



**EB-2006-0207**

**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 determine the methodology by which the Ontario Energy Board will review the Ontario Power Authority's Integrated Power System Plan and procurement processes.

**BEFORE:** Pamela Nowina  
Vice-Chair

### **DECISION ON COST ELIGIBILITY**

On September 1, 2006, the Ontario Energy Board (the "Board") issued a letter notifying interested parties of the commencement of a consultation process regarding the Board's approach to the review of the Ontario Power Authority's ("OPA") Integrated Power System Plan ("IPSP") and procurement processes. That letter also indicated that cost awards would be available to eligible persons in relation to their participation in this consultation process under section 30 of the *Ontario Energy Board Act, 1998*, and that any costs awarded would be recovered from the OPA. Appendix A to the September 1, 2006 letter set out certain parameters with respect to the cost awards process. Twenty-two interested parties in addition to the OPA have indicated their interest in participating in this consultation process. A list of all participants in this consultation process is attached to this decision as Appendix A.

The following groups have requested eligibility for cost awards:

- Association of Major Power Consumers in Ontario;
- Energy Probe Research Foundation;
- Green Energy Coalition;
- Northwatch;
- Pollution Probe;
- Power Workers' Union;
- Provincial Council of Women of Ontario;
- School Energy Coalition; and
- Vulnerable Energy Consumers Coalition.

By letter dated September 19, 2006, the OPA was given an opportunity to file any objections it might have in relation to the eligibility of the above-noted participants for an award of costs. By letter dated September 22, 2006, the OPA indicated that it had no objection with respect to the cost award eligibility of any of the above-noted participants with the exception of the Provincial Council of Women of Ontario. The OPA submitted that the Provincial Council of Women of Ontario (the "PCWO") did not meet its burden of establishing that it should be eligible for a cost award.

The Board notes that the Power Workers' Union is not normally eligible for cost awards in a Board proceeding. However, paragraph 7 of section 2(1) of the IPSP Regulation requires the OPA to ensure that safety, environmental protection and environmental sustainability are considered in developing the IPSP. In Board staff's Discussion Paper for this consultation process, safety is considered to include the safety of workers. The Board notes that the determination of cost eligibility is made on a case-by-case basis. Therefore, for this consultation process, the Power Workers' Union meets the criteria set out in section 3.03(b) of the Board's Practice Direction on Cost Awards in that it primarily represents a public interest relevant to the Board's mandate.

The Board has decided to defer its decision on whether or not the PCWO will be eligible for cost awards in this consultation process. The Board does not believe that the PCWO has met the burden of establishing that it meets the criteria set out in section 3.03 of the Board's Practice Direction on Cost Awards. However,

the Board will allow the PCWO time to provide additional information to the Board in order for the PCWO to establish that it does meet the criteria set out in sections 3.03 or 3.04 of the Board's Practice Direction on Cost Awards. The PCWO must file its additional submissions with the Board and provide a copy of the submissions to the OPA by **October 6, 2006**. The OPA will have until **October 13, 2006** to reply to any submissions provided by the PCWO. A copy of the OPA's reply submissions must be filed with the Board and copied to the PCWO.

Based on the criteria set out in section 3 of the Board's Practice Direction on Cost Awards, the Board has determined that the following eight groups are eligible for an award of costs: Association of Major Power Consumers in Ontario; Energy Probe Research Foundation; Green Energy Coalition; Northwatch; Pollution Probe; Power Workers' Union; School Energy Coalition; and Vulnerable Energy Consumers Coalition. A decision regarding the cost eligibility of the PCWO will be made at a later date.

The Board expects that the above-noted participants will make every effort to communicate and co-ordinate their participation in this consultation process to the extent that they represent the same interests or class of persons.

ISSUED at Toronto, September 29, 2006

ONTARIO ENERGY BOARD

*Original signed by*

Pamela Nowina  
Vice-Chair

**APPENDIX A**

**LIST OF PARTICIPANTS**

**EB-2006-0207**

**September 29, 2006**

**Proposed Approach to Review of the Ontario Power Authority's Integrated  
Power System Plan and Procurement Processes  
EB-2006-0207**

**LIST OF PARTICIPANTS**

**September 29, 2006**

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