



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

BY EMAIL AND WEB POSTING

July 22, 2021

To: All Registered Stakeholders in the Consultation on the Deferral Account – Impacts Arising from the COVID-19 Emergency (EB-2020-0133)
All Rate Regulated Electricity Distributors
All Rate Regulated Natural Gas Utilities
All Rate Regulated Electricity Transmitters
Ontario Power Generation Inc.
All Other Interested Parties

Re: Notice of Hearing for Cost Awards
Consultation on the Deferral Account – Impacts Arising from the COVID-19 Emergency (EB-2020-0133)

Background

On May 14, 2020, the Ontario Energy Board (OEB) issued a [letter](#) initiating a consultation on a deferral account relating to impacts arising from the COVID-19 emergency in the electricity and natural gas sectors. The OEB also made provision for cost awards under section 30 of the *Ontario Energy Board Act, 1998*.

In its May 27, 2020 [decision on cost award eligibility](#) (Cost Award Eligibility Decision), the OEB determined that the following participants are eligible for cost awards (collectively the Eligible Participants):

1. Association of Major Power Consumers in Ontario
2. Association of Power Producers of Ontario
3. Building Owners and Managers Association
4. Canadian Manufacturers & Exporters
5. Consumers Council of Canada
6. Energy Probe Research Foundation
7. Federation of Rental-housing Providers of Ontario
8. Industrial Gas Users Association
9. London Property Management Association
10. Pollution Probe
11. School Energy Coalition
12. Vulnerable Energy Consumers Coalition

In the Cost Award Eligibility Decision, the OEB determined that as per section 30 of the *Ontario Energy Board Act, 1998*, cost awards, along with any other costs incurred in this consultation, will be recovered from all rate-regulated electricity distributors, rate-regulated electricity transmitters, rate-regulated natural gas distributors, and Ontario Power Generation Inc. (collectively, Rate-regulated Utilities). The OEB noted that the costs are to be apportioned amongst all Rate-regulated Utilities in the same manner as under the OEB's Cost Assessment Model.

On June 17, 2021, the OEB issued the [Report of the Ontario Energy Board: Regulatory Treatment of Impacts Arising from the COVID-19 Emergency](#), which concluded the consultation.

Notice of Hearing

The OEB is initiating this hearing in order to determine the cost awards that will be made in relation to the consultation eligible activities. The decision on costs will be made by an OEB staff member with delegated authority under section 6 of the *Ontario Energy Board Act, 1998*. The maximum number of hours and eligible activities are summarized in Appendix A of this Notice.

The hearing will follow the process set out below.

1. Eligible Participants must submit their cost claims by **August 3, 2021**. The cost claim must be filed with the OEB and one copy is to be sent by email to all Rate-regulated Utilities. The cost claim must be completed in accordance with section 10 of the OEB's *Practice Direction on Cost Awards*.

Eligible Participants must use the customized Cost Claim Form attached as Appendix B to this Notice.

2. Rate-regulated Utilities will have until **August 13, 2021** to object to any aspect of the costs claimed. The objection must be filed with the OEB and one copy must be sent by email to the Eligible Participant against whose claim the objection is being made.
3. An Eligible Participant whose cost claim was objected to will have until **August 20, 2021** to file with the OEB a reply submission as to why its cost claim should be allowed. One copy of the reply submission is to be sent by email to the objecting Rate-regulated Utilities.
4. The OEB will then issue its decision on cost awards. The OEB's costs may also be addressed in the cost awards decision.

The OEB will use the process set out in section 12 of its [Practice Direction on Cost Awards](#) to implement the payment of the cost awards. Therefore, the OEB will act as a clearing house for all payments of cost awards in this process. For more information on this process parties may refer to the OEB's [Practice Direction on Cost Awards](#) and the [October 27, 2005 letter](#) regarding the rationale for the OEB acting as a clearing house

for the cost award payments. These documents can be found on the OEB's [Rules, Codes, and Requirements](#) webpage.

How to File Materials

Stakeholders are responsible for ensuring that any documents they file with the OEB **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's [Rules of Practice and Procedure](#).

Please quote file number, **EB-2020-0133**, for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the OEB's web portal at <https://p-pes.ontarioenergyboard.ca/PivotalUX/>.

- Filings should clearly state the sender's name, postal address, telephone number, and e-mail address.
- Please use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [Filing Systems page](#) on the OEB's website.
- Stakeholders are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the web portal can contact registrar@oeb.ca for assistance.

All communications should be directed to the attention of the Registrar at the address below and be received by end of business, 4:45 p.m., on the required date.

If you do not participate in the hearing by filing written materials in accordance with this Notice, the OEB may proceed without your participation and you will not be entitled to further notice in this proceeding.

Yours truly,

Original Signed By

Christine E. Long
Registrar

Attachments – Appendix A and Appendix B

Appendix A
Notice of Hearing for Cost Awards Dated July 22, 2021
Consultation on the Deferral Account – Impacts Arising from the COVID-19
Emergency
EB-2020-0133

**Appendix A: Consultation Eligible Activities for Which Cost Claims may be Filed
and Maximum Number of Hours**

ACTIVITY	TOTAL ELIGIBLE HOURS PER PARTICIPANT
Preparation for, and attendance at, the preliminary May 28, 2020 stakeholder meeting ¹	1.5 times actual meeting time, up to a total of 3.75 hours
Written comments on the draft issues list ²	Up to 12 hours
Written comments on the form of consultation to be adopted ³	Up to 0.5 hours
Preparation for and attendance at the January 14, 2021 webinar, written comments on the Staff Proposal, reply comments on other stakeholders' comments ⁴	Combined up to 45 hours

Appendix B of the OEB's May 14, 2020 letter for this consultation stated that the total eligible hours per participant for the preparation for, and attendance at, the preliminary May 28, 2020 stakeholder meeting would be "1.5 times actual meeting time, up to a total of 12 hours." The May 28, 2020 actual meeting time was 2.5 hours, therefore Eligible Participants may claim a maximum of 3.75 hours total for these activities, as per the above table.

¹ [OEB Letter](#), May 14, 2020

² *Ibid.*

³ [OEB Letter](#), July 17, 2020

⁴ [OEB Letter](#), January 7, 2021

Appendix B
Notice of Hearing for Cost Awards Dated July 22, 2021
Consultation on the Deferral Account – Impacts Arising from the COVID-19
Emergency
EB-2020-0133

**Appendix B: Ontario Energy Board Cost Claim for Consultations:
Affidavit and Summary of Fees and Disbursements**

The form that Eligible Participants must complete is provided in a separate MS Excel Workbook named, "EB-2020-0133_NoH_Appendix B_Cost_Claim_Form" that is attached to this Notice.