



# **Ontario Energy Board Commission de l'énergie de l'Ontario**

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

**EB-2014-0301**

**EB-2014-0072**

## **ESSEX POWERLINES CORPORATION**

**Application for Smart Meter Installation Costs and Approval of  
Electricity Distribution Rates for 2015**

**BEFORE: Allison Duff**

**Member**

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**August 5, 2015**

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## INTRODUCTION AND SUMMARY

On September 23, 2014, Essex Powerlines Corporation (Essex Powerlines) filed an application seeking approval for its final smart meter installation costs and on September 26, 2014, Essex Powerlines also applied for an annual Price Cap IR adjustment to rates for its 2015 rate year. The OEB decided to hear these two applications together. This Decision and Order on cost awards applies to intervenor cost claims for both applications.

## THE PROCESS

The OEB issued Procedural Order No. 1, granting the Vulnerable Energy Consumers Coalition (VECC) intervenor status and cost award eligibility specific to the smart meter cost recovery issue. After an error was identified relating to power billings for the 2011, 2012 and 2013 rate years, the OEB issued Procedural Order No. 2, re-opening the record of the proceeding and granting intervenor status and cost award eligibility to all intervenors of record in Essex Powerlines' last cost of service proceeding (EB-2009-0143).

The OEB issued its Decision and Order, in which it set out the process for intervenors to file their cost claims, for Essex Powerlines to respond to the claims, and for intervenors to respond to any objections raised by Essex Powerlines.

Cost claims were submitted by Energy Probe and VECC by June 25, 2015 as specified in the Decision and Order. The School Energy Coalition (SEC) submitted a cost claim on July 6, 2015.

Essex Powerlines filed a letter with the OEB indicating that it had no concerns with the cost claims submitted with the exception of the cost claim by SEC. Essex Powerlines' concern with SEC's cost claim related to the filing after the due date established by the OEB. Essex Powerlines asked that the OEB consider not accepting SEC's claim which was 10 days late or alternatively requested the OEB reduce the claim amount.

SEC replied to Essex Powerlines' letter of objection and apologized for the late filing. SEC explained that the final Rate Order was issued unusually quickly relative to the Draft Rate Order and that SEC's counsel, Mr. Shepherd, was out of town when the cost claims were due.

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**THE DECISION**

The OEB has reviewed the cost claims of Energy Probe, VECC and SEC. The OEB approves the claims from Energy Probe and VECC as submitted. The OEB notes that SEC claimed 4 hours of hearing attendance for Mr. Rubenstein. His time for attendance at the oral hearing will be reduced from 4 hours to 3 hours given the hearing was 3 hours in length. The OEB will therefore reduce SEC's cost claim by one hour for Mark Rubenstein (\$170 + \$22.10 HST). The OEB finds that the claims of Energy Probe and VECC and the adjusted claim of SEC are reasonable and each of these claims shall be reimbursed by Essex Powerlines.

In approving SEC's cost claim, the OEB is mindful that the claim was filed after the due date established by the OEB. However, the OEB will not deny or further reduce SEC's cost claim due to its late filing, as the Rate Order schedule was condensed and departed from past practice. In addition, the OEB has approved cost claims filed late, most recently in EB-2014-0198 Decision and Order on Cost Awards dated July 6, 2015, EB-2010-0038 Decision and Order on Cost Awards dated March 22, 2011 and EB-2008-0346 Decision and Order on Cost Awards dated December 28, 2011.

**IT IS ORDERED THAT:**

1. Pursuant to section 30 of the Ontario Energy Board Act, 1998, Essex Powerlines shall immediately pay the following amounts to the intervenors for their costs:
  - Energy Probe Research Foundation \$ 3,742.41
  - School Energy Coalition \$ 8,788.01
  - Vulnerable Energy Consumers Coalition \$10,404.04
2. Pursuant to section 30 of the Ontario Energy Board Act, 1998, Essex Powerlines shall pay the OEB's costs of, and incidental to, this proceeding immediately upon receipt of the OEB's invoices.

**DATED** at Toronto August 5, 2015

**ONTARIO ENERGY BOARD****Original signed by**

Kirsten Walli  
Board Secretary