



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 West Coast Huron Energy Inc. for an order approving or fixing just and reasonable distribution rates and other charges, to be effective May 1, 2013.

BEFORE: Marika Hare
Presiding Member

Emad Elsayed
Member

DECISION AND ORDER ON COST AWARDS
October 21, 2013

Background

West Coast Huron Energy Inc. (“WCHE”) filed an application with the Ontario Energy Board (the “Board”) seeking approval for changes to the rates that WCHE charges for electricity distribution effective May 1, 2013. The complete application was filed on February 14, 2013 under section 78 of the *Ontario Energy Board Act*, 1998, S.O. 1998 c. 15, (Schedule B).

On April 1, 2013, the Board issued Procedural Order No. 1, granting the Association of Major Power Consumers of Ontario (“AMPCO”), the School Energy Coalition (“SEC”) and the Vulnerable Energy Consumers Coalition (“VECC”) intervenor status and cost award eligibility.

On August 29, 2013, the Board issued its Decision and Rate Order which set out the process for intervenors to file their cost claims and to respond to any objections raised by WCHE.

On September 17, 2013, WCHE filed its response to the cost claims filed and stated that the cost claims for SEC and AMPCO were in line with its expectations. WCHE submitted that the costs submitted by VECC were almost double the costs of each of the other two intervenors. WCHE suggested that the Board reduce the claim of VECC to bring the costs into a comparable range with the other intervenors.

In response, VECC argued that the amount of working hours spent on the WCHE application by each intervenor was roughly similar among the parties (AMPCO 54.0 hours, VECC 61.6 hours and SEC 70.2 hours). VECC stated that VECC's bill was greater due to the fact that there were different billing rates among VECC's team members and those of the other two intervenors, plus the fact that VECC's disbursements included a travel expense of \$676.44 by VECC's counsel.

Board Findings

The Board accepts the cost claims of AMPCO, SEC and VECC.

The Board finds that VECC's number of hours is approximately the average between SEC's and AMPCO's hours, and finds the time spent to be reasonable. The Board agrees with VECC that the difference is in the hourly rate. The hourly rate is set by the Board, based on the number of years of experience of the counsel or consultant.

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 AMPCO, SEC and VECC are reasonable and each of these claims shall be reimbursed by WCHE.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the Ontario *Energy Board Act, 1998*, WCHE shall immediately pay the following amounts to the intervenors for their costs:
 - Association of Major Power Consumers of Ontario \$11,593.80;
 - School Energy Coalition \$11,934.00; and
 - Vulnerable Energy Consumers Coalition \$21,505.08.

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

DATED at Toronto, October 21, 2013.

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary