



EB-2007-0697

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

AND IN THE MATTER OF an application by Horizon Utilities
Corporation for an order approving or fixing just and reasonable
rates and other charges for the distribution of electricity to be
effective May 1, 2008.

BEFORE: Gordon Kaiser
Vice Chair and Presiding Member

Cynthia Chaplin
Member

DECISION AND ORDER ON COST AWARDS

Background

Horizon Utilities Corporation (“Horizon”) filed an application with the Ontario Energy Board (the “Board”) on October 22, 2007, under section 78 of the *Ontario Energy Board Act, 1998*, seeking approval for changes to the rates that it charges for electricity distribution, to be effective May 1, 2008.

The Consumers Council of Canada (“CCC”), Energy Probe, the School Energy Coalition (“Schools”) and the Vulnerable Energy Consumers Coalition (“VECC”) each made participation and funding requests and were deemed eligible to apply for an award of costs.

The Board issued its Decision with Reasons on October 3, 2008, in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by Horizon.

The Board received cost claims from CCC, Energy Probe, Schools and VECC.

The costs claims of each party, excluding disbursements and GST, and the hours incurred are shown in the table below.

Intervenor	Hours	Cost Claim (excl. disbursements and GST)
Consumers Council of Canada	103.40	\$34,122.00
Energy Probe	110.50	\$25,975.00
School Energy Coalition	241.20	\$75,566.00
Vulnerable Energy Consumers Coalition	115.20	\$33,096.00

On November 24, 2008, Horizon commented that it had no concerns with claims of CCC, Energy Probe and VECC. Horizon did raise objections to Schools' cost claim on the grounds that Schools' claim was more than double the cost claim of any other party and almost as high as the other cost claims combined. Horizon also noted that the Schools' claim for October 9, 2008 (1.2 hours) may not be properly related to this proceeding.

On November 25, 2008, Schools replied to Horizon's letter indicating that it took a leading role in this application including the oral hearing. Energy Probe, CCC and VECC each supported Schools' position and confirmed Schools' leading role throughout the entire proceeding.

On December 5, 2008, Schools sent a revised cost claim replacing the disputed docket for 1.2 hours with 0.5 hour for October 9th. This has reduced School's cost claim from \$75,618.75 to \$75,387.75.

The Board notes Horizon's concerns. The Board is also concerned with ensuring that costs are controlled and appropriate cost awards are made. Schools took a lead role in this application and there were a number of significant issues which remained in dispute throughout the proceeding. The Board was assisted by Schools' participation. The Board therefore finds that Schools' cost claim is reasonable in the circumstances.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the Ontario Energy Board Act, 1998, Horizon shall immediately pay:
 - CCC its claimed costs equal to \$35,835.87;
 - Energy Probe its claimed costs equal to \$26,833.42;
 - Schools its claimed costs equal to \$75,387.75; and
 - VECC its claimed costs equal to \$33,923.42.
2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Horizon shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto December 16, 2008

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary