



PUBLIC INTEREST ADVOCACY CENTRE
LE CENTRE POUR LA DÉFENSE DE L'INTÉRÊT PUBLIC

September 27, 2019

VIA Email

Board Secretary
Ontario Energy Board
2300 Yonge Street
Toronto, ON
M4P 1E4

Dear Ms. Walli:

**Re: EB-2019-0143 – Niagara-on-the-Lake Hydro Inc. (NOTL)
Vulnerable Energy Consumers Coalition (VECC) -Submission on Cost Objection**

We are in receipt of the submissions of NOTL with respect to the costs claimed in the above noted proceeding. NOTL objections are based largely on the relative costs submitted by the School Energy Coalition (SEC) as compared to VECC. NOTL also notes that VECC is claiming for 5.2 hours more than SEC and used two persons to complete the work, not one.

We note that the difference in costs is largely in each party's approach to, and execution of, the preparation of argument, which, provided it is in a reasonable range, should not raise concerns. We note that the amounts in question, \$4,785 vs. \$2,259, are not egregiously different, nor very large in an absolute sense, although strictly speaking "twice as high". In our view, therefore, NOTL simply seeks to move VECC's claim towards SEC's in an attempt to "average" the claims or worse, to set a "ceiling" for interventions to be the lowest of all filed costs claims. This is not the goal of the costs awards regime and would, if generally implemented, greatly reduce the ability of intervenors to represent their constituencies in the OEB.

As for NOTL's second specific concern regarding who made claims and their allowed billable rate, we do note that in this regard SEC employed their most senior and experienced counsel – Mr. Shepherd. Other than this observation we are clearly unable to provide an account of the time expended by SEC in this matter other than what is available to the Board in SEC's costs claim.


VECC's choice of consultant and advisors (and their rates given their experience) was reasonable given their work, which is detailed in our costs claim, and which we submit was reasonable for the matters at issue and the tasks undertaken.

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We do note that NOTL has not taken issue with the quality of VECC submissions nor our eligibility to apply for them. NOTL only notes the number of references to VECC's submissions in the Board's decision, which we submit is not the basis upon which the Board decides if a costs claim is reasonable.

We therefore respectfully ask that the Board grant our reasonably incurred costs as submitted.

Yours truly,



John Lawford
Counsel for VECC

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