



EB-2007-0706

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 Enersource
Hydro Mississauga Inc. for an Order or Orders approving
just and reasonable rates and other service charges for
the distribution of electricity, effective May 1, 2008.

BEFORE: Paul Sommerville
Presiding Member

Ken Quesnelle
Member

DECISION AND ORDER ON COST AWARDS

Background

On August 23, 2007, Enersource Hydro Mississauga Inc. ("Enersource") filed an application with the Ontario Energy Board (the "Board") under section 78 of the *Ontario Energy Board Act, 1998*, c.15 (Schedule B), for an order or orders approving or fixing just and reasonable rates for the distribution of electricity and other charges, to be effective May 1, 2008. The Board assigned file number EB-2007-0706 to the application.

On September 20, 2007, the Board issued a Notice of Application and Hearing and stated that participant funding may be available. Five parties eligible for cost awards filed requests for intervention. The Association of Major Power Consumers In Ontario ("AMPCO"), Consumers Council of Canada ("CCC"), Energy Probe ("EP"), School Energy Coalition ("SEC") and Vulnerable Energy Consumers Coalition ("VECC") were deemed eligible to apply for an award of costs at the time of acceptance as intervenors

in the proceeding. In addition, PowerStream Inc. which is not eligible for cost awards was granted intervenor status

On October 19, 2007, the Board issued Procedural Order No. 1 which set out, among other things, the date for the procedural meeting. On November 20, 2007 the Board issued Procedural Order No. 2 which set the dates for a technical conference, a settlement conference and the filing and presentation of any settlement agreement. The settlement agreement was filed with the Board on December 24, 2007 and proposed a settlement of all issues on the Issues List. After hearing a presentation of the settlement agreement on January 4, 2008, the Board accepted the settlement agreement.

On March 14, 2008 the Board issued Procedural Order No. 4 which set out the dates for the Draft Rate Order and cost award process. Enersource's Draft Rate Order was received on March 28, 2008 and the Board received comments from VECC and CCC supporting the Draft Rate Order. On April 18, 2008 the Board issued the approved Tariff of Rates and Charges for Enersource effective May 1, 2008.

The Board received cost claims from AMPCO, CCC, EP, SEC and VECC. No responses to the cost claims were received from Enersource.

The Board made two types of adjustments to the cost claims. On November 16, 2007, the Board amended its Practice Direction to reflect a new tariff for legal counsel and consultants. The letter that accompanied the amendments to the tariff stated that the "new tariffs may be applied for work that is performed on or after November 16, 2007." Therefore, for all work performed before November 16, 2007, the old tariffs applied. The cost claims of EP and SEC did not properly reflect the applicable tariffs for work done before November 16, 2007, and therefore had to be adjusted.

The Board has also adjusted the cost claim of VECC to appropriately reflect the correct tariff for their counsel (0 – 5 years of experience, rather than 6 – 10 years).

The Board finds that all parties are eligible for 100% of their reasonably incurred costs of participating in this proceeding. The Board finds that each party's claims, adjusted as described, are reasonable and should be reimbursed by Enersource.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the Ontario Energy Board Act, 1998, Enersource shall immediately pay AMPCO \$16,427.63.
2. Pursuant to section 30 of the Ontario Energy Board Act, 1998, Enersource shall immediately pay CCC \$23,173.63.
3. Pursuant to section 30 of the Ontario Energy Board Act, 1998, Enersource shall immediately pay EP \$17,535.70.
4. Pursuant to section 30 of the Ontario Energy Board Act, 1998, Enersource shall immediately pay SEC \$ 39,695.50.
5. Pursuant to section 30 of the Ontario Energy Board Act, 1998, Enersource shall immediately pay VECC \$14,425.85.
6. Pursuant to section 30 of the Ontario Energy Board Act, 1998, Enersource shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, June 2, 2008

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary