



EB-2012-0064

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 Toronto Hydro-Electric System Limited for an order approving just and reasonable rates and other charges for electricity distribution to be effective June 1, 2012, May 1, 2013 and May 1, 2014.

BEFORE: Marika Hare
Presiding Member

Ken Quesnelle
Member

Cathy Spoel
Member

DECISION AND ORDER ON COST AWARDS
February 4, 2014

Background

Toronto Hydro-Electric System Limited (“THESL”) filed an application with the Ontario Energy Board on May 10, 2012, under section 78 of the *Ontario Energy Board Act*, 1998, and the Board’s Incentive Regulation Mechanism framework seeking approval for changes to the rates that THESL charges for electricity distribution, to be effective June 1, 2012, May 1, 2013 and May 1, 2014.

The Board granted the Association of Major Power Consumers in Ontario (“AMPCO”), Building Owners and Managers Association of the Greater Toronto Area (“BOMA”), Consumers Council of Canada (“CCC”), Energy Probe Research Foundation (“Energy

Probe”), Environmental Defence (“ED”), Pollution Probe, School Energy Coalition (“SEC”) and Vulnerable Energy Consumers Coalition (“VECC”) intervenor status and cost award eligibility.

On November 8, 2012, the Board issued Procedural Order #3 in which the Board noted that THESL had requested that the Board defer consideration of 2014 projects with the exception of the Bremner Station project (subsequently renamed Copeland) and associated capital contribution to a second phase of this proceeding (Phase 2). The Board accepted THESL’s request.

On April 2, 2013, the Board issued its Phase I Partial Decision and Order which dealt with rates for the years 2012 and 2013 and the Bremner Station project.

The Board issued its Phase I Decision and Order on Cost Awards on July 5, 2013, corrected on July 19, 2013.

On December 18, 2013, THESL filed with the Board a complete settlement proposal of the issues in Phase 2 of this proceeding. On December 19, 2013, the Board accepted the settlement proposal and established dates for Phase 2 cost award filings.

The Board received cost claims for Phase 2 from AMPCO, BOMA, CCC, Energy Probe, SEC and VECC.

There was only one issue raised regarding the cost claims made in Phase 2 of the proceeding. By letter dated January 21, 2014, THESL requested that BOMA’s claim be reduced by \$1,320.00. THESL stated that BOMA had claimed attendance costs in connection with the Technical Conference for both November 27 and November 28 although the Technical Conference did not carry over into November 28. THESL stated that it had discussed this issue with BOMA’s counsel, who agreed it was an administrative error. THESL further stated that BOMA had requested that THESL note the error in its submission and that BOMA also consented to a corresponding reduction in its cost claim.

Board Findings

The Board has reviewed the cost claims of AMPCO, BOMA, CCC, Energy Probe, SEC and VECC.

The Board finds that all parties are eligible for 100% of their reasonably incurred costs of participating in this proceeding. The claim of Energy Probe requires a minor reduction due to a calculation error. The claim of BOMA requires a reduction of \$1,491.60 (tax included) due to an administrative error identified in the docket entry on November 28, 2013 as discussed above. The Board finds that the claims of AMPCO, CCC, SEC and VECC and the adjusted claims of Energy Probe and BOMA are reasonable and each of these claims shall be reimbursed by THESL.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the Ontario *Energy Board Act, 1998*, THESL shall immediately pay the following amounts to the intervenors for their costs:
 - Association of Major Power Consumers in Ontario \$22,445.31;
 - Building Owners and Managers Association of the Greater Toronto Area \$31,510.05;
 - Consumers Council of Canada \$29,086.20;
 - Energy Probe Research Foundation \$19,452.29;
 - School Energy Coalition \$31,356.00; and
 - Vulnerable Energy Consumers Coalition \$17,751.45.

2. Pursuant to section 30 of the Ontario *Energy Board Act, 1998*, THESL shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, February 4, 2014

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary