



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

DECISION AND ORDER ON COST AWARDS

EB-2021-0072

ENBRIDGE GAS INC.

**Application to dispose of balances in certain deferral and variance
accounts related to the delivery of conservation programs in 2019**

BEFORE: **Michael Janigan**
 Presiding Commissioner

Anthony Zlahtic
 Commissioner

August 11, 2021

OVERVIEW

This is a decision of the Ontario Energy Board on cost claims filed with respect to an Enbridge Gas Inc. proceeding.

Enbridge Gas filed an application with the OEB on March 10, 2021 seeking approval to clear amounts recorded in certain 2019 deferral and variance accounts related to its delivery of natural gas conservation and energy efficiency programs.

The OEB granted Building Owners and Managers Association (BOMA), Canadian Manufactures & Exporters (CME), Energy Probe Research Foundation (Energy Probe), Industrial Gas users Association (IGUA), Pollution Probe, School Energy Coalition (SEC) and Vulnerable Energy Consumers Coalition (VECC) intervenor status and cost award eligibility.

On June 24, 2021, 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 raise any objections to the claims and for intervenors to respond to any objections raised by Enbridge Gas. The OEB received cost claims from CME, Energy Probe, IGUA, Pollution Probe, SEC and VECC. BOMA did not file a cost claim.

On July 17, 2021, Enbridge Gas filed a letter stating that it had no objections to the cost claims with the exception of Pollution Probe.

Enbridge Gas noted that Pollution Probe's cost claim included 19 hours of interrogatory preparation and response, as well as 6.5 hours of time spent on argument. Enbridge Gas further noted that these hours were nearly 50% higher than the next highest claim and the number of interrogatories was not in line with the number of hours when compared to the number of interrogatories of the next highest intervenor and the number of hours being claimed by same.

Pollution Probe stated in response that there was no specific recommendation made by Enbridge Gas on what adjustment it recommends, but it appears that Enbridge Gas is suggesting that a simple average per hours for interrogatories and argument is an appropriate benchmark. Pollution Probe disagreed with this assertion and argued that in this proceeding, there is a wide range of intervenor activity and that its claims for the 2019 DSM account clearance proceeding was well within the range for similar proceedings.

Pollution Probe noted that it was the only stakeholder that provided detailed analysis and recommendations in its argument related to the clearance of accounts based on the information in the 2019 DSM Audit and related documents (the primary evidence reference supporting clearance).

Pollution Probe noted that some parties in the proceeding filed none or only one interrogatory related to issues in this proceeding and appear to have less issues represented in their submissions. Pollution Probe noted that it conducted detailed analysis on a significant amount of evidence in the proceeding (including over 350 pages related to the 2019 DSM audit and Annual Report). Pollution Probe filed more than double the average number of interrogatories (23 questions with parts grouped by issue) and only claimed 10 hours against the average of 5 hours.

Pollution Probe submitted that the hours claimed are accurate and reasonable. Pollution Probe stated that it had participated responsibly in the process; contributed to a better understanding of issues in the process; complied fully with the OEB's orders and direction; and avoided duplication with other parties.

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 with a reduction of 25% of the hours claimed for Pollution Probe. While Pollution Probe's participation was generally responsible, the hours claimed for participation were excessive.

The OEB finds that the claims of CME, Energy Probe, IGUA, SEC and VECC and the adjusted claim of Pollution Probe are reasonable and each of these claims shall be reimbursed by Enbridge Gas.

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:

• Canadian Manufactures & Exporters	\$653.14
• Energy Probe Research Foundation	\$3,514.50
• Industrial Gas users Association	\$1,932.30
• Pollution Probe	\$7,131.71
• School Energy Coalition	\$5,257.89
• Vulnerable Energy Consumers Coalition	\$1,457.76

DATED at Toronto August 11, 2021

ONTARIO ENERGY BOARD

Original Signed By

Christine E. Long
Registrar