



Ontario
Energy
Board

Commission
de l'énergie
de l'Ontario

DECISION AND ORDER ON COST AWARDS

EB-2021-0148

ENBRIDGE GAS INC.

**Application for 2022 Rates – Incremental Capital Module Funding
Request (Phase 2)**

BEFORE: **Allison Duff**
Presiding Commissioner

Patrick Moran
Commissioner

Anthony Zlatic
Commissioner

June 13, 2022

OVERVIEW

Enbridge Gas Inc. filed an application with the Ontario Energy Board (OEB) on October 15, 2021, seeking approval for rate changes related to its 2022 Incremental Capital Module (ICM) funding request.

The OEB granted intervenor status and cost award eligibility to the following intervenors:

- Association of Power Producers of Ontario (APPrO)
- Canadian Manufacturers & Exporters (CME)
- Consumers Council of Canada (CCC)
- Energy Probe Research Foundation (Energy Probe)
- Environmental Defence
- Federation of Rental-housing Providers of Ontario (FRPO)
- Industrial Gas Users Association (IGUA)
- London Property Management Association (LPMA)
- Pollution Probe
- School Energy Coalition (SEC)
- Vulnerable Energy Consumers Coalition (VECC)

On April 12, 2022, the OEB issued its Decision and Order in which it set out the process for cost claims.

The OEB received cost claims from APPrO, CME, CCC, Energy Probe, Environmental Defence, FRPO, IGUA, LPMA, Pollution Probe, SEC and VECC.

Enbridge Gas stated that it had no objections to the cost claims.

Findings

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

The OEB approves the cost claims as submitted except for FRPO, Pollution Probe and SEC. The OEB has considered the hours claimed in preparation for the settlement conference on February 22, 2022:

<u>Total Hours by intervenor before February 22, 2022</u>			
Intervenor	Claimed Hours	Hours Reduced	Claim Reduced
APPrO	9.50		
CME	10.60		
CCC	11.00		
Energy Probe	11.00		
Environmental Defence	6.00		
FRPO	35.50	24	\$8,949.60
IGUA	5.10		
LPMA	10.50		
Pollution Probe	22.75	8	\$2,983.20
SEC	37.80	23	\$6,398.49
VECC	14.75		
Total	174.50	55.00	\$18,331.29

In comparing intervenor claims and the value to the OEB, the OEB finds that Energy Probe and VECC's participation was particularly helpful. Energy Probe and VECC enunciated the key issues and provided constructive, insightful submissions. Energy Probe and VECC, along with APPrO, CME, CCC, ED, IGUA and LPMA were able to review the evidence, write and read interrogatories, and prepare for settlement negotiations in 15 hours or less.

The OEB finds the claimed preparation time over 15 hours, prior to February 22, 2022, to be excessive. Accordingly, the OEB reduces Pollution Probe's claim by 8 hours and SEC's claim by 23 hours. The OEB reduces FRPO's claim by 24 hours due to excessive preparation and due to filing interrogatories out of scope of the proceeding. An experienced intervenor should understand the scope of an ICM proceeding, having participated in several previous Enbridge ICM applications. The adjusted approved cost awards (including HST) are based on the weighted average hourly rate claimed by each intervenor.

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:

• Association of Power Producers of Ontario	\$7,063.63
• Canadian Manufacturers & Exporters	\$7,225.22
• Consumers Council of Canada	\$7,830.90
• Energy Probe Research Foundation	\$11,246.40
• Environmental Defence	\$4,889.51
• Federation of Rental-housing Providers of Ontario	\$9,322.50
• Industrial Gas Users Association	\$8,249.00
• London Property Management Association	\$8,241.09
• Pollution Probe	\$11,280.23
• School Energy Coalition	\$10,094.99
• Vulnerable Energy Consumers Coalition	\$9,689.81

DATED at Toronto June 13, 2022

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar