



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

**SUPPLEMENTAL DECISION ON COST
AWARD ELIGIBILITY**

EB-2019-0255

**Potential Projects to Expand Access to Natural
Gas Distribution**

By Delegation, Before: Theodore Antonopoulos

January 8, 2020

INTRODUCTION

On December 12, 2019, the Ontario Energy Board (OEB) received a [letter](#) from the Minister of Energy, Northern Development and Mines and the Associate Minister of Energy under section 35 of the *Ontario Energy Board Act, 1998* asking the OEB to examine and report back to the Ministry by August 31, 2020 with information on potential projects to expand access to natural gas distribution to communities that are not currently connected to a natural gas distribution system.

On December 19, 2019, in response to the Section 35 Letter, the OEB issued [Draft Guidelines](#) for Potential Projects to Expand Access to Natural Gas Distribution (Draft Guidelines) for stakeholder comment. Parties interested in participating in the consultation were asked to indicate their intent to participate as well as any requests for cost eligibility, by filing a letter with the OEB by December 23, 2019. The OEB stated that it was waiving the part of its usual cost award eligibility process that allows the regulated natural gas distributors from whom any cost awards will be recovered to object to requests for cost award eligibility.

On December 30, 2019, the OEB issued its decision on cost award eligibility for this consultation.

On January 7, 2020, the OEB received a letter from Industrial Gas Users Association (IGUA) requesting to participate in the consultation and seeking eligibility for cost awards. IGUA explained that it may not have received the OEB's Draft Guidelines on December 19, 2019, and that due to the subsequent absence of key IGUA individuals, it was not able to submit its request for cost eligibility before January 7, 2020. IGUA stated that it is aware of the January 15, 2020 deadline for stakeholder comments and it is able to meet that deadline. Further, IGUA submitted that since the OEB has waived the part of its cost award eligibility process that allows regulated natural gas distributors to object to requests, no party would be prejudiced by, at this time, granting IGUA eligibility for recovery of its reasonably incurred costs of participation, in particular given the current five (5) hour limit on claims for cost recovery in connection with providing comments on the draft guidelines.

This cost eligibility Supplemental Decision is being issued by delegated authority under section 6 of the *Ontario Energy Board Act, 1998*.

OEB FINDINGS

IGUA will be added to the list of parties participating in this consultation. Appendix A sets out an updated list of parties.

The OEB accepts IGUA's reasons for its late cost eligibility request. The OEB has reviewed IGUA's request to ensure IGUA is compliant with section 3 of the OEB's [Practice Direction on Cost Awards](#) and approves the request.

IGUA is reminded that any awards of costs will be dependent on the extent to which its comments relate directly to: i) the Draft Guidelines, ii) the sufficiency of the 90-day timeline, iii) information that parties believe should be treated as confidential as per the OEB's *Rules of Practice and Procedure* and its *Practice Direction on Confidential Filings* and iv) the two approaches for filing information proposed for Certificate and non-Certificate holders.

A decision and order on cost awards will be issued at a later date, typically at the end of the consultation.

DATED at Toronto, January 8, 2020

ONTARIO ENERGY BOARD

Original signed by

Theodore Antonopoulos
Vice President
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Appendix A

Participants List to

Potential Projects to Expand Access to Natural Gas Distribution

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**Ontario Energy Board
EB-2019-0255**

LIST OF PARTICIPANTS

January 08, 2020

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