



EB-2012-0147

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 Midland
Power Utility Corporation for an order approving just and
reasonable rates and other charges for electricity
distribution to be effective May 1, 2013.

BEFORE: Marika Hare
Presiding Member

Ellen Fry
Member

DECISION AND ORDER ON COST AWARDS
March 15, 2013

Background

Midland Power Utility Corporation ("Midland") filed an application with the Ontario Energy Board (the "Board"), received on August 31, 2012, under section 78 of the *Ontario Energy Board Act*, 1998, S.O. 1998, c. 15, (Schedule B), seeking approval for changes to the rates that Midland charges for electricity distribution, to be effective May 1, 2013. The Board assigned File Number EB-2012-0147 to the Application.

On October 12, 2012, the Board issued its Procedural Order No. 1, granting the School Energy Coalition ("SEC") and the Vulnerable Energy Consumers Coalition ("VECC") intervenor status and cost award eligibility.

The Board issued its Decision and Order on the Application on January 17, 2013, in which it set out the process for SEC and VECC to file their cost claim and to respond to any objections raised by Midland.

On February 6, 2013, the Board issued its Final Rate Order.

Cost claims were submitted by VECC by the February 13, 2013 deadline specified in the Decision and Order. SEC's cost claim was received by the Board on March 1, 2013. In its letter, SEC apologized for the late filing which was through inadvertence. SEC's cost claim is accepted by the Board notwithstanding the late filing. No comments were received from Midland.

The Board finds that both parties are eligible for 100% of their reasonably incurred costs of participating in this proceeding. The Board considers that both cost claims are generally compliant with the Board's *Practice Direction on Cost Awards*.

However, the Board considers that the amount of VECC's cost award should be less than the amount claimed, taking into consideration the fact that HST was incorrectly added to taxi claims and there was no detailed receipt for the meal charge. The Board has accordingly determined that the amount of VECC's cost award is \$37.56 less than the amount claimed. The amount awarded by the Board to VECC is \$17,687.12.

The Board finds that the claim of SEC is reasonable.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Midland shall immediately pay the following amounts for intervenor costs:
 - School Energy Coalition \$9,260.00; and
 - Vulnerable Energy Consumers Coalition \$17,687.12.
2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Midland shall also pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, March 15, 2013.

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary