



Ontario
Energy
Board

Commission
de l'énergie
de l'Ontario

DECISION ON COST ELIGIBILITY

EB-2023-0125

Engagement on the proposed revisions of Phase 2 for the Benefit-Cost-Analysis Framework

By Delegation Before: Theodore Antonopoulos
Vice President
Major Applications

November 26, 2025

INTRODUCTION AND SUMMARY

On October 20, 2025, the Ontario Energy Board (OEB) issued a [letter](#) initiating a stakeholder engagement to seek comments on draft revisions to the Benefit-Cost-Analysis (BCA) Framework that are associated with Phase Two. The letter indicated that cost awards would be available to eligible participants under section 30 of the *Ontario Energy Board Act, 1998*, and that costs awarded will be recovered from all rate-regulated electricity distributors. The letter made provision for stakeholders to apply for cost award eligibility and for rate-regulated electricity distributors to object to any such requests.

The following organizations applied to participate in the consultation and requested cost award eligibility:

- Association of Major Power Consumers in Ontario (AMPCO)
- Building Owners and Managers Association (BOMA)
- Distributed Resource Coalition (DRC)
- Energy Probe Research Foundation (Energy Probe)
- Environmental Defence Canada Inc. (Environmental Defence)
- GridSmartCity (GSC)
- Industrial Gas Users Association
- Low-Income Energy Network (LIEN)
- Ontario Home Builders' Association
- Ontario Sustainable Energy Association
- Pollution Probe
- School Energy Coalition (SEC)
- Vulnerable Energy Consumers Coalition (VECC)

No objections were received in relation to these requests for cost award eligibility. This cost eligibility decision is being issued by delegated authority under section 6 of the *Ontario Energy Board Act, 1998*.

In addition to the organizations noted above, the following organizations applied to participate in the consultation:

- AESI Acumen Engineered Solutions International Inc.
- Alectra Utilities Corporation
- Climate Action Partnership
- Electricity Distributors Association
- Elexicon Energy Inc.

- Enbridge Gas Inc.
- Energy Storage Canada
- Entegrus Powerlines Inc.
- Environment, City of Toronto
- ENWIN Utilities Ltd.
- Essex Powerlines Corporation
- GrandBridge Energy Inc.
- GridS2 Inc.
- Halton Hills Hydro Inc.
- Hydro One Networks Inc.
- Hydro Ottawa Limited
- Independent Electricity System Operator
- International Solar Solutions Inc.
- Lakeland Power Distribution Ltd.
- London Hydro Inc.
- Oakville Hydro Electricity Distribution Inc.
- Ontario Energy Association
- Ontario Power Generation Inc.
- Power Advisory LLC
- Power Workers' Union
- Powerconsumer Inc.
- Quinte Manufacturers Association
- Rodan Energy Solutions
- The Atmospheric Fund
- Toronto Hydro-Electric System Limited
- Utilities Kingston
- Versorium Energy Ltd.

OEB FINDINGS

The OEB finds that AMPCO, BOMA, DRC, Energy Probe, Environmental Defence, Industrial Gas Users Association, LIEN, Ontario Home Builders' Association, Ontario Sustainable Energy Association, Pollution Probe, SEC, and VECC are eligible to apply for an award of costs under the OEB's *Practice Direction on Cost Awards*.

The OEB has determined that GSC is not eligible for an award of costs. The OEB's assessment is guided by the Practice Direction on Cost Awards, which places the burden of establishing eligibility on the party requesting eligibility for costs. Section 3.05(a) states that distributors are not eligible for cost awards. Section 3.04 provides

that, when considering eligibility for an association or organization comprised of multiple members, the OEB may consider whether the individual members would themselves be eligible.

GSC acknowledges that some of its members are regulated distributors but argues that, as GSC is an independent collective association, it intends to participate as a policy stakeholder (which can be eligible for an award of costs under section 3.03(b) of the Practice Direction). Section 3.06 permits costs eligibility for parties who are otherwise ineligible (such as distributors) where the OEB determines that special circumstances exist which would warrant cost eligibility.

The OEB has determined that GSC is not eligible for an award of costs. Its membership comprises a number of distributors, which are not eligible for costs. The OEB is not convinced that special circumstances exist here that are sufficient to warrant eligibility for costs.

As indicated in Appendix A to the OEB's October 20, 2025 letter, the OEB expects that groups representing similar interests or class of persons will make every effort to communicate and co-ordinate their participation in this process. The OEB may also take into account any participants with common representation. The OEB reminds prospective participants that those efforts to maximize efficiency in costs incurred, will be taken into account by the OEB in making a decision on an award of costs. The OEB also reminds prospective participants that the OEB's October 20, 2025 letter set out maximum total eligible hours per participant for eligible consultation activities.

DATED at Toronto November 26, 2025

ONTARIO ENERGY BOARD

Theodore Antonopoulos
Vice President, Major Applications