



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

Ontario

DECISION AND ORDER ON COST AWARDS

EB-2018-0244 / EB-2019-0183

ENBRIDGE GAS INC.

**Applications for approval of Owen Sound Reinforcement Project
Leave to Construct & Rate M17**

BEFORE: Susan Frank
Presiding Member

Lynne Anderson
Member

Emad Elsayed
Member

July 7, 2020

INTRODUCTION AND SUMMARY

This is a decision of the Ontario Energy Board (OEB) on cost claims filed with respect to the following:

- A proceeding on an application filed on August 30, 2018 and withdrawn on July 26, 2019¹ by Union Gas Limited² (Union Gas). This application was for approval of a new M17 firm transportation service rate for gas distributors (M17 rate) effective January 1, 2019 (EB-2018-0244).
- A proceeding on a subsequent application filed on August 29, 2019 by Enbridge Gas Inc. (Enbridge Gas) for approval of a new M17 rate and for leave to construct the Owen Sound Reinforcement Project (EB-2019-0183).

In a letter, dated August 1, 2019, the OEB accepted Enbridge Gas' request for withdrawal of the application filed by Union Gas, and stated that it "...will consider the cost claims of intervenors who were found eligible for costs in the M17 rates proceeding (EB-2018-0244) in the upcoming Owen Sound line leave to construct and M17 rates application."

On November 1, 2019, through Procedural Order No. 1 issued in the EB-2019-0183 proceeding, the OEB adopted into the record the evidence in the EB-2018-0244 proceeding and noted that cost claims for the intervenors for that proceeding would be considered in the EB-2019-0183 proceeding.

The OEB granted the Federation of Rental-housing Providers of Ontario (FRPO), Industrial Gas Users Association (IGUA) and the School Energy Coalition (SEC) intervenor status and cost award eligibility for the EB-2018-0244 and in EB-2019-0183 proceedings. The OEB granted Energy Probe Research Foundation (Energy Probe) intervenor and cost award eligibility in the EB-2018-0244 proceeding only.

On April 9, 2020, 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 FRPO, IGUA and SEC for participation in both of the EB-2018-0244 and EB-2019-0183 proceedings, and from Energy Probe for

¹ The applicant requested a withdrawal of the application on July 26, 2019. The OEB approved the withdrawal request on August 1, 2019.

² Effective January 1, 2019, Enbridge Gas Distribution and Union Gas Limited amalgamated to form Enbridge Gas Inc.

participation in the EB-2019-0183 proceeding. On June 11, 2020, Enbridge Gas filed a letter stating that it had no objections to the cost claims received from Energy Probe, FRPO, IGUA and SEC.

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 the time claimed by FRPO on interrogatory preparation was excessive and will be cut by 50% to 16.25 hours, which the OEB believes to be at the high end of reasonable time for interrogatory preparation in this proceeding. The argument preparation by FRPO also exceeded the OEB's expectations for time needed by a senior experienced consultant and will be cut to 20 hours. In total, FRPO will be allowed to recover costs claimed for 49.25 hours, which is still significantly higher than the other intervenors.

Regarding IGUA's cost claims, the OEB finds that it was not helpful that there was no attempt to categorize the time spent under the OEB's form headings and expects that in the future, IGUA will provide a better breakdown of time spent. Despite the lack of detail, the OEB finds that the overall claim is reasonable and there will be no reduction to the hours submitted by IGUA.

The claims of Energy Probe, IGUA and SEC are approved as submitted.

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:

• Energy Probe Research Foundation	\$9,670.20
• Federation of Rental-housing Providers of Ontario	\$18,365.33
• Industrial Gas Users Association	\$14,405.75
• School Energy Coalition	\$9,502.16

DATED at Toronto July 7, 2020

ONTARIO ENERGY BOARD

Original signed by

Christine E. Long
Registrar and Board Secretary