



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

**DECISION AND ORDER ON COST
AWARDS**

**EB-2016-0025
EB-2016-0360**

**ENERSOURCE HYDRO MISSISSAUGA INC.
HORIZON UTILITIES CORPORATION &
POWERSTREAM INC.**

**Application for approval to amalgamate to form LDC Co and for
LDC Co to purchase and amalgamate with Hydro One Brampton
Networks Inc.**

BEFORE: Ken Quesnelle
Presiding Member and Vice-Chair

Christine Long
Vice-Chair

Cathy Spoel
Member

May 30, 2017

INTRODUCTION AND SUMMARY

Enersource Hydro Mississauga Inc. (Enersource), Horizon Utilities Corporation (Horizon) and PowerStream Inc. (PowerStream) (collectively, the applicants) filed an application with the Ontario Energy Board (OEB) on April 18, 2016 requesting approval to amalgamate to form “LDC Co” and for LDC Co to purchase and amalgamate with Hydro One Brampton Networks Inc. (Hydro One Brampton) under section 86 of the *Ontario Energy Board Act, 1998* (the Act). As part of the application, approvals were requested for: (a) transfer of the distribution licences and rate orders for each of the applicants and Hydro One Brampton to LDC Co; (b) an electricity distribution licence for LDC Co; and (c) temporary exemptions from section 2.6.1A of the *Distribution System Code* (DSC). LDC Co is now called Alectra Utilities Corporation (Alectra).

The OEB granted the Association of Major Power Consumers in Ontario (AMPCO), Building Owners and Managers Association, Greater Toronto (BOMA), Consumers Council of Canada (CCC), Energy Probe Research Foundation (Energy Probe), School Energy Coalition (SEC) and Vulnerable Energy Consumers Coalition (VECC) intervenor status and cost award eligibility.

On December 8, 2016, the OEB issued its Decision and Order in which it set out the process for intervenors to file their cost claims, for the applicants to object to the claims and for intervenors to respond to any objections raised by the applicants.

The OEB received cost claims from AMPCO, BOMA, CCC, Energy Probe, SEC and VECC. No objection was received from Alectra.

Findings

The OEB has reviewed the claims filed by AMPCO, BOMA, CCC, Energy Probe, SEC and VECC to ensure that they are compliant with the OEB’s *Practice Direction on Cost Awards*.

The OEB has determined that the claims of SEC and BOMA should not be fully allowed. The OEB notes that these claims are significantly higher than the claims of other intervenors and finds that the discernable difference in depth and scope of their respective interventions in comparison to others is not commensurate with the level of

costs that have been claimed in comparison to others. The OEB has determined that reimbursement of 80 percent of their respective cost claims is reasonable.

The OEB also notes that SEC claimed 4.1 hours at an hourly rate of \$230/hour for work done after September 2016 by Mr. Rubenstein. Based on the OEB Registrar's letter to Mr. Shepherd dated February 10, 2017, Mr. Rubenstein is not eligible for the \$230/hour rate until September 2017 when he will have completed six years of practice since his call to the bar in September of 2011. The OEB has adjusted Mr. Rubenstein's hourly rate down to \$170/hour for work done after September 2016. The Board has accordingly reduced SEC's claim by \$277.98. The OEB will award SEC \$66,064.32.

The claim of BOMA has been further reduced by \$10.54 because the courier receipt does not match with the cost claim. The total amount awarded to BOMA is \$53,384.56.

The claim of Energy Probe has been slightly reduced owing to a calculation error in the accommodation charge. Energy Probe is awarded a total amount of \$30,239.24.

The OEB finds that the claims of AMPCO, CCC and VECC and the adjusted claims of BOMA, Energy Probe and SEC are reasonable and each of these claims shall be reimbursed by Alectra.

THE ONTARIO ENERGY BOARD ORDERS THAT:

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

• Association of Major Power Consumers in Ontario	\$34,264.65
• Building Owners and Managers Association, Greater Toronto	\$53,384.56
• Consumers Council of Canada	\$42,883.50
• Energy Probe Research Foundation	\$30,239.24
• School Energy Coalition	\$66,064.32
• Vulnerable Energy Consumers Coalition	\$39,115.91

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

DATED at Toronto May 30, 2017

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary