



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

DECISION ON COST ELIGIBILITY AND NOTICE OF HEARING FOR COST AWARDS

EB-2014-0255

Consultation to develop Corporate Governance Guidance for OEB rate-regulated utilities

BEFORE: **Cathy Spoel**
 Presiding Member

Christine Long
 Vice Chair and Member

February 9, 2017

In a [letter](#) dated June 22, 2016, the Ontario Energy Board (OEB) initiated a consultation to develop guidance on corporate governance for OEB rate-regulated utilities (i.e., Ontario Power Generation, electricity distributors and transmitters as well as natural gas utilities) (the Utilities).

That letter identified that cost awards would be available to eligible persons under section 30 of the *Ontario Energy Board Act, 1998* in relation to their participation in the eligible activities as set out in Appendix A of the letter. Further, the letter indicated that any costs awarded will be recovered from all rate-regulated utilities based on their respective distribution revenues.

The OEB received requests for cost award eligibility from the following participants:

- Association of Major Power Consumers in Ontario
- Consumers Council of Canada
- Energy Probe Research Foundation
- Federation of Rental-housing Providers of Ontario
- London Property Management Association
- School Energy Coalition
- Vulnerable Energy Consumers Coalition

No objections were received to any of the above requests for cost eligibility. The OEB has determined that the above listed participants are eligible to request an award of costs in the current consultation.

Notice of Hearing

In the June 22nd letter, the OEB stated it wished to gain insight from the Utilities and stakeholders on Elenchus Research Associates Inc.'s (Elenchus) report entitled *Corporate Governance for Regulated Natural Gas and Electricity Utilities* (Draft Report) to assist the OEB in developing its guidance. The OEB indicated that it would conduct targeted meetings with selected stakeholders to discuss the principles and recommendations set out in the Draft Report and to inform the development of Elenchus' final report.

Targeted stakeholder meetings were held from September 18-28, 2016. These meetings provided input to Elenchus.

Corporate Governance Guidance for Utilities

Elenchus has provided its final report to the OEB. The OEB has posted this report to its website.

The OEB is initiating a hearing on its own motion in order to determine the cost awards for parties identified above that are eligible for costs.

In accordance with the June 22nd letter, parties that participated in the targeted stakeholder session may claim up to fifteen (15) hours for their preparation for, attendance at and reporting on the session. In recognition that the stakeholder session was only three (3) hours in length instead of the intended full-day session, parties must be prepared to substantiate their claims.

Since the OEB has not provided for written comments on Elenchus' Final Report, no cost awards will be available for written comments on it.

The OEB intends to proceed by way of written hearing unless a party can satisfy the OEB that there is a good reason for not holding a written hearing. If a party wants to object to a written hearing, the objection must be received by the OEB no later than **7 days** after the date of this Notice. Assuming that the OEB does not receive any objections to a written hearing, the hearing will follow the process set out below.

1. Eligible participants shall submit their cost claims by **February 20, 2017**. The cost claim must be filed with the OEB and one copy is to be served on each rate regulated natural gas distributor. The cost claims must be completed in accordance with section 10 of the OEB's *Practice Direction on Cost Awards*.
2. The Utilities will have until **March 1, 2017** to object to any aspect of the costs claimed. The objection must be filed with the OEB and one copy must be served on the eligible participant against whose claim the objection is being made.
3. The eligible participant whose cost claim was objected to will have until **March 6, 2017** to file with the OEB a reply submission as to why its cost claim should be allowed. One copy of the reply submission is to be served on the objecting party.
4. The OEB will then issue its decision on cost awards. The OEB's costs may also be addressed in the cost awards decision.

Service of cost claims, objections and reply submissions on other parties may be effected by courier, registered mail, facsimile or e-mail.

Parties must file two paper copies and one electronic copy of their filings with the Board Secretary by **4:45 pm** on the required dates. The OEB requests that parties make every effort to provide electronic copies of their filings in searchable / unrestricted Adobe Acrobat (PDF) format, and to submit their filings through the OEB's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>. A user ID is required to submit documents through the OEB's web portal. If you do not have a user ID, please visit the "e-filings services" webpage on the OEB's website at www.ontarioenergyboard.ca, and fill out a user ID password request. Additionally, interested parties are requested to follow the document naming conventions and document submission standards outlined in the document entitled "RESS Document Preparation – A Quick Guide" also found on the e-filing services webpage. If the OEB's web portal is not available, electronic copies of filings may be filed by e-mail at boardsec@ontarioenergyboard.ca. Persons that do not have internet access should provide a CD or diskette containing their filing in PDF format.

All filings must quote file number **EB-2014-0255** and include your name, address, e-mail address, telephone number, and fax number.

DATED at Toronto February 9, 2017

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary