



EB-2007-0713

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 Hydro Ottawa
Limited for an Order or Orders approving just and
reasonable rates and other service charges for the
distribution of electricity, effective May 1, 2008.

BEFORE: Paul Vlahos
Presiding Member

Bill Rupert
Member

DECISION AND ORDER ON COST AWARDS

Hydro Ottawa Limited ("Hydro Ottawa") filed an application with the Ontario Energy Board (the "Board") on September 19, 2007 under section 78 of the *Ontario Energy Board Act*, 1998 seeking approval for changes to the rates and other charges for electricity distribution to be effective May 1, 2008.

The Consumers Council of Canada ("CCC"), Energy Probe Research Foundation ("EP"), the School Energy Coalition ("SEC") and the Vulnerable Energy Consumers Coalition ("VECC") received intervenor status and were deemed eligible to apply for an award of costs.

The Board issued its Decision on the application on March 17, 2008, in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by Hydro Ottawa.

The Board received cost claims from CCC, EP, SEC and VECC. No objections were received from Hydro Ottawa.

The costs claims of each party, excluding disbursements and GST, and the hours incurred are shown in the table below.

Intervenor	Hours	Cost Claim (excl. disbursements and GST)
Consumers Council of Canada	71.3	\$20,325.00
Energy Probe	76.0	\$17,217.50
School Energy Coalition	192.3	\$38,623.50
Vulnerable Energy Consumers Coalition	68.1	\$19,155.00

Note: The amounts in the table for VECC are after adjustment to appropriately reflect the correct Board-approved tariff for legal counsel.

The cost claims of three intervenors – CCC, EP, and VECC – are essentially similar, both in hours incurred and dollar amounts. Based on the extent of the involvement of those intervenors in the process and their written submissions, the Board finds those claims, together with disbursements and GST, are reasonable and that the parties should be reimbursed 100% of their claims.

SEC's claim is substantially higher than the claims of the other intervenors. To assess the merits of SEC's cost claim, the Board considered whether (a) SEC was required to spend more time on this proceeding than other parties, or (b) SEC's submissions in this proceeding were of significantly greater value to the Board than the submissions made by other parties.

The Board is aware of only one aspect of this proceeding in which SEC was the sole intervenor involved. SEC participated in a half-day oral hearing on February 4, 2008 on one unsettled issue, an issue that was unsettled because of SEC's objections. The other intervenors did not participate in that hearing because they did not object to Hydro Ottawa's proposal.

As for the value of their submissions, the Board did not find that SEC's submissions were of a higher quality or were more comprehensive than the submissions of the other

intervenors. The extra time incurred by SEC's counsel in comparison to the time spent by counsel for other intervenors did not, in the Board's view, provide value to the Board.

The Board has concluded that SEC's cost award should be \$22,383.16, which is calculated as follows:

- \$19,740, being the average of the pre-disbursement, pre-GST cost claims of CCC and VECC; plus
- An additional \$2,300, or 10 hours at \$230 per hour, in respect of SEC's preparation for and participation in the half-day oral hearing on February 4: plus
- SEC's disbursements of \$343.96.

The awarded amount does not include GST as SEC's cost claim as filed did not include any amount in respect of GST.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the Ontario Energy Board Act, 1998, Hydro Ottawa shall immediately pay:
 - To Consumers Council of Canada – \$21,493.11;
 - To Energy Probe – \$17,915.79;
 - To School Energy Coalition – \$22,383.16; and
 - To Vulnerable Energy Consumers Coalition – \$19,633.89.
2. Pursuant to section 30 of the Ontario Energy Board Act, 1998, Hydro Ottawa shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, July 14, 2008

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary