



EB-2010-0377  
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** cost award eligibility for  
interested parties in a coordinated consultation process  
for the implementation of the renewed regulatory  
framework for electricity distributors.

**BEFORE** Marika Hare  
Member

**SUPPLEMENTAL DECISION ON COST ELIGIBILITY**  
**February 11, 2013**

On October 18, 2012, the Board released its “Report of the Board: A Renewed Regulatory Framework for Electricity Distributors: A Performance Based Approach” (the “RRFE Report”). In the letter accompanying the release of the RRFE Report (the “October 18 Letter”) the Board: (i) announced the consultation activities that would be undertaken for the purposes of implementing the policies set out in the RRFE Report (the “Consultation Activities”); (ii) indicated that cost awards would be available to eligible persons under section 30 of the *Ontario Energy Board Act, 1998* in relation to their participation in one or more of the Consultation Activities; (iii) further indicated that it would not grandfather cost award eligibility awarded prior to the issuance of the October 18 Letter, and that stakeholders wishing to be eligible for cost awards would

therefore have to apply for cost eligibility status; and (iv) established October 29, 2012 as the deadline for the filing of requests for cost eligibility.

On January 8, 2013, the Board received a request for cost eligibility from Canadian Manufacturers & Exporters (“CME”). In its request, CME apologized for the late filing, and stated that it had failed to note the requirement to request cost award eligibility in respect of the Consultation Activities.

Rate-regulated licensed electricity transmitters and distributors were given an opportunity to file any objections that they might have in relation to CME’s cost eligibility request. No objections were filed.

Based on the criteria set out in section 3 of the Board’s *Practice Direction on Cost Awards*, the Board has determined that CME is eligible for an award of costs in respect of its participation in all of the Consultation Activities for which it has requested eligibility.

The Board takes this opportunity to draw CME’s attention to the Board’s January 8, 2013 Decision on Cost Eligibility, and in particular to the statements regarding cost awards generally that appear at the end of that Decision and that apply to all eligible participants.

**ISSUED** at Toronto, February 11, 2013

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary