



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

DECISION AND ORDER ON COST AWARDS

EB-2022-0094

A hearing on the Ontario Energy Board's own motion to consider the price paid by rate-regulated natural gas distributors and their customers for natural gas produced in Ontario

BEFORE: Allison Duff
Presiding Commissioner

Patrick Moran
Commissioner

David Sword
Commissioner

July 12, 2024

OVERVIEW

The Ontario Energy Board (OEB) initiated this proceeding on its own motion to consider the price paid by rate-regulated gas distributors for natural gas produced in Ontario.

The OEB granted the Canadian Biogas Association (CBA), Canadian Manufacturers and Exporters (CME), Energy Probe, Industrial Gas Users Association (IGUA), London Property Management Association (LPMA), and School Energy Coalition (SEC), intervenor status and cost award eligibility.

On May 14, 2024, the OEB issued its Decision on Settlement Proposal and Order in which it set out the process for cost claims. In that decision, the OEB stated that it will apportion costs between Enbridge Gas Inc. and EPCOR Natural Gas Partnership (ENGLP) based on customer numbers. The OEB received cost claims from CBA, CME, Energy Probe, IGUA, and SEC. No objections to the cost claims were received from Enbridge Gas or ENGLP.

Findings

The OEB has reviewed the claims to ensure that they are compliant with the OEB's *Practice Direction on Cost Awards* and finds them reasonable. This proceeding, on the OEB's own motion, involved a phased process that raised novel questions. The first phase raised questions relating to the OEB's jurisdiction, and the second phase raised questions relating to the contestability of connection facility costs for gas producers. The OEB finds the interventions were focused and helpful in both phases of the process, which ultimately resulted in an acceptable settlement of the contestability issue.

The OEB finds that the cost claims are reasonable and shall be reimbursed by Enbridge Gas and ENGLP.

The OEB approves cost awards for the Eligible Participants as follows:

- | | |
|--|-------------|
| • Canadian Biogas Association | \$18,980.61 |
| • Canadian Manufacturers and Exporters | \$3,144.79 |
| • Energy Probe | \$3,514.51 |
| • Industrial Gas Users Association | \$12,044.67 |
| • School Energy Coalition | \$8,513.42 |

Process for Paying the Cost Awards

The amounts payable by Enbridge Gas and ENGLP in relation to costs awarded to each eligible participant are listed in Schedule A to this Decision and Order. However, the amounts will not be paid directly by Enbridge Gas and ENGLP 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, Enbridge Gas and ENGLP will each be issued an invoice for their share of the 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 *Ontario Energy Board Act, 1998*, 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. Enbridge Gas and ENGLP shall make a payment to the OEB in accordance with the invoice set out in Schedule A.
2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Enbridge Gas and ENGLP shall pay the OEB's costs of, and incidental to, this proceeding immediately upon receipt of the OEB's invoice.

DATED at Toronto July 12, 2024

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar

SCHEDULE A - DECISION AND ORDER ON COST AWARDS - EB-2022-0094

Gas Distributor, Transmitter, Storage Company	Canadian Manufacturers & Exporters	Canadian Biogas Association	Energy Probe Research Foundation	Industrial Gas Users Association	School Energy Coalition	Total Cost Awards	OEB Cost	Total Cost
Enbridge Gas Inc.	3,133.21	18,910.72	3,501.57	12,000.32	8,482.07	46,027.89	11,358.02	57,385.91
EPCOR Natural Gas Limited Partnership	11.58	69.89	12.94	44.35	31.35	170.11	41.98	212.09
Gas Distributor, Transmitter, Storage Company Total	3,144.79	18,980.61	3,514.51	12,044.67	8,513.42	46,198.00	11,400.00	57,598.00
Grand Total	\$ 3,144.79	\$ 18,980.61	\$ 3,514.51	\$ 12,044.67	\$ 8,513.42	\$ 46,198.00	\$ 11,400.00	\$ 57,598.00