

DECISION AND ORDER ON COST AWARDS

EB-2018-0056

NIAGARA-ON-THE LAKE HYDRO INC.

**Application for electricity distribution rates and other charges
beginning May 1, 2019**

BEFORE: Michael Janigan
Presiding Member

May 17, 2019

INTRODUCTION AND SUMMARY

This is a decision of the Ontario Energy Board (OEB) on cost claims filed with respect to a Niagara-on-the-Lake Hydro Inc. (NOTL Hydro) proceeding.

NOTL Hydro filed a cost of service application with the OEB on August 23, 2018 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), seeking approval for changes to the rates that NOTL Hydro charges for electricity distribution, to be effective May 1, 2019.

The OEB granted the School Energy Coalition (SEC), and the Vulnerable Energy Consumers Coalition (VECC) intervenor status and cost award eligibility.

On April 11, 2019, the OEB issued its Decision and Order in which it set out the process for intervenors to file their cost claims, for NOTL Hydro to object to the claims and for intervenors to respond to any objections raised by NOTL Hydro.

The OEB received cost claims from SEC and VECC. On May 1, 2019, NOTL Hydro filed a letter stating that it had no objections to the cost claim received from SEC but noted that the cost claim by VECC was 37% or \$7,368 higher than that of SEC which was largely due to the duplication of having two service providers rather than one. NOTL Hydro noted that both service providers were claiming costs for representing VECC at the settlement conference and therefore requested that VECC's cost claim be reduced to a level consistent with that of SEC.

On May 6, 2019, VECC argued that in this proceeding, two experts were employed to review different aspects of the application. VECC also indicated that the cost claim included only one person attending the settlement conference. VECC explained that the reasons for the difference lies in the compensation rates and not in the total number of hours claimed by VECC in comparison to that claimed by SEC.

Findings

The OEB has reviewed the claims filed to ensure that they are compliant with the OEB's *Practice Direction on Cost Awards*.

The OEB finds that the participation of SEC and VECC was responsible and of assistance to the panel in understanding the issues raised by the application.

NOTL Hydro submitted that the VECC cost claim is greater than SEC's largely due to the fact that there were two individuals engaged with VECC's representation rather than one. NOTL Hydro suggested that VECC's cost claim should be reduced to the same amount claimed by SEC.

In VECC's reply submission, VECC stated that each VECC representative claimant assisted with different parts of the NOTL Hydro's 2019 costs of service application. VECC further stated that there is also no requirement that intervenors may only claim costs for one representative provided the total hours expended by the representation are not excessive. Because the total hours claimed by both SEC and VECC are much the same and neither of them appears excessive, the number of individuals engaged by VECC is not relevant for the decision of the cost awards. The OEB approves the cost claims of SEC and VECC as submitted.

The OEB finds that both parties are eligible for 100% of their reasonably incurred costs of participating in this proceeding. The OEB finds that the claims of SEC and VECC are reasonable and each of these claims shall be reimbursed by NOTL Hydro.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Niagara-on-the-Lake Hydro Inc. shall immediately pay the following amounts to the intervenors for their costs:
 - School Energy Coalition \$19,986.31
 - Vulnerable Energy Consumers Coalition \$27,354.41
2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Niagara-on-the-Lake Hydro Inc. shall pay the OEB's costs of, and incidental to, this proceeding immediately upon receipt of the OEB's invoice.

DATED at Toronto May 17, 2019

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary