



**EB-2013-0024**

**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 Enersource  
Hydro Mississauga Inc. for an order or orders approving  
the recovery of amounts related to Conservation and  
Demand Management activities, to be effective May 1,  
2013.

**BEFORE:** Paula Conboy  
Presiding Member

**DECISION AND ORDER ON COST AWARDS**  
**August 15, 2013**

**Background**

Enersource Hydro Mississauga Inc. ("Enersource"), a licensed distributor of electricity, filed an application on February 15, 2013 under section 78 of the Act, seeking approval for changes to the distribution rates that Enersource charges for electricity distribution, to be effective May 1, 2013. The application is based on the recovery of persisting Lost Revenue Adjustment Mechanism amounts in 2011 and 2012 related to Conservation and Demand Management programs implemented prior to 2011.

The Building Owners and Managers Association ("BOMA") and the Vulnerable Energy Consumers Coalition ("VECC") were granted intervenor status and cost award eligibility.

On June 20, 2013, 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 Enersource.

A cost claim was submitted by BOMA by the June 27, 2013 deadline specified in the Decision and Order. VECC submitted its cost claim on July 14, 2013. No comments were received from Enersource.

## Board Findings

The Board has reviewed the cost claims filed and considered the contributions of the intervenors to the proceeding.

The Board accepts the cost claim filed by VECC notwithstanding the late filing. The Board finds that VECC is eligible for 100% of its reasonably incurred costs of participating in this proceeding. The Board finds that the claims of VECC and the adjusted claim of BOMA are reasonable and each of these claims shall be reimbursed by Enersource.

The Board finds that BOMA's claim of 14.80 hours is excessive and will award BOMA costs for 4.00 hours (which still results in a higher dollar cost claim given the differential in hourly rates between BOMA's legal counsel and consultant and that of VECC's consultant). The Board recognizes that the amounts claimed by BOMA are not significant for a utility the size of Enersource. However, the Board finds no compelling reason to grant BOMA a cost award which is significantly higher than VECC, which claimed 3.25 hours. The Board finds that VECC's claim provides a reasonable benchmark against which to assess BOMA's claim for two reasons. First, the proceeding was narrow in scope and non-controversial. Second, BOMA's contribution was comparable to VECC's.

## THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the Ontario *Energy Board Act, 1998*, Enersource shall immediately pay the following amounts to the intervenors for their costs:
  - Building Owners and Managers Association \$1,491.60; and

- Vulnerable Energy Consumers Coalition \$641.83.
2. Pursuant to section 30 of the Ontario *Energy Board Act, 1998*, Enersource shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

**DATED** at Toronto, August 15, 2013.

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary