

DECISION AND ORDER ON COST AWARDS

EB-2019-0255

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

By Delegation Before: Theodore Antonopoulos

July 15, 2020

INTRODUCTION AND SUMMARY

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.

In its December 19, 2019 letter and [Draft Guidelines](#), the OEB indicated that cost awards would be recovered from rate-regulated natural gas distributors based on their respective customer numbers. Also in that letter, the OEB determined that up to five (5) hours would be eligible for cost awards for providing written comments on the Draft Guidelines.

On December 30, 2019, the OEB issued its Decision on Cost Award Eligibility granting cost eligibility to thirteen parties. In its Decision, the OEB noted that there were stakeholders with overlapping interests. The OEB indicated its expectation that stakeholders with similar viewpoints would coordinate their activities in order to increase efficiency and minimize costs.

On January 3 and January 15, 2020, the OEB issued two Supplemental Decisions on Cost Award Eligibility granting cost eligibility to two additional parties. Parties granted cost eligibility by the OEB are:

- Anwaatin Inc. (Anwaatin)
- Building Owners and Managers Association, Greater Toronto (BOMA)
- Canadian Propane Association (CPA)
- Consumers Council of Canada (CCC)
- Energy Probe Research Foundation (Energy Probe)
- Environmental Defence (ED)
- Federation of Rental-housing Providers of Ontario (FRPO)
- Green Energy Coalition (GEC)
- Industrial Gas Users Association (IGUA)
- Northwatch
- Northwestern Ontario Chambers of Commerce Coalition (NOACC)
- Ontario Federation of Agriculture (OFA)
- Pollution Probe

- Red Rock Indian Band and Bignwi Neyaashi Anishinaabek First Nation (RRIB)
- School Energy Coalition (SEC)
- Vulnerable Energy Consumers Coalition (VECC)

On May 19, 2020, the OEB issued a Notice of Hearing for Cost Awards (the Notice) in relation to cost eligible activities.

The OEB received cost claims from Anwaatin, BOMA, CPA, CCC, Energy Probe, ED, FRPO, IGUA, Northwatch, NOACC, Pollution Probe, RRIB, SEC and VECC. By email, GEC stated that it would not file a cost claim. OFA did not file a cost claim.

On July 8, Enbridge Gas filed a letter stating that they had no objection to any of the cost claims. With respect to RRIB's cost claim, Enbridge Gas stated that they received a late cost claim from RRIB, which was submitted on July 3, 2020 (more than 2 weeks after the required filing date, although no explanation was provided). Enbridge Gas had no objection to RRIB's cost claim.

OEB Findings

The OEB has reviewed the cost claims filed by Anwaatin, BOMA, CPA, CCC, Energy Probe, ED, FRPO, IGUA, Northwatch, NOACC, Pollution Probe, RRIB, SEC and VECC to ensure they are compliant with the OEB's *Practice Direction on Cost Awards*. The OEB notes that RRIB filed its cost claim more than two weeks after the July 3, 2020 deadline without an explanation. The OEB accepts the claim but expects that in the future, every effort will be made to meet the OEB's deadline, or if necessary, an explanation for a late filing will be provided.

The OEB finds that the claims of Anwaatin, BOMA, CPA, CCC, Energy Probe, ED, FRPO, IGUA, Northwatch, NOACC, Pollution Probe, RRIB, SEC and VECC are in accordance with the OEB's Notice dated May 19, 2020. The OEB finds that each of these eligible participants is entitled to 100% of its reasonably incurred costs of participating in this proceeding. The OEB approves cost awards for the eligible participants as follows:

- | | |
|---|------------|
| • Anwaatin Inc. | \$759.36 |
| • Building Owners and Managers Association, Greater Toronto | \$1,118.70 |
| • Canadian Propane Association | \$1,905.18 |
| • Consumers Council of Canada | \$1,864.50 |
| • Energy Probe Research Foundation | \$1,757.25 |

• Environmental Defence	\$1,316.45
• Federation of Rental-housing Providers of Ontario	\$1,305.15
• Industrial Gas Users Association	\$1,891.96
• Northwatch	\$1,347.72
• Northwestern Ontario Chambers of Commerce Coalition	\$1,677.58
• Pollution Probe	\$1,864.50
• Red Rock Indian Band and Bignwi Neyaashi Anishinaabek First Nation	\$890.00
• School Energy Coalition	\$1,864.50
• Vulnerable Energy Consumers Coalition	\$1,715.01

Process for Paying the Cost Awards

The amount payable by each rate-regulated natural gas distributor in relation to costs awarded to each eligible participant is listed in Schedule A to this Decision and Order. Costs awarded will be apportioned within the distributor class based on customer numbers. However, the amounts will not be paid directly by the distributor to the eligible participant.

The OEB will use the process set out in section 12 of the *Practice Direction* to implement the payment of the cost awards. Therefore, the OEB will act as a clearing house for all payments of cost awards relating to this consultation process. Invoices will be issued to distributors at the same time as the invoices for cost assessments are made under section 26 of the Act. The practice of the OEB is to issue to each distributor one invoice that covers all cost awards payable by the distributor for the relevant period. As a result, the invoice may cover cost awards payable in relation to a number of consultations, including this one.

THE ONTARIO ENERGY BOARD THEREFORE ORDERS THAT:

1. Each distributor listed in Schedule A to this Decision and Order shall pay the amounts set out in Schedule A in relation to the costs awarded to each eligible participant.
2. Each distributor listed in Schedule A to this Decision and Order shall pay the OEB's costs of, and incidental to, this consultation.

3. The payments referred to in paragraph 1 shall be made to the OEB in accordance with the invoice issued to each distributor, and shall be due at the same time as cost assessments under section 26 of the Act are due.

DATED at Toronto July 15, 2020

ONTARIO ENERGY BOARD

Theodore Antonopoulos
Vice President
Applications Division

Schedule A
OEB's Decision and Order on Cost Awards
EB-2019-0255

Gas Distributor, Transmitter, Storage Company	Anwaatin Inc.	Building Owners & Managers Association, Greater Toronto	Canadian Propane Association	Consumers Council of Canada	Energy Probe Research Foundation	Environmental Defence	Federation of Rental-housing Providers of Ontario	Industrial Gas Users Association	Northwatch	Northwestern Ontario Chambers of Commerce Coalition	Pollution Probe	Red Rock Indian Band & Anishinaabek First Nation Bignwi Neyaashi	School Energy Coalition	Vulnerable Energy Consumers Coalition	Total
Enbridge Gas Inc.	757.49	1,115.94	1,900.49	1,859.91	1,752.92	1,313.21	1,301.94	1,887.30	1,344.40	1,673.45	1,859.91	887.81	1,859.91	1,710.79	21,225.47
EPCOR Natural Gas Limited Partnership	1.87	2.76	4.69	4.59	4.33	3.24	3.21	4.66	3.32	4.13	4.59	2.19	4.59	4.22	52.39
Gas Distributor Total	\$ 759.36	\$ 1,118.70	\$ 1,905.18	\$ 1,864.50	\$ 1,757.25	\$ 1,316.45	\$ 1,305.15	\$ 1,891.96	\$ 1,347.72	\$ 1,677.58	\$ 1,864.50	\$ 890.00	\$ 1,864.50	\$ 1,715.01	\$ 21,277.86