



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

**DECISION AND ORDER ON COST
AWARDS**

EB-2015-0245

**Natural Gas Demand Side Management Evaluation Advisory
Committee**

BEFORE: Cathy Spoel
Presiding Member

Christine Long
Vice Chair and Member

March 5, 2018

INTRODUCTION AND SUMMARY

On August 21, 2015 the Ontario Energy Board (OEB) issued [a letter](#) establishing the process to evaluate the results of Natural Gas Demand Side Management (DSM) programs from 2015 to 2020.

As part of the OEB's evaluation process, an Evaluation Advisory Committee (EAC) made up of experts representing both utility and non-utility stakeholders was formed.

In the August 21, 2015 letter, the OEB stated 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 EAC.

Based on the criteria set out in section 3 of the OEB's *Practice and Direction on Cost Awards*, the OEB has determined that the following persons are eligible for an award of costs:

- Chris Neme, Energy Futures Group
- Jay Shepherd, Shepherd Rubenstein Professional Corporation
- Marion Fraser, Marion Fraser Enterprises Inc.
- Robert M. Wirtshafter, Wirtshafter Associates, Inc.
- Dr. Ted Kesik, University of Toronto

The August 21, 2015 letter indicated that costs awarded will be recovered from all rate-regulated natural gas distributors based on their respective distribution revenues. This apportionment was consistent with the methodology that was in place at the time for allocating costs for cost assessment purposes under section 26 of the OEB Act. On February 9, 2016, the OEB issued [a letter](#) giving notice of changes to its Cost Assessment Model. Specifically, under the revised Cost Assessment Model cost assessments for distributors are now based on customer numbers rather than revenues. The OEB considers it appropriate to apportion cost awards for this initiative in a manner consistent with the revised Cost Assessment Model, and has therefore determined that costs awarded will be apportioned within the distributor class based on customer numbers rather than revenues.

On November 7, 2017, the OEB issued a Notice of Hearing for Cost Awards (the Notice) in relation to EAC activities from April 1, 2017 to October 31, 2017.

The OEB received cost claims from Dr. Ted Kesik, Energy Futures Group, Shepherd Rubenstein Professional Corporation, Marion Fraser Enterprises Inc. and Wirtshafter Associates, Inc. On December 5, 2017 and on December 12, 2017, Union Gas Limited and Enbridge Gas Distribution filed a letter stating that they had no objections with the cost claims.

OEB Findings

The OEB has reviewed the cost claims filed by Dr. Ted Kesik, Energy Futures Group, Shepherd Rubenstein Professional Corporation, Marion Fraser Enterprises Inc. and Wirtshafter Associates, Inc. to ensure they were compliant with the OEB's *Practice Direction on Cost Awards*.

The OEB has determined that the cost claims submitted by Dr. Ted Kesik, Shepherd Rubenstein Professional Corporation and Marion Fraser Enterprises Inc. are in accordance with the overall limits set out in the OEB's Notice dated November 7, 2017, with two exceptions. The OEB notes that the cost claims filed by Energy Futures Group and Wirtshafter Associates, Inc. exceed the maximum number of hours set out in the OEB's Notice. The OEB will not award costs to Energy Futures Group in excess of the 3-hour maximum for Activity #13: Review and Comment – 2015 Annual Verification Report. The OEB will also not award costs to Wirtshafter Associates, Inc. in excess of 3-hour maximum for Activity #8: Review and Comment – Draft 2015 CPSV NTG Results Report. The OEB has reduced both claims to the stipulated maximum of 3 hours for those eligible activities. The approved amounts are set out in Appendix A to this Decision and Order.

The OEB finds that otherwise, each of these Eligible Participants is entitled to 100% of its reasonably incurred costs of participating in this proceeding.

The OEB finds that the claims of Dr. Kesik, Shepherd Rubenstein Professional Corporation and Marion Fraser Enterprises Inc. and the adjusted claims of Energy Futures Group and Wirtshafter Associates, Inc. are reasonable. The OEB approves cost awards for the Eligible Participants as follows:

- | | |
|---|-------------|
| • Dr. Ted Kesik | \$25,410.00 |
| • Energy Futures Group | \$20,872.50 |
| • Shepherd Rubenstein Professional Corporation | \$33,561.00 |
| • Marion Fraser Enterprises Inc. | \$ 9,695.40 |
| • Wirtshafter Associates, Inc. Energy Futures Group | \$18,199.50 |

Process for Paying the Cost Awards

The amount payable by each rate-regulated natural gas distributor in relation to costs awarded to each Eligible Participant is listed in Schedule A to this Decision and Order. However, the amounts will not be paid directly by the distributor to the Eligible Participant.

The OEB will use the process set out in section 12 of the *Practice Direction* to implement the payment of the cost awards. Therefore, the OEB will act as a clearing house for all payments of cost awards relating to this consultation process. Invoices will be issued to distributors at the same time as the invoices for cost assessments are made under section 26 of the Act. The practice of the OEB is to issue to each distributor one invoice that covers all cost awards payable by the distributor for the relevant period. As a result, the invoice may cover cost awards payable in relation to a number of consultations, including this one.

THE ONTARIO ENERGY BOARD THEREFORE ORDERS THAT:

1. Each distributor listed in Schedule A to this Decision and Order shall pay the amounts set out in Schedule A in relation to the costs awarded to each Eligible Participant.
2. Each distributor listed in Schedule A to this Decision and Order shall pay the OEB's costs of, and incidental to, this consultation.
3. The payments referred to in paragraph 1 shall be made to the OEB in accordance with the invoice issued to each distributor, and shall be due at the same time as cost assessments under section 26 of the Act are due.

DATED at Toronto March 5, 2018

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

Schedule A

OEB's Decision and Order on Cost Awards

EB-2015-0245

Gas Distributor, Transmitter, Storage Company	Dr. Ted Kesik	Energy Futures Group	Shepherd Rubenstein Professional Corporation	Marion Fraser Enterprises Inc.	Wirtshafter Associates, Inc.	Total
Enbridge Gas Distribution	15,164.69	12,456.71	20,029.20	5,786.21	10,861.46	\$ 64,298.27
Union Gas	10,184.33	8,365.70	13,451.25	3,885.92	7,294.36	\$ 43,181.56
Natural Resource Gas	60.98	50.09	80.55	23.27	43.68	\$ 258.57
TOTAL	\$ 25,410.00	\$ 20,872.50	\$ 33,561.00	\$ 9,695.40	\$ 18,199.50	\$ 107,738.40