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## BY E-MAIL AND WEB POSTING

February 14, 2019

**To: All Rate-Regulated Electricity Distributors  
All Rate-Regulated Electricity Transmitters  
All Participants in EB-2016-0003**

**Re: Notice of Hearing for Cost Awards  
Regional Planning and Cost Responsibility Review  
OEB File No.: EB-2016-0003**

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### **Background**

On December 18, 2018, the OEB issued a Notice of Amendments to the Distribution System Code and the Transmission System Code ([Final Code Amendments](#)). The issuance of the Final Code Amendments marks the end of a consultation which was aimed at ensuring the cost responsibility rules for load customers in the Codes are better aligned and facilitate the implementation of regional plans.<sup>1</sup>

The OEB previously issued a [Decision on Cost Eligibility](#), on June 13, 2016, and determined the following participants in this consultation process were eligible for cost awards:

- **Association of Major Power Consumers in Ontario**
- **Building Owners and Managers Association, Greater Toronto**
- **Canadian Manufacturers & Exporters**
- **Consumers Council of Canada**

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<sup>1</sup> Included in the December 18<sup>th</sup> Notice was a clarifying supplemental proposed DSC amendment to section 3.2.4 to ensure it better aligned with the OEB's intent as reflected in section 3.6.1 of the December 18<sup>th</sup> Notice. The December 18<sup>th</sup> Notice indicated no cost awards would be provided for comments.

- **London Property Management Association**
- **School Energy Coalition**
- **Vulnerable Energy Consumers Coalition**
- **Nishnawbe Aski Nation**
- **Northwestern Ontario Associated Chambers of Commerce**
- **Northwatch**

On June 24, 2016, the OEB issued a [letter](#) announcing that a working group had been established to provide input to OEB staff on issues related to potential revisions to the TSC and DSC to facilitate regional planning and the implementation of regional plans. The OEB identified that cost awards would be available to eligible members to a maximum of actual meeting time (plus up to three hours per meeting for preparation and reporting). The working group met for 15 hours, which was spread over three meetings (July 12, 2016 to April 25, 2017).<sup>2</sup>

On September 31, 2017, the OEB issued a Notice of Proposal to Amend a Code ([September Notice](#)) in which it proposed a number of amendments to the DSC and TSC ([September Proposed Amendments](#)). The OEB indicated that eligible participants could request cost awards to a maximum of 20 hours for providing written comments.

The OEB subsequently issued a [letter](#) on January 25, 2018 inviting stakeholders to participate in a Stakeholder Meeting on February 5<sup>th</sup> to further the understanding of the September Proposed Amendments (and the related stakeholder comments). For participation in the Stakeholder Meeting, the OEB indicated that cost awards would be available to a maximum of 10 hours to eligible participants that had provided written comments related to the September Proposed Amendments.

On August 23, 2018, after considering stakeholder feedback on the September Proposed Amendments, the OEB issued a Notice of Revised Proposal to Amend a Code ([August Notice](#)) in which it proposed revisions to the September Proposed Amendments ([August Revised Proposed Amendments](#)). The OEB indicated that eligible participants could request a cost award to a maximum of 10 hours for providing written comments.

In the September Notice, the OEB identified that costs would be recovered from all rate-regulated electricity distributors (65% of the costs awarded) and all rate-regulated

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<sup>2</sup> Working Group meeting time: *Meeting #1 (3 hours), Meeting #2 (6 hours), Meeting #3 (6 hours)*.

transmitters (35% of the costs awarded). Within the distributor class, costs awarded will be apportioned based on respective customer numbers. Within the transmitter class, apportionment will be based on respective revenues (using the most recent three year average from their audited financial statements or similar documentation).

### **Notice of Hearing**

The OEB is initiating a hearing on its own motion in order to determine the cost awards to participants in this consultation identified above that are eligible for costs. The hearing will follow the process set out below.

1. Eligible participants shall submit their cost claims by **February 28, 2019**. The cost claim must be filed with the OEB and one copy is to be served on each rate-regulated electricity distributor and transmitter. The cost claims must be completed in accordance with section 10 of the OEB's Practice Direction on Cost Awards.

**Eligible participants must use the customized Cost Claim Form attached as Appendix A to this Notice.**

2. Rate-regulated electricity distributors and transmitters will have until **March 7, 2019** to object to any aspect of the costs claimed. The objection must be filed with the OEB and one copy must be served on the eligible participant against whose claim the objection is being made.
3. The eligible participant whose cost claim was objected to will have until **March 14, 2019** to file a reply submission with the OEB as to why its cost claim should be allowed. One copy of the reply submission is to be served on the objecting party.
4. The OEB will then issue its decision on cost awards. The OEB's costs may also be addressed in the cost awards decision.

Service of cost claims, objections and reply submissions on other parties may be effected by courier, registered mail, facsimile or e-mail.

The OEB will use the process set out in section 12 of its [Practice Direction on Cost Awards](#) to implement the payment of the cost awards. The OEB will therefore act as a clearing house for all payments of cost awards in this process.

Parties must provide two paper copies and one electronic copy of their filings with the Board Secretary by **4:45 pm** on the required dates. The OEB requests that parties make every effort to provide electronic copies of their filings in searchable / unrestricted Adobe Acrobat (PDF) format, and to submit their filings through the OEB's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>. A user ID is required to submit documents through the OEB's web portal. If you do not have a user ID, please visit the "e-filings services" webpage on the OEB's website at [www.oeb.ca](http://www.oeb.ca), and fill out a user ID password request. Additionally, interested parties are requested to follow the document naming conventions and document submission standards outlined in the document entitled "*RESS Document Preparation – A Quick Guide*" also found on the e-filing services webpage. If the OEB's web portal is not available, electronic copies of filings may be filed by e-mail to [boardsec@oeb.ca](mailto:boardsec@oeb.ca). Persons that do not have internet access should provide a USB memory stick containing their filing in PDF format.

All filings must quote file number **EB-2016-0003** and include your name, address telephone number and, where available, your e-mail address and fax number.

If you do not participate in the hearing by filing written materials in accordance with this Notice, the OEB may proceed without your participation and you will not be entitled to further notice in this proceeding.

**Dated at Toronto, February 14, 2019**

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary

Attachment – Appendix A

**Notice of Hearing for Cost Awards - Dated February 14, 2019**

**Regional Planning and Cost Responsibility Review (EB-2016-0003)**

**Appendix A: Ontario Energy Board Cost Claim for Consultations:  
Affidavit and Summary of Fees and Disbursements**

The forms that eligible persons must complete are provided in a separate MS Excel Workbook named, "Cost Claim form – Consultations [EB-2016-0003](#)"