



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

DECISION AND ORDER ON COST AWARDS

EB-2017-0127 AND EB-2017-0128

**Mid-Term Review of the Demand Site Management Framework for
Natural Gas Distributors (2015-2020)**

By Delegation Before: Theodore Antonopoulos

April 4, 2019

INTRODUCTION AND SUMMARY

The OEB initiated the Natural Gas Demand Side Management (DSM) Framework Mid-Term Review policy consultation on [June 20, 2017](#). The Mid-Term Review included two parts. In the first part, interested parties commented on two issues related to the relationship between DSM and the Cap and Trade program. Submissions from interested parties were due by September 1, 2017.

In the second part of the consultation, Enbridge Gas Distribution Inc. and Union Gas Limited filed various studies and reports that were set out in the OEB's Decision and Order on the 2015 to 2020 DSM Plans. All studies and reports were submitted by January 15, 2018.

On August 15, 2018 the OEB issued a letter indicating that a Stakeholder Meeting would be held on September 6, 2018. The Stakeholder Meeting provided an opportunity for Enbridge Gas Distribution Inc. and Union Gas Limited to provide an overview of the reports and studies submitted as part of the consultation. The OEB also reserved time for non-utility stakeholders to give a presentation. Based on expression of interests, the Stakeholder Meeting was extended to September 7, 2018. Following the Stakeholder Meeting, the OEB accepted written comments from interested parties by September 28, 2018.

In the June 20, 2017 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 cost eligible activities for the consultation. The OEB also indicated that costs awarded would be recovered from all rate-regulated natural gas distributors based on their respective customer numbers.

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:

- Association of Power Producers of Ontario (APPrO)
- Building Owners and Managers Association (BOMA)
- Consumers Council of Canada (CCC)
- Environmental Defence
- Federation of Rental-housing Providers of Ontario (FRPO)
- Green Energy Coalition (GEC)
- Industrial Gas Users Association (IGUA)

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- Low Income Energy Network (LIEN)
 - London Property Management Association (LPMA)
 - Ontario Sustainable Energy Association (OSEA)
 - School Energy Coalition (SEC)
 - Vulnerable Energy Consumers Coalition (VECC)

On February 7, 2019, the OEB issued a Notice of Hearing for Cost Awards (the Notice) in relation to activities from September 1, 2017 to September 28, 2018.

The OEB received cost claims from APPrO, BOMA, Environmental Defence, Enerlife Consulting Inc., FRPO, GEC, IGUA, LIEN, LPMA, OSEA, SEC and VECC. The OEB notes that CCC filed its cost claim six days after the February 22nd deadline without an explanation. The OEB accepts the claim but expects that in the future, every effort will be made to meet the OEB's deadline, or if necessary, an explanation for a late filing will be provided.

On March 8, 2019, Enbridge Gas Inc.¹ submitted a letter stating that it had no objections with any of the cost claims.

OEB Findings

The OEB has reviewed the cost claims filed by APPrO, BOMA, CCC, Environmental Defence, Enerlife Consulting Inc., FRPO, GEC, IGUA, LIEN, LPMA, OSEA, SEC and VECC to ensure they were compliant with the OEB's *Practice Direction on Cost Awards* (the Practice Direction).

The OEB received a cost claim from Enerlife Consulting Inc. for its participation in the Stakeholder Meeting (including making a presentation) and written comments following the Stakeholder Meeting. Enerlife Consulting Inc. did not file a request for intervenor status and cost eligibility at the outset of this consultation. Rather, Enerlife Consulting Inc. indicated it had an interest in attending the Stakeholder Meeting and giving a short presentation, shortly before the meeting.

In its cost claim filing, Enerlife Consulting Inc. did not explain how it meets the cost eligibility criteria set out in sections 3.03 and did not provide information that may assist the OEB in making a determination on whether a party is eligible for an award of costs as contemplated in section 3.04 of the Practice Direction.

¹ Enbridge Gas Distribution Inc. and Union Gas Limited amalgamated effective January 1, 2019 to become Enbridge Gas Inc.

The OEB has reviewed Enerlife Consulting Inc.'s corporate website. It appears to be a private business that provides energy efficiency solutions and advice related to high performance green buildings. Among its clients are municipalities, school boards, universities, healthcare organizations, and commercial offices, some of which are ineligible for cost awards pursuant to section 3.0.5 of the Practice Direction.

In the absence of an explanation for how or why it is eligible for costs, the cost claim submitted by Enerlife Consulting Inc. is denied. Enerlife Consulting Inc. may, should it wish to do so, re-submit its claim with an explanation addressing its eligibility as it pertains to the OEB's Practice Direction.

The OEB has determined that the cost claims submitted by APPrO, CCC, Environmental Defence, FRPO, GEC, IGUA, LPMA, LIEN, OSEA, SEC and VECC are in accordance with the overall limits set out in the OEB's Notice dated February 7, 2019.

The cost claim submitted by BOMA exceeds the maximum number of hours set out in the OEB's Notice for one category. The OEB will not award costs to BOMA in excess of the 8-hour maximum for the activity: "Written comments on the two specific issues identified in Part 1 of the Review – September 1, 2017". The OEB has therefore reduced BOMA's claim to the stipulated maximum of 8 hours for this category. The approved amounts are set out in Appendix A to this Decision and Order.

The claim of APPrO also requires a reduction of \$0.78 due to incorrect HST tax charged on transit costs. The claim of FRPO also requires a reduction of \$2.95 due to gratuities in excess of the allowed limit on taxi charges.

The OEB finds that otherwise, each of these eligible participants is entitled to 100% of its reasonably incurred costs of participating in this consultation.

The OEB finds that the claims of CCC, Environmental Defence, GEC, IGUA, LIEN, LPMA, OSEA, SEC and VECC and the adjusted claims of APPrO, BOMA, and FRPO are reasonable and shall be apportioned to, and reimbursed by, Enbridge Gas Inc. and EPCOR Natural Gas Limited Partnership based on their respective number of customers. The OEB approves cost awards as follows:

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|---|-------------|
| • Association of Power Producers of Ontario | \$11,553.26 |
| • Building Owners and Managers Association | \$5,555.84 |
| • Consumers Council of Canada | \$7,458.00 |
| • Environmental Defence | \$10,471.44 |

• Federation of Rental-housing Providers of Ontario	\$9,235.14
• Green Energy Coalition	\$7,872.98
• Industrial Gas Users Association	\$10,141.95
• Low Income Energy Network	\$3,775.61
• London Property Management Association	\$10,142.88
• Ontario Sustainable Energy Association	\$5,813.34
• School Energy Coalition	\$14,916.00
• Vulnerable Energy Consumers Coalition	\$9,645.63

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 April 4, 2019

ONTARIO ENERGY BOARD

Original Signed By

Theodore Antonopoulos
Vice President
Applications Division

Schedule A

OEB's Decision and Order on Cost Awards

EB-2017-2017 / EB-2017-0128

Gas Distributor, Transmitter, Storage Company	Association of Power Producers in Ontario	Building Owners & Managers Association	Consumers Council of Canada	Environmental Defence	Federation of Rental-housing Province of Ontario	Green Energy Coalition	Industrial Gas Users Association	London Property Management Association	Low Income Energy Network	Ontario Sustainable Energy Association	School Energy Coalition	Vulnerable Energy Consumers Coalition	Total
Enbridge Gas Inc. Operating as Enbridge Gas Distribution	\$ 6,887.03	\$ 3,311.89	\$ 4,445.80	\$ 6,242.14	\$ 5,505.17	\$ 4,693.17	\$ 6,045.73	\$ 6,046.29	\$ 2,250.67	\$ 3,465.40	\$ 8,891.60	\$ 5,749.87	\$ 63,534.76
Enbridge Gas Inc. Operating as Union Gas	\$ 4,638.56	\$ 2,230.64	\$ 2,994.34	\$ 4,204.22	\$ 3,707.85	\$ 3,160.95	\$ 4,071.93	\$ 4,072.30	\$ 1,515.89	\$ 2,334.02	\$ 5,988.68	\$ 3,872.66	\$ 42,792.04
EPCOR Natural Gas Limited Partnership	\$ 27.67	\$ 13.31	\$ 17.86	\$ 25.08	\$ 22.12	\$ 18.86	\$ 24.29	\$ 24.29	\$ 9.05	\$ 13.92	\$ 35.72	\$ 23.10	\$ 255.27
TOTAL	\$ 11,553.26	\$ 5,555.84	\$ 7,458.00	\$ 10,471.44	\$ 9,235.14	\$ 7,872.98	\$ 10,141.95	\$ 10,142.88	\$ 3,775.61	\$ 5,813.34	\$ 14,916.00	\$ 9,645.63	\$ 106,582.07