



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

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# **DECISION AND ORDER ON COST AWARDS**

**EB-2019-0002**

## **INDEPENDENT ELECTRICITY SYSTEM OPERATOR**

**Application for Approval of 2019 Expenditures, Revenue  
Requirement, and Fees**

**BEFORE: Lynne Anderson**  
Presiding Member

**Robert Dodds**  
Vice-Chair and Member

**Susan Frank**  
Member

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**January 31, 2020**

## INTRODUCTION AND SUMMARY

This is a decision of the Ontario Energy Board (OEB) on cost claims filed with respect to an Independent Electricity System Operator (IESO) proceeding.

The IESO filed an application with the OEB on January 28, 2019 under subsection 25(1) of the *Electricity Act, 1998*, seeking approval for its 2019 expenditures, revenue requirement, and fees.

The OEB granted the Association of Major Power Consumers in Ontario (AMPCO), the Association of Power Producers of Ontario (APPrO), Building Owners and Managers Association (BOMA), Canadian Manufacturers & Exporters (CME), Energy Probe Research Foundation (Energy Probe), Ontario Sustainable Energy Association (OSEA), School Energy Coalition (SEC) and Vulnerable Energy Consumers Coalition (VECC) intervenor status and cost award eligibility.

On December 5, 2019, the OEB issued its Decision and Order in which it set out the process for intervenors to file their cost claims, for the IESO to object to the claims and for intervenors to respond to any objections raised by the IESO.

The OEB received cost claims from AMPCO, APPrO, BOMA, CME, Energy Probe, OSEA, SEC and VECC. No objections were received from the IESO.

## 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 acknowledges that there were additional procedural steps to this proceeding because of evidence updates and a motion on interrogatory responses. However, the OEB finds the hours claimed by SEC and APPrO to be excessive.

For APPrO, the OEB notes that two different lawyers were working on the proceeding. This is not prohibited provided that the time is individually assigned to different tasks, and the total combined time is reasonable when considering the contribution to the proceeding. The combined hours for preparation was 72.1 hours, which is more than 30% higher than any other intervenor. The OEB is reducing the time claimed by 20 hours. The reduction will be split in proportion to the time submitted between the two lawyers.

For SEC, the OEB notes that there were only two days of settlement conference convened and SEC claimed 22.4 hours. Based on a review of the detailed time recording, the OEB concludes that SEC recorded time for attending the settlement conference that other intervenors recorded as settlement preparation. The OEB will therefore not reduce SEC's time for attending the settlement conference. There were also two different lawyers working for SEC on the proceeding. The OEB acknowledges that SEC filed a motion in the proceeding, and it is reasonable that this would require some additional time. SEC indicated that this time was recorded under "other conferences" along with some other miscellaneous activity. However, the OEB finds the 12.6 hours spent on reviewing interrogatory responses excessive, when considering there is a further 19.1 hours spent on "other conferences". The OEB is therefore reducing SEC's hours by 4 hours (in proportion to the time submitted between the two lawyers).

The OEB is reducing the cost claim of BOMA by \$324.94 due to an error in the number of days of accommodation, and because the maximum amount that can be charged per night is \$200 plus tax. The OEB also finds the time charged for argument preparation high given the submissions were on a limited number of issues. However, the OEB has considered the overall hours claimed and has determined that it will not make a further reduction.

The OEB considers the case management time recorded by OSEA high, but given the overall hours claimed are lower than any other intervenor, the OEB has not made a reduction. In the future, OSEA should consider carefully how much time is needed for case management.

#### **THE ONTARIO ENERGY BOARD ORDERS THAT:**

Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, the Independent Electricity System Operator shall immediately pay the following amounts to the intervenors for their costs:

• Association of Major Power Consumers in Ontario	\$24,145.28
• Association of Power Producers of Ontario	\$20,772.79
• Building Owners and Managers Association	\$23,173.65
• Canadian Manufacturers & Exporters	\$8,759.76
• Energy Probe Research Foundation	\$20,916.60

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• Ontario Sustainable Energy Association	\$5,284.25
• School Energy Coalition	\$24,421.56
• Vulnerable Energy Consumers Coalition	\$17,836.10

**DATED** at Toronto January 31, 2020

**ONTARIO ENERGY BOARD**

*Original signed by*

Christine E. Long  
Registrar and Board Secretary