

**Ontario Energy
Board**

**Commission de l'énergie
de l'Ontario**



EB-2013-0193

IN THE MATTER OF the *Ontario Energy Board Act*, 1998, S.O. 1998, c.15 (Schedule B);

AND IN THE MATTER OF a Motion by Milton Hydro Distribution Inc. pursuant to the Ontario Energy Board's *Rules of Practice and Procedure* for a review by the Board of its Decision and Order in proceeding EB-2012-0148 dated April 4, 2013.

BEFORE: Paula Conboy
Presiding Member

Ellen Fry
Member

Marika Hare
Member

**DECISION AND ORDER ON COST AWARDS
August 21, 2013**

Background

On April 25, 2013, Milton Hydro Distribution Inc. ("Milton Hydro") filed with the Ontario Energy Board (the "Board") a Notice of Motion to Review and Vary (the "Motion") the Board's Decision and Order dated April 4, 2013 in respect of Milton Hydro's 2013 IRM rate application, EB-2012-0148 (the "2013 IRM Decision").

On May 14, 2013, the Board issued a Notice of Motion to Vary and Procedural Order No. 1, granting the Vulnerable Energy Consumers Coalition (“VECC”) intervenor status and cost award eligibility.

On July 4, 2013, the Board issued its Decision and Order on the Motion, in which it set out the process for VECC to file its cost claim and to respond to any objections raised by Milton Hydro.

VECC filed its cost claim on July 25, 2013. In its letter on August 9, 2013, Milton Hydro submitted that VECC did not act reasonably in this proceeding in arguing against Milton Hydro’s LRAM claim but rather should have supported the LRAM claim based on the long term benefits to VECC’s constituents, and therefore that its cost claim should be denied.

On August 14, 2013 in its reply, VECC noted that Milton’s motion was dismissed and submitted that ratepayers have a right to expect that these programs are delivered on an efficient and least cost basis, in accordance with established regulatory standards of oversight.

Board Findings

The Board has reviewed VECC’s cost claim and considered the contribution of VECC in this proceeding. The Board also considered the fact that the Board dismissed Milton’s motion at the stage of the threshold question, and declined to consider the motion on its merits, because it considered the motion to be an attempt by Milton to reargue its case.

The Board notes Milton’s comments about what VECC’s position should have been, that is, to support Milton’s request due to the long-term benefits to VECC’s constituents. The strength of the Board’s process is in allowing all interested parties to voice their concerns, for the Board’s consideration. It is inappropriate for an applicant to suggest that the Board’s cost order should be premised on the applicant’s view of what the other parties’ position should have been or the considerations behind this position.

The Board notes that VECC’s claim requires a minor reduction due to HST calculation. The Board finds VECC’s claim, as adjusted to take this into account, is reasonable and shall be reimbursed by Milton Hydro.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the Ontario *Energy Board Act, 1998*, Milton Hydro shall immediately pay Vulnerable Energy Consumers Coalition \$1,132.94.
2. Pursuant to section 30 of the Ontario *Energy Board Act, 1998*, Milton Hydro shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, August 21, 2013.

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary