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DECISION AND ORDER ON COST AWARDS

EB-2015-0245

Natural Gas Demand Side Management

Evaluation Advisory Committee

By Delegation Before: Theodore Antonopoulos
Vice President, Applications Division

June 1, 2023

OVERVIEW

On August 21, 2015 the Ontario Energy Board (OEB) issued [a letter](#) establishing the process to evaluate the results of Natural Gas Demand Side Management (DSM) programs. As part of the OEB's evaluation process, an Evaluation Advisory Committee (EAC), made up of experts representing both utility and non-utility stakeholders was formed. In the August 21, 2015 letter, the OEB stated that cost awards would be available to eligible persons under section 30 of the *Ontario Energy Board Act, 1998* (OEB Act) in relation to their participation in the EAC.

Based on the criteria set out in section 3 of the OEB's *Practice Direction on Cost Awards*, the OEB determined that the following persons are eligible (the Eligible Participants) for an award of costs:

- Chris Neme, Energy Futures Group
- Jay Shepherd, Shepherd Rubenstein Professional Corporation
- Dr. Ted Kesik, University of Toronto
- Robert M. Wirtshafter, Wirtshafter Associates, Inc.

The August 21, 2015 letter indicated that costs awarded would be recovered from all rate-regulated natural gas distributors based on their respective distribution revenues. This apportionment was consistent with the methodology that was in place at the time for allocating costs for cost assessment purposes under section 26 of the OEB Act.

On February 9, 2016, the OEB issued [a letter](#) giving notice of changes to its Cost Assessment Model. Specifically, the OEB indicated that under the revised Cost Assessment Model, cost assessments for distributors would now be based on customer numbers rather than revenues. Since that time, the OEB has apportioned cost awards for this initiative in a manner consistent with the revised Cost Assessment Model, apportioning costs within the distributor class based on customer numbers rather than revenues.

On April 6, 2023, the OEB issued a Notice of Hearing for Cost Awards in relation to EAC activities from January 1, 2022 to January 31, 2023. The OEB received cost claims from Chris Neme, Energy Futures Group, Jay Shepherd, Shepherd Rubenstein Professional Corporation, Dr. Ted Kesik, University of Toronto and Robert Wirtshafter, Wirtshafter Associates, Inc. On April 28, 2023, Enbridge Gas Inc. filed a letter stating that it had no objections with the cost claims. No comments on cost claims were received by EPCOR Natural Gas Limited Partnership.

Findings

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

The OEB finds that the claims are reasonable and within the maximum number of hours eligible for cost awards. The OEB approves cost awards for the Eligible Participants as follows:

- Chris Neme, Energy Futures Group \$2,970.00
- Jay Shepherd, Shepherd Rubenstein Professional Corporation \$10,441.21
- Dr. Ted Kesik, University of Toronto \$10,395.00
- Robert M. Wirtshafter, Wirtshafter Associates, Inc. \$5,223.90

The OEB also approves an amount of \$24,637.33 for recovery of the OEB's costs of and incidental to this consultation from rate-regulated natural gas distributors.

Process for Paying the Cost Awards

The amount payable by each rate-regulated natural gas distributor 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 distributor to the Eligible Participant.

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 distributor 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.

To address the OEB's costs, including expert DSM evaluation consultant costs, the OEB will proceed by way of progress billing and invoice the distributors on an ad hoc basis. This will ensure timely billing for all parties as the OEB's evaluation activities included within this consultation process can span multiple financial years.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Each distributor listed in Schedule A to this Decision and Order will receive an invoice from the OEB that includes the total costs set out in Schedule A.
2. Each distributor in Schedule A to this Decision and Order shall make a payment to the OEB in accordance with the invoice referred to in paragraph 1. The payment shall be due at the same time as all other cost assessments under section 26 of the OEB Act.

DATED at Toronto June 1, 2023

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar

Schedule A

OEB's Decision and Order on Cost Awards

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Gas Distributor, Transmitter, Storage Company	Chris Neme, Energy Future Group	Dr. Ted Kesik, University of Toronto	Jay Shepherd, Shepherd Rubenstein Professional Corporation	Robert M. Wirtshafter, Wirtshafter Associates, Inc.	Cost Awards	OEB Costs	Total Costs
Enbridge Gas Inc.	\$2,960.32	\$10,361.13	\$10,407.19	\$5,206.88	\$28,935.52	\$24,557.06	\$53,492.58
EPCOR Natural Gas Limited Partnership	\$9.68	\$33.87	\$34.02	\$17.02	\$94.59	\$80.27	\$174.86
Gas Distributor, Transmitter, Storage Company Total	\$2,970.00	\$10,395.00	\$10,441.21	\$5,223.90	\$29,030.11	\$24,637.33	\$53,667.44