



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

DECISION ON COST ELIGIBILITY

EB-2015-0043

Rate Design for Commercial and Industrial Electricity Customers

By Delegation Before: Brian Hewson

March 20, 2019

INTRODUCTION AND SUMMARY

On February 21, 2019, the OEB issued a [letter](#) and [Staff Report to the Board](#). The OEB identified that cost awards would be available to eligible participants to a maximum of 15 hours for provision of comments and a maximum of 6 hours for preparation for and attendance at the stakeholder information session on March 7, 2019.

In the letter, the OEB identified that costs would be recovered from all rate-regulated electricity distributors apportioned based on respective customer numbers.

The following have requested cost eligibility in relation to their participation in the consultation:

- Association of Major Power Consumers in Ontario
- Association of Power Producers of Ontario (APPRO)
- Building Owners and Managers Association
- Canadian Biogas Association
- Canadian Solar Industries Association (CanSIA)
- Energy Storage Canada Inc.
- Environmental Defence
- London Property Management Association
- Ontario CHP Consortium
- Ontario Sustainable Energy Association
- School Energy Coalition

Electricity distributors were given an opportunity to file any objections they might have in relation to the eligibility of the above-noted participants. The OEB did not receive objections from distributors.

This Decision and Order is being issued by the Delegated Authority without holding a hearing pursuant to section 6(4) of the Ontario Energy Board Act, 1998 (Act).

OEB FINDINGS

The OEB has reviewed the requests for cost eligibility from participants to ensure they were compliant with the OEB's Practice Direction on Cost Awards.

APPRO, CanSia, Canadian Biogas Association, Energy Storage Canada, and Ontario CHP Consortium would not usually be eligible for an award of costs due to inclusion in the list of ineligible parties in section 3.05 of the Practice Direction.

The OEB has previously determined APPRO¹ and CanSia² and to be eligible for cost awards in relation to the rate design consultation. The OEB has therefore determined that APPRO and CanSia are eligible for cost awards in relation to their continued participation in this phase of the consultation. The OEB explained the basis for the prior determination of these parties eligibility is that generators are customers of distributors, who for cost awards purposes are considered to be the applicants in the context of this initiative. This determination relied on section 3.06 of the Practice Direction, however, such a participant may nonetheless be eligible for a cost award if the participant is a customer of the applicant. The Canadian Biogas Association membership and Energy Storage Canada Inc. also represent groups of generators and as such the OEB finds that they eligible for costs in this proceeding.

The OEB also received a request for eligibility from the Ontario CHP Consortium. The Ontario CHP Consortium states it represents a diverse group of industrial and commercial customers, utilities and technology and service providers committed to advancing Combined Heat and Power (CHP) in Ontario. The request did not meet the requirements of section 3.03.1 of the Practice Direction in that it did not provide information on its members or governance structure in order to allow the OEB to consider its request. The OEB notes that in its request the CHP Consortium indicated its membership included utilities, which according to section 3.0.5 of the Practice Direction are ineligible for cost awards. It also did not adequately explain how it meets the eligibility criteria set out in section 3.03. The request by the Ontario CHP Consortium for cost eligibility is denied for the reasons set out above, however the CHP Consortium may reapply providing that it address the concerns noted with additional information.

Therefore, the OEB has determined that the parties to this consultation that are eligible for cost awards are:

- Association of Major Power Consumers in Ontario
- Association of Power Producers of Ontario (APPRO)
- Building Owners and Managers Association
- Canadian Biogas Association

¹ [Decision in EB-2015-0043](#) and [Decision in EB-2012-0410](#)

² [Decision in EB-2015-0043](#)

- Canadian Solar Industries Association (CanSIA)
- Energy Storage Canada Inc.
- Environmental Defence
- London Property Management Association
- Ontario Sustainable Energy Association
- School Energy Coalition

Participants with similar viewpoints are requested to coordinate their activities in order to reduce costs. This effort will be taken into account during the decision on award of costs.

Other eligible activities may be announced as the project progresses. This cost eligibility decision will apply to any further eligible activities in this process.

DATED at Toronto March 20, 2019

ONTARIO ENERGY BOARD

Original signed by

Brian Hewson
Vice President
Consumer Protection and Industry Policy Division