



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

**DECISION AND ORDER ON COST
AWARDS**

EB-2015-0233

ENBRIDGE GAS DISTRIBUTION INC.

**Application for Enbridge Gas Distribution Inc. for an exemption
from section 2.2.2 of the Affiliate Relationships Code for Gas
Utilities.**

BEFORE: Christine Long
Presiding Member

April 12, 2016

INTRODUCTION AND SUMMARY

Enbridge Gas Distribution Inc. (Enbridge) filed an application with the Ontario Energy Board, received on August 6, 2015 under section 19 and 44 of the Ontario Energy Board Act, 1998, seeking an exemption from section 2.2.2 of the Affiliate Relationships Code for Gas Utilities.

The OEB granted the Building Owners and Managers Association (BOMA), Canadian Manufacturers & Exporters (CME), Energy Probe Research Foundation (Energy Probe) and Industrial Gas Users Association (IGUA) intervenor status and cost award eligibility.

On February 18, 2016, the OEB issued its Decision and Order, in which it set out the process for intervenors to file their cost claims, for Enbridge to object to the claims and for intervenors to respond to any objections raised by Enbridge.

The OEB received cost claims from BOMA, CME, Energy Probe and IGUA. On March 7, 2016, Enbridge filed a letter stating that it had no objections to the cost claims.

Findings

The OEB has reviewed the claims filed by BOMA, CME, Energy Probe and IGUA to ensure that they are compliant with the OEB's *Practice Direction on Cost Awards*.

The OEB disallows the Lawyers' Professional Indemnity Company Civil Litigation Transaction Levy (LPIC) surcharge of \$50 claimed by CME. The OEB is unclear why this amount is being charged by CME, nor how it provides value to ratepayers. While the OEB is aware that this charge has been approved by other OEB panels, each OEB panel makes its costs decision based on the circumstances of each case. The cost will not be accepted in this case.

The OEB finds that the claims of BOMA, Energy Probe and IGUA are reasonable. The costs of CME shall be reduced to reflect the disallowance discussed above. Each of these claims shall be reimbursed by Enbridge.

THE ONTARIO ENERGY BOARD ORDERS THAT:

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

- | | |
|--|------------|
| • Building Owners and Managers Association | \$3,929.00 |
| • Canadian Manufacturers & Exporters | \$5,674.86 |
| • Energy Probe Research Foundation | \$7,588.13 |
| • Industrial Gas Users Association | \$4,684.05 |

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

DATED at Toronto April 12, 2016

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary