

DECISION AND ORDER ON COST AWARDS

EB-2019-0022

BRANTFORD POWER INC.

Application for rates and other charges to be effective January 1, 2020

EB-2019-0031

ENERGY+ INC.

Application for rates and other charges to be effective January 1, 2020

BEFORE: Lynne Anderson
Presiding Member

Michael Janigan
Member

March 5, 2020

INTRODUCTION AND SUMMARY

This is a decision of the Ontario Energy Board (OEB) on cost claims filed with respect to the combined proceeding of Brantford Power Inc. (Brantford Power) and Energy+ Inc. (Energy+).

On August 12, 2019, Brantford Power filed an incentive rate-setting mechanism (IRM) application with the Ontario Energy Board (OEB) under section 78 of the *Ontario Energy Board Act, 1998* (OEB Act) seeking approval for changes to its electricity distribution rates to be effective January 1, 2020. The application included a request for an Incremental Capital Module (ICM) related to the relocation of Brantford Power's administration office and operations center. The OEB assigned file no. EB-2019-0022 to the application.

On August 26, 2019, Energy+ filed an IRM application with the OEB under section 78 of the OEB Act seeking approval for changes to its electricity distribution rates to be effective January 1, 2020. The application included a request for an ICM related to the relocation of Energy+'s operations center in its Brant County service territory. The OEB assigned file no. EB-2019-0031 to the application.

In Procedural Order No. 1 issued on October 4, 2019, the OEB decided that the applications would be heard together as a combined hearing given the common issues of the ICM requests and in order to facilitate regulatory efficiency.

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

On January 23, 2020, the OEB issued its Decision and Rate Order in which it set out the process for intervenors to file their cost claims, for Brantford Power and Energy+ to file any objections to the claims and for intervenors to respond to any objections raised by Brantford Power and Energy+.

The OEB received cost claims from CCC, SEC and VECC.

On February 10, 2020, both Brantford Power and Energy+ filed letters noting that CCC filed two separate cost claims (one for each distributor), VECC filed one single cost claim under Brantford Power's file number and SEC filed one single cost claim under the combined file numbers of Brantford Power and Energy+ (EB-2019-0022/0031). Brantford Power and Energy+ requested that SEC and VECC prepare a separate cost claim for each of Brantford Power and Energy+ in order to determine a fair and reasonable apportionment of the cost awards between Brantford Power and Energy+.

On February 13, 2020, SEC filed separate costs claims and proposed that the cost claim be allocated 50-50 between Brantford Power and Energy+. On February 18, 2020, VECC filed a letter estimating that it spent approximately 80% of its time on Brantford Power's ICM and 20% on Energy+'s ICM. VECC stated that following a review and discussion with SEC regarding Energy+'s ICM, it supported SEC's position. On February 19, 2020, VECC filed two separate cost claims.

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 CCC, SEC and VECC are reasonable. The OEB did not assign the cost claims individually for Brantford Power and Energy+ on the expectation that the utilities can reach an equitable agreement on how to share the cost.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Brantford Power and Energy+ shall immediately pay the following amounts to the intervenors for their costs:

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|---|------------|
| • Consumers Council of Canada | \$7,271.55 |
| • School Energy Coalition | \$7,105.44 |
| • Vulnerable Energy Consumers Coalition | \$6,534.19 |

DATED at Toronto March 5, 2020

ONTARIO ENERGY BOARD

Original signed by

Christine E. Long
Registrar and Board Secretary