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October 15, 2015

BY EMAIL & BY 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-2014-0370 --- Ontario Power Generation Inc.
Disposition of Certain Deferral and Variance Account Balances
Energy Probe – Costs Submission**

Pursuant to the Decision and Order, issued by the Board on September 10, 2015, please find attached the Costs Submission of Energy Probe Research Foundation (Energy Probe) in the EB-2014-0370 proceeding for consideration of the Board.

Energy Probe wishes to comment on the direction provided to it in Procedural Order No. 2 in the penultimate paragraph on Page 1:

The OEB has determined that Energy Probe is eligible to apply for an award of costs under the OEB's *Practice Direction on Cost Awards*. Energy Probe should be aware that the OEB will not generally allow the recovery of costs for the attendance of more than one representative of any party, unless a compelling reason is provided when cost claims are filed.

Ontario Power Generation (OPG) arranged for Advance Settlement Meetings on April 20 and April 24, 2015. Dr. Larry Schwartz and David MacIntosh, both representing Energy Probe, were invited to participate by OPG and attended each day in person. At some point prior to the Advance Settlement Meetings, OPG indicated that funding would be supplied for participants.

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

Due to the outcome of the Advance Settlement Meetings, the Settlement Conference scheduled for May 4th and if necessary May 5th and May 6th was cancelled by the Board in Procedural Order No. 4, issued May 1, 2015.

Energy Probe requests that it be awarded 100% of its reasonably incurred costs for participating in this proceeding, including the time incurred by both Dr. Schwartz and David MacIntosh in respect of the Advance Settlement Meetings.

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



David S. MacIntosh
Case Manager

- cc. Garry Hendel, Ontario Power Generation Inc. (By email)
- Colin Anderson, Ontario Power Generation Inc. (By email)
- Carlton D. Mathias, Ontario Power Generation Inc. (By email)
- Charles Keizer, Torys LLP (By email)
- Lawrence Schwartz, Economist Consultant to Energy Probe (By email)
- Interested Parties (By email)

Ontario Energy Board
COST CLAIM FOR HEARINGS



Affidavit and Summary of Fees and Disbursements

This form should be used by a party to a hearing before the Board to identify the fees and disbursements that form the party's cost claim. Paper and electronic copies of this form and itemized receipts must be filed with the Board and served on one or more other parties as directed by the Board in the applicable Board order. Please ensure all required (yellow-shaded) fields are filled in and the Affidavit portion is signed and sworn or affirmed.

Instructions

- Required data input is indicated by yellow-shaded fields. Formulas are embedded in the form to assist with calculations.
- All claims must be in Canadian dollars. If applicable, state exchange rate and country of initial currency.
Rate: _____ Country: _____
- A separate "Detail of Fees and Disbursements Being Claimed" (comprising a "Statement of Fees Being Claimed" and a "Statement of Disbursements Being Claimed") is required for each lawyer, analyst/consultant and articling student/paralegal. However, only one "Summary of Fees and Disbursements" covering the whole of the party's cost claim should be provided.
- The cost claim must be supported by a completed Affidavit signed by a representative of the party.
- A CV for each consultant/analyst must be attached unless provided to the Board as prescribed on the Cost Award Tariff.

Except as provided in section 7.03 of the Practice Direction on Cost Awards, itemized receipts must be provided.

File # EB- <u>2014-0370</u>	Process: <u>Ontario Power Generation - Clearance of Accounts</u>
Party: <u>Energy Probe Research Foundation</u>	Affiant's Name: <u>Elizabeth Brubaker</u>
HST Number: <u>10730 5146 RT0001</u>	HST Rate Ontario: <u>6.50%</u>
Full Registrant <input type="checkbox"/>	Qualifying Non-Profit <input checked="" type="checkbox"/>
Unregistered <input type="checkbox"/>	Tax Exempt <input type="checkbox"/>
Other <input type="checkbox"/>	

Affidavit

I, Elizabeth Brubaker, of the City/Town of Toronto
in the Province/State of Ontario, Canada, swear or affirm that:

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 all of the documentation in support of this cost claim, including the attached "Summary of Fees and Disbursements Being Claimed", "Statement(s) of Fees Being Claimed" and "Statement(s) of Disbursements Being Claimed".
3. The attached "Summary of Fees and Disbursements Being Claimed", "Statement(s) of Fees Being Claimed" and "Statement(s) of Disbursements Being Claimed" include only costs incurred and time spent directly for the purposes of the Party's participation in the Ontario Energy Board process referred to above.
4. This cost claim does not include any costs for work done, or time spent, by a person that is an employee or officer of the Party as described in sections 6.05 and 6.09 of the Board's Practice Direction on Cost Awards.

Signature of Affiant

Sworn or affirmed before me at the City/Town of _____,
in the Province/State of _____, on _____,

(date)

Commissioner for taking Affidavits

Ontario Energy Board
COST CLAIM FOR HEARINGS



Affidavit and Summary of Fees and Disbursements

File # EB- 2014-0370 Process: Ontario Power Generation - Clearance of Accounts

Party: Energy Probe Research Foundation

Summary of Fees and Disbursements Being Claimed

Legal/consultant/other fees	\$	16,120.00
Disbursements	\$	-
HST	\$	1,047.80
Total Cost Claim	\$	17,167.80

Payment Information

Make cheque payable to: Energy Probe Research Foundation

Send payment to this address: 225 Brunswick Avenue

Toronto, Canada M5S 2M6

Attention: David MacIntosh

Ontario Energy Board COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2014-0370</u>	Process: <u>Ontario Power Generation - Clearance of Accounts</u>
Party: <u>Energy Probe Research Foundation</u>	Service Provider Name: <u>Larry Schwartz</u>
SERVICE PROVIDER TYPE (check one)	Year Called to Bar
Legal Counsel <input type="checkbox"/> <input type="text"/> Articling Student/Paralegal <input type="checkbox"/> Consultant <input checked="" type="checkbox"/> Analyst <input type="checkbox"/>	<input type="text" value="30"/>
Completed Years Practising/Years of Relevant Experience <input type="text" value="30"/>	Hourly Rate: <input type="text" value="\$330"/>
For Consultant/Analyst: <input type="checkbox"/> CV attached <input checked="" type="checkbox"/> CV provided within previous 24 months	HST Rate Charged (enter %): <input type="text" value="6.5%"/>

Statement of Fees Being Claimed

	Hours	Hourly Rate	Subtotal	HST	Total
Pre-hearing Conference					
Preparation	0.50	\$ 330.00	\$ 165.00	\$ 10.73	\$ 175.73
Attendance	10.00	\$ 330.00	\$ 3,300.00	\$ 214.50	\$ 3,514.50
Technical Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Interrogatories					
Preparation	3.25	\$ 330.00	\$ 1,072.50	\$ 69.71	\$ 1,142.21
Responses	0.50	\$ 330.00	\$ 165.00	\$ 10.73	\$ 175.73
Issues Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Proposal Preparation	6.50	\$ 330.00	\$ 2,145.00	\$ 139.43	\$ 2,284.43
Argument					
Preparation	1.00	\$ 330.00	\$ 330.00	\$ 21.45	\$ 351.45
Oral Hearing					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Other Conferences					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Case Management		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 7,177.50	\$ 466.54	\$ 7,644.04

Ontario Energy Board
COST CLAIM FOR HEARINGS
Detail of Fees and Disbursements Being Claimed



File # EB- 2014-0370

Process: Ontario Power Generation - Clearance of Accounts

Party: Energy Probe Research Found

Service Provider Name: Larry Schwartz

Statement of Disbursements Being Claimed

		Net Cost	HST	Total
Scanning/Photocopy				\$ -
Printing				\$ -
Courier				\$ -
Telephone/Fax				\$ -
Transcripts				\$ -
Travel: Air				\$ -
Travel: Car				\$ -
Travel: Rail				\$ -
Travel (Other):				\$ -
Parking				\$ -
Taxi				\$ -
Accommodation				\$ -
Meals				\$ -
Other:				\$ -
Other:				\$ -
Other:				\$ -
TOTAL DISBURSEMENTS:		\$ -	\$ -	\$ -

Time Sheet for L. Schwartz

Board File: EB-2014-0370 OPG - Clearance of Account Balances.xls

Summary: Hours

Preparation	11.25
Attend. Tech.	0.00
Attend. ADR	0.00
Attend. Advance	10.50
Argument Prep.	0.00
Case Mngt. (CM)	0.00

Total 21.75

Date Hours Note

15-Mar-15	1.00	Review OPG Application and Update, OEB NOA
15-Mar-15	0.25	Review Intervenor Interrogatories
16-Mar-15	2.00	Review Decision EB-2014-0321, Draft Interrogatories
17-Apr-15	0.50	Review OPG Interrogatory Responses
01-May-15	2.50	Review Draft Settlement Agreements, Advise to Case Manager
22-May-15	0.50	Intervenor Conference Call Re OPG Offer
31-May-15	2.50	Review Draft Settlement Agreements, Advise to Case Manager
15-Jun-15	1.00	Review Draft Settlement Agreements, Advise to Case Manager
30-Jun-15	1.00	Review OPG Argument-in-Chief, Advise to Case Manager

Total 11.25 Preparation

Date Hours Note

20-Apr-15	0.50	Attend Pre-Meeting With Other Intervenors
20-Apr-15	6.00	Attend Advance Settlement Meeting at OPG Legal Team Board Room
24-Apr-15	4.00	Attend Advance Settlement Meeting at OPG Legal Team Board Room

Total 10.50 Attendance - Advance Settlement Discussions

Ontario Energy Board COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2014-0370</u>	Process: <u>Ontario Power Generation - Clearance of Accounts</u>
Party: <u>Energy Probe Research Foundation</u>	Service Provider Name: <u>David MacIntosh</u>
SERVICE PROVIDER TYPE (check one)	Year Called to Bar
Legal Counsel <input type="checkbox"/> <input type="text"/> Articling Student/Paralegal <input type="checkbox"/> Consultant <input checked="" type="checkbox"/> Analyst <input type="checkbox"/>	Completed Years Practising/Years of Relevant Experience 14
For Consultant/Analyst: <input type="checkbox"/> CV attached <input checked="" type="checkbox"/> CV provided within previous 24 months	Hourly Rate: \$290 HST Rate Charged (enter %): 6.5%

Statement of Fees Being Claimed

	Hours	Hourly Rate	Subtotal	HST	Total
Pre-hearing Conference					
Preparation	2.50	\$ 290.00	\$ 725.00	\$ 47.13	\$ 772.13
Attendance	10.00	\$ 290.00	\$ 2,900.00	\$ 188.50	\$ 3,088.50
Technical Conference					
Preparation		\$ 290.00	\$ -	\$ -	\$ -
Attendance		\$ 290.00	\$ -	\$ -	\$ -
Interrogatories					
Preparation	3.75	\$ 290.00	\$ 1,087.50	\$ 70.69	\$ 1,158.19
Responses	1.50	\$ 290.00	\$ 435.00	\$ 28.28	\$ 463.28
Issues Conference					
Preparation	1.00	\$ 290.00	\$ 290.00	\$ 18.85	\$ 308.85
Attendance		\$ 290.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation		\$ 290.00	\$ -	\$ -	\$ -
Attendance		\$ 290.00	\$ -	\$ -	\$ -
Proposal Preparation	6.00	\$ 290.00	\$ 1,740.00	\$ 113.10	\$ 1,853.10
Argument					
Preparation	5.50	\$ 290.00	\$ 1,595.00	\$ 103.68	\$ 1,698.68
Oral Hearing					
Preparation		\$ 290.00	\$ -	\$ -	\$ -
Attendance		\$ 290.00	\$ -	\$ -	\$ -
Other Conferences					
Preparation		\$ 290.00	\$ -	\$ -	\$ -
Attendance		\$ 290.00	\$ -	\$ -	\$ -
Case Management	1.00	\$ 170.00	\$ 170.00	\$ 11.05	\$ 181.05
TOTAL SERVICE PROVIDER FEES			\$ 8,942.50	\$ 581.26	\$ 9,523.76

Ontario Energy Board
COST CLAIM FOR HEARINGS
Detail of Fees and Disbursements Being Claimed



File # EB- 2014-0370

Process: Ontario Power Generation - Clearance of Accounts

Party: Energy Probe Research Founc

Service Provider Name: David MacIntosh

Statement of Disbursements Being Claimed

		Net Cost	HST	Total
Scanning/Photocopy				\$ -
Printing				\$ -
Courier				\$ -
Telephone/Fax				\$ -
Transcripts				\$ -
Travel: Air				\$ -
Travel: Car				\$ -
Travel: Rail				\$ -
Travel (Other):				\$ -
Parking				\$ -
Taxi				\$ -
Accommodation				\$ -
Meals				\$ -
Other:				\$ -
Other:				\$ -
Other:				\$ -
TOTAL DISBURSEMENTS:		\$ -	\$ -	\$ -

Time Sheet for D. MacIntosh**Board File: EB-2014-0370 OPG 2015 Clearance of Account Balances.xls****Summary: Hours**

Preparation	20.25
Attend. ADR	0.00
Attend. Advance	10.00
Argument Prep.	0.00
Case Mngt. (CM)	1.00

Total	31.25
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Date Hours Note

06-Mar-15	1.50	Review OPG Application and Update, OEB NOA
06-Mar-15	0.50	Draft Notice of Intervention
15-Mar-15	0.75	Review Intervenor Interrogatories
16-Mar-15	1.00	Draft Interrogatories
27-Mar-15	1.50	Review OPG Interrogatory Responses
09-Apr-15	1.00	Review Draft Issues List, Many Emails, Accepted as Appropriate
18-Apr-15	2.50	Prepare for Advance Settlement Discussions
06-May-15	1.00	Review Draft Settlement Agreements
25-May-15	1.75	Many Emails Settlement Issues
26-May-15	0.50	Many Emails Settlement Issues
02-Jun-15	0.50	OPG Counter Offer, Emails
04-Jun-15	0.75	Response to OPG Offer, Emails
13-Jun-15	1.00	Review Intervenor Counter Offer, Emails, Sign Off
15-Jun-15	0.50	Final Review, Intervenor Counter Offer, Emails, Sign Off
23-Jun-15	0.25	Review Decision on Settlement Proposal
30-Jun-15	1.25	Review OPG Argument-in-Chief, Book of Authorities
07-Jul-15	1.75	Review Board staff Comments, SEC draft argument, emails
08-Jul-15	0.75	Draft Energy Probe Submission
16-Jul-15	0.50	Review OPG Reply Argument
12-Sep-15	0.50	Review The Decision and Order
08-Oct-15	0.50	Review The Payments Amounts Order

Total	20.25	Preparation
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Date Hours Note

20-Apr-15	6.00	Attend Advance Settlement Meeting at OPG Legal Team Board Room
24-Apr-15	4.00	Attend Advance Settlement Meeting at OPG Legal Team Board Room

Total	10.00	Attendance - Advance Settlement Discussions
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Date	Hours	Note
06-Mar-15	0.50	CM - File Notice of Intervention
16-Mar-15	0.25	CM - File Interrogatories
08-Jul-15	0.25	CM - File Energy Probe Final Submissions
Total	1.00	Case Management