



**Ontario Energy Board
Commission de l'énergie de l'Ontario**

DECISION AND ORDER ON COST AWARDS

EB-2016-0276

HYDRO ONE INC.

ORILLIA POWER DISTRIBUTION CORPORATION

Application for approval to purchase Orillia Power Distribution Corporation

BEFORE: Ken Quesnelle
Presiding Member and Vice Chair

Cathy Spoel
Member

August 9, 2018

INTRODUCTION AND SUMMARY

Hydro One Inc. filed an application on September 27, 2016, under section 86(2)(b) of the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B) (Act), requesting approval to purchase all of the shares of Orillia Power Distribution Corporation (Orillia Power). This MAADs¹ application was subsequently revised and filed on October 11, 2016.

On January 9, 2018, the OEB issued its Decision and Order on Cost Awards accepting all cost claims filed except for cost claims filed by Mr. Frank Kehoe. The OEB ordered Mr. Kehoe to file a revised cost claim by January 24, 2018.

On January 17, 2018, the OEB considered an extension request from Mr. Kehoe and extended the timeline for the filing of a revised cost claim to February 28, 2018. On February 27, 2018, the OEB received Mr. Kehoe's revised cost claim.

Findings

The OEB has reviewed the cost claim filed by Mr. Kehoe to ensure that it is compliant with the OEB's *Practice Direction on Cost Awards*.

The OEB awards Mr. Kehoe all but \$1,750 of his claimed costs. The \$1,750 represents the amount Mr. Kehoe paid Mr. Stanley Makuch to do an opinion for him in respect of the Orillia Water Light and Power Commission in the period September 4 to 19, 2016, before the MAADs application was filed. This work was of limited if any relevance to the MAADs application before the OEB, and the disallowance is also in keeping with the OEB's general practice of not awarding costs for work that was conducted prior to the filing of an application.

Other Matters

In an appendix to his supplemental submission on his cost claim dated February 27, 2018, Mr. Kehoe raised a concern about a possible conflict of interest regarding Board Member Christine Long, who was a member of the OEB panel in this matter. Mr. Kehoe observed that Ms. Long had previously been a partner at the law firm of Borden Ladner Gervais LLP with Mr. Mark Rodger, who is counsel for Orillia Power.

¹ Mergers, Acquisitions, Amalgamations and Divestitures.

The OEB has a “cooling off” period whereby new Board members do not appear on files involving their previous place of work or clients for an appropriate period of time, and any suggestion of a conflict of interest in this case is unfounded.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, the applicants shall immediately pay Mr. Kehoe \$3,550.58.

DATED at Toronto August 9, 2018

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary