



EB-2013-0326

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

**AND IN THE MATTER OF** a Submission by the Ontario  
Power Authority to the Ontario Energy Board for the  
review of its proposed expenditure and revenue  
requirements and the fees which it proposes for the year  
2014.

**BEFORE:** Christine Long  
Presiding Member

Cathy Spoel  
Member

## **DECISION AND ORDER ON COST AWARDS**

**January 5, 2015**

### **Background**

This decision concerns the review by the Ontario Energy Board (the “Board”) of the proposed 2014 expenditure and revenue requirement and fees of the Ontario Power Authority (the “OPA”). The OPA submitted its proposal to recover its operating budget of \$60.3 million on March 6, 2014. This budget is based on the OPA’s 2014-2016 Business Plan which was approved by the Minister of Energy ( the “Minister”) on January 29, 2014 in accordance with section 25.22(3) of the Electricity Act.

On May 6, 2014, the Board issued its Decision on Intervenor and Cost Eligibility, granting the Association of Major Power Consumers in Ontario (“AMPCO”), Building

Owners and Managers Association (“BOMA”), Canadian Manufactures and Exporters (“CME”), Energy Probe Research Foundation (“Energy Probe”), the School Energy Coalition (“SEC”) and the Vulnerable Energy Consumers Coalition (“VECC”) intervenor status and cost award eligibility.

On November 6, 2014, the Board issued its Decision and Order, in which it set out the process for intervenors to file their cost claims, for the OPA to object to the claims and for intervenors to respond to any objections raised by the OPA.

The Board received cost claims from AMPCO, BOMA, CME, Energy Probe, SEC and VECC.

By an e-mail dated November 25, 2014, the OPA filed its response to the cost claims filed and stated that it had no objections to the cost claims from AMPCO, BOMA, CME, Energy Probe, SEC and VECC.

## **Board Findings**

The Board has reviewed the cost claims of AMPCO, BOMA, CME, Energy Probe, SEC and VECC.

### Energy Probe

Energy Probe’s claim included attendance for three consultants claiming respectively 9.5 hours, 11 and 2.5 hours. The Board will not require fee payers to pay for multiple representatives of the same intervenor group to attend an oral hearing. The Board has decided that the maximum number of hours that can be claimed for the oral hearing is 9.75 hours which corresponds to the highest claim for attendance of the other participants. Energy Probe’s total adjusted cost claim is \$34,303.65.

### BOMA

The Board will reduce BOMA’s cost claim to \$34,352.78 (including \$49.13 disbursements). BOMA pursued issues that went beyond the scope of the Board’s jurisdiction in an OPA fees case. As such, the Board will reduce the amount of time claimed by BOMA to match the fees claimed by Energy Probe. In the Board’s view, CME took the lead on the issue of the surplus variance account, and therefore the

Board has determined that BOMA's contribution is more in line with the contribution made to the process by Energy Probe.

The Board finds that the other intervenors are eligible for 100% of their reasonably incurred costs of participating in this proceeding. The claims of CME and VECC each require a minor reduction to comply with the government's *Travel, Meal and Hospitality Expenses Directive*.

The Board finds that the claims of AMPCO and SEC and the adjusted claims of BOMA, Energy Probe, CME and VECC are reasonable and each of these claims shall be reimbursed by the OPA.

**THE BOARD THEREFORE ORDERS THAT:**

1. Pursuant to section 30 of the Ontario *Energy Board Act, 1998*, the OPA shall immediately pay the following amounts to the intervenors for their costs:
  - Association of Major Power Consumers in Ontario \$15,723.95;
  - Building Owners and Managers Association \$34,352.78;
  - Canadian Manufactures and Exporters \$37,563.98;
  - Energy Probe Research Foundation \$34,303.65;
  - School Energy Coalition \$15,579.31;
  - Vulnerable Energy Consumers Coalition \$29,407.08.
  
2. Pursuant to section 30 of the Ontario *Energy Board Act, 1998*, the OPA shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

**DATED** at Toronto, January 5, 2015

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary