



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

DECISION AND ORDER ON COST AWARDS

EB-2021-0243

ONTARIO ENERGY BOARD

**Generic Hearing on Uniform Transmission Rates-Related Issues
and the Export Transmission Service Rate**

BEFORE: **Pankaj Sardana**
 Presiding Commissioner

Anthony Zlahtic
Commissioner

February 2, 2023

OVERVIEW

Hydro One Networks Inc. (Hydro One) filed an application with the OEB on August 5, 2021, for approval of its 2023-2027 transmission and distribution rates.¹ Included in that application was evidence filed by Hydro One related to the ETS rate. Subsequently, the OEB decided to address the ETS rate through a generic proceeding to lend focus to the issue and facilitate participation by transmitters and other stakeholders.

The Notice of Hearing issued on October 15, 2021 provided that the OEB would grant to any intervenors the same cost eligibility status as was granted in Hydro One's 2023-2027 Joint Rate Application.

On November 24, 2022, the OEB issued its Decision and Order in which it set out the process for cost claims. On December 16, 2022, the OEB issued its Procedural Order No. 4 and determined that all rate-regulated electricity transmitters were to be responsible for the costs of this proceeding under Section 30 of the *Ontario Energy Board Act, 1998*, based on the OEB's Cost Assessment Model.

The OEB received cost claims from the following participants (collectively the Eligible Participants):

- Anwaatin Inc. (Anwaatin)
- Association of Major Power Consumers in Ontario (AMPCO)
- Association of Power Producers of Ontario (APPrO)
- Canadian Manufacturers & Exporters (CME)
- Consumers Council of Canada (CCC)
- Energy Probe Research Foundation (Energy Probe)
- London Property Management Association (LPMA)
- Pollution Probe
- School Energy Coalition (SEC)
- Vulnerable Energy Consumers Coalition (VECC)

On January 12, 2023, Hydro One stated that it had no objections to the cost claims.

¹ EB-2021-0110

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 finds that Pollution Probe's cost claim is excessive and not consistent with the claims from other parties for a similar level of effort. The OEB will reduce Pollution Probe's award to an amount more consistent with the average cost award in this proceeding for intervenors that did not present evidence. The OEB has reduced Pollution Probe's cost award from 85.25 hours to 75 hours for a total reduction of \$3,822.23 (inclusive of HST).

The OEB further finds the cost claim by CCC to also be excessive, particularly with respect to the hours claimed for written submissions, and will reduce CCC's cost claim from 28 hours to 24 hours for a total reduction of \$1,491.60 (inclusive of HST).

Mr. Naren Pattani is not eligible to apply for cost awards. However, for his exemplary contribution to this proceeding, the OEB will award Mr. Pattani an honorarium of \$1,000. This honorarium is in accordance with section 3.08 of the Practice Direction.

The OEB finds that the cost claims of the other parties are reasonable, and each of these cost claims shall be reimbursed by each Rate-regulated electricity transmitter based on the OEB's Cost Assessment Model. The OEB approves cost awards for the Eligible Participants as follows:

• Anwaatin Inc.	\$10,525.95
• Association of Major Power Consumers in Ontario	\$23,780.85
• Association of Power Producers of Ontario	\$132,178.37
• Canadian Manufacturers & Exporters	\$14,970.24
• Consumers Council of Canada	\$8,949.60
• Energy Probe Research Foundation	\$22,844.25
• London Property Management Association	\$18,085.65
• Pollution Probe	\$27,967.50
• School Energy Coalition	\$36,936.33
• Vulnerable Energy Consumers Coalition	\$44,590.26
• Mr. Naren Pattani	\$1,000.00

As indicated in the Procedural Order No.4, any other costs incurred in this proceeding are also to be apportioned amongst all Rate-regulated electricity transmitters in the same manner as under the OEB's Cost Assessment Model. The OEB also approves an

amount of \$88,891.02 for recovery from Rate-regulated electricity transmitters associated with the OEB's costs incidental to this proceeding, specifically in respect of court reporters and publishing costs.

Process for Paying the Cost Awards

The amount payable by each Rate-regulated electricity transmitter 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 electricity transmitter 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 electricity transmitter 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 electricity transmitter 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 February 2, 2023

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar

Schedule A
OEB’s Decision and Order on Cost Awards

EB-2021-0243

Electricity Transmission System Owner/Operator	Anwaatin Inc.	Association of Major Power Consumers of Ontario	Association of Power Producers of Ontario	Canadian Manufacturers & Exporter	Consumer Council of Canada	Energy Probe Research Foundation	London Property management Association	Pollution Probe	School Energy Coalition	Vulnerable Energy Consumers Coalition	Naren Pattani	Cost Awards	OEB Costs	Total Costs
B2M Limited Partnership	205.31	463.84	2,578.10	291.99	174.56	445.57	352.75	545.50	720.43	869.72	19.50	6,667.26	1,733.79	8,401.05
Canadian Niagara Power Inc.	28.81	65.08	361.75	40.97	24.49	62.52	49.50	76.54	101.09	122.03	2.74	935.52	243.28	1,178.80
Five Nations Energy Inc.	49.46	111.74	621.08	70.34	42.05	107.34	84.98	131.41	173.56	209.52	4.70	1,606.18	417.68	2,023.85
Hydro One Sault Ste. Marie Inc. on behalf of Hydro One Sault Ste. Marie LP	230.61	521.01	2,895.89	327.98	196.08	500.49	396.24	612.74	809.24	976.93	21.91	7,489.11	1,947.51	9,436.62
Niagara Reinforcement Limited Partnership	53.55	120.98	672.42	76.16	45.53	116.21	92.01	142.28	187.90	226.84	5.09	1,738.95	452.21	2,191.16
Hydro One Networks Inc.	9,958.22	22,498.20	125,049.15	14,162.80	8,466.89	21,612.11	17,110.18	26,459.03	34,944.12	42,185.22	946.06	323,391.98	84,096.56	407,488.54
Grand Total	\$10,525.95	\$23,780.85	\$132,178.37	\$14,970.24	\$8,949.60	\$22,844.25	\$18,085.65	\$27,967.50	\$36,936.33	\$44,590.26	\$1,000.00	\$341,829.00	\$88,891.02	\$430,720.02