

## **DECISION AND ORDER ON COST AWARDS**

**EB-2018-0300**

**(Enbridge Gas Inc. operating as Union Gas)**

**EB-2018-0301**

**(Enbridge Gas Inc. operating as Enbridge Gas Distribution)**

**Application to dispose of balances in certain deferral and variance accounts  
related to the delivery of conservation programs in 2016**

**BEFORE: Michael Janigan**  
Presiding Member

**Susan Frank**  
Member

**Lynne Anderson**  
Member

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**May 29, 2019**

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## INTRODUCTION AND SUMMARY

This is a decision of the Ontario Energy Board (OEB) on cost claims filed in a combined proceeding for two applications. The first application, filed by Union Gas Limited (now operating as Enbridge Gas Inc.) was for the clearance of 2016 balances in certain Demand Side Management deferral and variance accounts. The second application, filed by Enbridge Gas Distribution Inc. (now operating as Enbridge Gas Inc.) was for the clearance of 2016 balances in certain Demand Side Management deferral and variance accounts. Effective January 1, 2019 Enbridge Gas Distribution Inc. (EGD) and Union Gas Limited (Union) amalgamated to become Enbridge Gas Inc. (Enbridge Gas). Following the amalgamation, Enbridge Gas will maintain the existing rate zones of EGD and Union.

The OEB granted Building Owners and Managers Association, Greater Toronto (BOMA), Canadian Manufacturers and Exporters (CME), Green Energy Coalition (GEC), Industrial Gas Users Association (IGUA), London Property Management Association (LPMA), Ontario Greenhouse Vegetable Growers (OGVG), Ontario Sustainable Energy Association (OSEA) and School Energy Coalition (SEC) 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 Enbridge Gas to object to the claims and for intervenors to respond to any objections raised by Enbridge Gas.

The OEB received cost claims from BOMA, CME, GEC, IGUA, LPMA, OGVG, OSEA and SEC. On May 3, 2019, Enbridge Gas filed a letter stating that it had concerns with BOMA's, GEC's and OSEA's cost claims.

Enbridge Gas noted that BOMA claimed 25 hours of work on interrogatories and 30 hours for argument which substantially higher than the average hours claimed by other intervenors. Enbridge Gas further noted that there appears to be duplication in the hours claimed by BOMA and OSEA with respect to an expert consultant engaged by both.

Enbridge Gas noted that GEC's cost claim included 5.65 hours of preparatory time for an oral hearing and asked the OEB to request clarification from GEC regarding the classification of these hours.

Enbridge Gas noted that OSEA's cost claim included 18.8 hours of preparatory time for a pre-hearing conference and asked OEB to request clarification from OSEA regarding the classification of these hours.

GEC explained that the 5.65 hours claimed were not with respect to an oral hearing, the hours were used conducting initial preparation reviewing the company applications and determining the GEC response.

On May 6, 2019, BOMA submitted a revised cost claim reducing its overall hours claimed by 51 hours. On May 7, 2019 OSEA submitted a revised cost claim reducing its overall hours claimed by 22.5 hours. On May 21, 2019, CME submitted a revised cost claim reducing its overall hours claimed by 12.1 hours.

## 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 all parties are eligible for 100% of their reasonably incurred costs of participating in this proceeding. The OEB finds that the claims of GEC, IGUA, LPMA, OGVG and SEC, and the revised cost claims of BOMA, CME and OSEA are reasonable and each of these claims shall be reimbursed by Enbridge Gas.

## THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Enbridge Gas Inc. shall immediately pay the following amounts to the intervenors for their costs:

• Building Owners and Managers Association, Greater Toronto	\$1,503.91
• Canadian Manufacturers and Exporters	\$3,232.93
• Green Energy Coalition	\$7,725.30
• Industrial Gas Users Association	\$2,725.11
• London Property Management Association	\$4,400.22
• Ontario Greenhouse Vegetable Growers	\$3,932.40
• Ontario Sustainable Energy Association	\$2,221.81
• School Energy Coalition	\$14,207.49

2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Enbridge Gas 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 29, 2019

**ONTARIO ENERGY BOARD**

*Original signed by*

Kirsten Walli  
Board Secretary