



**EB-2007-0662**

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*,  
S.O. 1998, c. 15, Schedule B;

**AND IN THE MATTER OF** cost award eligibility for  
interested parties in relation to a consultation regarding the  
*Affiliate Relationships Code for Electricity Distributors and  
Transmitters*.

**BEFORE:** Cynthia Chaplin  
Presiding Member

Ken Quesnelle  
Member

### **DECISION ON COST ELIGIBILITY**

On June 15, 2007, the Ontario Energy Board (the “Board”) issued a letter to interested parties inviting comments on a Research Paper prepared by Board staff on the Board’s *Affiliate Relationships Code for Electricity Distributors and Transmitters* (the “Electricity ARC”). That letter also notified interested parties that cost awards would be available to eligible persons under section 30 of the *Ontario Energy Board Act, 1998* in relation to their participation in this consultation process, and that any costs awarded would be recovered from rate-regulated licensed electricity distributors.

Thirty-four parties have indicated their interest in participating in this consultation process. All registered participants are posted on the Board’s website [http://www.oeb.gov.on.ca/html/en/industryrelations/ongoingprojects\\_research\\_arc\\_subs.htm](http://www.oeb.gov.on.ca/html/en/industryrelations/ongoingprojects_research_arc_subs.htm)

The Board has also received requests for cost eligibility from the following participants:

- Building Owners and Managers Association of Greater Toronto (“BOMA”);

- Consumers Council of Canada (“CCC”);
- Electrical Contractors Association of Ontario (“ECAO”)
- Electricity Distributors Association (“EDA”);
- Energy Probe Research Foundation (“Energy Probe”);
- HVAC Coalition (“HVAC”);
- London Property Management Association (“LPMA”);
- Pollution Probe;
- School Energy Coalition (“SEC”); and
- Vulnerable Energy Consumer’s Coalition (“VECC”).

Electricity distributors were given an opportunity to file any objections they might have in relation to the eligibility of the above-noted participants for an award of costs. The Board did not receive any objections from distributors.

Based on the criteria set out in section 3 of the Board’s *Practice Direction on Cost Awards* (the “*Practice Direction*”), the Board has determined that the following participants are eligible for an award of costs in this process: BOMA, CCC, ECAO, Energy Probe, HVAC, LPMA, Pollution Probe, SEC and VECC.

The ECAO and HVAC are associations or industry groups that represent commercial interests. They are not typically eligible for an award of costs. However, in the context of this particular consultation, the Board is of the view that these participants represent a public interest relevant to the Board’s mandate, as referred to in section 3.03(b) of the *Practice Direction*, and are therefore eligible for an award of costs in this consultation.

Based on section 3.05 of the *Practice Direction*, the Board finds that the EDA, as an association of electricity distributors (a number of which are participating in this consultation process) is not eligible for an award of costs. The Board does not find that special circumstances exist in this consultative process that would persuade the Board to deviate from its normal practice.

The Board notes that the cost eligibility request letters received from several participants indicate that each of these participants may have recourse to more than one professional advisor. The Board reminds these participants that, as set out in the Board’s June 15, 2007 letter, cost awards will be available up a maximum of 20 hours

for each eligible participant. Participants that wish to retain the services of more than one professional advisor may do so, but will only receive funding to the maximum of 20 hours regardless of the number of professional advisors retained.

**ISSUED** at Toronto, July 10, 2007.

ONTARIO ENERGY BOARD

*Original signed by*

Kirsten Walli  
Board Secretary