



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

**DECISION AND ORDER ON COST
AWARDS**

EB-2015-0075

HORIZON UTILITIES CORPORATION

**Application for electricity distribution rates and other charges beginning
January 1, 2016**

BEFORE: Christine Long
Presiding Member

February 19, 2016

INTRODUCTION AND SUMMARY

Horizon Utilities Corporation (Horizon) filed a complete application with the Ontario Energy Board (OEB) on August 12, 2015 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B) and under the OEB's Filing Requirements for Incentive Regulation Rate Applications seeking approval for changes to its electricity distribution rates to be effective January 1, 2016.

The OEB granted intervenor status and cost award eligibility to the parties listed below.

- Association of Major Power Consumers of Ontario (AMPCO)
- Building Owners and Managers Association of Greater Toronto (BOMA)
- Consumers Council of Canada (CCC)
- Energy Probe Research Foundation (Energy Probe)
- School Energy Coalition (SEC)
- Vulnerable Energy Consumers Coalition (VECC)

On December 10, 2015, the OEB issued its Decision and Order and on December 22, 2015, the OEB issued its Rate Order in which it set out the process for intervenors to file their cost claims, for Horizon to object to the claims and for intervenors to respond to any objections raised by Horizon.

AMPCO, BOMA, CCC, Energy Probe and SEC submitted cost claims by the January 8, 2016 deadline specified in the Rate Order. VECC filed its cost claim on January 18, 2015.

On January 15, 2016, Horizon filed a response to the cost claims and noted that BOMA had claimed a total of \$9,508.95 in fees, inclusive of HST which was identical to the cost claim of SEC. Horizon noted that the BOMA argument focussed on a matter that was no longer relevant to the proceeding, as the request for a deferral account related to monthly billing was withdrawn by Horizon on November 5, 2015. Horizon submitted that BOMA's cost award should be set at \$5,967.13, plus HST of \$775.73, totaling \$6,742.86 which reflected a reduction of preparation time for the BOMA argument from 10.5 hours to 3 hours.

On January 22, 2016, BOMA responded that due to other commitments, it drafted its written submission on the Horizon case shortly after the Technical Conference and before Horizon retracted a portion of its application. BOMA noted that due to the same commitments, it did not redraft its submission following the receipt of Horizon's change to its application. BOMA assumed that the OEB would simply discount the comments insofar as they pertained to the request that was withdrawn. BOMA submitted that its course of action was not unreasonable and not a valid reason for reduction to its cost claim.

OEB Findings

The OEB accepts the cost claim filed by VECC notwithstanding that it was filed after the deadline specified in the Rate Order.

The claims submitted by AMPCO, CCC, Energy Probe, SEC and VECC are approved as filed.

The OEB will reduce BOMA's claim by 4.5 hours. As noted in the letter of objection by Horizon, BOMA's final submission focussed on an issue that Horizon had removed from its application. While the OEB appreciates that intervenors must take steps to manage their case load, in assessing cost awards, the OEB will consider whether a submission was of assistance to the OEB in reaching its conclusion. Because the issue had been removed from the issues the OEB had to determine, the submission was of less value. However, the OEB does not agree with the linear reduction proposed by Horizon. The OEB will allow 6 hours for the BOMA submission.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Horizon shall immediately pay the following amounts to the intervenors for their costs:

Association of Major Power Consumers of Ontario	\$5,542.88
Building Owners and Managers Association of Greater Toronto	\$7,861.56
Consumers Council of Canada	\$5,864.70
Energy Probe Research Foundation	\$6,634.95
School Energy Coalition	\$9,508.95
Vulnerable Energy Consumers Coalition	\$7,322.57

2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Horizon shall pay the OEB's costs of and incidental to, this proceeding immediately upon receipt of the OEB's invoice.

DATED at Toronto February 19, 2016

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary