



EB-2007-0673

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 a consultation process to develop the
principles and methodology of 3rd generation incentive
regulation to be applied by the Board in determining
electricity distribution rates effective May 1, 2009.

BEFORE: Paul Vlahos
Presiding Member

Paul Sommerville
Board Member

SUPPLEMENTAL DECISION ON COST ELIGIBILITY

On August 2, 2007, the Ontario Energy Board (the “Board”) initiated a consultation process in relation to the development of the principles and methodology for the third generation incentive regulation mechanism for electricity distributors. At that time, interested parties were notified 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. This consultation process is an ongoing one, and has already been the subject of a Decision on Cost Eligibility as well as a Decision and Order on Cost Awards in relation to work completed to the end of 2007.

The next activity eligible for cost awards in this consultation process is a further stakeholder meeting to be attended by participants and their experts, which has been scheduled for May 6, 2008.

On April 28, 2008 the Board received a request for cost eligibility from the Power Workers' Union (PWU) specifically seeking cost eligibility for their expert's preparation, participation and reporting time for the May 6, 2008 meeting, up to the maximum set out in the Board's April 23, 2008 letter announcing the stakeholder meeting, plus expenses. The PWU's request has been posted on the Board's web site. In its request, the PWU explains that it retained Dr. Francis J. Cronin to prepare expert comments or provide input to the PWU's comments in response to this consultation and the other two of the Board's consultations related to incentive regulation (Comparison of Ontario Electricity Distributors Costs [EB-2007-0268] and Electricity Service Quality Regulation [EB-2008-0001]).

The PWU, a union that represents certain employees of some electricity distributors in Ontario, is not normally eligible for an award of costs based on the criteria set out in section 3 of the Board's *Practice Direction on Cost Awards*. However, the Board finds that special circumstances exist that persuade the Board to deviate from its normal practice. In this particular instance, the Board notes Dr. Cronin's specific knowledge of, and technical experience in relation to, the Board's 1st Generation PBR framework and the data collected in that initiative as significant in that regard. The Board has therefore determined that the PWU is eligible for their expert's preparation, participation and reporting time for the May 6, 2008 meeting, subject to the maximum set out in the Board's April 23, 2008 letter, plus expenses.

The stakeholder meeting in question will be held in less than seven days. In light of that fact, and of the fact that cost awards are being recovered from all rate-regulated licensed electricity distributors, the Board has determined that the

circumstances are such as to warrant deviating from the normal practice of allowing the electricity distributors from whom cost awards will be recovered an opportunity to object to the PWU's request for cost eligibility.

ISSUED at Toronto, May 1, 2008

ONTARIO ENERGY BOARD

Original signed by

Paul Vlahos
Presiding Member

Original signed by

Paul Sommerville
Board Member

APPENDIX A

LIST OF PARTICIPANTS

EB-2007-0673

May 1, 2008

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Ontario Energy Board
LIST OF PARTICIPANT

Revised 2008-05-01

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