



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

DECISION AND ORDER ON COST AWARDS

EB-2022-0011

**Framework for the Review of Intervenor Processes
and Cost Awards**

By Delegation Before: Theodore Antonopoulos
Vice President
Applications Division

November 3, 2022

OVERVIEW

On March 31, 2022, the Ontario Energy Board (OEB) issued a [letter](#) to stakeholders seeking feedback on the *Framework for Review of Intervenor Processes and Cost Awards* (Framework). The Framework identified potential initiatives to enhance the efficiency and effectiveness of the OEB's adjudicative process, particularly the role of intervenors within it, and sought feedback from stakeholders on the potential initiatives. The OEB also expressed an openness to hearing additional, new ideas for enhancing the adjudicative process.

Comments from stakeholders were received until May 1, 2022. The OEB reviewed the comments and developed an action plan for the Framework consisting of 11 projects – with five scheduled to be completed by the end of this fiscal year (March 31, 2023) and six to be completed by the end of next fiscal year (March 31, 2024).

Sessions outlining the action plan were held with participants to the Framework review on September 9 and 13, 2022. On September 22, 2022 the OEB issued a [report](#) detailing the action plan, and an accompanying letter that established the process for cost claims.

The OEB determined in a Decision and Order on Cost Eligibility, dated April 19, 2022, that the following participants were eligible (the Eligible Participants) to apply for an award of costs:

- Anwaatin Inc. (Anwaatin)
- Association of Major Power Consumers in Ontario (AMPCO)
- Building Owners and Managers Association (BOMA)
- Consumers Council of Canada (CCC)
- Electrical Vehicle Society (EVS)
- Energy Probe Research Foundation (Energy Probe)
- Environmental Defence Canada (Environmental Defence)
- Federation of Rental-housing Providers of Ontario (FRPO)
- Green Energy Coalition (GEC)
- Industrial Gas Users Association (IGUA)
- London Property Management Association (LPMA)
- Low Income Energy Network (LIEN)
- Pollution Probe
- Quinte Manufacturers Association (QMA)

- School Energy Coalition (SEC)
- Scott Petrie Law Firm, on behalf of the Gas Pipeline Landowners of Ontario, the Lambton County Storage Association and the Canadian Association of Energy and Pipeline Landowner Associations (SPL)
- Vulnerable Energy Consumer Coalition (VECC)

For the purpose of commenting on the issues, potential changes and questions identified in the Framework, the Eligible Participants were entitled to an award of costs for up to eight hours. However, no costs would be awarded for attending a stakeholder session.

The OEB established that costs awarded would be recovered from all licensed, rate-regulated electricity and gas distributors, electricity transmitters, Ontario Power Generation (OPG) and the Independent Electricity System Operator (IESO) (collectively, Rate-regulated Utilities). The OEB noted that the costs are to be apportioned amongst Rate-regulated Utilities in the same manner as under the OEB's Cost Assessment Model.

The OEB received cost claims from Anwaatin, AMPCO, BOMA, CCC, EVS, Energy Probe, Environmental Defence, FRPO, GEC, IGUA, LPMA, LIEN, Pollution Probe, QMA, SEC, SPL and VECC. No objections were received.

Findings

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

The cost claim submitted by BOMA exceeds the maximum number of hours set out in the OEB's Decision and Order on Cost Eligibility, dated April 19, 2022. The OEB will not award costs to BOMA in excess of the eight-hour maximum for the "Commenting on the issues, potential changes and questions identified in the Framework". The OEB has therefore reduced BOMA's claim from 11.32 hours to the allowed maximum of eight hours for this category, based on the weighted average hourly rate of \$318.27 an hour. The OEB awards BOMA a total amount of \$2,877.15 (including HST).

The OEB otherwise finds that each of the Eligible Participants is entitled to 100% of its reasonably incurred costs.

The OEB finds that the claims of Anwaatin, AMPCO, CCC, EVS, Energy Probe, Environmental Defence, FRPO, GEC, IGUA, LPMA, LIEN, Pollution Probe, QMA, SEC, SPL and VECC, and the adjusted claim of BOMA, are reasonable and shall be

apportioned to, and reimbursed by each Rate-regulated utility based on cost assessment model. The OEB approves cost awards as outlined in Schedule A to this Decision and Order.

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. 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 approved cost awards whereby the OEB will act as a clearing house for all payments of cost awards. Consistent with this process, each Rate-regulated Utility is issued one invoice that covers all cost awards payable for the relevant period. As a result, the invoice may cover cost awards payable in relation to a number of proceedings and consultations, including this proceeding. The invoice will be sent out at the same time as the invoices for cost assessments under section 26 of the OEB Act are sent out, and payment will be due at the same time that cost assessments are due. The OEB makes payment to each Eligible Participant once 80% of the costs have been recovered by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Each Rate-regulated Utility in Schedule A to this Decision and Order shall make a payment to the OEB with the amount referred to in Schedule A, upon receiving an invoice from the OEB.

DATED at Toronto November 3, 2022

ONTARIO ENERGY BOARD

Theodore Antonopoulos
Vice President
Applications Division

Schedule A

OEB's Decision and Order on Cost Awards

EB-2022-0011

Electricity Distribution System Owner/Operator	Anwaatin Inc.	Association of Major Power Consumers in Ontario	Building Owners & Managers Association	Consumer Council of Canada	Electric Vehicle Society	Energy Probe Research Foundation	Environmental Defence	Federation of Rental-housing Providers of Ontario	Green Energy Coalition	Industrial Gas Users Association	London Property Management Association	Low Income Energy Network	Pollution Probe	Quinte Manufacturers Association	School Energy Coalition	Scott Petrie Law Firm LLP	Vulnerable Energy Consumers Coalition	Cost Awards	Total Costs
Algoma Power Inc.	2.37	3.91	3.77	3.91	2.24	3.68	3.43	3.91	3.91	3.91	3.91	3.76	3.90	1.77	3.90	2.79	3.59	58.66	58.66
Alectra Utilities Corporation	207.13	341.77	329.62	341.77	196.39	322.11	300.34	341.77	341.77	341.77	341.77	328.82	341.77	154.86	341.77	244.03	314.37	5,131.83	5,131.83
Bluewater Power Distribution Corporation	7.17	11.83	11.41	11.83	6.80	11.15	10.39	11.83	11.83	11.83	11.83	11.38	11.83	5.35	11.83	8.45	10.88	177.62	177.62
Burlington Hydro Inc.	13.31	21.96	21.18	21.96	12.62	20.70	19.30	21.96	21.96	21.96	21.96	21.13	21.96	9.95	21.96	15.68	20.20	329.75	329.75
Canadian Niagara Power Inc.	5.82	9.61	9.26	9.60	5.52	9.05	8.43	9.60	9.60	9.60	9.60	9.23	9.60	4.35	9.60	6.85	8.83	144.15	144.15
Centre Wellington Hydro Ltd.	1.43	2.36	2.28	2.36	1.36	2.22	2.07	2.36	2.36	2.36	2.36	2.27	2.36	1.07	2.36	1.68	2.17	35.43	35.43
E.L.K. Energy Inc.	2.37	3.91	3.77	3.91	2.24	3.68	3.43	3.91	3.91	3.91	3.91	3.76	3.91	1.77	3.91	2.78	3.59	58.65	58.65
Elexicon Energy	33.22	54.82	52.87	54.82	31.50	51.66	48.17	54.82	54.82	54.82	54.82	52.74	54.82	24.83	54.82	39.14	50.43	823.12	823.12
Enova Power Corp	30.75	50.74	48.93	50.74	29.15	47.82		50.74	50.74	50.74	50.74	48.81	50.74	22.99	50.74	36.23	46.67	761.86	761.86
Entegrus Powerlines Inc.	11.91	19.65	18.95	19.65	11.29	18.52	17.27	19.65	19.65	19.65	19.65	18.91	19.65	8.90	19.65	14.03	18.08	295.06	295.06
Enwin Utilities Ltd.	17.54	28.93	27.90	28.93	16.63	27.27	25.43	28.93	28.93	28.93	28.93	27.84	28.93	13.11	28.93	20.66	26.61	434.43	434.43
EPCOR Electricity Distribution Ontario Inc	3.58	5.91	5.70	5.91	3.39	5.57	5.19	5.91	5.91	5.91	5.91	5.68	5.91	2.68	5.91	4.22	5.43	88.72	88.72
ERTH Power Corporation	4.64	7.66	7.39	7.66	4.40	7.22	6.73	7.66	7.66	7.66	7.66	7.37	7.66	3.47	7.66	5.47	7.05	115.02	115.02
Essex Powerlines Corporation	5.98	9.87	9.52	9.87	5.67	9.31	8.68	9.87	9.87	9.87	9.87	9.50	9.87	4.47	9.87	7.05	9.09	148.23	148.23
Festival Hydro Inc.	4.24	7.00	6.75	7.00	4.02	6.60	6.15	7.00	7.00	7.00	7.00	6.73	7.00	3.17	7.00	5.00	6.44	105.10	105.10
GrandBridge Energy Inc.	21.16	34.91	33.67	34.91	20.06	32.90	30.68	34.91	34.91	34.91	34.91	33.59	34.91	15.81	34.91	24.92	32.11	524.18	524.18
Greater Sudbury Hydro Inc.	9.27	15.29	14.75	15.29	8.79	14.41	13.44	15.29	15.29	15.29	15.29	14.71	15.29	6.93	15.29	10.92	14.07	229.61	229.61
Grimsby Power Incorporated	2.30	3.79	3.66	3.79	2.18	3.57	3.33	3.79	3.79	3.79	3.79	3.65	3.79	1.71	3.79	2.71	3.49	56.92	56.92
Halton Hills Hydro Inc.	4.40	7.26	7.01	7.26	4.17	6.85	6.38	7.26	7.26	7.26	7.26	6.99	7.26	3.29	7.26	5.19	6.68	109.04	109.04
Hydro Hawkesbury Inc.	1.08	1.78	1.72	1.78	1.02	1.68	1.57	1.78	1.78	1.78	1.78	1.71	1.78	0.81	1.78	1.27	1.64	26.74	26.74
Hydro One Networks Inc.	278.83	460.07	443.72	460.08	264.37	433.61	404.30	460.08	460.08	460.08	460.08	442.65	460.08	208.47	460.08	328.51	423.19	6,908.28	6,908.28
Hydro Ottawa Limited	68.42	112.89	108.87	112.88	64.87	106.39	99.20	112.89	112.89	112.89	112.89	108.61	112.89	51.15	112.89	80.60	103.83	1,695.05	1,695.05
Innpower Corporation	3.82	6.30	6.07	6.30	3.62	5.93	5.53	6.30	6.30	6.30	6.30	6.06	6.30	3.00	6.30	4.49	5.79	94.71	94.71
Kingston Hydro Corporation	5.42	8.94	8.63	8.94	5.14	8.43	7.86	8.94	8.94	8.94	8.94	8.61	8.94	4.05	8.94	6.39	8.23	134.28	134.28
Lakefront Utilities Inc.	2.08	3.45	3.31	3.44	1.97	3.24	3.03	3.44	3.44	3.44	3.44	3.31	3.44	1.55	3.44	2.45	3.16	51.63	51.63
Lakeland Power Distribution Ltd.	2.75	4.53	4.37	4.53	2.60	4.27	3.98	4.53	4.53	4.53	4.53	4.36	4.53	2.05	4.53	3.23	4.17	68.02	68.02
London Hydro Inc.	31.78	52.44	50.58	52.44	30.13	49.43	46.09	52.44	52.44	52.44	52.44	50.46	52.44	23.76	52.44	37.44	48.24	787.43	787.43

Electricity Distribution System Owner/Operator	Anwaatin Inc.	Association of Major Power Consumers in Ontario	Building Owners & Managers Association	Consumer Council of Canada	Electric Vehicle Society	Energy Probe Research Foundation	Environmental Defence	Federation of Rental-housing Providers of Ontario	Green Energy Coalition	Industrial Gas Users Association	London Property Management Association	Low Income Energy Network	Pollution Probe	Quinte Manufacturers Association	School Energy Coalition	Scott Petrie Law Firm LLP	Vulnerable Energy Consumers Coalition	Cost Awards	Total Costs
Milton Hydro Distribution Inc.	8.15	13.45	12.97	13.45	7.73	12.67	11.82	13.45	13.45	13.45	13.45	12.94	13.45	6.09	13.45	9.60	12.37	201.94	201.94
Newmarket-Tay Power Distribution Ltd.	8.62	14.22	13.72	14.22	8.17	13.41	12.49	14.22	14.22	14.22	14.22	13.69	14.22	6.45	14.22	10.16	13.08	213.55	213.55
Niagara Peninsula Energy Inc.	11.19	18.46	17.80	18.46	10.61	17.39	16.22	18.46	18.46	18.46	18.46	17.76	18.46	8.36	18.46	13.18	16.98	277.17	277.17
Niagara-on-the-lake Hydro Inc.	1.88	3.11	3.00	3.11	1.79	2.93	2.73	3.11	3.11	3.11	3.11	2.99	3.11	1.40	3.11	2.22	2.85	46.67	46.67
North Bay Hydro Distribution Limited	4.70	7.76	7.48	7.76	4.46	7.31	6.83	7.76	7.76	7.76	7.76	7.46	7.76	3.51	7.76	5.54	7.14	116.51	116.51
Northern Ontario Wires Inc.	1.15	1.91	1.83	1.90	1.09	1.79	1.67	1.90	1.90	1.90	1.90	1.82	1.90	0.85	1.90	1.35	1.74	28.50	28.50
Oakville Hydro Electricity Distribution Inc.	14.54	24.00	23.14	24.00	13.79	22.61	21.09	24.00	24.00	24.00	24.00	23.09	24.00	10.87	24.00	17.13	22.07	360.33	360.33
Orangeville Hydro Limited	2.47	4.08	3.94	4.08	2.34	3.85	3.59	4.08	4.08	4.08	4.08	3.93	4.07	1.84	4.07	2.91	3.75	61.24	61.24
Oshawa PUC Networks Inc.	11.62	19.11	18.50	19.18	11.02	18.08	16.86	19.18	19.18	19.18	19.18	18.45	19.18	8.69	19.18	13.69	17.64	287.92	287.92
Ottawa River Power Corporation	2.24	3.69	3.56	3.69	2.12	3.48	3.24	3.69	3.69	3.69	3.69	3.55	3.69	1.67	3.69	2.63	3.39	55.40	55.40
PUC Distribution Inc.	6.56	10.82	10.43	10.82	6.22	10.20	9.51	10.81	10.81	10.81	10.81	10.41	10.82	4.90	10.82	7.73	9.95	162.43	162.43
Rideau St. Lawrence Distribution Inc.	1.15	1.91	1.82	1.90	1.09	1.79	1.68	1.90	1.90	1.90	1.90	1.83	1.90	0.86	1.90	1.36	1.75	28.54	28.54
Synergy North Corporation	11.03	18.19	17.55	18.19	10.45	17.15	15.99	18.19	18.19	18.19	18.19	17.5	18.19	8.24	18.19	12.99	16.74	273.16	273.16
Tillsonburg Hydro Inc.	1.54	2.53	2.44	2.53	1.46	2.39	2.23	2.53	2.53	2.53	2.53	2.43	2.53	1.14	2.53	1.82	2.33	38.02	38.02
Toronto Hydro-Electric System Limited	152.13	251.02	242.10	251.02	144.26	236.58	220.60	251.02	251.02	251.02	251.02	241.51	251.02	113.74	251.02	179.23	230.90	3,769.21	3,769.21
Wasaga Distribution Inc.	2.80	4.63	4.46	4.62	2.66	4.36	4.07	4.63	4.63	4.63	4.63	4.45	4.63	2.09	4.63	3.31	4.25	69.48	69.48
Welland Hydro-Electric System Corp.	4.77	7.87	7.59	7.87	4.52	7.42	6.90	7.87	7.87	7.87	7.87	7.57	7.87	3.56	7.87	5.62	7.23	118.14	118.14
Westario Power Inc.	4.69	7.73	7.46	7.73	4.44	7.29	6.79	7.73	7.73	7.73	7.73	7.44	7.73	3.50	7.73	5.52	7.11	116.08	116.08

Electricity Distribution System Owner/Operator																			
Total	1,034.00	1,706.07	1,645.45	1,706.09	980.36	1,607.97	1,499.30	1,706.10	1,706.10	1,706.10	1,706.10	1,641.47	1,706.09	773.08	1,706.09	1,218.17	1,569.30	25,617.82	25,617.82

Electricity Transmission System Owner/Operator	Anwaatin Inc.	Associatio n of Major Power Consumers in Ontario	Building Owners & Managers Associatio n	Consumer Council of Canada	Electric Vehicle Society	Energy Probe Research Foundation	Environmental Defence	Federation of Rental-housing Providers of Ontario	Green Energy Coalition	Industrial Gas Users Associatio n	London Property Management Association	Low Income Energy Network	Pollution Probe	Quinte Manufacturer s Association	School Energy Coalition	Scott Petrie Law Firm LLP	Vulnerable Energy Consumers Coalition	Cost Awards	Total Costs
B2M Limited Partnership	2.77	4.58	4.42	4.58	2.63	4.31	4.02	4.58	4.58	4.58	4.58	4.40	4.58	2.07	4.58	3.27	4.21	68.74	68.74
Hydro One Sault Ste. Marie Inc. on behalf of Hydro One Sault Ste. Marie LP	3.12	5.14	4.96	5.14	2.95	4.85	4.52	5.14	5.14	5.14	5.14	4.95	5.14	2.33	5.14	3.67	4.73	77.20	77.20
Hydro One Networks Inc.	134.58	222.05	214.15	222.05	127.60	209.28	195.14	222.04	222.04	222.04	222.04	213.64	222.04	100.62	222.04	158.55	204.25	3,334.15	3,334.15
Electricity Transmission System Owner/Operator																			
Total	140.47	231.77	223.53	231.77	133.18	218.44	203.68	231.76	231.76	231.76	231.76	222.99	231.76	105.02	231.76	165.49	213.19	3,480.09	3,480.09

Gas Distributor, Transmitter, Storage Company	Anwaatin Inc.	Association of Major Power Consumers in Ontario	Building Owners & Managers Association	Consumer Council of Canada	Electric Vehicle Society	Energy Probe Research Foundation	Environmenta l Defence	Federation of Rental- housing Providers of Ontario	Green Energy Coalition	Industrial Gas Users Association	London Property Management Association	Low Income Energy Network	Pollution Probe	Quinte Manufactur ers Association	School Energy Coalition	Scott Petrie Law Firm LLP	Vulnerable Energy Consumers Coalition	Cost Awards	Total Costs
Enbridge Gas Inc	477.92	788.58	760.54	788.57	453.13	743.21	692.98	788.57	788.57	788.57	788.57	758.71	788.57	357.32	788.57	563.05	725.35	11,840.78	11,840.78
EPCOR Natural Gas Limited Partnership	1.50	2.48	2.39	2.48	1.42	2.33	2.18	2.48	2.48	2.48	2.48	2.38	2.48	1.12	2.48	1.77	2.28	37.21	37.21
Gas Total	479.42	791.06	762.93	791.05	454.55	745.54	695.16	791.05	791.05	791.05	791.05	761.09	791.05	358.44	791.05	564.82	727.63	11,877.99	11,877.99

IESO/OPG	Anwaatin Inc.	Association of Major Power Consumers in Ontario	Building Owners & Managers Associatio n	Consumer Council of Canada	Electric Vehicle Society	Energy Probe Research Foundation	Environmen tal Defence	Federation of Rental- housing Providers of Ontario	Green Energy Coalition	Industrial Gas Users Association	London Property Management Association	Low Income Energy Network	Pollution Probe	Quinte Manufactur ers Associatio n	School Energy Coalition	Scott Petrie Law Firm LLP	Vulnerable Energy Consumers Coalition	Cost Awards	Total Costs
IESO	80.45	132.75	128.02	132.75	76.28	125.11	116.66	132.75	132.75	132.75	132.75	127.72	132.75	60.15	132.75	94.79	122.11	1,993.29	1,993.29
OPG	73.66	121.55	117.22	121.54	69.84	114.54	106.80	121.54	121.54	121.54	121.54	116.93	121.55	55.07	121.55	86.78	111.79	1,824.98	1,824.98
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IESO/OPG Total	154.11	254.30	245.24	254.29	146.12	239.65	223.46	254.29	254.29	254.29	254.29	244.65	254.30	115.22	254.30	181.57	233.90	3,818.27	3,818.27
Grand Total	\$ 1,808.00	\$ 2,983.20	\$ 2,877.15	\$ 2,983.20	\$ 1,714.21	\$ 2,811.60	\$ 2,621.60	\$ 2,983.20	\$ 2,983.20	\$ 2,983.20	\$ 2,983.20	\$ 2,870.20	\$ 2,983.20	\$ 1,351.76	\$ 2,983.20	\$ 2,130.05	\$ 2,744.02	\$ 44,794.17	\$ 44,794.17

Note: Total intervenor costs of \$202.42 allocated to the utilities noted below were reallocated to the 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).

Electricity Distributors:	Amount
Atikokan Hydro Inc.	7.73
Attawapiskat Power Corporation	2.49
Chapleau Public Utilities Corporation	5.85
Cooperative Hydro Embrun Inc.	11.68
Espanola Regional Hydro Distribution Corporation	15.99
Fort Albany Power Corporation	1.47
Fort Frances Power Corporation	17.86
Hearst Power Distribution Company Limited	12.97
Hydro 2000 Inc.	6.03
Hydro One Remote Communities Inc.	20.82
Kashechewan Power Corporation	2.07
Renfrew Hydro Inc.	20.84
Sioux Lookout Hydro Inc.	13.87
Wellington North Power Inc.	18.83

Electricity Transmitters:	
Canadian Niagara Power Inc.	9.6
Five Nations Energy Inc.	16.48
Niagara Reinforcement Limited Partnership	17.84

TOTAL	\$ 202.42
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