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President, Cara Holdings Ltd.

President, PATRICIA ADAMS
MAX ALLEN
Producer, IDEAS, CBC Radio
ANDREW COYNE
National Editor, Maclean's
GLENN FOX
Professor of Economics, University of Guelph
IAN GRAY
President, St. Lawrence Starch Co
CLIFFORD ORWIN
Professor of Political Science, University of Toronto

Secretary-Treasurer, ANNETTA TURNER
ANDREW ROMAN
Barrister & Solicitor, Miller Thomson
ANDREW STARK
Rotman School of Management, University of Toronto
GEORGE TOMKO
Resident Expert, PSI Initiative, University of Toronto
MICHAEL TREBILCOCK
Chair, Law & Economics, University of Toronto
MARGARET WENTE
Columnist, The Globe and Mail

March 5, 2010

BY EMAIL & COURIER

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge St, Suite 2701
Toronto ON M4P 1E4

Dear Ms. Walli:

**Board File No. EB-2009-0180/ EB-2009-0181/
EB-2009-0182/ EB-2009-0183
Re: Applications by Toronto Hydro Energy Services Inc.,
Toronto Hydro-Electric System Limited & 1798594 Ontario Inc.
Energy Probe Costs Submission**

Pursuant to the Decision and Order, issued February 11, 2010, attached please find two hard copies of the Costs Submission of Energy Probe Research Foundation (Energy Probe) in the consolidated proceeding noted above for the consideration of the Board. An electronic version of this Intervention will be forwarded in PDF format.

Should you require additional information, please do not hesitate to contact me.

Yours truly,

David S. MacIntosh
Case Manager

cc: Mark Rodger, Borden Ladner Gervais LLP (By email)
Pankaj Sardana, Toronto Hydro-Electric System Limited (By email)
Peter Faye, Counsel to Energy Probe (By email)

Energy Probe Research Foundation 225 BRUNSWICK AVE., TORONTO, ONTARIO M5S 2M6

Phone: (416) 964-9223 Fax: (416) 964-8239 E-mail: EnergyProbe@nextcity.com Internet: www.EnergyProbe.org

FORM 3

AFFIDAVIT IN SUPPORT OF COST CLAIM

EB-2009-0180/0181/0182/0183 THESL
Board File Number

Energy Probe Research Foundation
Party Name

**Items Claimed excluding GST
Legal/Consultant Fees**

\$14,862.50
\$14,862.50

Disbursements
32.00
39.75
71.75

Net Sub-Total
\$32.00
\$14,902.25
\$14,934.25

Goods and Services Tax

_____ Full Registrant
_____ Unregistered (GST at 5%)
_____ Other GST at %

Yes Qualifying Non-Profit
\$372.56 (GST at 2.5%)
_____ Tax Exempt (no GST)

Total Cost Claim

Net-Sub-Total	Total GST Claimed	Total Cost Claim
<u>\$14,934.25</u>	<u>\$372.56</u>	<u>\$15,306.81</u>

I, Annetta Turner, of the City of Toronto, **MAKE OATH AND SAY:**

1. I am a representative of the above noted party (the "party") and as such have knowledge of the matters attested to herein.
2. I have examined the above Cost Claim and all of the documentation in support of it.
3. The above Cost Claim represents only costs incurred directly and necessarily by the Party for the purpose of its intervention in the Ontario Energy Board proceeding (the file number which is set out above).
4. The above Cost Claim does not include any costs incurred for work done, or time spent, by employees or officers of the party as described in Section 6.05 of the Board's Practice Direction on Cost Awards.

SWORN (OR AFFIRMED) BEFORE ME at the City of Toronto on March 8, 2010.

COMMISSIONER for taking Affidavits

Signature of Deponent

Consolidated Summary of Costs

Consultants/Analysts	Hours	Rate	Fees	GST	Total
Peter Faye	6.50	330.00	2,145.00	53.63	2,198.63
David MacIntosh	37.00	230.00	8,510.00	212.75	8,722.75
David MacIntosh	1.25	170.00	212.50	5.31	217.81
Legal Fees					
Peter Faye	23.50	170.00	3,995.00	99.88	4,094.88
Disbursements					
Energy Probe			39.75	0.99	40.74
David MacIntosh			32.00	Inc.	32.00
Total			\$14,934.25	\$372.56	\$15,306.81

FORM 2

SUMMARY OF DISBURSEMENTS

EB-2009-0180 et al THESLStreetlighting **Energy Probe Research Foundation**
Board File Number **Party Name**

Energy Probe Research Foundation
Party or Group that made the Disbursement

		Net Cost	GST	
125x\$0.15	Photocopies	\$18.75	\$0.47	
140x\$0.15	Printing	\$21.00	\$0.52	
	Fax	Inc.		
	Courier			
	Telephone			
	Postage			
	Transcripts			
	Travel: Air			
	Travel: Car			
	Travel: Rail			
	Travel: Other ()			
	Taxi or Airport Limo			
	Accommodation			
	Meals			
	Other ()			
	Sub-totals	\$39.75	\$0.99	Grand Total \$40.74

Notes

1. All claims for disbursements must include receipts where applicable
2. All claims must be in Canadian dollars. If applicable state exchange rate _____ and country of initial currency.

FORM 1

SUMMARY STATEMENT OF HOURS - CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

Board File Number _____ Party Name Energy Probe Research Foundation
 Peter Faye
 Legal Counsel Name _____ Sole Practitioner
 2005 _____ Law Firm
 Year of Call

Consultant Name _____ Consultant Firm _____
 Years of Relevant Experience _____

	Hours	Hourly Rate	Sub-total	GST (@5%)	Total
Preparation	10.00	\$170.00	\$1,700.00	\$85.00	\$1,785.00
Attendance - Technical Conference					
Attendance - Settlement Conference	8.00	\$170.00	\$1,360.00	\$68.00	\$1,428.00
Attendance - Oral Hearing	5.50	\$170.00	\$935.00	\$46.75	\$981.75
Argument					
Case Management					
Totals	23.50	\$170.00	\$3,995.00	\$199.75	\$4,194.75

Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____
 and country of initial currency _____

Peter T. Faye, Barrister & Solicitor

INVOICE

42 Eastwood Cres
Markham, Ontario, L3P 5Z7
Phone 905-294-2013

DATE: February 12, 2010

Bill To:
Energy Probe Research Foundation
225 Brunswick Ave.
Toronto ON M5S 2M6
Attn: David MacIntosh - Case Manager

For:
Legal Counsel to Energy Probe
RE: OEB Hearing EB-2009-0180,0181,0182,0183
Toronto Hydro Streetlighting Applications

DESCRIPTION	HOURS	RATE	AMOUNT
Nov 14-09 Prepare Cross examination	2.0		
Nov 15-09 Prepare Cross examination	3.0		
Nov 16-09 Prepare Cross examination	2.0		
Nov 17-09 Attend hearing day 1	6.0		
Nov 18-09 Prep for hearing day 2	1.0		
Nov 19-09 Listen to hearing online	4.0		
Nov 25-09 Prepare argument	3.5		
Nov 28-09 Review Deloitte Report, finalize argument	2.0		
Total hours billed	23.5	\$170.00	\$3995.00
GST (registration # 826908766RT0001)		5%	199.75
		TOTAL	\$4194.75

Please make cheque to **Peter T. Faye**

PETER FAYE
BARRISTER AND SOLICITOR
CV

EDUCATION

- 2001 - 2004 University of Toronto Toronto, Ontario
JD
- 1983 - 1990 (Part time) University of Toronto
MBA
- 1972 - 1976 University of Toronto
BASc. Civil Engineering

PROFESSIONAL EXPERIENCE

- 2005 – Present
Private Practice energy consulting to Ontario Energy Board
- Standard Offer Contract development
 - Board Counsel for EB-2005-0544
 - Board Co-Counsel for EB-2007-0680
 - Board Counsel for RP-2007-0706
- Private Practice energy consulting to others
- Advise distributors re compliance issues
 - Advise ENGOs re electricity issues
 - Advise other law firms re energy issues
- 2004 – 2005
Ontario Energy Board articling student
- 2000 - 2001 Markham Energy Corporation
President
Responsible to Board of Directors for holding company activities including:
- Business diversification planning
 - Shareholder relations and investment
 - Joint ventures negotiations
- 2000 - 2001 Markham Hydro Distribution Inc.
President
Responsible to Board of Directors for all aspects of distribution business
Key Achievements:
- Reoriented utility to for profit operation
 - Represented company at OEB regulatory hearings
 - Negotiated merger with other utilities in York Region

PETER FAYE
BARRISTER AND SOLICITOR
CV

PROFESSIONAL EXPERIENCE cont'd

2000 - 2002 Markham District Energy Inc

Chief Operating Officer

- Developed business strategy and obtained Board approval for cogeneration plant
- Recruited customers to heating and cooling business
- Served on Board of Canadian District Energy Association

1998 - 2000 Markham Hydro Electric Commission

General Manager

Responsible to elected Commission for all aspects of distribution utility

Key Achievements:

- Lowest electricity rates in greater Toronto Area
- Consistently in top 5% of utilities on financial and operating performance indices
- Guided Municipal shareholder and Commission through regulatory change and eventual incorporation under Electricity Act

1991 - 1997 Markham Hydro Electric Commission

Director of Operations, Chief Engineer, Assistant GM

Responsible to General Manager for engineering and operating functions

Key Achievements:

- Improved efficiency by 25% over five years
- As Chief negotiator for Commission with two employee unions achieved collective agreement settlements without labour interruption
- Served on Municipal Electric Association committees

1977 - 1991 Ontario Hydro

- Various engineering and management positions in thermal generating station construction, hydraulic structures maintenance and repair, transmission lines and transformer station construction and maintenance, distribution line operations and maintenance

PROFESSIONAL AFFILIATIONS:

Professional Engineers Ontario (PEO) member since 1977

Law Society of Upper Canada (LSUC) member since 2004

(cell on 416-434-9826)

FORM 1

SUMMARY STATEMENT OF HOURS - CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

EB-2009-0180/0181/0182/0183 Toronto Streetlighting Energy Probe Research Foundation
 Board File Number Party Name

Legal Counsel Name Year of Call Law Firm

David MacIntosh 10 Borealis Energy Research Association
Consultant Name Years of Relevant Consultant Firm
Experience

	Hours	Hourly Rate	Sub-total	GST (' @ 2.5%)	Total
Preparation	19.50	\$230.00	\$4,485.00	\$112.13	\$4,597.13
Attendance - Technical Conference	0.00	\$230.00	\$0.00	\$0.00	\$0.00
Attendance - Settlement Conference	0.00	\$230.00	\$0.00	\$0.00	\$0.00
Attendance - Oral Hearing	10.00	\$230.00	\$2,300.00	\$57.50	\$2,357.50
Argument	7.50	\$230.00	\$1,725.00	\$43.13	\$1,768.13
Case Management	1.25	\$170.00	\$212.50	\$5.31	\$217.81
Totals			\$8,722.50	\$218.06	\$8,940.56

Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____
 and country of initial currency _____.

Time Sheet for D. MacIntosh

Board File: EB-2009-0180/0181/0182/0183 Toronto Streetlighting

Summary:	Hours
Preparation	19.50
Attend. Tech.	0.00
Attend. ADR	0.00
Attend. Hearing	10.00
Argument Prep.	7.50
Case Mngt. (CM)	1.25
Total	38.25



Date	Hours	Note
25-Jul-09	0.50	prep - Review Notice of Application, Communicate With Peter Faye (PF)
28-Jul-09	1.50	prep - Initial Review of Prefiled Evidence
28-Jul-09	1.00	prep - Draft Notice of Intervention
26-Aug-09	0.50	prep - Review Procedural Order # 1, correspondence
3-Sep-09	2.75	prep - Review Draft Interrogatories, Attach References
9-Sep-09	1.00	prep - Finalize Interrogatories
28-Sep-09	2.25	prep - Review IR Responses
27-Oct-09	0.75	prep - Review Procedural Order # 2, Send Letter to Board re Schedule
7-Nov-09	1.25	prep - Review Applicant's Response to Board Qs on ESA
16-Nov-09	0.50	prep - Review Correspondence Between THESL & City of Toronto
16-Nov-09	2.50	prep - Prepare for Oral Hearing
18-Nov-09	1.25	prep - Prepare for Oral Hearing, Day Two
26-Nov-09	0.50	prep - Review Many Letters, Emails
19-Dec-07	0.75	prep - Review Settlement Proposal Wording
22-Dec-07	2.50	prep - Review Updates Filed by Toronto Hydro
Total	19.50	Preparation

Date	Hours	Note
17-Nov-09	6.00	Oral Hearing, Day One
19-Nov-09	4.00	Oral Hearing, Day Two
Total	10.00	Attendance - Hearing

Date	Hours	Note
27-Nov-09	2.25	Arg - Review Transcripts & Undertakings
28-Nov-09	2.00	Arg - Review Draft Argument, Comment
30-Nov-09	1.50	Arg - Finalize Argument
3-Dec-09	0.75	Arg - Review Reply Argument
12-Feb-10	1.00	Arg - Review Decision and Order
Total	7.50	Argument Preparation

Date	Hours	Note
28-Jul-09	0.50	CM - File Intervention ltr & Notice.
10-Sep-09	0.25	CM - Check & File IRs
30-Nov-09	0.50	CM - File Redacted & Unredacted Argument
Total	1.25	Case Management

THESE
EB-2009-0180
Oral Herz



RECEIPT
CAR PARK: Yonge & Eglinton Ctr
DEVICE: Paystation 4
PAID: 17/11/09 04:52P
SHORT TERM 054021
ENTRY: 17/11/09 09:22A
EXIT: 17/11/09 04:52P
PARKING DURATION: 0000 07:29
CHARGED DURATION: 0000 02:30
PAID: \$16.00 ←
TAX FREE \$14.16
V.A.T. 13%: \$1.84
CASH PAYMENTS:  \$20.00
GIVEN  \$4.00

Imperial Parking

GST 887315638RT0004

Nov 17/09

THESE
EB-2009-0180
Oral Herz

RECEIPT
CAR PARK: Yonge & Eglinton Ctr
DEVICE: Paystation 4
PAID: 19/11/09 03:00P
SHORT TERM 054206
ENTRY: 19/11/09 03:26A
EXIT: 19/11/09 03:01P
PARKING DURATION: 0000 05:33
CHARGED DURATION: 0000 02:30
PAID: \$16.00
TAX FREE \$14.16
V.A.T. 13%: \$1.84
CASH PAYMENTS:  \$20.00
GIVEN  \$4.00

Imperial Parking

GST 887315638RT0004

Nov 19/09

DAVID S. MACINTOSH

Business: (416) 964-9223 (ext. 235)
Cellular: (416) 668-7777
Email: DavidMacIntosh@nextcity.com

CONSULTING & RESEARCH

Mid 1995 to Present

Major Projects

- Borealis Energy Research Association, Consultant
– 2000 to present.
- CIBC – Contracted Consultant – Advertising/Direct Response, Strategy Development
– 1997 - 1998.
- DAVIS North America – support new product launch of imported portable digital projector line and develop North American dealer network as Company prepared to move into United States
– 1996 - 1997.

LORRIMAN & LONG MANAGEMENT INC.

1994 - 1995

Consultant

Accountable for providing product design, marketing strategy and project management for insurance products to Canadian Financial Institutions.

- Repositioned the marketing strategy and direct marketing materials for the Scotia Legal Protection Plan (Bank of Nova Scotia).
- Designed the direct marketing test strategy and led the development of marketing materials for a new Accidental Death product at a major trust company (National Trust).
- Consulted on the product design for a new private label warranty product for one of Canada's largest retailers (Canadian Tire Acceptance Corp.). Identified and recommended the insurer.

MUTUAL OF OMAHA INSURANCE COMPANY

1992 - 1994

Director, Association Marketing

Accountable for acquisition of client associations, administration of inforce association business, product sales and marketing, budget and bottom-line profitability.

NORTH AMERICAN LIFE ASSURANCE COMPANY

1984 - 1992

Director, Direct Marketing Division (1990 - 1992)

Accountable for strategic planning and new business development of products to be sponsored by major financial institutions, and for division's budget (\$33 million). Managed Creditor Group Marketing Unit.

Director of Marketing, Special Products Division (1984 - 1990)

Accountable for the division's strategic planning, new product development, new business development, budget development and monitoring, relationship with Individual Division's agency management and field force.

**MUTUAL OF OMAHA INSURANCE COMPANY
Account Executive, Association Marketing**

1974 - 1984

Accountable for acquisition of Ontario and national client associations, product sales and marketing of inforce association business in Ontario, and liaison with Ontario Individual Sales Force.

EDUCATION

Fellow, LIFE MANAGEMENT INSTITUTE (FLMI) 1984
Specialties: Group Insurance, Marketing Life and Health,
Administrative Management, Personnel Administration
Bachelor of Arts, Economics, ACADIA UNIVERSITY 1964

PROFESSIONAL ASSOCIATION

CANADIAN MARKETING ASSOCIATION
Member, Ethics & Privacy Committee, 1993 - 2000
Member, Board of Directors, 1988 - 1993
Chairman, Financial Services Council, 1992 -1993
Chairman, Insurance Council, 1988 - 1992

FORM 1

SUMMARY STATEMENT OF HOURS - CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

EB-2009-180,181,182,183 Energy Probe Research Foundation
 Board File Number Party Name

Legal Counsel Name Year of Call Law Firm

Peter Faye 25 Self
Consultant Name Years of Relevant Experience Consultant Firm

	Hours	Hourly Rate	Sub-total	GST ('@5%)	Total
Preparation	6.50	\$330.00	\$2,145.00	\$107.25	\$2,252.25
Attendance - Technical Conference					
Attendance - Settlement Conference					
Attendance - Oral Hearing					
Argument					
Case Management					
Totals	6.50	\$330.00	\$2,145.00	\$107.25	\$2,252.25

Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____,
 and country of initial currency _____.

Peter T. Faye, P.Eng, MBA

INVOICE

42 Eastwood Cres
Markham, Ontario, L3P 5Z7
Phone 905-294-2013

DATE: February 12, 2010

Bill To:
Energy Probe Research Foundation
225 Brunswick Ave.
Toronto ON M5S 2M6
Attn: David MacIntosh - Case Manager

For:
Consultant to Energy Probe Research Foundation
RE: OEB Proceeding EB-2009-0180,0181,0182,0183
Toronto Hydro Electric System Ltd.
Streetlighting Applications

DESCRIPTION	HOURS	RATE	AMOUNT
Aug 26-09 Review Prefiled Evidence	1.0		
Aug 31-09 Prepare IRs	2.0		
Sep 1-09 Prepare IRs	2.0		
Sep 2-09 Prepare IRs	1.5		
Total hours billed	6.5	\$330.00	\$2145.00
GST (registration # 826908766RT0001)		5%	107.25
		TOTAL	\$2252.25

Please make cheque to **Peter T. Faye**

PETER FAYE, P.Eng, MBA
CV

SUMMARY

Peter Faye is a professional engineer and lawyer with 24 years experience in the electricity industry. He started his career with Ontario Hydro in 1977 and worked for fourteen years in construction and operations management positions on generating stations, transmission lines, transformer stations and distribution lines. In 1991 he joined Markham Hydro as Director of Operations progressing to General Manager and ultimately President when the utility was corporatized in 2000.

During his tenure as President of Markham Energy Corporation he was responsible for all aspects of the electricity distribution business as well as for the company's a district energy business based on a natural gas fired combined heat and power plant.

Mr. Faye holds degrees in Engineering, Business Administration and Law from the University of Toronto. His consulting practice is focused on energy regulation.

EDUCATION

2001 - 2004 University of Toronto Toronto, Ontario
Juris Doctor (JD)

1983 - 1990 (Part time) University of Toronto
Master of Business Administration (MBA)

1972 - 1976 University of Toronto
BASc. Civil Engineering

PROFESSIONAL EXPERIENCE

2005 – Present

Private Practice energy consulting to Ontario Energy Board

- Standard Offer Contract development
- Board Counsel for EB-2005-0544
- Board Co-Counsel for EB-2007-0680
- Board Counsel for RP-2007-0706

Private Practice energy consulting to others

- Advise distributors on compliance and system development issues
- Advise other law firms re energy issues
- Consultant and Counsel to Energy Probe Research Foundation in EB-2007-0905; EB-2007-0050; EB-2007-0681; EB2008-0232, EB-2008-0222, 0223, 0224; EB-2008-0272
- Consultant and Counsel to Lake Ontario Waterkeeper in EB-2007-0707

PETER FAYE, P.Eng, MBA
CV

PROFESSIONAL EXPERIENCE cont'd

2004 – 2005 Ontario Energy Board articling student

2000 - 2001 Markham Energy Corporation

President

Responsible to Board of Directors for holding company activities including:

- Development of Markham District Energy Inc. which owns and operates a combined heat and power plant supplying electricity to the local grid and hot and chilled water to commercial customers
- Represented Corporation on Board of Canadian District Energy Association
- Shareholder relations and investment
- Joint ventures negotiations

2000 - 2001 Markham Hydro Distribution Inc.

President

Responsible to Board of Directors for all aspects of electricity distribution business

1998 - 2000 Markham Hydro Electric Commission

General Manager

Responsible to elected Commission for all aspects of electrical distribution utility

1991 - 1997 Markham Hydro Electric Commission

Director of Operations, Chief Engineer, Assistant General Manager

Responsible to General Manager for engineering and operating functions of electrical distribution utility

1977 - 1991 Ontario Hydro

Engineering and management positions in thermal generating station construction; hydraulic structures maintenance and repair; transmission lines and transformer station construction and maintenance; and distribution lines and stations construction and maintenance.

PROFESSIONAL AFFILIATIONS:

Professional Engineers Ontario (PEO) member since 1977
Law Society of Upper Canada (LSUC) member since 2004