



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

**DECISION AND ORDER ON COST
AWARDS**

EB-2017-0102

ENBRIDGE GAS DISTRIBUTION INC.

**Application for the disposition of amounts recorded in certain
deferral and variance accounts and approval of the earnings
sharing amount**

BEFORE: Allison Duff
Presiding Member

Lynne Anderson
Member

Michael Janigan
Member

October 24, 2017

INTRODUCTION AND SUMMARY

Enbridge Gas Distribution Inc. (Enbridge Gas) filed an application dated May 9, 2017 with the Ontario Energy Board (OEB) under section 36 of the *Ontario Energy Board Act, S.O. 1998, c.15, (Schedule B)* for an order approving the disposition of balances in certain deferral and variance accounts. The application also includes a request for approval to share earnings with ratepayers in accordance with the 2014-2018 Custom Incentive Regulation plan framework (EB-2012-0459).

The OEB granted the Association of Power Producers of Ontario (APPrO), Building Owners and Managers Association (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), 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 Enbridge to object to the claims and for intervenors to respond to any objections raised by Enbridge.

The OEB received cost claims from APPrO, BOMA, CCC, Energy Probe, FRPO, IGUA, SEC and VECC. On September 3, 2017, Enbridge filed a letter stating that it had no objection to the cost claims. However, Enbridge noted that BOMA claimed an amount for ADR – Settlement Conference Preparation in the amount of 21.9 hours but on the itemized list of unbilled time, the amount was 20.4 hours.

Findings

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

The OEB approves all cost claims with the exception of BOMA. The OEB finds the amount of preparation time in advance of the settlement conference to be excessive compared to the other claims filed. The OEB will limit BOMA's preparation time for interrogatories and the settlement conference to 20 hours, which is consistent with the OEB's Cost Award Decision in the EB-2017-0091 proceeding regarding Union's DVA application. As a result, BOMA's claim is reduced by 17.7 hours (at \$330 per hour + HST).

The OEB finds that the claims of APPrO, CCC, Energy Probe, FRPO, IGUA, SEC and VECC and the adjusted claim of BOMA are reasonable and 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:

• Association of Power Producers of Ontario	\$7,257.07
• Building Owners and Managers Association Toronto	\$12,318.01
• Consumers Council of Canada	\$7,644.45
• Energy Probe Research Foundation	\$8,615.86
• Federation of Rental-Housing Providers of Ontario	\$12,902.48
• Industrial Gas Users Association	\$6,365.94
• School Energy Coalition	\$5,763.00
• Vulnerable Energy Consumers Coalition	\$9,518.31

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 October 24, 2017

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary