



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

DECISION AND ORDER ON COST AWARDS

EB-2021-0002

ENBRIDGE GAS INC.

**Application for Multi-Year Natural Gas Demand Side
Management Plan (2022 to 2027)**

BEFORE: Michael Janigan
Presiding Commissioner

Anthony Zlahtic
Commissioner

Patrick Moran
Commissioner

January 31, 2023

OVERVIEW

Enbridge Gas Inc. (Enbridge Gas) filed a multi-year natural gas demand side management (DSM) plan application with the Ontario Energy Board (OEB) on May 3, 2021 under section 36(1) of the *Ontario Energy Board Act, 1998*.

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

- Anwaatin Inc. (Anwaatin)
- Association of Power Producers of Ontario (APPrO)
- Building Owners and Managers Association (BOMA)
- 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)
- Green Energy Coalition (GEC)
- Housing Services Corporation (HSC)
- Industrial Gas Users Association (IGUA)
- London Property Management Association (LPMA)
- Low Income Energy Network (LIEN)
- Ontario Greenhouse Vegetable Growers (OGVG)
- Ontario Sustainable Energy Association (OSEA)
- Pollution Probe
- School Energy Coalition (SEC)
- Small Business Utility Alliance (SBUA)
- Vulnerable Energy Consumers Coalition (VECC)

On November 15, 2022, the OEB issued its Decision and Order on this application, subsequently revised on December 16, 2022 in which it set out the process for cost claims.

The OEB received cost claims from Anwaatin, APPrO, BOMA, CCC, CME, Energy Probe, Environmental Defence, FRPO, GEC, IGUA, LPMA, LIEN, OSEA, OGVG, Pollution Probe, SEC, SBUA and VECC. HSC did not file a cost claim. On December 12, 2022, Enbridge Gas indicated that it does not have any objections to the cost claims filed by intervenors filed by that date but noted that FRPO had not received FRPO's cost claim. On December 16, 2022, Enbridge Gas filed a subsequent letter indicating that it does not object to FRPO's cost claim, which was filed on December 14, 2022.

Findings

The OEB has reviewed the claims filed to ensure that they are compliant with the OEB's *Practice Direction on Cost Awards*. The OEB approves the cost claims from Anwaatin, APPRO, CME, CCC, EP, ED, GEC, IGUA, LPMA, LIEN, OSEA, OGVG, Pollution Probe, SEC and VECC as filed.

The OEB found that, in general, these intervenors contributed to a better understanding of the issues in this proceeding and the time spent by each corresponded with their efforts. Among the intervenors, the OEB found Environmental Defence's expert witness supported intervention particularly efficient and responsive to the objective of the proceeding. Although Pollution Probe's cost claim has been approved as filed, the OEB expects that Pollution Probe will provide a more concise oral hearing cross-examination to be more helpful to the OEB in the future.

The OEB found that some cost claims were excessive. Where the focus of an intervention was largely on one issue or interest, the time spent, and amount of costs requested, should reflect the scope of the intervenor. Although BOMA was primarily concerned with the Energy Performance Program, and in particular, the sole offering – the Whole Building Pay for Performance offering, BOMA claimed 376 hours spent for its intervention. The number of hours claimed for preparation of evidence and for different elements of the proceeding, including oral hearing preparation, oral hearing attendance and written submission preparation, did not align well with the results of its efforts that included a final seven-page written argument submission solely focused on the one program offering. Due to these reasons, BOMA's overall cost claim is reduced by 100 hours. The OEB has applied BOMA's weighted-average-hourly rate of \$296.69 and has reduced BOMA's cost claim by \$33,525.55, including taxes.

FRPO's primary area of focus concerned private low-income rental customers. While the intervention was directed to that issue, the claim of 172 hours is excessive. As FRPO's participation was largely centered on one topic area and did not include the filing of evidence, the hours claimed for its participation exceeded all other interventions that similarly participated with a narrow focus without calling evidence. Due to the disproportionate costs relative to participation, FRPO's claim is reduced by 50 hours. FRPO's cost claim has been reduced by \$18,645.00, including taxes.

SBUA filed evidence and participated in the proceeding with a focus on the needs of small business customers for accessible energy efficiency measures. While the OEB recognizes that SBUA's expert evidence and its participation were directed to small business issues and the ability of DSM programs to address those issues, the number of hours claimed is excessive. Even allowing for full recovery of hours spent preparing

evidence (139.55 hours), there were close to 460 additional hours spent in preparation for various aspects of the proceeding, evidence review, submissions and attendance of various SBUA representatives. This is more time than what would have been reasonably expected, given the ambit of SBUA's proposed intervention. The OEB has accordingly reduced SBUA's claim by 200 hours. The OEB has applied the weighted-average-hourly rate of \$292.84 and has reduced SBUA's cost claim by \$66,181.62, including taxes.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Enbridge Gas shall immediately pay the following amounts to the intervenors for their costs:

• Anwaatin Inc.	\$31,408.35
• Association of Power Producers of Ontario	\$24,065.61
• Building Owners and Managers Association	\$92,668.06
• Canadian Manufacturers & Exporters	\$27,081.58
• Consumers Council of Canada	\$60,782.70
• Energy Probe Research Foundation	\$28,818.90
• Environmental Defence	\$116,205.81
• Federation of Rental-housing Providers of Ontario	\$45,493.80
• Green Energy Coalition	\$223,322.58
• Industrial Gas Users Association	\$51,462.46
• London Property Management Association	\$56,009.58
• Low Income Energy Network	\$47,871.32
• Ontario Greenhouse Vegetable Growers	\$35,096.67
• Ontario Sustainable Energy Association	\$20,755.85
• Pollution Probe	\$72,715.52
• School Energy Coalition	\$136,570.67
• Small Business Utility Alliance	\$132,197.85
• Vulnerable Energy Consumers Coalition	\$40,645.73

DATED at Toronto January 31, 2023

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar