



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

DECISION AND ORDER ON COST AWARDS

EB-2023-0061

HYDRO ONE SAULT STE. MARIE LIMITED PARTNERSHIP

**Application for leave to construct: refurbishment of the existing
section of electricity transmission line between Third Line
Transformer Station and Mackay Transformer Station**

BEFORE: **Fred Cass**
Presiding Commissioner

Robert Dodds
Commissioner

Anthony Zlatic
Commissioner

February 29, 2024

OVERVIEW

This is a decision on cost claims with respect to an application filed by Hydro One Sault Ste. Marie Limited Partnership (HOSSM), for an order granting leave to construct refurbishment of an electricity transmission line between Third Line Transformer Station and Mackay Transformer Station and the associated facilities in the North-West area of Ontario.

The Ontario Energy Board (OEB) granted Algoma Power Inc. (API), Batchewana First Nation (BFN), the Independent Electricity System Operator (IESO), and Perimeter Forest Limited Partnership (PFLP) intervenor status, while BFN and PFLP were granted cost award eligibility.

On December 7, 2024, the OEB issued its Decision and Order which set out, among other matters, the process for cost claims. Intervenors were to file cost claims by December 14, 2024.

On December 19, 2023, BFN filed a request to have the cost claim deadline extended to the second or third week of January 2024 due to a planned vacation. The OEB approved BFN's request to file its cost claim by January 15, 2024.

The OEB received cost claims from BFN and PFLP. No objections to the cost claims were received from HOSSM.

Findings

The OEB has reviewed the cost claims made by BFN and PFLP to ensure that they are compliant with the OEB's *Practice Direction on Cost Awards* (Practice Direction).

The OEB approves PFLP's cost claim, but it does not approve the entirety of the cost claim made by BFN. For the reasons that follow, BFN's cost claim is reduced from \$16,733.71 to \$ 11,573.55.

BFN claimed 19 hours for preparation of interrogatories on the evidence filed by HOSSM. BFN submitted six interrogatories, each of which was comprised of one or more sub-questions. While the responses to these interrogatories were of value to the OEB in its deliberations, the OEB is of the view that the claimed total of 19 hours is not reasonable for the preparation of the six interrogatories submitted by BFN. The OEB finds that 12 hours is reasonable for preparation of the interrogatories and it allows 12 hours for this item in the BFN cost claim.

BFN claimed 19.9 hours for communication between its consultant and BFN. The OEB recognizes the importance of good communication between BFN and its consultant.

However, the OEB is of the view that, on the record of this case, there is not a reasonable basis for the claimed total of 19.9 hours of communication between BFN and its consultant.

The BFN cost claim in respect of the work of the consultant totals 27.2 hours. The consultant's invoice filed with the cost claim provides a breakdown of the 27.2 total hours and shows that 10 hours were spent on travel time. For reasons given below, these 10 hours of travel time are disallowed. This reduction of 10 hours for travel time leaves 17.2 hours for the consultant's review of the application and evidence, review of interrogatory responses and communication with the client. The OEB finds that the reduced total of 17.2 hours is reasonable for these activities by the consultant and it allows 17.2 hours for these activities included in the BFN cost claim.

As for the 10 hours of travel time, the Practice Direction¹ states that travel time spent working should be claimed as preparation time, with the appropriate time documented, and that there will be no compensation for other hours spent in travel. Given that no claim has been made for travel time spent working, with the appropriate time documented, the OEB has no basis to re-allocate any of the travel time as preparation time. But, according to the Practice Direction, there is no compensation for travel hours other than time spent working that is claimed as preparation time. For these reasons, the OEB disallows the 10 hours of travel time.

The OEB also disallows a disbursement of \$250.16 claimed in respect of amounts paid by BFN's consultant for meals, which is not in compliance with the provisions of the Practice Direction.²

In summary, with a total reduction of \$4,910.00 to claimed service provider fees and a reduction of \$250.16 to claimed disbursements (meals), the OEB approves the BFN cost claim.

¹ Section 6.11 of the Practice Direction on Cost Awards

² Section 8.0 of the Travel, Meal and Hospitality Expenses Directive, Practice Direction on Cost Awards

THE ONTARIO ENERGY BOARD ORDERS THAT:

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

- Batchewana First Nation \$11,573.55
- Perimeter Forest Limited Partnership \$1,335.67

DATED at Toronto February 29, 2024

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar