

Ontario Energy  
Board

Commission de l'énergie  
de l'Ontario



EB-2013-0365

**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 Union Gas  
Limited for an Order or Orders approving or fixing just and  
reasonable rates and other charges for the sale,  
distribution, transmission and storage of gas commencing  
January 1, 2014.

**BEFORE:** Christine Long  
Presiding Member

Ellen Fry  
Member

**DECISION AND ORDER ON COST AWARDS**  
**February 12, 2015**

**Background**

Union Gas Limited ("Union") filed an application on October 31, 2013 with the Ontario Energy Board (the "Board") pursuant to section 36 of the *Ontario Energy Board Act*, 1998, S.O. c.15, Schedule B (the "Act"), for an order or orders approving rates for the distribution, transmission and storage of natural gas, effective January 1, 2014.

On December 20, 2013, the Board issued Procedural Order No. 1, granting the Association of Power Producers of Ontario ("APPPrO"); the Building Owners and Managers Association Toronto ("BOMA"); the Canadian Manufacturers and Exporters ("CME"); the City of Kitchener; the Consumers Council of Canada ("CCC"); Energy

Probe Research Foundation (“Energy Probe”); the Federation of Rental-housing Providers of Ontario (“FRPO”); the Industrial Gas Users Association (“IGUA”); the London Property Management Association (“LPMA”); the Ontario Association of Physical Plant Administrators (“OAPPA”); the Ontario Greenhouse Vegetable Growers (“OGVG”); the School Energy Coalition (“SEC”) and the Vulnerable Energy Consumers Coalition (“VECC”) intervenor status and cost award eligibility.

On August 21, 2014, the Board issued its Decision and Order, in which it set out the process for intervenors to file their cost claims, for Union to object to the claims and for intervenors to respond to any objections raised by Union.

The Board received cost claims from APPrO, BOMA, CME, Energy Probe, FRPO, IGUA, LPMA, OAPPA, OGVG, SEC and VECC. The City of Kitchener and the Consumers Council of Canada did not submit a cost claim.

On September 11, 2014, Union filed its response to the cost claims filed and stated that it had no objections to the cost claims from APPrO, BOMA, CME, Energy Probe, FRPO, IGUA, LPMA, OAPPA, OGVG, SEC and VECC.

## **Board Findings**

### IGUA and CME

IGUA and CME will have their time for work on the settlement agreement reduced to 90 hours each. Ninety hours represents approximately a full 2.5 weeks (based on a 35 hour work week) spent entirely on preparation of the settlement agreement, particularly the Parkway issue. The Board has reviewed the submissions of the two parties which state that they took the lead on negotiation and drafting of the settlement agreement. The Board accepts the submissions of IGUA and CME on this point. However, the Board concludes that the time spent must be proportional to the value of the issues in question. While the Parkway issue may have been technically complicated, the amount of hours spent outweighs the ultimate impact on customers. The intervenors’ claims of 109 and 128 hours in preparation of the settlement agreement are too high. The Board has made a reduction to a more reasonable amount of time, still reflecting the complexity of the issues and the lead role assumed by the two intervenors.

The Board accepts the other intervenors' cost claims as submitted. The claims of APPrO, CME, FRPO 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 BOMA, Energy Probe, LPMA, OAPPA, OGVG and SEC and the adjusted claims of APPrO, CME, FRPO, IGUA and VECC are reasonable and each of these claims shall be reimbursed by Union.

**THE BOARD THEREFORE ORDERS THAT:**

1. Pursuant to section 30 of the Ontario *Energy Board Act, 1998*, Union shall immediately pay the following amounts to the intervenors for their costs:
  - Association of Power Producers of Ontario \$24,191.99;
  - Building Owners and Managers Association Toronto \$41,554.61;
  - Canadian Manufacturers and Exporters \$99,167.69;
  - Energy Probe Research Foundation \$27,150.64;
  - Federation of Rental-housing Providers of Ontario \$27,111.27;
  - Industrial Gas Users Association \$48,091.72;
  - London Property Management Association \$18,285.53;
  - Ontario Association of Physical Plant Administrators \$5,577.50;
  - Ontario Greenhouse Vegetable Growers \$39,827.98;
  - School Energy Coalition \$22,224.84; and
  - Vulnerable Energy Consumers Coalition \$21,389.29.
  
2. Pursuant to section 30 of the Ontario *Energy Board Act, 1998*, Union shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

**DATED** at Toronto, February 12, 2015

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary