



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

SUPPLEMENTARY 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.

On September 29, 2006, the Board issued its Decision on Cost Eligibility. The Board decided that the following groups were 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. The Board also stated that it was deferring its decision on cost eligibility for the Provincial Council of Women of Ontario

(the "PCWO") until a later date. The Board provided the PCWO an opportunity to provide additional reasons for why it should be eligible for an award of costs in this consultation process.

The PCWO has submitted additional information to the Board including information on the experience of the PCWO in matters relating to energy and the environment matters. The OPA did not provide any response to the additional information submitted by the PCWO. The Board accepts that the PCWO represents a public interest relevant to the Board's mandate. The PCWO will be eligible for an award of costs in this consultation process.

The Board received a letter from counsel to the Consumers Council of Canada ("CCC") dated October 2, 2006 requesting cost eligibility for CCC. The OPA did not object to CCC's request for cost eligibility. While the cost eligibility request was late, the Board has decided that, based on the criteria set out in section 3 of the Board's Practice Direction on Cost Awards, CCC will be eligible for an award of costs in this consultation process subject to the following limitation. Because of the lateness of CCC's request, the Board has determined that CCC will only be eligible for costs in this consultation process on a going forward basis; CCC will not be eligible for costs in relation to any consultations for which the deadline for participation has passed.

The Board expects that the PCWO and CCC will make every effort to communicate and co-ordinate their participation in this consultation process with other groups participating in this consultation process to the extent that they represent the same interests or class of persons.

The Board reminds all parties that the Board will apply the principles set out in section 5 of the Board's Practice Direction on Cost Awards when determining the amount of the cost awards. Some of the factors the Board may consider when determining the amount of a cost award include, but are not limited to, whether the party: participated reasonably in the process; made reasonable efforts to ensure that its evidence was not unduly repetitive of evidence presented by other parties; made reasonable efforts to combine its efforts with that of similarly interested parties; and contributed to a better understanding by the Board of one or more issues addressed by the party.

ISSUED at Toronto, October 19, 2006.

ONTARIO ENERGY BOARD

Original signed by

Pamela Nowina
Vice-Chair