



**EB-2012-0410**

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

**AND IN THE MATTER OF** cost award eligibility for  
interested persons in a consultation process on rate  
design for electricity distributors.

**BEFORE** Marika Hare  
Presiding Member

Cathy Spoel  
Member

**DECISION ON COST ELIGIBILITY**  
**May 29, 2014**

On April 3, 2014, the Board released its “Draft Report of the Board: Rate Design for Electricity Distributors” (the “draft Report”). In the letter accompanying the release of the draft Report (the “April 3 Letter”), the Board also announced the consultation activities that would be undertaken for the purposes of finalizing the Board report. Those consultation activities are written comments on the draft Report and a series of stakeholder meetings with particular groups.

In the April 3 Letter, the Board indicated that cost awards would be available to eligible persons under section 30 of the *Ontario Energy Board Act, 1998*, in relation to their participation in one or more of the consultation activities, and that costs to be awarded will be recovered from rate-regulated licensed electricity distributors.

Further to the April 3 Letter, the Board received requests for cost eligibility from the following:

- Association of Major Power Consumers in Ontario (“AMPCO”)
- Association of Power Producers of Ontario (“APPrO”)
- Building Owners and Managers Association (“BOMA”)
- Canadian Manufacturers & Exporters (“CME”)
- Canadian Solar Energy Association (“CanSIA”)
- Consumers Council of Canada (“CCC”)
- Energy Probe Research Foundation (“Energy Probe”)
- Green Energy Coalition (“GEC”)
- London Property Management Association (“LPMA”)
- Low-income Energy Network (“LIEN”)
- School Energy Coalition (“SEC”)
- Sustainable Infrastructure Alliance of Ontario (“SIA”)
- Vulnerable Energy Consumers Coalition (“VECC”)

Electricity distributors were given an opportunity to file any objections that they might have in relation to the cost eligibility requests. No objections were filed within the deadline established for that purpose in the April 3 Letter or in subsequent information on late requests for cost eligibility.

### **Eligibility of Participants**

Based on the criteria set out in section 3 of the Board’s *Practice Direction on Cost Awards* (the “Practice Direction”), the Board has determined that the following persons are eligible for an award of costs in respect of their participation in all of the consultation activities for which they participate:

- Association of Major Power Consumers in Ontario (“AMPCO”)
- Association of Power Producers of Ontario (“APPrO”)
- Building Owners and Managers Association (“BOMA”)

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- Canadian Manufacturers & Exporters (“CME”)
  - Canadian Solar Energy Association (“CanSIA”)
  - Consumers Council of Canada (“CCC”)
  - Energy Probe Research Foundation (“Energy Probe”)
  - Green Energy Coalition (“GEC”)
  - London Property Management Association (“LPMA”)
  - Low-income Energy Network (“LIEN”)
  - School Energy Coalition (“SEC”)
  - Sustainable Infrastructure Alliance of Ontario (“SIA”)
  - Vulnerable Energy Consumers Coalition (“VECC”)

The Board takes this opportunity to confirm for all eligible participants the following in relation to cost awards generally:

- i. The Board cautions participants that cost awards are available only in respect of issues that are clearly within the scope of the consultation activity(ies) in which they are participating.
- ii. Where similar interests are shared by participants that are eligible for cost awards, the Board expects that reasonable efforts will be made to combine participation or to cooperate. As stated in the Practice Direction, the Board will consider any lack of cooperation when determining the amount of a cost award.
- iii. As stated in the Practice Direction, cost awards are not available in relation to time spent by employees or officers of an eligible participant.
- iv. Except as may otherwise be expressly provided by the Board at the relevant time, the hourly limits for eligible activities apply to each participant that is eligible for an award of costs, and not to each individual that may be acting on behalf of an eligible participant.

**ISSUED** at Toronto, May 29, 2014

**ONTARIO ENERGY BOARD**

*Original signed by*

Marika Hare  
Presiding Member

*Original signed by*

Cathy Spoel  
Member