



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

DECISION AND ORDER ON COST AWARDS

EB-2019-0261

HYDRO OTTAWA LIMITED

**Application for electricity distribution rates and other charges for
the period from January 1, 2021 to December 31, 2025**

BEFORE: Michael Janigan
Presiding Commissioner

Emad Elsayed
Commissioner

Robert Dodds
Commissioner

February 18, 2021

INTRODUCTION AND SUMMARY

This is a decision of the Ontario Energy Board (OEB) on cost claims filed with respect to a Hydro Ottawa Limited (Hydro Ottawa) proceeding.

Hydro Ottawa filed a custom incentive rate-setting application (Application) with the OEB on February 11, 2020 under section 78 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), seeking approval for changes to the rates that Hydro Ottawa charges for electricity distribution, beginning January 1, 2021, and for each following year through to December 31, 2025.

The OEB granted the Building Owners and Managers Association (BOMA); Consumers Council of Canada (CCC); Distributed Resource Coalition (DRC); Energy Probe Research Foundation (Energy Probe); Environmental Defence; Pollution Probe; School Energy Coalition (SEC) and Vulnerable Energy Consumers Coalition (VECC) intervenor status and cost award eligibility.

On November 19, 2020, the OEB issued its Decision and Order in which it set out the process for intervenors to file their cost claims, for Hydro Ottawa to raise any objections to the claims and for intervenors to respond to any objections raised by Hydro Ottawa.

Cost claims were filed on or before the due date from CCC, DRC, Energy Probe, Environmental Defence, Pollution Probe, SEC and VECC. BOMA was late in filing its cost claim. The OEB accepts BOMA's cost claim notwithstanding the late filing.

On January 15, 2021, Hydro Ottawa filed a letter stating that it had no concerns with the cost claims made by CCC, DRC, Energy Probe, Environmental Defence, Pollution Probe, SEC and VECC. Hydro Ottawa objected to the cost claim submitted by BOMA. Hydro Ottawa submitted that BOMA's cost claim of \$43,017.34 was disproportionate in its contribution to the Application as compared to other intervenors. Hydro Ottawa objected to the number of hours claimed for preparation of interrogatories, as well as photocopying, printing and courier disbursements. Hydro Ottawa further stated that BOMA's claim of 29.50 hours for interrogatory preparation was excessive as compared to other intervenors interrogatory preparation time.

With respect to disbursements claimed, Hydro Ottawa noted that as a result of the ongoing COVID-19 pandemic, the OEB temporarily waived the requirement to submit two hard copies with each electronic filing in regulatory proceedings on March 16, 2020. Subsequently, on June 23, 2020, the OEB launched its Digitization Program, and thereby permanently eliminated the requirement of submitting two hard copies of documents in regulatory proceedings. As a result, printing and courier services were not

a requirement for this proceeding. Hydro Ottawa noted that BOMA was the only intervenor in this proceeding that filed disbursement claims for scanning/photocopying, printing and courier costs. Given that printing and courier services were not required for Hydro Ottawa's Application proceeding, the disbursements claimed by BOMA would be unreasonable for Hydro Ottawa ratepayers to subsidize. Hydro Ottawa further noted that SEC also claimed Telephone/Fax disbursements in the amount of \$145.94, and took no issue with these costs given that all aspects of the proceeding were held virtually and some costs for tele/video conferencing would be reasonably incurred. Hydro Ottawa objected to BOMA's claim of \$2,019.56 for photocopying, printing and courier costs. Hydro Ottawa stated that BOMA included receipts of courier services, which were sent between parties of BOMA. Hydro Ottawa submitted that such costs are internal and should not be paid for by Hydro Ottawa ratepayers. Hydro Ottawa objected to \$9,065.11 of BOMA's cost claim in total (\$7,045.55 for interrogatory preparation and \$2,019.56 for photocopying/printing/courier disbursements).

On January 8, 2021, BOMA replied to Hydro Ottawa's objection letter and stated that it did not intend to file a reply to the cost claim objection.

Findings

The OEB has reviewed the claims filed to ensure that they are compliant with the OEB's *Practice Direction on Cost Awards*.

All cost claims are approved as submitted except for BOMA. The panel notes that BOMA did not respond to the objection of Hydro Ottawa concerning the amount of time claimed for the preparation of interrogatories given the number submitted by BOMA. While the number of interrogatories submitted is not always indicative of the work performed in their preparation, the total hours claimed here is excessive in the absence of an explanation from BOMA. The panel reduces the hours remunerated in this cost claim category to 8 hours. The OEB approves BOMA's disbursement claims as an exception given the transitional nature of the COVID-19 impact and associated changes in OEB requirements.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Hydro Ottawa Limited shall immediately pay the following amounts to the intervenors for their costs:

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| • Building Owners and Managers Association | \$35,971.79 |
| • Consumers Council of Canada | \$65,816.85 |

• Distributed Resource Coalition	\$36,354.36
• Energy Probe Research Foundation	\$56,764.50
• Environmental Defence	\$23,539.03
• Pollution Probe	\$42,100.41
• School Energy Coalition	\$69,270.30
• Vulnerable Energy Consumers Coalition	\$71,756.01

DATED at Toronto February 18, 2021

ONTARIO ENERGY BOARD

Original Signed By

Christine E. Long
Registrar