



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

DECISION AND ORDER ON INTERIM COST AWARDS

EB-2022-0200

ENBRIDGE GAS INC.

Application for 2024 rates and other charges to be effective January 1, 2024 and approval of Incentive Rate-setting Mechanism for the years 2025 to 2028.

BEFORE: Patrick Moran
Presiding Commissioner

Allison Duff
Commissioner

Emad Elsayed
Commissioner

August 18, 2023

OVERVIEW

By letter dated June 16, 2023, the Industrial Gas Users Association along with support from Consumers Council of Canada, Federation of Rental-housing Providers of Ontario, and School Energy Coalition requested the OEB to provide an interim award of costs for cost eligible intervenors.

Enbridge Gas did not oppose the interim costs request.

On June 23, 2023, the OEB issued Procedural Order No. 6, in which it set out the process for filing interim cost claims, among other matters. Cost claims were due no later than July 12, 2023, and cost eligible intervenors were to file interim cost claims up to June 28, 2023.

The OEB granted intervenor status to 33 parties¹ and cost award eligibility to the following intervenors:

- Association of Power Producers of Ontario (APPrO)
- Building Owners and Managers Association (BOMA)
- Canadian Biogas Association (CBA)
- Canadian Manufacturers & Exporters (CME)
- Consumers Council of Canada (CCC)
- Energy Probe Research Foundation (Energy Probe)
- Environmental Defence (ED)
- Federation of Rental-housing Providers of Ontario (FRPO)
- Ginoogaming First Nation (GFN)
- Green Energy Coalition (GEC)
- Industrial Gas Users Association (IGUA)
- London Property Management Association (LPMA)
- Ontario Association of Physical Plant Administrators (OAPPA)
- Ontario Greenhouse Vegetable Growers (OGVG)
- Otter Creek Co-operative Homes Inc. (Otter Creek)
- Pollution Probe
- Quinte Manufacturers Association (QMA)
- School Energy Coalition (SEC)
- Three Fires Group Inc. (TFG)
- Vulnerable Energy Consumers Coalition (VECC)

¹ Refer to Schedule A, Procedural Order No. 1 dated December 16, 2022 for a complete list of intervenors.

Interim cost claims were received from APPrO, BOMA, CBA, CCC, CME, Energy Probe, FRPO, GEC, GFN, IGUA, OGVG, Pollution Probe, SEC and TFG.

ED, LPMA, QMA and VECC indicated their intention to file a cost claim at the end of the proceeding. OAPPA and Otter Creek indicated that they do not intend to file any cost claims.

Findings

The OEB has reviewed the interim cost claims filed to ensure they are compliant with the OEB's *Practice Direction on Cost Awards* (Practice Direction).

The OEB finds that the interim cost claims from BOMA, CBA, CCC, Energy Probe, FRPO, GFN, GEC, IGUA, OGVG, Pollution Probe, SEC and TFG are sufficiently documented for the purposes of an interim cost award and shall be reimbursed by Enbridge Gas. Cost claims for APPrO and CME shall be reimbursed based on the following adjustments.

APPrO's cost claim for its counsel is based on the incorrect hourly rate. Based on the Cost Award Tariff of the Practice Direction, the maximum hourly rate for counsel with 11-19 years of practice is \$290. The OEB has adjusted the claimed amount to reflect the correct rate. The OEB has also disallowed 1 hour of time claimed by its consultant on June 30, 2023. Procedural Order No. 6 only provides for interim costs for work performed up to June 28, 2023.

CME's cost claim for its counsel includes claimed time for 3.3 hours on July 6, 2023, outside the allowed period for interim cost claims. The OEB has disallowed 3.3 hours.

As previously noted in Procedural Order No. 6, the OEB will conduct a complete review of cost claims for the entire proceeding at its conclusion. An intervenor claiming interim costs will be required to submit a cost claim for the entire proceeding, with any amount received as an interim award applied as a credit against the total cost claim. Enbridge Gas will have an opportunity to file objections at that time and intervenors whose total claims were subject to objections will have an opportunity to reply. Interim awards of costs may be subject to adjustment at that time.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Enbridge Gas shall immediately pay the following amounts for their costs:

• Association of Power Producers of Ontario	\$69,661.11
• Building Owners and Managers Association	\$112,487.48
• Canadian Biogas Association	\$4,474.80
• Canadian Manufacturers & Exporters	\$91,380.84
• Consumers Council of Canada	\$108,607.13
• Energy Probe Research Foundation	\$89,971.21
• Federation of Rental-housing Providers of Ontario	\$225,418.05
• Ginoogaming First Nation	\$42,385.00
• Green Energy Coalition	\$179,811.77
• Industrial Gas Users Association	\$354,398.70
• Ontario Greenhouse Vegetable Growers	\$84,126.24
• Pollution Probe	\$95,555.65
• School Energy Coalition	\$275,441.52
• Three Fires Group Inc.	\$67,407.34

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

DATED at Toronto August 18, 2023

ONTARIO ENERGY BOARD

Nancy Marconi
Registrar