

**Ontario Energy
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**Commission de l'énergie
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BY EMAIL AND WEB POSTING

February 1, 2013

**To: All Licensed Electricity Distributors
Association of Major Power Consumers in Ontario
Building Owners and Managers Association of the Greater Toronto Area
Canadian Manufacturers & Exporters
Energy Probe Research Foundation
The Federation of Rental-Housing Providers of Ontario
London Property Management Association
Low Income Energy Network
School Energy Coalition
Vulnerable Energy Consumers Coalition**

**Re: Notice of Hearing for Cost Awards (Phase 4)
Electricity Low-Income Customer Service Code Amendments
Board File No: EB-2007-0722**

Background

A. *The Consultation*

On September 6, 2007, the Ontario Energy Board (the “Board”) initiated a consultation on issues associated with the provision of service by electricity distributors (EB-2007-0722) (the “Customer Service consultation”). In its September 6, 2007 letter, the Board indicated that cost awards would be available under section 30 of the Ontario Energy Board Act, 1998 (the “Act”) to eligible participants in relation to their participation in the Customer Service consultation, and that costs awarded would be recovered from all licensed electricity distributors based on their respective distribution revenues.

B. Parties Eligible for Cost Awards

In its Decisions relating to cost eligibility in this process dated October 12, 2007, March 6, 2008, March 26, 2008, April 2, 2008 and July 24, 2008, the Board found the following participants to be eligible for an award of costs in the Customer Service consultation:

- The Association of Major Power Consumers in Ontario (“AMPCO”);
- The Building Owners and Managers Association of the Greater Toronto Area (“BOMA”);
- The Canadian Manufacturers & Exporters (“CME”);
- Energy Probe Research Foundation (“Energy Probe”)
- The Federation of Rental-Housing Providers of Ontario (“FRPO”);
- The London Property Management Association (“LPMA”);
- The School Energy Coalition (“SEC”); and
- Vulnerable Energy Consumers Coalition (“VECC”);

In its Notice of Proposal to Amend Codes dated March 10, 2009, the Board also extended eligibility for cost awards in the EB-2007-0722 consultations to all additional participants that were found to be eligible for an award of costs in the Consultation on Energy Issues Relating to Low Income Consumers (EB-2008-0150), namely:

- Advocacy Centre for Tenants Ontario;
- Canadian Environmental Law Association;
- Consumers Council of Canada;
- EnviroCentre;
- The Green Energy Coalition;
- Green Light on A Better Environment;
- The Industrial Gas Users Association;
- The Income Security Advocacy Centre;
- The Kingston Community Legal Clinic;
- Low Income Energy Network (“LIEN”);
- National Chief’s Office on behalf of the Assembly of First Nations;
- Nipissing First Nation;
- The Ontario Municipal Social Services Association;
- Pollution Probe Foundation; and
- Toronto Environmental Alliance

All of the stakeholders listed above are collectively referred to as the “eligible participants”.

C. Past Cost Awards (Phases 1, 2 and 3)

By way of three separate hearing processes eligible participants have previously been awarded costs for consultation activities that took place between September 6, 2007 and March 30, 2011:

- Phase 1¹ - Decision and Order on Cost Awards (December 18, 2009).
- Phase 2 - Decision and Order on Cost Awards (August 19, 2011)
- Phase 3 - Decision and Order on Cost Awards (November 15, 2011).

D. Activities Eligible for Cost Awards (Phase 4)

The present hearing will address cost awards for eligible participants in relation to activities that took place during phase 4 of the Customer Service consultation:

- Comments on the Board's January 30, 2012 Proposed Amendments to Electricity Reporting & Record Keeping Requirements related to the revised customer service rules, to a maximum of 8 hours.

LIEN was the only eligible participant that submitted comments on the proposed amendments to the Electricity Reporting and Record Keeping Requirements.

Notice of Hearing

The Board is initiating this hearing on its own motion in order to determine the cost awards that will be made in accordance with section 30 of the Act in relation to the eligible participants and in respect of the eligible activities set out above. The file number for this hearing is EB-2007-0772.

The Board intends to proceed by way of written hearing unless a party can satisfy the Board that there is a good reason for not holding a written hearing. If a party wants to object to a written hearing, the objection must be received by the Board no later than 7 days after the date of this Notice.

Assuming that the Board does not receive any objections to a written hearing, the hearing will follow the process set out below.

¹ In its letter dated March 6, 2008, the Board advised interested parties of its determination that issues reviewed as part of the Risk Management Consultation (EB-2007-0635) would thereafter be more effectively addressed as part of the Customer Service Consultation. The Board's December 18, 2009 Decision and Order on Cost Awards also awarded costs for participation in activities related to the Risk Management Consultation.

1. Eligible participants shall submit their cost claims by **February 15, 2013**. A copy of the cost claim must be filed with the Board and one copy is to be served on each licensed electricity distributor. The cost claims must be completed using the template provided (Appendix A) and in accordance with section 10 the Board's Practice Direction on Cost Awards.
2. Distributors will have until **February 22, 2013** to object to any aspect of the costs claimed. A copy of the objection must be filed with the Board and one copy must be served on the eligible participant against whose claim the objection is being made.
3. The eligible participant whose cost claim was objected to, if any, will have until **March 1, 2013** to make a reply submission as to why its cost claim should be allowed. A copy of the reply submission must be filed with the Board and one copy is to be served on the objecting distributor.
4. The Board will then issue its decision on cost awards. The Board's costs may also be addressed in the cost awards decision.

Service of cost claims, objections and reply submissions on other parties may be effected by courier, registered mail, facsimile or e-mail.

All submissions in this hearing (i.e., cost claims, objections and replies) will form part of the public record. Copies of the submissions will be available for inspection at the Board's office and the submissions may be published on the Board's website.

Parties must file a paper copy and one electronic copy of their submissions with the Board Secretary by 4:45 pm on the required dates. The Board requests that interested parties make every effort to provide electronic copies of their filings in searchable/unrestricted Adobe Acrobat (PDF) format, and to submit their filings through the Board's web portal at www.pes.ontarioenergyboard.ca. A user ID is required to submit documents through the Board's web portal. If you do not have a user ID, please visit the "e-filings services" webpage on the Board's website at www.ontarioenergyboard.ca, and fill out a user ID password request. Additionally, interested parties are requested to follow the document naming conventions and document submission standards outlined in the document entitled "RESS Document Preparation – A Quick Guide" also found on the e-filing services webpage. If the Board's web portal is not available, electronic copies of filings may be filed by e-mail at boardsec@ontarioenergyboard.ca. Those that do not have internet access should provide a CD containing their filing in PDF format.

All submissions must quote file number EB-2007-0722 and include your name, address, telephone number and, where available, your e-mail address and fax number.

If you do not file a letter objecting to a written hearing or do not participate in the hearing by filing written submissions in accordance with this Notice, the Board may proceed without your participation and you will not be entitled to further notice in this proceeding.

Yours truly,

Original signed by

Kirsten Walli
Board Secretary

Attachments:

Attachment A: Cost Claim Form

Ontario Energy Board
COST CLAIM FOR CONSULTATIONS



Affidavit and Summary of Fees and Disbursements

This form should be used by a party (defined in the Practice Direction on Cost Awards as including a participant in a consultation process) in a consultation before the Board to identify the fees and disbursements that form the party's cost claim. Paper and electronic copies of this form and itemized receipts must be filed with the Board and served on one or more other parties as directed by the Board in the applicable Board Notice of Hearing for Cost Awards. Please ensure all required fields are filled in and the Affidavit portion is signed and sworn or affirmed.

Instructions

- Required data input is indicated by yellow-shaded fields. Formulas are present in the document to assist with the calculation of the cost claim.
- All claims must be in Canadian dollars. If applicable, state exchange rate and country of initial currency.
Rate: _____ Country: _____
- A separate "Statement of Disbursements Being Claimed" is required for each consultant or lawyer/articling student/paralegal. However only one "Statement of Fees Being Claimed" and one "Summary of Fees and Disbursements Being Claimed" covering the whole of the party's cost claim should be provided.
- The cost claim must be supported by a completed Affidavit signed by a representative of the party.
- A CV for each consultant must be attached unless, for a given consultant, a CV has been provided to the Board in another process within the last 24 months.
- **Except as provided in section 7.03 of the Practice Direction on Cost Awards, itemized receipts must be provided.**

File # EB-		Process:	
Party:		Affiant's Name:	
HST Number:		HST Rate Ontario:	
	Full Registrant <input type="checkbox"/>	Qualifying Non-Profit <input type="checkbox"/>	
	Unregistered <input type="checkbox"/>	Tax Exempt <input type="checkbox"/>	
	Other <input type="checkbox"/>		

Affidavit

I, _____, of the City/Town of _____
in the Province/State of _____, swear or affirm that:

1. I am a representative of the above-noted party (the "Party") and as such have knowledge of the matters attested to herein.
2. I have examined all of the documentation in support of this cost claim, including the attached "Summary of Fees and Disbursements Being Claimed", "Statement of Fees Being Claimed" and "Statement(s) of Disbursements Being Claimed".
3. The attached "Summary of Fees and Disbursements Being Claimed", "Statement of Fees Being Claimed" and "Statement(s) of Disbursements Being Claimed" include only costs incurred and time spent directly for the purposes of the Party's participation in the Ontario Energy Board process referred to above.
4. This cost claim does not include any costs for work done, or time spent, by a person that is an employee or officer of the Party as described in sections 6.05 and 6.09 of the Board's Practice Direction on Cost Awards.

Signature of Affiant

Sworn or affirmed before me at the City/Town of _____,
in the Province/State of _____, on _____
(date)

Commissioner for taking Affidavits

Ontario Energy Board
COST CLAIM FOR CONSULTATIONS
Affidavit and Summary of Fees and Disbursements



File # EB- 0 Process: 0

Party: 0

Summary of Fees and Disbursements Being Claimed

Legal/consultant fees	\$0.00
Disbursements	\$0.00
HST	\$0.00
Total Cost Claim	\$0.00

Detail of Fees and Disbursements Being Claimed

Statement of Fees Being Claimed

Statement of Fees being claimed for Eligible Activity is found on the second tab of this workbook.

Statement(s) of Disbursements Being Claimed

Statement of Disbursements being claimed is found on the third tab of this workbook.