ 0.95
Essex Powerlines Corporation	\$ 7.79	\$ 7.79
Festival Hydro Inc.	\$ 6.84	\$ 6.84
Fort Albany Power Corp.	\$ 0.45	\$ 0.45
Fort Frances Power Corporation	\$ 1.10	\$ 1.10
Greater Sudbury Hydro Inc.	\$ 16.15	\$ 16.15
Grimsby Power Incorporated	\$ 2.48	\$ 2.48
Guelph Hydro Electric Systems Inc.	\$ 17.38	\$ 17.38
Haldimand County Hydro Inc.	\$ 9.44	\$ 9.44
Halton Hills Hydro Inc.	\$ 6.79	\$ 6.79
Horizon Utilities Corporation	\$ 62.38	\$ 62.38
Hydro Hawkesbury Inc.	\$ 0.93	\$ 0.93
Hearst Power Distribution Company Limited	\$ 0.56	\$ 0.56
Hydro 2000 Inc.	\$ 0.22	\$ 0.22

**DECISION AND
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Electricity Distribution System Owner/Operator	Northwatch	Total
Hydro One Brampton Networks Inc.	\$ 44.18	\$ 44.18
Hydro One Networks Inc.	\$ 799.20	\$ 799.20
Hydro Ottawa Limited	\$ 103.27	\$ 103.27
Innisfil Hydro Distribution Systems Limited	\$ 5.55	\$ 5.55
Kashechewan Power Corp.	\$ 0.61	\$ 0.61
Kenora Hydro Electric Corporation Ltd.	\$ 1.53	\$ 1.53
Kingston Hydro Corporation	\$ 6.80	\$ 6.80
Kitchener-Wilmot Hydro Inc.	\$ 25.77	\$ 25.77
Lakefront Utilities Inc.	\$ 3.03	\$ 3.03
Lakeland Power Distribution Ltd.	\$ 3.34	\$ 3.34
London Hydro Inc.	\$ 43.40	\$ 43.40
Midland Power Utility Corporation	\$ 2.50	\$ 2.50
Milton Hydro Distribution Inc.	\$ 8.74	\$ 8.74
Newmarket - Tay Power Distribution Ltd.	\$ 10.98	\$ 10.98
Niagara Peninsula Energy Inc.	\$ 19.05	\$ 19.05
Niagara-On-The-Lake Hydro Inc.	\$ 3.25	\$ 3.25
Norfolk Power Distribution Inc.	\$ 7.68	\$ 7.68
North Bay Hydro Distribution Limited	\$ 8.09	\$ 8.09
Northern Ontario Wires Inc.	\$ 1.87	\$ 1.87
Oakville Hydro Electricity Distribution Inc.	\$ 21.77	\$ 21.77
Orangeville Hydro Limited	\$ 3.48	\$ 3.48
Orillia Power Distribution Corporation	\$ 5.20	\$ 5.20
Oshawa Puc Networks Inc.	\$ 13.82	\$ 13.82
Ottawa River Power Corporation	\$ 2.56	\$ 2.56
Parry Sound Power Corporation	\$ 1.28	\$ 1.28
Peterborough Distribution Incorporated	\$ 10.66	\$ 10.66
Powerstream Inc.	\$ 114.18	\$ 114.18
Puc Distribution Inc.	\$ 10.53	\$ 10.53
Renfrew Hydro Inc.	\$ 1.13	\$ 1.13
Rideau St. Lawrence Distribution Inc.	\$ 1.52	\$ 1.52
St. Thomas Energy Inc.	\$ 4.51	\$ 4.51
Sioux Lookout Hydro Inc.	\$ 1.27	\$ 1.27
Thunder Bay Hydro Electricity Distribution Inc.	\$ 12.32	\$ 12.32
Tillsonburg Hydro Inc.	\$ 2.35	\$ 2.35
Toronto Hydro-Electric System Limited	\$ 369.83	\$ 369.83

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Electricity Distribution System Owner/Operator	Northwatch	Total
Veridian Connections Inc.	\$ 34.15	\$ 34.15
Wasaga Distribution Inc.	\$ 2.77	\$ 2.77
Waterloo North Hydro Inc.	\$ 18.07	\$ 18.07
Welland Hydro-Electric System Corp.	\$ 6.33	\$ 6.33
Wellington North Power Inc.	\$ 1.30	\$ 1.30
West Coast Huron Energy Inc.	\$ 1.60	\$ 1.60
Westario Power Inc.	\$ 6.39	\$ 6.39
Whitby Hydro Electric Corporation	\$ 13.26	\$ 13.26
Woodstock Hydro Services Inc.	\$ 4.67	\$ 4.67
	<u>\$ 2,145.00</u>	<u>\$2,145.00</u>

**DECISION AND
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Electricity Transmission System Owner/Operator	Northwatch	Total
Canadian Niagara Power Inc.	\$ 4.03	\$ 4.03
Cat Lake Power Utility Ltd.	\$ 0.43	\$ 0.43
Five Nations Energy Inc.	\$ 5.52	\$ 5.52
Great Lakes Power Ltd.	\$ 28.15	\$ 28.15
Niagara West Transformation Corp.	\$ 0.58	\$ 0.58
Hydro One Networks Inc.	\$ 1,116.29	\$ 1,116.29
	\$ 1,155.00	\$ 1,155.00
	\$ 3,300.00	\$ 3,300.00