

Ontario Energy  
Board

Commission de l'énergie  
de l'Ontario



EB-2011-0210

**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 Union Gas  
Limited for an Order or Orders approving or fixing just and  
reasonable rates and other charges for the sale,  
distribution, transmission and storage of gas commencing  
January 1, 2013.

**BEFORE:** Marika Hare  
Presiding Member

Karen Taylor  
Member

## **DECISION AND ORDER ON COST AWARDS**

**March 8, 2013**

### **Background**

Union Gas Limited ("Union") filed an application on November 10, 2011 with the Ontario Energy Board (the "Board") under section 36 of the *Ontario Energy Board Act, 1998* for an order of the Board approving or fixing rates for the distribution, transmission and storage of natural gas, effective January 1, 2013. The Board assigned file number EB-2011-0210 to the Application.

On January 11, 2012, the Board issued Procedural Order No. 1, granting the following parties intervenor status and cost award eligibility:

- Association of Power Producers of Ontario (“APPrO”);
- Building Owners and Managers Association Toronto (“BOMA”);
- Canadian Manufacturers and Exporters (“CME”);
- Consumers Council of Canada (“CCC”);
- Energy Probe Research Foundation (“Energy Probe”);
- Federation of Rental-housing Providers of Ontario (“FRPO”);
- Industrial Gas Users Association (“IGUA”);
- London Property Management Association (“LPMA”);
- Ontario Association of Physical Plant Administrators (“OAPPA”);
- School Energy Coalition (“SEC”); and
- Vulnerable Energy Consumers Coalition (“VECC”).

On October 25, 2012, the Board issued its Decision and Order, in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by Union.

On January 17, 2013, the Board issued its Decision and Rate Order.

The Board received cost claims from APPrO, BOMA, CME, CCC, Energy Probe, FRPO, IGUA, LPMA, OAPPA, SEC and VECC. No comments were received from Union.

## **Board Findings**

The Board has reviewed all the cost claims to ensure that they are compliant with the Board’s *Practice Direction on Cost Awards*.

### **APPrO**

The Board has made adjustments to account for the following: the HST was incorrectly added to mileage and taxi, there were missing hotel receipts and the travel cost claims were not in accordance with the Board’s *Practice Direction on Cost Awards* as they did not incorporate use of the least cost travel alternative in that business class train tickets were purchased instead of economy class. The Board has accordingly reduced APPrO’s claim by \$345.79. The adjusted cost claim is \$165,770.60.

**BOMA**

The Board notes that BOMA's cost claim included disbursements for courier charge of \$29.99 for which no receipt was provided. The adjusted cost claim is \$113,278.61.

**CME**

CME's cost claim included disbursements that do not comply with the amounts allowed under the government's *Travel, Meal and Hospitality Expenses Directive*. The Board has therefore made an adjustment to reduce the disbursements by \$61.90. The adjusted cost claim is \$226,943.77. It should be noted that CME's cost claim includes 75% of the payment for a consultant, retained on behalf of a number of intervenors.

**VECC**

The Board has made adjustments to account for the following: the HST was incorrectly added to taxi receipts, there were missing taxi receipts and the meal charges were not in accordance with the government's *Travel, Meal and Hospitality Expenses Directive*. The Board has accordingly reduced VECC's claim by \$154.39. The adjusted cost claim is \$164,205.73. It should be noted that VECC's cost claim includes payment for a consultant, retained on behalf of a number of intervenors.

The Board finds that all parties are eligible for 100% of their reasonably incurred costs of participating in this proceeding. The Board finds that the claims of CCC, Energy Probe, FRPO, IGUA, LPMA, OAPPA and SEC are reasonable as are the adjusted claims of APPRO, BOMA, CME and VECC and each of these claims shall be reimbursed by Union.

**THE BOARD THEREFORE ORDERS THAT:**

1. Pursuant to section 30 of the Ontario *Energy Board Act, 1998*, Union shall immediately pay:

- Association of Power Producers of Ontario \$165,770.60;
- Building Owners and Managers Association Toronto \$113,278.61;
- Canadian Manufacturers and Exporters \$226,943.77;
- Consumers Council of Canada \$141,477.01;
- Energy Probe Research Foundation \$77,997.90;
- Federation of Rental-housing Providers of Ontario \$122,935.43;

- 
- Industrial Gas Users Association \$50,936.75;
  - London Property Management Association \$104,649.94;
  - Ontario Association of Physical Plant Administrators \$7,935.00;
  - School Energy Coalition \$117,780.00; and
  - Vulnerable Energy Consumers Coalition \$164,205.73.

2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Union shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

**DATED** at Toronto, March 8, 2013.

**ONTARIO ENERGY BOARD**

*Original Signed by*

Kirsten Walli  
Board Secretary