



**EB-2013-0347**

**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 Enbridge  
Gas Distribution Inc. seeking approval for an update to its  
2012-2014 Demand Side Management plan.

**AND IN THE MATTER OF** a Notice of Motion by  
Vulnerable Energy Consumers Coalition for review of the  
Board's Decision and Order on Cost Awards in EB-2012-  
0394.

**BEFORE:** Marika Hare  
Presiding Member

Allison Duff  
Member

**DECISION AND ORDER ON COST AWARD MOTION**  
**October 23, 2013**

**Background**

Enbridge Gas Distribution Inc. ("Enbridge") filed an application with the Ontario Energy Board (the "Board") on March 4, 2013, seeking approval to update its 2012-2014 Demand Side Management ("DSM") plan. The Board assigned File Number EB-2012-0394 to the application.

The Association of Power Producers of Ontario ("APPrO"), the Building Owners and Managers Association Toronto ("BOMA"), the Canadian Manufacturers & Exporters

("CME"), the Environmental Defense ("ED"), the Green Energy Coalition ("GEC"), the Industrial Gas Users Association ("IGUA"), the School Energy Coalition ("SEC") and the Vulnerable Energy Consumers Coalition ("VECC") were granted intervenor status and cost award eligibility.

On July 4, 2013, the Board issued its Decision and Order in this proceeding. The Decision also set out the process for intervenors to file their cost claims and to respond to any objections raised by Enbridge.

Cost claims were submitted by BOMA, CME, ED, GEC, IGUA and SEC. APPrO and VECC did not submit a cost claim.

On August 28, 2013, the Board issued its Decision and Order on Cost Awards approving the cost claims filed by all parties.

### **Motion to Review**

On September 24, 2013, VECC filed a Motion to Review (the "Motion") seeking recovery of its late cost claim incurred in the proceeding. The Board assigned a new File Number EB-2013-0347 to the Motion.

In the Motion, VECC proposed to deduct 25% from their counsel fee in recognition of their mistake.

On September 17, 2013, Enbridge indicated that it did not object to VECC's late cost claim.

### **Board Findings**

The Board has reviewed the Motion filed by VECC and finds that the cost claim filed by VECC is in accordance with the Board's Practice Direction. The Board accepts VECC's contention that the failure to file in a timely manner was inadvertent. Given the relatively small amount of the cost claim, and the fact that there are no objections from Enbridge, the Board will allow the motion. The Board reminds VECC, and all parties, that it expects filings to be made by the Board imposed deadlines, and that this decision does not guarantee similar treatment in the future.

The Board finds that VECC is entitled to 100% of its reasonably incurred costs in this proceeding. The Board finds that it is not necessary for VECC to deduct 25% from its cost claim.

**THE BOARD THEREFORE ORDERS THAT:**

1. Pursuant to section 30 of the Ontario *Energy Board Act, 1998*, Enbridge shall immediately pay Vulnerable Energy Consumers Coalition \$3,579.70.
2. Pursuant to section 30 of the Ontario *Energy Board Act, 1998*, Enbridge shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

**DATED** at Toronto, October 23, 2013.

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary