

DECISION AND ORDER ON COST AWARDS

EB-2020-0133

Consultation on the Deferral Account – Impacts Arising from the COVID-19 Emergency

By Delegation Before: Theodore Antonopoulos

Vice President, Applications Division

September 23, 2021

OVERVIEW

On May 14, 2020, the Ontario Energy Board (OEB) issued a <u>letter</u> initiating a consultation on a deferral account relating to impacts arising from the COVID-19 emergency in the electricity and natural gas sectors. The OEB also made provision for cost awards under section 30 of the *Ontario Energy Board Act*, 1998.

In its May 27, 2020 <u>decision on cost award eligibility</u> (Cost Award Eligibility Decision), the OEB determined that the following participants are eligible for cost awards (collectively the Eligible Participants):

- 1. Association of Major Power Consumers in Ontario (AMPCO)
- 2. Association of Power Producers of Ontario (APPrO)
- 3. Building Owners and Managers Association (BOMA)
- 4. Canadian Manufacturers & Exporters (CME)
- 5. Consumers Council of Canada (CCC)
- 6. Energy Probe Research Foundation (Energy Probe)
- 7. Federation of Rental-housing Providers of Ontario (FRPO)
- 8. Industrial Gas Users Association (IGUA)
- 9. London Property Management Association (LPMA)
- 10. Pollution Probe
- 11. School Energy Coalition (SEC)
- 12. Vulnerable Energy Consumers Coalition (VECC)

In the Cost Award Eligibility Decision, the OEB determined that as per section 30 of the *Ontario Energy Board Act, 1998*, cost awards, along with any other costs incurred in this consultation, will be recovered from all rate-regulated electricity distributors, rate-regulated electricity transmitters, rate-regulated natural gas distributors, and Ontario Power Generation Inc. (collectively, Rate-regulated Utilities). The OEB noted that the costs are to be apportioned amongst all Rate-regulated Utilities in the same manner as under the OEB's Cost Assessment Model.

On June 17, 2021, the OEB issued the <u>Report of the Ontario Energy Board: Regulatory Treatment of Impacts Arising from the COVID-19 Emergency</u>, which concluded the consultation.

On July 22, 2021, the OEB issued a <u>Notice of Hearing for Cost Awards</u> (Notice) in relation to the consultation eligible activities. On July 30, 2021, the OEB issued a <u>letter</u> which increased the maximum amount of hours that may be claimed for written comments on the draft issues list by six hours, from 12 hours to 18 hours, including both

the time spent on the initial written comments on the draft issues list and on reply comments.

The maximum number of hours and eligible activities are summarized in the table below.

ACTIVITY	TOTAL ELIGIBLE HOURS PER PARTICIPANT
Activity A: Preparation for, and attendance at, the preliminary May 28, 2020 stakeholder meeting ¹	1.5 times actual meeting time, up to a total of 3.75 hours
Activity B: Written comments on the draft issues list ²	Up to 18 hours
Activity C: Written comments on the form of consultation to be adopted ³	Up to 0.5 hours
Activity D: Preparation for and attendance at the January 14, 2021 webinar, written comments on the Staff Proposal, reply comments on other stakeholders' comments ⁴	Combined up to 45 hours
Total Eligible Hours	67.25 hours

¹ OEB Letter, May 14, 2020

² OEB Letter, May 14, 2020; OEB Letter, July 30, 2021

³ OEB Letter, July 17, 2020

⁴ OEB Letter, January 7, 2021

The OEB received cost claims from AMPCO, APPrO, BOMA, CME, CCC, Energy Probe, FRPO, IGUA, LPMA, Pollution Probe, SEC, and VECC. No objections were received.

Findings

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

The OEB finds that the cost claims are reasonable and approves the cost claims as filed. The OEB also acknowledges the effort that Eligible Participants made in support of this consultation during the pandemic and thanks them for their insightful and helpful feedback. It was clear over the course of the consultation and in submissions made by Eligible Participants (as well as other participants), that significant efforts were made to conduct their participation efficiently and effectively by coordinating efforts among parties with similar viewpoints, and in some cases for Eligible Participants, contributing more hours than claimed. The OEB thanks all participants for their contributions to this consultation.

The OEB approves cost awards for the Eligible Participants as follows:

•	Association of Major Power Consumers in Ontario	\$14,710.91
•	Association of Power Producers of Ontario	\$1,587.65
•	Building Owners and Managers Association	\$6,717.85
•	Canadian Manufacturers & Exporters	\$9,095.94
•	Consumers Council of Canada	\$16,780.50
•	Energy Probe Research Foundation	\$11,773.58
•	Federation of Rental-housing Providers of Ontario	\$13,237.95
•	Industrial Gas Users Association	\$14,710.91
•	London Property Management Association	\$22,560.45
•	Pollution Probe	\$8,483.48
•	School Energy Coalition	\$22,099.98
•	Vulnerable Energy Consumers Coalition	\$21,351.87

As indicated in the July 22, 2021 Notice, any other costs incurred in this consultation are also to be apportioned amongst all Rate-regulated Utilities in the same manner as under the OEB's Cost Assessment Model. The OEB's costs for this consultation amounted to \$58,650.

Process for Paying the Cost Awards

The amount payable by each Rate-regulated Utility in relation to costs awarded to each Eligible Participant is listed in Schedule A to this Decision and Order. Costs awarded will be apportioned to the Rate-regulated Utilities in accordance with the OEB's Cost Assessment Model. However, the amounts will not be paid directly by the Rate-regulated Utilities to the Eligible Participants.

The OEB will use the process set out in section 12 of the *Practice Direction on Cost Awards* 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 Rate-regulated Utilities 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 Rate-regulated Utility one invoice that covers all cost awards payable by the Rate-regulated Utility 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 ORDERS THAT:

- 1. Each Rate-regulated Utility listed in Schedule A to this Decision and Order shall pay the amounts set out in Schedule A in relation to the costs awarded.
- 2. Each Rate-regulated Utility 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 and paragraph 2 shall be made to the OEB in accordance with the invoice issued to each Rate-regulated Utility, and shall be due at the same time as cost assessments under section 26 of the Act are due.

DATED at Toronto September 23, 2021

ONTARIO ENERGY BOARD

Original Signed By

Theodore Antonopoulos
Vice President, Applications Division

Schedule A

OEB's Decision and Order on Cost Awards – September 23, 2021

EB-2020-0133

Gas Distributor, Transmitter, Storage Company	Association of Major Power Consumers in Ontario	Association of Power Producers of Ontario	Building Owners & Managers Association	Canadian Manufacturers & Exporters	Consumers Council of Canada	Energy Probe Research Foundation	Federation of Rental- housing Providers of Ontario	Industrial Gas Users Association	London Property Management Association	Pollution Probe	School Energy Coalition	Vulnerable Energy Consumers Coalition	Cost Awards	OEB Costs	Total Costs
Enbridge Gas Inc	4,062.65	438.45	1,855.24	2,511.99	4,634.20	3,251.46	3,655.87	4,062.65	6,230.42	2,342.85	6,103.26	5,896.65	45,045.68	16,197.12	61,242.80
EPCOR Natural Gas Limited Partnership	10.03	1.08	4.58	6.20	11.44	8.03	9.03	10.03	15.38	5.79	15.07	14.56	111.23	39.99	151.22
Gas Total	4,072.68	439.54	1,859.82	2,518.19	4,645.64	3,259.49	3,664.89	4,072.68	6,245.81	2,348.63	6,118.33	5,911.21	45,156.91	16,237.11	61,394.02

Electricity Distribution System Owner/Operator	Association of Major Power Consumers in Ontario	Association of Power Producers of Ontario	Building Owners & Managers Association	Canadian Manufacturers & Exporters	Consumers Council of Canada	Energy Probe Research Foundation	Federation of Rental- housing Providers of Ontario	Industrial Gas Users Association	London Property Management Association	Pollution Probe	School Energy Coalition	Vulnerable Energy Consumers Coalition	Cost Awards	OEB Costs	Total Costs
Algoma Power Inc.	20.33	2.19	9.28	12.57	23.19	16.27	18.30	20.33	31.18	11.73	30.55	29.51	225.44	81.06	306.50
Alectra Utilities Corporation	1,766.92	190.69	806.88	1,092.51	2,015.50	1,414.12	1,590.00	1,766.92	2,709.72	1,018.95	2,654.42	2,564.56	19,591.19	7,044.42	26,635.61
Atikokan Hydro Inc.	2.84	0.31	1.30	1.76	3.24	2.27	2.56	2.84	4.36	1.64	4.27	4.12	31.50	11.33	42.83
Bluewater Power Distribution Corporation	63.41	6.84	28.96	39.21	72.33	50.75	57.06	63.41	97.25	36.57	95.26	92.04	703.10	252.81	955.92
Brantford Power Inc.	68.79	7.42	31.41	42.53	78.47	55.06	61.90	68.79	105.50	39.67	103.34	99.85	762.75	274.26	1,037.01
Burlington Hydro Inc.	116.77	12.60	53.33	72.20	133.20	93.46	105.08	116.77	179.08	67.34	175.43	169.49	1,294.76	465.56	1,760.32
Canadian Niagara Power Inc.	50.39	5.44	23.01	31.15	57.47	40.32	45.34	50.39	77.27	29.06	75.69	73.13	558.66	200.88	759.54
Centre Wellington Hydro Ltd.	11.99	1.29	5.48	7.42	13.68	9.60	10.79	11.99	18.39	6.92	18.02	17.41	132.99	47.82	180.81
EPCOR Electricity Distribution Ontario	29.76	3.21	13.59	18.40	33.94	23.81	26.78	29.76	45.63	17.16	44.70	43.19	329.93	118.63	448.56
Cooperative Hydro Embrun Inc.	3.87	0.42	1.77	2.39	4.41	3.09	3.48	3.87	5.93	2.23	5.81	5.61	42.87	15.41	58.28
	21.14	2.28	9.65	13.07	24.11	16.92	19.02	21.14	32.42	12.19	31.76	30.68	234.40	84.28	318.69
E.L.K. Energy Inc.															
Energy+ Inc. Entegrus Powerlines Inc.	112.36	12.13	51.31 46.47	69.47 62.92	128.16 116.07	89.92 81.44	101.11 91.57	112.36 101.76	172.31 156.06	64.79 58.68	168.79 152.87	163.08 147.70	1,245.79 1,128.27	447.95 405.69	1,693.73 1,533.97

Electricity Distribution System Owner/Operator	Association of Major Power Consumers in Ontario	Association of Power Producers of Ontario	Building Owners & Managers Association	Canadian Manufacturers & Exporters	Consumers Council of Canada	Energy Probe Research Foundation	Federation of Rental- housing Providers of Ontario	Industrial Gas Users Association	London Property Management Association	Pollution Probe	School Energy Coalition	Vulnerable Energy Consumers Coalition	Cost Awards	OEB Costs	Total Costs
Enwin Utilities Ltd.	153.45	16.56	70.08	94.88	175.04	122.81	138.09	153.45	235.34	88.49	230.53	222.73	1,701.47	611.80	2,313.26
ERTH Power Corporation	39.56	4.27	18.07	24.46	45.13	31.66	35.60	39.56	60.67	22.81	59.43	57.42	438.66	157.73	596.39
Espanola Regional Hydro Distribution Corporation	5.71	0.62	2.61	3.53	6.51	4.57	5.14	5.71	8.76	3.29	8.58	8.29	63.33	22.77	86.10
Essex Powerlines Corporation	51.53	5.56	23.53	31.86	58.78	41.24	46.37	51.53	79.03	29.72	77.42	74.80	571.40	205.46	776.85
Elexicon Energy	283.08	30.55	129.27	175.03	322.90	226.55	254.73	283.08	434.12	163.24	425.26	410.87	3,138.68	1,128.58	4,267.25
Festival Hydro Inc.	36.61	3.95	16.72	22.64	41.77	29.30	32.95	36.61	56.15	21.12	55.01	53.14	405.98	145.98	551.96
Fort Frances Power Corporation	6.50	0.70	2.97	4.02	7.42	5.20	5.85	6.50	9.97	3.75	9.77	9.44	72.08	25.92	98.00
Greater Sudbury Hydro Inc.	82.38	8.89	37.62	50.93	93.96	65.93	74.13	82.38	126.33	47.50	123.75	119.56	913.36	328.42	1,241.77
Grimsby Power Incorporated	19.71	2.13	9.00	12.19	22.48	15.77	17.74	19.71	30.22	11.37	29.61	28.61	218.52	78.57	297.10
Halton Hills Hydro Inc.	38.61	4.17	17.63	23.87	44.04	30.90	34.74	38.61	59.21	22.26	58.00	56.04	428.08	153.93	582.01
Hydro Hawkesbury Inc.	9.61	1.04	4.39	5.94	10.96	7.69	8.65	9.61	14.74	5.54	14.43	13.95	106.54	38.31	144.85
Hearst Power Distribution Company Limited	4.68	0.51	2.14	2.90	5.34	3.75	4.22	4.68	7.18	2.70	7.04	6.80	51.94	18.67	70.61
Hydro One Networks Inc.	2,379.48	256.80	1,086.61	1,471.26	2,714.23	1,904.37	2,141.23	2,379.48	3,649.14	1,372.20	3,574.66	3,453.65	26,383.10	9,486.60	35,869.70
Hydro One Remote Communities Inc.	6.26	0.68	2.86	3.87	7.14	5.01	5.63	6.26	9.60	3.61	9.40	9.08	69.40	24.95	94.35
Hydro Ottawa Limited	575.51	62.11	262.81	355.85	656.48	460.60	517.89	575.51	882.60	331.89	864.58	835.31	6,381.13	2,294.47	8,675.60
Innpower Corporation	29.98	3.24	13.69	18.54	34.20	24.00	26.98	29.98	45.98	17.29	45.04	43.52	332.43	119.53	451.96
Kingston Hydro Corporation	47.88	5.17	21.87	29.61	54.62	38.32	43.09	47.88	73.43	27.61	71.93	69.50	530.90	190.90	721.80
Kitchener-Wilmot Hydro Inc.	165.80	17.89	75.71	102.52	189.12	132.69	149.20	165.80	254.27	95.61	249.08	240.64	1,838.33	661.01	2,499.35
Lakefront Utilities Inc.	17.94	1.94	8.19	11.09	20.46	14.36	16.14	17.94	27.51	10.34	26.95	26.04	198.90	71.52	270.41
Lakeland Power Distribution Ltd.	23.45	2.53	10.71	14.50	26.75	18.77	21.10	23.45	35.96	13.52	35.23	34.04	260.00	93.49	353.49
London Hydro Inc.	272.85	29.45	124.60	168.71	311.24	218.37	245.53	272.85	418.44	157.35	409.90	396.03	3,025.32	1,087.82	4,113.14
Milton Hydro Distribution Inc.	66.11	7.13	30.19	40.88	75.41	52.91	59.49	66.11	101.38	38.12	99.31	95.95	732.99	263.56	996.56
Newmarket-Tay Power Distribution Ltd.	74.73	8.07	34.13	46.21	85.24	59.81	67.25	74.73	114.61	43.10	112.27	108.47	828.60	297.94	1,126.54
Niagara Peninsula Energy Inc.	94.93	10.25	43.35	58.70	108.29	75.98	85.43	94.93	145.59	54.75	142.62	137.79	1,052.62	378.49	1,431.11
Niagara-on-the-lake Hydro Inc.	16.24	1.75	7.41	10.04	18.52	13.00	14.61	16.24	24.90	9.36	24.39	23.57	180.04	64.74	244.77
North Bay Hydro Distribution Limited	41.85	4.52	19.11	25.88	47.74	33.50	37.66	41.85	64.19	24.14	62.88	60.75	464.06	166.86	630.93
Northern Ontario Wires Inc.	10.35	1.12	4.73	6.40	11.80	8.28	9.31	10.35	15.87	5.97	15.55	15.02	114.73	41.26	155.99

Electricity Distribution System Owner/Operator	Association of Major Power Consumers in Ontario	Association of Power Producers of Ontario	Building Owners & Managers Association	Canadian Manufacturers & Exporters	Consumers Council of Canada	Energy Probe Research Foundation	Federation of Rental- housing Providers of Ontario	Industrial Gas Users Association	London Property Management Association	Pollution Probe	School Energy Coalition	Vulnerable Energy Consumers Coalition	Cost Awards	OEB Costs	Total Costs
Oakville Hydro Electricity Distribution Inc.	122.28	13.20	55.84	75.61	139.49	97.87	110.04	122.28	187.53	70.52	183.70	177.48	1,355.84	487.52	1,843.36
Orangeville Hydro Limited	21.37	2.31	9.76	13.21	24.38	17.10	19.23	21.37	32.77	12.32	32.11	31.02	236.96	85.20	322.16
Oshawa PUC Networks Inc.	100.15	10.81	45.73	61.92	114.24	80.15	90.12	100.15	153.58	57.75	150.45	145.36	1,110.41	399.27	1,509.68
Ottawa River Power Corporation	19.29	2.08	8.81	11.93	22.00	15.44	17.36	19.29	29.58	11.12	28.98	28.00	213.89	76.91	290.79
PUC Distribution Inc.	58.23	6.28	26.59	36.01	66.43	46.61	52.40	58.23	89.31	33.58	87.48	84.52	645.69	232.17	877.86
Renfrew Hydro Inc.	7.45	0.80	3.40	4.61	8.50	5.97	6.71	7.45	11.43	4.30	11.20	10.82	82.65	29.72	112.37
Rideau St. Lawrence Distribution Inc.	10.22	1.10	4.67	6.32	11.66	8.18	9.20	10.22	15.68	5.90	15.36	14.84	113.37	40.76	154.13
Sioux Lookout Hydro Inc.	4.90	0.53	2.24	3.03	5.59	3.92	4.41	4.90	7.51	2.83	7.36	7.11	54.33	19.53	73.86
Synergy North Corporation	97.91	10.57	44.71	60.54	111.68	78.36	88.11	97.91	150.15	56.46	147.09	142.11	1,085.60	390.35	1,475.95
Tillsonburg Hydro Inc.	12.39	1.34	5.66	7.66	14.13	9.92	11.15	12.39	19.00	7.14	18.61	17.98	137.37	49.39	186.76
Toronto Hydro-Electric System Limited	1,331.80	143.73	608.18	823.47	1,519.16	1,065.88	1,198.45	1,331.80	2,042.43	768.02	2,000.74	1,933.01	14,766.66	5,309.66	20,076.32
Wasaga Distribution Inc.	23.56	2.54	10.76	14.57	26.87	18.85	21.20	23.56	36.13	13.58	35.39	34.19	261.20	93.92	355.11
Waterloo North Hydro Inc.	98.76	10.66	45.10	61.06	112.65	79.04	88.87	98.76	151.46	56.95	148.37	143.34	1,095.03	393.74	1,488.77
Welland Hydro-Electric System Corp.	40.07	4.32	18.30	24.77	45.70	32.07	36.05	40.07	61.44	23.10	60.19	58.15	444.23	159.73	603.97
Wellington North Power Inc.	6.54	0.71	2.99	4.05	7.46	5.24	5.89	6.54	10.04	3.77	9.83	9.50	72.56	26.09	98.65
Westario Power Inc.	40.54	4.38	18.51	25.07	46.24	32.45	36.48	40.54	62.17	23.38	60.90	58.84	449.50	161.63	611.13
Electricity Distribution Total	8,920.60	962.74	4,073.66	5,515.72	10,175.59	7,139.42	8,027.41	8,920.60	13,680.51	5,144.33	13,401.28	12,947.64	98,909.49	35,564.98	134,474.47

Electricity Transmission System Owner/Operator	Association of Major Power Consumers in Ontario	Association of Power Producers of Ontario	Building Owners & Managers Association	Canadian Manufacturers & Exporters	Consumers Council of Canada	Energy Probe Research Foundation	Federation of Rental- housing Providers of Ontario	Industrial Gas Users Association	London Property Management Association	Pollution Probe	School Energy Coalition	Vulnerable Energy Consumers Coalition	Cost Awards	OEB Costs	Total Costs
B2M Limited Partnership	22.53	2.43	10.29	13.93	25.70	18.03	20.27	22.53	34.55	12.99	33.85	32.70	249.81	89.82	339.63
Canadian Niagara Power Inc.	3.13	0.34	1.43	1.94	3.58	2.51	2.82	3.13	4.81	1.81	4.71	4.55	34.76	12.50	47.26
Five Nations Energy Inc.	5.02	0.54	2.29	3.10	5.73	4.02	4.52	5.02	7.70	2.90	7.54	7.29	55.67	20.02	75.69
Hydro One Sault Ste. Marie Inc. on behalf of Hydro One Sault Ste. Marie LP	27.08	2.92	12.37	16.74	30.89	21.67	24.37	27.08	41.53	15.62	40.68	39.30	300.26	107.96	408.22
Niagara Reinforcement Limited Partnership	3.04	0.33	1.39	1.88	3.47	2.43	2.74	3.04	4.66	1.75	4.57	4.41	33.71	12.12	45.83
Hydro One Networks Inc.	1,017.90	109.85	464.83	629.38	1,161.10	814.65	915.98	1,017.90	1,561.03	587.00	1,529.17	1,477.41	11,286.21	4,058.19	15,344.40
Electricity Transmission Total	1,078.70	116.42	492.60	666.98	1,230.46	863.32	970.70	1,078.70	1,654.29	622.07	1,620.52	1,565.66	11,960.41	4,300.62	16,261.03

	Association of Major Power Consumers in Ontario	of Power Producers	Building Owners & Managers Association	Canadian Manufacturers & Exporters	Consumers Council of Canada	Prone	Federation of Rental- housing Providers of Ontario	Industrial Gas Users Association	London Property Management Association	Pollution Probe	School Energy Coalition	Vulnerable Energy Consumers Coalition	Cost Awards	OEB Costs	Total Costs
Ontario Power Generation Inc.	638.93	68.95	291.77	395.06	728.81	511.35	574.95	638.93	979.85	368.46	959.85	927.36	7,084.26	2,547.29	9,631.55

Grand Total	\$ 14,710.91	\$1,587.65	\$6,717.85	\$9,095.94	\$16,780.50 \$11,773.58	\$13,237.95	\$14,710.91	\$22,560.45 \$8,483.48	\$22,099.98	\$ 21,351.87 \$163,111.07 \$58,650.00 \$221,761.07

^{*}Total cost awards of \$67 was reallocated to the Electricity Distribution companies listed in the Schedule A based on the s.26 Cost Assessment Model to eliminate charges under \$25. This option is in line with the Practice Direction on Cost Awards (section 12.02).