



EB-2007-0696

IN THE MATTER OF the *Ontario Energy Board Act*, 1998,
S.O. 1998, c.15 (Schedule B);

AND IN THE MATTER OF an application by Halton Hills
Hydro Inc. for an order approving just and reasonable
rates and other service charges for the distribution of
electricity, effective May 1, 2008.

BEFORE: Gordon Kaiser
Vice-Chair and Presiding Member

Cynthia Chaplin
Member

DECISION AND ORDER ON COST AWARDS

Background

On August 15, 2007, Halton Hills Hydro Inc. ("Halton Hills") filed an application with the Ontario Energy Board (the "Board") under section 78 of the *Ontario Energy Board Act*, 1998, seeking approval for changes to the rates that Halton Hills Hydro Inc. charges for electricity distribution, to be effective May 1, 2008. The Board assigned file number EB-2007-0696 to the application.

On September 20, 2007, the Board issued a Notice of Application and Hearing and stated that participant funding would be available. Two parties eligible for cost awards filed requests for intervention. The School Energy Coalition ("SEC") and the Vulnerable Energy Consumers Coalition ("VECC") were deemed eligible to apply for an award of costs at the time of their acceptance as intervenors in the proceeding.

On October 23, 2007, the Board issued Procedural Order No. 1. The Board determined to proceed with the Application by way of a written hearing. Procedural Order No.1 allowed parties to seek further information by way of two rounds of interrogatories. Interrogatories were to be served by Board staff, SEC and VECC on or before November 2, 2007 and December 7, 2007 respectively. Halton Hills responded to interrogatories on November 20, 2007 and December 21, 2007 respectively.

On December 20, 2007, the Board issued Procedural Order No. 2 revising the dates set for submissions. SEC and VECC filed submissions on January 23, 2008 and Board staff filed submission on January 18, 2008. Halton Hills filed a reply submission on February 8, 2008.

On March 27, 2008 the Board issued its Decision which set out the dates for the Draft Rate Order and cost award process. Halton Hills's Draft Rate Order was received on April 10, 2008. On May 8, 2008 the Board issued the approved Tariff of Rates and Charges for Halton Hills effective May 1, 2008.

The Board received cost claims from SEC and VECC.

On May 6, 2008 Halton Hills objected to the cost claims of SEC and VECC on the following grounds:

1. There was excessive duplication of interrogatories.
2. The hours claimed by SEC (98.2 hours) are excessive in comparison to the hours claimed by VECC (38.95 hours).
3. The rate claimed for Mr. De Vellis was too high.

Board Findings

The Board finds that there was not excessive duplication in the interrogatories. While the Board agrees that duplication is to be minimized, the timing of the filing of Board staff interrogatories and the deadline for intervenor interrogatories was such that there was limited opportunity for the intervenors to review Board staff interrogatories and adjust their own as a consequence. Where there was some level of duplication, the Board notes that Halton Hills responded by repeating or referencing other interrogatory

responses. The Board concludes that this approach would not have required significant additional resources or time for Halton Hills.

Further, the Board finds that the hours claimed by SEC are not excessive. SEC noted that its total claim was 62.7 hours and not 98.2 hours as suggested by Halton Hills. While the hours claimed are higher than the hours claimed by VECC, the Board agrees with VECC and SEC that the level of experience of the individuals involved must be considered. VECC's consultants have significantly more years of experience than SEC's consultant. The Board expects more senior consultants to require relatively fewer hours to complete their analysis.

The Board will approve the hours claimed by both SEC and VECC. With respect to the rate for counsel, the Board has adjusted the cost claim of SEC and VECC to appropriately reflect the correct tariff for their counsel (0-5 years experience, rather than 6–10 years of experience).

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the Ontario Energy Board Act, 1998, Halton Hills shall immediately pay:
 - SEC its claimed costs equal to \$10,319.00; and
 - VECC its claimed costs equal to \$10,887.04.
2. Pursuant to section 30 of the Ontario Energy Board Act, 1998, Halton Hills shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, July 3, 2008

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary