



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

**DECISION AND ORDER ON COST
AWARDS**

EB-2016-0310

HENVEY INLET WIND LP

**Application for Leave to Construct Transmission Facilities
between Henvey Inlet First Nation Reserve No. 2 and Parry Sound,
Ontario**

BEFORE: Allison Duff
Presiding Member

Emad Elsayed
Member

June 30, 2017

INTRODUCTION AND SUMMARY

This is a decision of the Ontario Energy Board (OEB) on an intervenor cost claim filed with respect to an application filed by Henvey Inlet Wind GP Inc. on behalf of Henvey Inlet Wind LP (Henvey Inlet) under section 92 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B (Act) to construct certain transmission facilities between Henvey Inlet First Nation Reserve No. 2 (Reserve) and Parry Sound, Ontario (Application).

The Application was filed with the OEB on October 18, 2016 and amended on November 30, 2016 to remove potential route variations from the main route, as the variations were not being pursued by the Applicant. Henvey Inlet also applied under Section 97 of the Act for approval of the form of land use agreements and under Section 101 of the Act authorizing the construction of portions of the proposed transmission facilities upon, under or over a highway, utility line or ditch.

The OEB granted Mr. Jeffrey Todd Hull intervenor status and cost award eligibility in this proceeding.

On May 18, 2017, the OEB issued its Decision and Order in which it approved the Application and set out the process for Mr. Hull to file his cost claim; for Henvey Inlet to object to the claim; and for Mr. Hull to respond to any objections raised by Henvey Inlet.

The OEB received a cost claim of \$7,830.90 with supporting information filed by counsel on behalf of Mr. Hull on June 4, 2017. By letter dated June 7, 2017, counsel to Henvey Inlet advised the OEB that his client did not object to the claim but identified a number of concerns with the claim. These concerns related primarily to the lack of alignment between the Summary of Fees and Disbursements and the dockets which were filed in support of the cost claim.

Finding

The OEB has reviewed the claim filed by Mr. Hull to ensure that it is compliant with the OEB's *Practice Direction on Cost Awards* and considered the contribution of Mr. Hull in this proceeding. The OEB considers that Mr. Hull's participation was helpful to the OEB. The OEB has also reviewed the correspondence from counsel to Henvey Inlet.

The OEB agrees that the dockets do not align with the Summary of Fees and Disbursements. The total number of hours in the dockets is higher than those in the Summary of Fees and Disbursements. As pointed out by the counsel to Henvey Inlet,

the dockets include items that are outside the scope of this proceeding (i.e. environmental matters) and activities that occurred after the record of this proceeding was closed.

The OEB approves the June 4th cost claim submitted by counsel to Mr. Hull and supported by the Summary of Fees and Disbursements, with one adjustment. The OEB is reducing Mr. Hull's claim by \$223.74 (a reduction of 0.6 hours at the OEB's tariff of \$330.00/hr, plus HST). This reflects the 0.4 hours of Mr. Bisceglia's time shown in the dockets rather than the 1.0 hours shown in the Summary of Fees and Disbursements accompanying Mr. Bisceglia's affidavit.

The OEB finds Mr. Hull's claim, as adjusted, to be reasonable, and that it shall be paid by Henvey Inlet.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Henvey Inlet Wind LP shall immediately pay Mr. Hull \$7,607.16.
2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Henvey Inlet Wind LP shall pay the OEB's costs of, and incidental to, this proceeding immediately upon receipt of the OEB's invoice.

DATED at Toronto June 30, 2017

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary