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May 6, 2019

VIA E-MAIL
PIAC File # 6745-05

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge St.
Toronto, ON
M4P 1E

Dear Ms. Walli:

**Re: EB-2018-0056 Niagara-On-The-Lake Hydro Inc. (NOTL)
Vulnerable Energy Consumers Coalition (VECC) – Response to Cost Claim
Objection**

We are in receipt of the letter of objection to the cost claim of Vulnerable Energy Consumers Coalition (VECC) in the above noted proceedings. In accordance with Board's Decision and Order of April 11, 2019 these are our reply submissions.

NOTL objects to VECC's costs because they are in excess of those of the School Energy Coalition (SEC). Our claim is \$7,368 higher than SEC. NOTL goes on to speculate that the costs are higher due to the duplication of two "service providers" as opposed to the single counsel representing SEC in this proceeding.

First we would like to point out that the Board's rules with respect to cost awards do not preclude multiple consultants or legal counsels representing their client. In fact such arrangements are common in proceedings where different types of expertise are called upon to assist intervenors. For example such is the case where legal counsel works with a subject matter expert. Or, as was the case for VECC in this proceeding, two experts are employed to review different aspects of the application. VECC commonly employs expertise of what is commonly referred to as Phase I (Revenue Requirement) and Phase II (Cost Allocation and Rate Design), parts of a cost of service application. These are mutually exclusive and not duplicative services.

What the Board does require is that parties not unnecessarily duplicate use of its resources. For example, the Board is explicit that in the Settlement Conference that only one person is to be provided cost compensation. VECC has strictly adhered to this policy in this case, as it does in all cases. An examination of the cost claims show that VECC seeks to recover 11.75 hours in settlement attendance time for both consultants. This is actually slightly less time than that claimed by SEC for the same activity.

There is a small difference in total hours claimed by SEC (76.9 hrs) and that in total for the two VECC consultants (79.75 hrs). The difference in costs is driven almost exclusively by the difference in the compensation rates which are set by the Board.

NOTL's comments with respect to the reasons for the difference in cost as between VECC and SEC are frankly uninformed of the facts. Had the opportunity been taken to actually examine and compare the two claims it would have been clear that the reasons for the difference in cost lies in the compensation rates and not in the total number of hours claimed by VECC in comparison to that claimed by SEC.

In any event it is not uncommon (notwithstanding differences in compensation rates) for parties to submit claims for different hours. We observe that VECC is historically, if not the lowest, among the lowest cost claiming intervenors. However, different applications call upon the resources of intervenors differently. Much depends on the interests raised by the application and which party takes the lead on particular issues raised. Finally, we would point out that in this case the Application went to a written hearing. This causes cost to VECC which are not commonly claimed, and were not claimed in this instance, including the review of documents by VECC's legal counsel.

For these reasons we ask that the objections of NOTL be dismissed and our reasonably incurred costs be awarded as submitted.

Yours truly,

Original signed

John Lawford
Counsel for VECC

Cc: NOTL – Tim Curtis – tcurtis@notlhydro.com