



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

**DECISION AND ORDER ON COST
AWARDS**

EB-2017-0091

UNION GAS LIMITED

**Application for Disposition and Recovery of certain 2016 Deferral
and Variance Account Balances and Earnings Sharing with
Ratepayers**

BEFORE: Allison Duff
Presiding Member

Lynne Anderson
Member

Michael Janigan
Member

October 17, 2017

INTRODUCTION AND SUMMARY

Union Gas Limited (Union Gas) filed an application with the Ontario Energy Board (OEB) on April 21, 2017 for approval to dispose of and recover certain 2016 deferral account balances. Union Gas has indicated in its application that its 2016 actual utility earnings did not exceed the threshold as agreed to in the Settlement Agreement in EB-2013-0202 and therefore there is no sharing of earnings with ratepayers.

The OEB granted the Association of Power Producers of Ontario (APPrO), Building Owners and Managers Association Toronto (BOMA), Consumers Council of Canada (CCC), Energy Probe Research Foundation (Energy Probe), Federation of Rental-housing Providers of Ontario (FRPO), Industrial Gas Users Association (IGUA), London Property Management Association (LPMA), Ontario Greenhouse Vegetable Growers (OGVG), School Energy Coalition (SEC) and Vulnerable Energy Consumers Coalition (VECC) intervenor status and cost award eligibility.

On August 31, 2017, the OEB issued its Decision and Rate Order setting out the process for intervenors to file their cost claims, for Union to object to the claims and for intervenors to respond to any objections raised by Union.

The OEB received cost claims from APPrO, BOMA, CCC, Energy Probe, FRPO, IGUA, LPMA, OGVG, SEC and VECC. No objections were received from Union.

Findings

The OEB has reviewed the claims filed by APPrO, BOMA, CCC, Energy Probe, FRPO, IGUA, LPMA, OGVG, SEC and VECC to ensure that they are compliant with the OEB's *Practice Direction on Cost Awards*.

The OEB reduces IGUA's claim for attendance at the settlement conference from 14.3 hours to 11.5 hours (reduction of 2.8 hours at \$230 per hour + HST). The Settlement Proposal indicated the settlement conference began at 9:30 on July 17 and ended on July 18. The ending time of the conference on July 18 was not provided, yet most intervenors claimed between 10.0 – 11.5 hours for attendance. As mutual participation is required at a settlement conference, the OEB reduces IGUA's claim to 11.5 hours.

The OEB finds the preparation time claimed by BOMA and FRPO prior to the settlement conference to be excessive. BOMA claimed 28.5 hours and FRPO claimed 22.5 hours for interrogatory-related and settlement conference preparation. Most intervenors

claimed less than 10 hours and the next highest claim was 11.6 hours. The OEB reduces FRPO's claim by 2.5 hours (at \$330 per hour + HST) and BOMA's claim by 8.5 hours (at \$330 per hour + HST) allowing for a maximum of 20 hours in preparation time.

The claim of FRPO also requires a minor reduction to comply with the government's *Travel, Meal and Hospitality Expenses Directive*. The OEB finds that the claims of APPRO, CCC, Energy Probe, LPMA, OGVG, SEC and VECC and the adjusted claims of BOMA, FRPO and IGUA are reasonable and each of these claims shall be reimbursed by Union.

THE ONTARIO ENERGY BOARD ORDERS THAT:

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

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| • Association of Power Producers of Ontario | \$5,474.00 |
| • Building Owners and Managers Association Toronto | \$12,685.44 |
| • Consumers Council of Canada | \$6,339.30 |
| • Energy Probe Research Foundation | \$2,811.60 |
| • Federation of Rental-Housing Providers of Ontario | \$13,057.32 |
| • Industrial Gas Users Association | \$7,253.67 |
| • London Property Management Association | \$5,663.68 |
| • Ontario Greenhouse Vegetable Growers | \$4,423.95 |
| • School Energy Coalition | \$4,764.08 |
| • Vulnerable Energy Consumers Coalition | \$2,181.70 |

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

DATED at Toronto October 17, 2017

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary