

Ontario Energy Board COST CLAIM FOR HEARINGS



Affidavit and Summary of Fees and Disbursements

This form should be used by a party to a hearing before the Board to identify the fees and disbursements that form the party's cost claim. Paper and electronic copies of this form and itemized receipts must be filed with the Board and served on one or more other parties as directed by the Board in the applicable Board order. Please ensure all required fields are filled in and the Affidavit portion is signed and sworn or affirmed.

Instructions

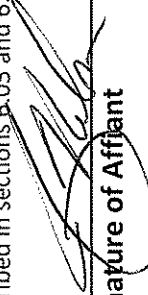
- Required data input is indicated by yellow-shaded fields. Formulas are present in the document to assist with the calculation of the cost claim.
- All claims must be in Canadian dollars. If applicable, state exchange rate and country of initial currency.
Rate: _____ Country: _____
- A separate "Detail of Fees and Disbursements Being Claimed" (comprising a "Statement of Fees Being Claimed" and a "Statement of Disbursements Being Claimed") is required for each consultant or lawyer/articling student/paralegal. However, only one "Summary of Fees and Disbursements" covering the whole of the party's cost claim should be provided.
- The cost claim must be supported by a completed Affidavit signed by a representative of the party.
- A CV for each consultant must be attached unless, for a given consultant, a CV has been provided to the Board in another process within the last 24 months.
- Except as provided in section 7.03 of the Practice Direction on Cost Awards, itemized receipts must be provided.

File # EB-	2013-0301	Process:	Consultation and Stakeholder Conference
Party:	Nishnawbe Aski Nation	Affiant's Name:	Douglas Cunningham
HST Number:	812027423 RT0001	HST Rate Ontario:	13.00%
	Full Registrant ☐	Qualifying Non-Profit	☒
	Unregistered ☐	Tax Exempt	☐
	Other ☐		

Affidavit

I, Jeff Nelson, of the City/Town of Thunder Bay
in the Province/State of Ontario, swear or affirm that:

1. I am a representative of the above-noted party (the "Party") and as such have knowledge of the matters attested to herein.
2. I have examined all of the documentation in support of this cost claim, including the attached "Summary of Fees and Disbursements Being Claimed", "Statement(s) of Fees Being Claimed" and "Statement(s) of Disbursements Being Claimed".
3. The attached "Summary of Fees and Disbursements Being Claimed", "Statement(s) of Fees Being Claimed" and "Statement(s) of Disbursements Being Claimed" include only costs incurred and time spent directly for the purposes of the Party's participation in the Ontario Energy Board process referred to above.
4. This cost claim does not include any costs for work done, or time spent, by a person that is an employee or officer of the Party as described in sections 6.05 and 6.09 of the Board's Practice Direction on Cost Awards.

X 
Signature of Affiant

Sworn or affirmed before me at the City/Town of Thunder Bay,
in the Province/State of Ontario, on June 5, 2014
(date)

Commissioner for taking Affidavits

ROBERT C. EDWARDS
BARRISTER, SOLICITOR
NOTARY PUBLIC PROVINCE OF ONTARIO
Page 1 of 2



Ontario Energy Board
COST CLAIM FOR HEARINGS
Affidavit and Summary of Fees and Disbursements

File # EB- 2013-0301 Process: Consultation and Stakeholder Conference

Party: Nishnawbe Aski Nation

Summary of Fees and Disbursements Being Claimed	
Legal/consultant fees	\$14,850.00
Disbursements	\$62.50
HST	\$1,938.63
Total Cost Claim	\$16,851.13

DOUGLAS M. CUNNINGHAM
Barrister & Solicitor

Suite 600
10 King Street East
Toronto, Ontario
M5C 1C3

DOUGLAS M. CUNNINGHAM, B.A. (Hons.), M.A. LL.B.
Telephone No.: (416) 703-5400
Direct Line: (416) 703-3729
Facsimile No.: (416) 703-9111
Email: douglasmcunningham@gmail.com

May 26, 2014

Delivered by Email

Jeff Nelson
Finance Director
Nishnawbe Aski Nation
710 Victoria St. E.
Thunder Bay, Ontario
P7C 5P7

Dear Mr. Nelson:

Re: Nishnawbe Aski Nation
Re: Intervenor Conference
Our File No. 10074

Enclosed you will find our account for services rendered (Invoice #72), dated May 26, 2014 from Douglas M. Cunningham, Barrister & Solicitor. The total amount of fees, disbursements and HST is **\$16,851.13**. The hourly rate charged for work on this file was \$330.00, which is the allowable rate under the OEB Tariff for lawyers with 20 years of experience or more.

I actually worked 61.90 hours on this matter for NAN, given the extensive written submissions researched and prepared for NAN and my attendance at the October 8, 2013 hearing with Jason Smallboy, and other issues. However, because of the nature of this proceeding, the OEB had imposed restrictions for reimbursement for participant funding. Those limits are outlined in the attached letter from the OEB, dated August 22, 2013 (see Appendix "A").

I have also enclosed a copy of the Board's letter, dated May 20, 2014. **The deadline for the submission of NAN's cost claim is Tuesday, June 3, 2014.** See the requirements outlined in the May 20th letter from the Board.

As a courtesy to NAN, I have reduced my hours (and therefore my account to NAN) so that it does not exceed the allowable maximum participant funding from the OEB for this proceeding. Please see the May 23, 2014 entry on my account which reduces my account to NAN by \$5,577.00, such that the actual billed hours are only 45.00 as opposed to 61.90.

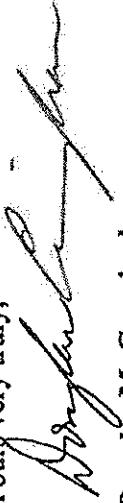
You should be completing the Cost Claim for Consultation Form used by the OEB. It can be found at the following internet address:

www.ontarioenergyboard.ca/oeb/_Documents/Regulatory/Cost%20Claim%20for%20Consultation%20Form.xls

Given my account, NAN should be claiming the maximum amount of hours for each category, as outlined in the August 22, 2013 and May 20, 2014 letters, that is, 20 hours in respect of written comments on question listed in the OEB's cover letter dated 22 August 2013; 15 hours for preparation, attendance, and reporting on the October 8, 2013 Stakeholder Conference; and 10 hours for written comments on Stakeholder Conference issues, for a total of 45 hours.

Should you wish to speak further regarding the account please do not hesitate to contact me.
Thanks Jeff.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Douglas M. Cunningham". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Douglas M. Cunningham
DMC/am

Encls.

Douglas M. Cunningham, Barrister and Solicitor

10 King Street East
Suite 600
Toronto, ON M5C 1C3 Canada
Ph: (416) 703-5400 Fax: (416) 703-9111

Nishnawbe Aski Nation
710 Victoria Street East
Thunder Bay, ON
P7C 5P7 Canada

May 23, 2014

File #: 10074
Inv #: 72

RE: NAN re: Intervenor Conference

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Aug-24-13	Review of OEB letter re: Framework governing Intervenor Participation in OEB Proceedings	0.50	165.00	DMC
Aug-25-13	Phone call to Jason Smallboy concerning NAN's participation in the October hearing, and preparation of NAN's submissions	0.30	99.00	DMC
Sep-04-13	Phone call to Jason Smallboy concerning NAN's request for status to participate in the OEB hearing on intervenors; drafting letter to OEB pursuant to NAN's instructions	0.90	297.00	DMC
Sep-14-13	Obtaining legal articles on intervenors, funding, access to justice, and administrative hearings, and review of same	2.30	759.00	DMC
Sep-17-13	Conducting further research for NAN submission; review of NAN mission-related statements, activities, etc. for OEB submission; phone call to J. Smallboy concerning hearing on October 8, 2013; reviewing materials on intervenors and funding for the National Energy Board; reviewing Iler Campbell article on history of intervenor funding in Ontario; review of article on regulatory capture; review of information on Ofgem as alternative approach to intervenor participation in energy board hearings	3.70	1,221.00	DMC

Sep-18-13	Review of Department of Mines & Energy materials and approach to intervenors; review of OEB Rules re: intervenor and related statuses, funding, and costs; review of academic articles on the importance of intervenor participation in regulatory proceedings	2.60	858.00	DMC
Sep-19-13	Reviewing background material on intervenors in regulatory proceedings; and drafting outline and identifying issues to be addressed in NAN's submissions to the OEB	3.40	1,122.00	DMC
Sep-22-13	Drafting submission for NAN for OEB hearing; further research on intervenor funding before the OEB for NAN's submission; review of provisions in the Ontario Energy Board Act relevant to NAN's submissions; review of issues and legal sources for definitions of terms used by OEB for its questions for participants	5.30	1,749.00	DMC
Sep-23-13	Continuing work on NAN's lengthy submissions to the OEB	4.50	1,485.00	DMC
Sep-24-13	Drafting NAN's submissions for the OEB proceeding; phone call to J. Smallboy requesting conference; outlining rationale for broad public participation and financial support for intervenors in OEB proceedings; outlining history of NAN's activities as an umbrella organization for First Nations communities	3.40	1,122.00	DMC
Sep-25-13	Review of Board's decision on eligibility for intervenor costs in the proceeding; email to J. Smallboy re: same	0.40	132.00	DMC
Sep-26-13	Further drafting and revising of NAN's submissions to OEB; email to client re: same	3.20	1,056.00	DMC
Sep-27-13	Completing and making final revisions to NAN's submissions for OEB hearing on October 8, 2013; email to J. Smallboy re: same; review of OEB's decision on cost eligibility for participants in the proceeding	3.70	1,221.00	DMC
Oct-03-13	Reviewing submissions of other participants to prepare for the October 8, 2013 hearing	2.50	825.00	DMC

Oct-04-13	Further review of submissions of other participants	2.70	891.00	DMC
Oct-06-13	Reviewing written submissions of other participants, and drafting summary of comments to make at OEB hearing on October 8, 2013	3.50	1,155.00	DMC
Oct-07-13	Preparing to make oral submissions before the OEB hearing on October 8, 2013; phone call with Jason Smallboy concerning his statements and meeting with him for the proceeding	1.20	396.00	DMC
Oct-08-13	Meeting with Jason Smallboy, and attending OEB hearing; meeting with J. Smallboy after the hearing to discuss issues of NAN's further submissions to the OEB	7.50	2,475.00	DMC
Oct-14-13	Review of written submissions of other participants to the OEB proceeding, as well as transcript from the proceeding	2.30	759.00	DMC
Oct-15-13	Drafting further submissions to the OEB for NAN; phone call to J. Smallboy requesting conference re: NAN's additional submissions; review of written submissions from participants recommending restrictions on intervenor participation and funding	3.70	1,221.00	DMC
Oct-16-13	Further review of transcript from OEB proceeding on October 8, 2013 to assist in making submissions to OEB; drafting and finalizing further submissions on behalf of NAN; email to J. Smallboy and Jeff Nelson (NAN officials)	4.30	1,419.00	DMC
May-23-14	61.90 hours reduced to 45 hours as a courtesy given OEB restrictions on participant funding.		-5,577.00	DMC
Totals		45.00	\$14,850.00	
Total HST on Fees			1,930.50	

DISBURSEMENTS

Sep-30-13	Photocopies	17.50
Oct-01-13	Courier to OEB	20.00
	Courier X2 to Board	25.00

Total HST on Disbursements

8.13

Total Fee, Disbursements and HST

\$16,851.13
DOUGLAS M. CUNNINGHAM
Barrister & Solicitor

Tax ID No. 864856695 RT0001

*tax exempt

Accounts are payable upon receipt. Unpaid accounts are subject to a 2.0% interest charge per month.

Ontario Energy Board
 2300 Yonge Street
 P.O. Box 2319
 Toronto, ON M4P 1E4
 27th Floor
 Telephone: 416-481-1967
 Facsimile: 416-440-7656
 Toll free: 1-888-632-6273
 Numéro sans frais: 1-888-632-6273



BY E-MAIL AND WEB POSTING

August 22, 2013

TO: All Rate Regulated Electricity Distributors
 All Rate Regulated Natural Gas Distributors
 Ontario Power Generation
 Ontario Power Authority
 Independent Electricity System Operator
 All Other Interested Parties

RE: Review of Framework Governing the Participation of Intervenor in Board Proceedings – Consultation and Stakeholder Conference
 Board File No. EB-2013-0301

The Board has initiated a review of the framework governing the participation of intervenors in applications, policy consultations and other proceedings before the Board. The objective of the review is to determine whether there are ways in which the Board's approach to intervenors might be modified in order to better achieve the Board's statutory objectives.

The review will proceed through two phases, as set out further below. The first phase will examine whether there are modifications that should be made, in the near term and within the existing framework, regarding the Board's approach to intervenor status, cost eligibility and cost awards. The second phase will examine whether, over the longer term, the Board should consider adopting a different model regarding the representation of consumer interests in Board proceedings.

Intervenor currently play an active and important role in Board proceedings. Intervenor have typically included groups or associations representing the interests of residential, institutional, commercial, and large industrial energy consumers. Groups

Background

Ontario Energy Board

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also intervene in Board proceedings on behalf of generators, landowners, marketers, retailers, energy service providers, and other types of energy market participants. Several environmental and policy advocacy groups also intervene actively in Board proceedings. Individual customers and landowners also appear as intervenors in some proceedings. The participation of many of these groups and associations in Board proceedings has been facilitated by the Board's current approach to intervenor cost awards as outlined in the Board's *Practice Direction on Cost Awards* ("the Practice Direction"). During the 2012 - 2013 fiscal year, the Board awarded over \$5.5 million to 38 eligible intervenors in proceedings before the Board.

The review is appropriate at this time for several reasons. First, the Board is implementing, under the Renewed Regulatory Framework for Electricity, a new approach to the regulation of electricity distributors. A central feature of this new approach is a strong emphasis on the need for each electricity distributor to engage with a broad range of customers and other stakeholders during the development of the capital and operational plans reflected in the distributor's rate application. The Board is interested in considering how this early consultation and engagement by a distributor with customers and other stakeholders might affect the role of intervenors in the more formal process that is initiated by the Board once an application is filed.

Second, the Board is undertaking a review of its application and hearing process, with the goal of enhancing the efficiency and effectiveness of that process. The Board is interested in considering whether changes to the Board's approach to the determination of intervenor status, cost eligibility and cost awards might further enhance the efficiency and effectiveness of the application and hearing process.

Third, the Board is also undertaking a review of the way in which it consults with stakeholders, including consumers, in the review and development of regulatory policy. Board anticipates that, going forward, it will, in appropriate circumstances, include the use of consumer focus groups and consumer surveys in the policy development process.

First Phase – Review of the Board's Current Approach

The first phase will focus on the Board's current approach to intervenor status, cost eligibility and cost awards. During this first phase the Board will invite interested parties to submit written comments and to take part in a Stakeholder Conference. Further details are set out below.

The Board's current approach to intervenors is set out in the Board's *Rules of Practice and Procedure* ("the Rules") and in the Practice Direction. The Rules and the Practice Direction give the Board considerable discretion with respect to matters such as intervenor status, eligibility for cost awards, and the assessment of costs. The Board is interested in considering how that discretion should be exercised going forward and whether there are any modifications that should be made to the Rules and the Practice Direction. In particular, the Board is interested in considering written comments on the following questions:

Intervenor Status

1. What factors should the Board consider in determining whether a person seeking intervenor status has a "substantial interest" in a particular proceeding before the Board? For instance, should the Board require a person seeking intervenor status to demonstrate consultation or engagement with a constituency directly affected by the application?
2. What conditions might the Board appropriately impose when granting intervenor status to a party? For instance, should the Board also require an intervenor to demonstrate how the intervening group or association governs the participation by its legal counsel and other representatives in the application?

Cost Eligibility

1. What factors should the Board consider in determining whether a party primarily represents the direct interests of consumers (e.g. ratepayers) in relation to services that are regulated by the Board? For instance, should the Board require the party to demonstrate consultation or engagement with a class of consumers directly affected by the application?
2. What factors should the Board consider in determining whether a party primarily represents a public interest relevant to the Board's mandate?
3. What conditions might the Board appropriately impose when determining the eligibility of a party for costs? For instance, what efforts should the Board reasonably expect a party to take to combine its intervention with that of one or more similarly situated parties? Should the Board reasonably expect parties representing different consumer interests to combine their interventions on issues relating to revenue requirement (as opposed to cost allocation)?
4. Should the Board consider different approaches to administering cost awards in adjudicative proceedings? For instance, should the Board consider adopting an

approach that provides for pre-approved budgets, pre-established amounts for each hearing activity (similar to the approach for policy consultations), and pre-established amounts for disbursements?

Recommended Modifications

1. Are there modifications that the Board should consider making to the Rules and the Practice Direction?

Written Comments

All interested parties are invited to submit written comments on these questions to the Board by Friday, September 27, 2013. All comments received will be posted on the Board's website.

Stakeholder Conference

A Stakeholder Conference will be held at the offices of the Board on Tuesday, October 8, 2013 commencing at 9:30 a.m. and ending at 4:30 p.m. The purpose of the Stakeholder Conference is to provide a forum for discussing the questions listed above. The Stakeholder Conference will be transcribed.

Further Comments

Following the Stakeholder Conference, all interested parties are invited to submit further written comments on the issues explored at the Stakeholder Conference. These further written comments are to be submitted to the Board by Wednesday, October 16, 2013.

Conclusion of the First Phase

The Board will consider the proceedings of the Stakeholder Conference and the written submissions received to determine whether Board guidance is needed in relation to matters involving intervenor status, cost eligibility or cost awards, and whether any amendments to the Rules or the Practice Direction are warranted.

Details Regarding the Stakeholder Conference

Presentations

The Board will provide participants with an opportunity to make a presentation at the Stakeholder Conference. The Board encourages participants with common viewpoints

to consult with one another and make a joint presentation.

If the number of proposed presentations warrants an extension of the Stakeholder Conference, the conference will continue on October 9, 2013, commencing at 9:30 a.m.

Location and Registration

Date: Tuesday, October 8, 2013
Time: 9:30 a.m. to 4:30 p.m.
Location: Ontario Energy Board
West Hearing Room,
25th floor, 2300 Yonge Street, Toronto, ON M4P 1E4

The Stakeholder Conference will be broadcast over the web to allow remote participation. Detailed instructions on how to participate remotely will be sent to all registered participants on or before the conference date.

An agenda will be issued prior to the Stakeholder Conference.

Interested participants wishing to attend the Stakeholder Conference are asked to register by sending an e-mail to veronica.camendes@ontarioenergyboard.ca no later than 4:30 p.m. Wednesday, September 25, 2013. Please include "Intervenor Stakeholder Conference Attendance" in the subject line and provide the following information in the body of the e-mail:

- participant/organization name;
- name(s) of attendees to be registered;
- whether the participant intends to make a presentation, and if so, the presentation topic(s);
- whether the participant intends to attend in person or by web; and
- a contact name, telephone number and e-mail address.

Participants intending to give a presentation are asked to submit an electronic copy of any presentation materials to the Board Secretary by Monday, September 30, 2013, in accordance with the filing instructions set out below.

Please note that seating will be limited so participants are asked to limit conference attendance to two persons. As noted above, however, capacity for participation will also be available on a remote basis through the Board's website.

Second Phase – Review of Alternative Models

The second phase of the review will examine whether, over the longer term, the Board should consider adopting a different model regarding the representation of consumer interests in Board proceedings.

Other jurisdictions in Canada and elsewhere have adopted models regarding the representation of consumer interests that are markedly different than the model currently employed by the Board. For instance, Alberta and Nova Scotia have each adopted a model under which consumer interests in energy regulatory proceedings are represented by a consumer advocate. Both the Alberta Utilities Commission and the Nova Scotia Utility and Review Board make cost awards available to other intervenors on the basis of financial need.

In the United Kingdom, the energy regulator, Ofgem, uses a number of mechanisms to ensure that consumer interests are represented and heard in its proceedings and consultations. A Consumer Challenge Group, comprised of experts in energy consumer issues, provides advice to Ofgem regarding network price controls and related matters. In addition, consumer panels, comprised of residential consumers from across the UK, provide input into Ofgem's development of policies of particular interest to consumers, such as its recent review of supplier tariffs.

The Board's objective in this second phase is to identify and evaluate the range of models that the Board could consider for implementation in Ontario in place of the Board's current approach to the representation of such models compared to the Board's assess the advantages and disadvantages of such models compared to the Board's current approach (as that approach may have been modified as a consequence of the first phase outlined above).

Further details of this second phase of the review will be provided in due course.

Invitation to Participate and Cost Awards

Interested stakeholders must register their intent to participate in the consultation by filing a letter with the Board by September 6, 2013 in accordance with the filing instructions set out below. Cost awards will be available to eligible persons under section 30 of the *Ontario Energy Board Act, 1998* for participation in cost eligible activities as set out in Appendix A. Costs awarded will be recovered from all rate regulated electricity distributors, all rate regulated natural gas distributors, all rate regulated electricity transmitters, Ontario Power Generation, the Ontario Power Authority, and the independent Electricity System Operator, apportioned on a pro-rata basis relative to their contributions to the Board's annual cost assessment.

Appendix A contains information regarding cost awards for this consultation, including in relation to eligibility requests and objections.

Filing Instructions

Please submit electronic copies of filings in searchable/unrestricted Adobe Acrobat (PDF) format through the Board's web portal at <https://www.oes.ontarioenergyboard.ca/esservice> and also file two paper copies at the address below. You will need a user ID to make filings through the Board's web portal. If you do not have a user ID, visit the "e-filings services" webpage on the Board's website at www.ontarioenergyboard.ca and fill out a user ID password request.

Please use the document naming conventions and document submission standards outlined in the document entitled "RCSS Document Preparation – A Quick Guide" also found on the e-filing services webpage. If the Board's web portal is not available, electronic copies of filings may be filed by e-mail to boardssec@ontarioenergyboard.ca. If you do not have internet access, please provide a CD containing your filing in PDF format as described above to the Board Secretary at the following address:

Kirsten Valli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, Suite 2700
Toronto, Ontario M4P 1E4

All filings to the Board must be received by the Board Secretary by 4:45 p.m. on the required date. Filings must quote file number EB-2013-0301 and include your name, address, telephone number and, where available, your e-mail address and fax number. All filings received by the Board in relation to this consultation will be available for viewing at the Board's offices and will be placed on the Board's website.

Questions about this consultation process should be directed to Stephen Cain at stephen.cain@ontarioenergyboard.ca or 416-440-8144. The Board's toll-free number is 1-888-632-6273.

Yours truly,

Original signed by

Kirsten Valli
Board Secretary

Attachment: Appendix A Cost Awards

Cost Award Eligibility

The Board will determine eligibility for costs in accordance with its *Practice Direction on Cost Awards*. Any person intending to request an award of costs must file with the Board a written submission to that effect by September 6, 2013, identifying the grounds on which the person believes that it is eligible for an award of costs (addressing the Board's cost eligibility criteria as set out in section 3 of the Board's *Practice Direction on Cost Awards*). An explanation of any other funding to which the person has access must also be provided, as should the name and credentials of any lawyer, analyst or consultant that the person intends to retain, if known. All requests for cost eligibility will be posted on the Board's website.

If a Board licensee has any objections to any of the requests for cost eligibility, such objections must be filed with the Board by September 18, 2013. Any objections will be posted on the Board's website. The Board will then make a final determination on the cost eligibility of the requesting participants.

Eligible Activities

Cost awards will be available in relation to the submission of written comments on the questions listed in this cover letter, in relation to participation in the Stakeholder Conference, and in relation to the submission of written comments on the issues explored at the Stakeholder Conference. The maximum number of hours allowed per participant for these eligible activities are:

- written comments on questions listed in the cover letter20 hours
- preparation, attendance and report on Stakeholder Conference15 hours
- written comments on Stakeholder Conference issues10 hours

Cost Awards

When determining the amount of the cost awards, the Board will apply the principles set out in section 5 of its *Practice Direction on Cost Awards*. The maximum hourly rates set out in the Board's Cost Awards Tariff will also be applied. The Board expects that

COST AWARDS

EB-2013-0301

To Cover Letter Dated August 22, 2013

Appendix A

groups representing the same interests or class of persons will make every effort to communicate and co-ordinate their participation in this process.

The Board will use the process set out in section 12 of its *Practice Direction on Cost Awards* to implement the payment of the cost awards. Therefore, the Board will act as a clearing house for all payments of cost awards in this process. For more information on this process, please see the Board's *Practice Direction on Cost Awards* and the October 27, 2005 letter regarding the rationale for the Board acting as a clearing house for the cost award payments. These documents can be found on the Board's Rules, Codes, Guidelines and Forms webpage.

In its *Decision on Cost Eligibility* (corrected) dated September 27, 2013, the Board determined that the following participants (together, the "eligible participants") were eligible for an award of costs in this consultation process:

Association of Major Power Consumers in Ontario
 Association of Power Producers in Ontario
 Building Owners and Managers Association – Greater Toronto
 Canadian Federation of Independent Business
 Canadian Manufacturers & Exporters
 Consumers Council of Canada
 Ecology Ottawa
 Energy Probe Research Foundation
 Federation of Rental-housing Providers of Ontario
 Gas Pipeline Landowners of Ontario and Lambton County Storage Association
 Green Energy Coalition
 Industrial Gas Users Association
 London Property Management Association
 Low-income Energy Network
 Mishnawbe Aski Nation
 Northwacht
 Ontario Association of Physical Plant Administrators
 Ontario Sustainable Energy Association
 School Energy Coalition
 Vulnerable Energy Consumers Coalition

A list of activities for which cost awards are available in this consultation was attached as Appendix A to the Board's letter and is attached as Appendix A to this Notice.

Notice of Hearing

The Board is initiating a hearing on its own motion in order to determine the cost awards that will be made in accordance with section 30 of the Act in relation to eligible consultation activities as set out in Appendix A. The file number for this hearing is EB-2013-0301.

The Board intends to proceed by way of written hearing unless a party can satisfy the Board that there is a good reason for not holding a written hearing. If a party wants to object to a written hearing, the objection must be received by the Board no later than 7 days after the date of this Notice.

Ontario Energy Board
 Commission de l'énergie
 de l'Ontario
 P.O. Box 2319
 2300 Yonge Street
 27th Floor
 Toronto ON M4P 1E4
 Telephone: 416-491-1967
 Facsimile: 416-440-7656
 Toll free: 1-888-632-6273
 Numéro sans frais: 1-888-632-6273



BY E-MAIL AND WEB POSTING

May 20, 2014

TO: All Rate Regulated Electricity Distributors
 All Rate Regulated Natural Gas Distributors
 All Rate Regulated Electricity Transmitters
 Ontario Power Generation
 Ontario Power Authority
 Independent Electricity System Operator
 All Participants Eligible for an Award of Costs
 All Other Interested Parties

RE: Notice of Hearing for Cost Awards
 Review of the Framework Governing the Participation of Intervenor in
 Board Proceedings
 Board File No. EB-2013-0301

In August 2013, the Board commenced a review of the framework governing the participation of intervenors in applications, policy consultations and other proceedings before the Board. The main elements of the intervenor framework are set out in the Board's *Rules of Practice and Procedure* and *Practice Direction on Cost Awards*.

As indicated in the Board's letter dated April 24, 2014 ("the Board Letter"), the First Phase of the review, which examined whether there are modifications that should be made regarding the Board's approach to intervenor status, cost eligibility and cost awards, is now complete. The Board considers it expedient to address the issue of cost awards for the First Phase of the consultation at this time. Cost awards in relation to eligible consultation activities that take place in the future will be addressed at the relevant time.

Assuming that the Board does not receive any objections to a written hearing, the hearing will follow the process set out below.

1. Eligible participants shall submit their cost claims by **Tuesday, June 3, 2014**. The cost claim must be filed with the Board and one copy is to be served on each rate regulated electricity distributor, each rate regulated natural gas distributor, each rate regulated electricity transmitter, Ontario Power Generation, the Ontario Power Authority, and the Independent Electricity System Operator. The cost claims must be completed in accordance with section 10 of the Board's *Practice Direction on Cost Awards*.

Eligible Participants must use the customized Cost Claim Form attached as Appendix B to this Notice

2. Rate regulated electricity distributors, rate regulated natural gas distributors, rate regulated electricity transmitters, Ontario Power Generation, the Ontario Power Authority, and the Independent Electricity System Operator will have until Friday, June 13, 2014 to object to any aspect of the costs claimed. The objection must be filed with the Board and one copy must be served on the eligible participant against whose claim the objection is being made.

3. The eligible participant whose cost claim was objected to will have until Friday, June 20, 2014 to file with the Board a reply submission as to why its cost claim should be allowed. One copy of the reply submission is to be served on the objecting party.

4. The Board will then issue its decision on cost awards.

Service of cost claims, objections and reply submissions on other parties may be effected by courier, registered mail, facsimile or e-mail.

Parties must file two paper copies and one electronic copy of their filings with the Board Secretary by 4:45 pm on the required dates. The Board requests that parties make every effort to provide electronic copies of their filings in searchable / unrestricted Adobe Acrobat (PDF) format, and to submit their filings through the Board's web portal at <https://www.oes.ontarioenergyboard.ca/esservice/>. A user ID is required to submit documents through the Board's web portal. If you do not have a user ID, please visit the "e-filings services" webpage on the Board's website at www.ontarioenergyboard.ca, and fill out a user ID password request. Additionally, interested parties are requested to

follow the document naming conventions and document submission standards outlined in the document entitled "RESS Document Preparation – A Quick Guide" also found on the e-filing services webpage. If the Board's web portal is not available, electronic copies of filings may be filed by e-mail at boardssec@ontarioenergyboard.ca. Persons that do not have internet access should provide a CD or diskette containing their filing in PDF format.

All filings must quote file number EB-2013-0301 and include your name, address telephone number and, where available, your e-mail address and fax number.

All filings in this hearing (i.e., cost claims, objections, or replies), will form part of the public record. Copies of the filings will be available for inspection at the Board's office during normal business hours and the filings may be placed on the Board's website.

If the filing is from a private citizen (i.e., not a lawyer representing a client, not a consultant representing a client or organization, not an individual in an organization that represents the interests of consumers or other groups, and not an individual from a regulated entity), before making the filing available for viewing at the Board's offices or placing the filing on the Board's website, the Board will remove any personal (i.e., not business) contact information from the filing (i.e., the address, fax number, phone number, and e-mail address of the individual). However, the name of the individual and the content of the filing may be available for viewing at the Board's offices and will be placed on the Board's website.

If you do not file a letter objecting to a written hearing or do not participate in the hearing by filing written materials in accordance with this Notice, the Board may proceed without your participation and you will not be entitled to further notice in this proceeding.

Dated at Toronto, May 20, 2014

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary
Attachments

Notice of Hearing for Cost Awards
 Review of the Framework Governing the Participation
 of Intervenor in Board Proceedings
 Board File No. EB-2013-0301

APPENDIX A
 Consultation Activities for Which Cost Claims may be Filed
 and Maximum Number of Hours

Cost awards will be available in relation to the submission of written comments on the questions listed in the consultation cover letter, in relation to participation in the Stakeholder Conference; and in relation to the submission of written comments on the issues explored at the Stakeholder Conference. The maximum number of hours allowed for each activity per cost eligible participant is shown below.

Activity Eligible for Cost Awards	
Written comments on questions listed in the cover letter	20
Preparation, attendance and report on Stakeholder Conference	15
Written comments on Stakeholder Conference issues	10
Maximum Number of Hours	

Notice of Hearing for Cost Awards
 Review of the Framework Governing the Participation
 of Intervenor in Board Proceedings
 Board File No. EB-2013-0301
 APPENDIX B
 Ontario Energy Board Cost Claim for Consultations:
 Affidavit and Summary of Fees and Disbursements

The forms that Eligible Participants must complete are provided in a separate MS Excel Workbook named, "EB-2013-0301 Cost Claim Form for Consultation.xls".