

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c.15, Schedule B;

AND IN THE MATTER OF cost awards for parties in a
Consultation Process on Energy Issues Relating to Low
Income Consumers.

REVISED

**APPLICATION FOR AN AWARD OF COSTS
ON BEHALF OF THE INTERVENOR,
NATIONAL CHIEF'S OFFICE
ON BEHALF OF ASSEMBLY OF FIRST NATIONS**

January 9, 2009

revised March 5, 2009

**WILLMS & SHIER
ENVIRONMENTAL LAWYERS LLP**
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Toronto, ON M5H 1B6

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Lawyers for the Intervenor, NCO

TO: **ONTARIO ENERGY BOARD**
P.O. Box 2319
2300 Yonge Street
Toronto, ON M4P 1E4

Kirsten Walli, Board Secretary

Tel.: 416-440-7677
Fax: 416-440-7656
Email: boardsec@oeb.on.ca

AND TO: **ALL LICENSED ELECTRICITY
DISTRIBUTORS**

AND TO: **ALL LICENSED GAS DISTRIBUTORS**

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c.15, Schedule B;

AND IN THE MATTER OF cost awards for parties in a
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INTERVENTION REQUEST

Sent by Courier and Electronic Mail

July 23, 2008

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Attention: Ms. Kirsten Walli

Dear Ms. Walli:

**Re: Intervention and Cost Eligibility Request of the National Chief's Office on
behalf of the Assembly of First Nations
Board File No. EB-2008-0150
Consultation on Energy Issues Relating to Low-Income Consumers**

Willms and Shier Environmental Lawyers LLP (W+SEL) is environmental legal counsel to the National Chief Phil Fontaine and the National Chief's Office on behalf of the Assembly of First Nations (NCO).

REQUEST FOR INTERVENTION

In accordance with section 23 of the Ontario Energy Board (Board) *Rules of Practice and Procedure* and the Board's letter providing notice of the consultation on July 2, 2008, we hereby request Intervenor status on behalf of the NCO in the above-noted consultation on energy issues relating to low-income consumers.

INTEREST IN PROCEEDING AND GROUNDS FOR INTERVENTION

The Assembly of First Nations is the national representative organization for all the First Nations in Canada. As such, the AFN represents the interests of 615 First Nations nationally, of which 134 are located in Ontario.

First Nations across Canada have historically and currently suffer poverty and marginalization. As a group, the First Nations of Ontario form a substantial body of low-income consumers in the province. First Nations of Ontario are likely to be materially affected by the outcome of this consultation on energy issues relating to low-income consumers. Given the probable impact to First Nations, it is incumbent upon the National



Chief's Office on behalf of the Assembly of First Nations to participate in the consultation and ensure the interests of First Nations are represented.

For the avoidance of doubt, the NCO's participation in the review is not a consultation under the duty of the Crown to consult First Nations and is without limitation upon or prejudice to that duty.

NATURE AND SCOPE OF INTERVENTION

The NCO intends to participate actively and responsibly throughout the consultation. We intend to be present at the Board's stakeholder conference to be held in September.

REQUEST FOR AN ORAL HEARING

Given the complexity of the subject matter, the NCO requests that this matter be dealt with by way of oral hearing by the Board.

COSTS

We respectfully request a determination by the board that the NCO is eligible for costs under section 3.03(a) of the Board's *Practice Direction on Cost Awards*. In accordance with that section, the NCO represents the direct interest of consumers in relation to regulated services, those consumers being the 134 First Nations of Ontario. The NCO has been found eligible for costs in the IPSP proceeding (EB-2007-0707) before the Board.

CONTACT INFORMATION

Please send any communications regarding this proceeding to:

Willms & Shier Environmental Lawyers LLP
4 King Street West, Suite 900
Toronto, ON M5H 1B6

Attention: Mr. Paul Manning, Partner

Tel.: (416) 862-4843

Fax: (416) 863-1938

Email: pmanning@willmsshier.com



Attention: Ms. Tracy Richards, Law Clerk

Tel.: (416) 862-4834

Email: trichards@willmsshier.com

Bell & Bernard Limited

PO Box 727

1890 Fourth Line Road

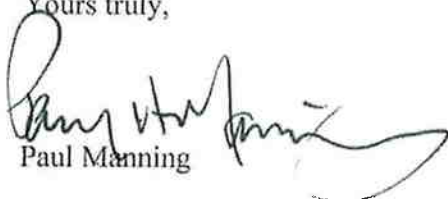
Ohsweken, Ontario, N0A 1M0

Attention: Mr. John Kim Bell, President

Tel.: (519) 445-1222

Fax: (519) 445-1228

Yours truly,


Paul Manning

cc: Mr. John Kim Bell, Bell & Bernard Limited

Document #: 181126

DECISION ON COST ELIGIBILITY



EB-2008-0150

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 examine
issues relating to low income consumers.

BEFORE: Howard Wetston, QC
Presiding Member and Chair

DECISION ON COST ELIGIBILITY

On July 2, 2008, the Ontario Energy Board (the "Board") issued a letter to interested parties giving notice of the consultation process that the Board intends to use in relation to the examination of its policies, programs or other measures associated with low income energy consumers in relation to their use of natural gas and electricity. That letter also described the process the Board intends to use for this consultation and indicated that cost awards would be available to eligible persons under section 30 of the *Ontario Energy Board Act, 1998* in relation to their participation in this consultation process, and that any costs awarded would be recovered from all licensed electricity distributors and all gas distributors.

Fifty-one interested parties have indicated their interest in participating in this consultation process. A list of all registered participants is attached as Appendix A to this Decision.

The Board has received requests for cost eligibility from the following participants:

- Advocacy Centre for Tenants Ontario ("ACTO");
- Association of Major Power Consumers in Ontario ("AMPCO");
- Association of Major Power Producers of Ontario ("APPrO");
- Building Owners and Managers Association ("BOMA");
- Canadian Environmental Law Association ("CELA");
- Canadian Manufacturers and Exporters ("CME");
- Consumers Council of Canada ("CCC");
- Energy Probe Research Foundation;
- EnviroCentre;
- Federation of Rental-housing Providers of Ontario ("FRPO")
- Green Energy Coalition ("GEC");
- Green Light on a Better Environment ("GLOBE");
- Industrial Gas Users Association ("IGUA");
- Income Security Advocay Centre ("ISAC");
- Kingston Community Legal Clinic;
- Low-Income Energy Network ("LEIN");
- London Property Management Association ("LPMA");
- National Chief's Office on behalf of the Assembly of First Nations ("NCO");
- Nipissing First Nation;
- Ontario Municipal Social Services Association ("OMSSA");
- Pollution Probe Foundation ("Pollution Probe");
- School Energy Coalition ("SEC ");
- Toronto Environmental Alliance ("TEA");
- Vulnerable Energy Consumer's Coalition ("VECC").

Electricity and gas distributors were given an opportunity to file any objections they might have in relation to the eligibility of the above-noted participants for an award of costs. The Board did not receive any objections from the distributors.

- Based on the criteria set out in section 3 of the Board's *Practice Direction on Cost Awards* (the "Practice Direction"), the Board has determined that the following participants are eligible for an award of costs in this process, subject to satisfaction of the conditions set out below where applicable: ACTO, AMPCO, BOMA, CELA, CME, CCC, Energy Probe Research Foundation, EnviroCentre; FRPO, GEC, GLOBE, IGUA, ISAC, Kingston Community Legal Clinic, LIEN, LPMA, NCO, Nipissing First Nation, OMSSA, Pollution Probe, SEC, TEA and VECC

The Board will require co-operation among participants with similar interests, and will consider any lack of co-operation when determining the amount of a cost award.

ISSUED at Toronto, August 15, 2008

ONTARIO ENERGY BOARD

Original signed by

Howard Wetston, QC
Presiding Member and Chair

APPENDIX "A"
COST AWARD TARIFF

APPENDIX "A"

COST AWARD TARIFF

NOTE: All tariffs are exclusive of applicable GST.

Legal Fees -Hourly Rates

| Provider of Legal Services | Completed Years Practising | Maximum Hourly Rate |
|-----------------------------|----------------------------|---------------------|
| Lawyer | 20+ | \$330 |
| Lawyer | 11 to 19 | \$290 |
| Lawyer | 6 to 10 | \$230 |
| Lawyer | 0 to 5 | \$170 |
| Articling Student/Paralegal | - | \$100 |

Analyst/Consultant Fees -Hourly Rates

Consultants are experts in aspects of business or science such as finance, economics, accounting, engineering or the natural sciences such as geology, ecology, agronomy, etc.

Time spent providing expert evidence, providing expert professional advice to the Board, or acting as an expert witness will be compensated at the appropriate analyst/consultant rate set out in the table below. A copy of the expert's curriculum vitae must be attached to the cost claim.

If a consultant provides case management services, these hours are to be listed separately and will be compensated at the case management rate.

Analyst/Consultant Fees (including Case Management)

| Provider of Service | Years of Relevant Experience | Maximum Hourly Rate |
|---------------------|------------------------------|---------------------|
| Analyst/consultant | 20+ | \$330 |
| Analyst/consultant | 11 to 19 | \$290 |
| Analyst/consultant | 6 to 10 | \$230 |
| Analyst/consultant | 0 to 5 | \$170 |
| Case Management | - | \$170 |

Disbursements

Reasonable disbursements, such as postage, photocopying, transcript costs, travel and accommodation, directly related to the party's participation in the process, will be allowed. Receipts substantiating the disbursement must accompany the cost claim where possible.

1. Travel by personal automobile will be paid at the Ontario Government Rate.
2. Travel expenses, including reasonable meal and accommodation expenses will be allowed when the claimant's place of business is located at, or more than, 100 km from the site of the process.
3. Taxi, rental car and airport limousine claims will be accepted.
4. Air and rail travel will be limited to "economy" fare rates.
5. Claims for single occupancy rooms at a hotel will be accepted. This does not include "luxury" hotels or suites.
6. Reasonable meal expenses will be accepted.

APPENDIX "B" FORM 1
SUMMARY STATEMENT OF HOURS

REVISED
APPENDIX “B”

FORM 1

SUMMARY STATEMENT OF HOURS -CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

| | | | | | |
|---|--------------|--------------------|------------------|------------|--------------|
| <div style="display: flex; justify-content: space-between; width: 100%;"> <div style="width: 45%; text-align: center;"> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> Board File Number </div> <div style="width: 45%; text-align: center;"> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> Party Name </div> </div> | | | | | |
| <div style="display: flex; justify-content: space-between; width: 100%;"> <div style="width: 30%; text-align: center;"> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> Legal Counsel Name </div> <div style="width: 35%; text-align: center;"> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> Year of Call </div> <div style="width: 35%; text-align: center;"> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> Law Firm </div> </div> | | | | | |
| <div style="display: flex; justify-content: space-between; width: 100%;"> <div style="width: 30%; text-align: center;"> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> Consultant Name </div> <div style="width: 35%; text-align: center;"> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> Years of Relevant Experience (curriculum vitae must be attached) </div> <div style="width: 35%; text-align: center;"> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> Consultant Firm </div> </div> | | | | | |
| | Hours | Hourly Rate | Sub-total | GST | Total |
| Preparation /Attendance/Reporting | | | | | |
| Attendance -Technical Conference | | | | | |
| Attendance -Settlement Conference | | | | | |
| Attendance -Oral Hearing | | | | | |
| Preparing Submissions | | | | | |
| Case Management | | | | | |
| | | | | | |
| TOTALS | | | | | |
| Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____. | | | | | |

Note: GST Calculated at 5% as of January 1, 2008. GST Calculated at 6% pre January 1, 2008

APPENDIX "B"

FORM 1

SUMMARY STATEMENT OF HOURS -CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

| | | | | | |
|--|-------|---|-------------|---|-------------|
| EB-2008-0150 Board File Number | | 1978-Engl. & Wales 2004- Ontario Bar Year of Call | | NCO Party Name Willms & Shier Environmental Lawyers LLP Law Firm | |
| Paul Manning Legal Counsel Name | | Years of Relevant Experience (curriculum vitae must be attached) | | Consultant Firm | |
| | Hours | Hourly Rate | Sub-total | GST | Total |
| Preparation /Attendance/Reporting | 24.4 | \$330.00 | \$8,052.00 | \$402.60 | \$8,454.60 |
| Attendance -Technical Conference | | | | | |
| Attendance -Settlement Conference | | | | | |
| Attendance -Oral Hearing | | | | | |
| Preparing Submissions | 7.7 | \$330.00 | \$2,541.00 | \$127.05 | \$2,668.05 |
| Case Management | | | | | |
| TOTALS | 32.1 | \$330.00 | \$10,593.00 | \$529.65 | \$11,122.65 |
| Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____. | | | | | |

Note: GST Calculated at 5% as of January 1, 2008. GST Calculated at 6% pre January 1, 2008

APPENDIX "B"

FORM 1

SUMMARY STATEMENT OF HOURS -CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

| | | | | | |
|---|--------------|--|------------------|---|--------------|
| <u>EB-2008-0150</u> Board File Number | | <u>NCO</u> Party Name | | | |
| <u>Law Clerks/Paralegals</u> Legal Counsel Name | | <u>Year of Call</u> | | <u>Willms & Shier Environmental Lawyers LLP</u> Law Firm | |
| <u>Consultant Name</u> | | <u>Years of Relevant Experience</u> (curriculum vitae must be attached) | | <u>Consultant Firm</u> | |
| | Hours | Hourly Rate | Sub-total | GST | Total |
| Preparation /Attendance/Reporting | 12.2 | \$100.00 | \$1,220.00 | \$61.00 | \$1,281.00 |
| Attendance -Technical Conference | | | | | |
| Attendance -Settlement Conference | | | | | |
| Attendance -Oral Hearing | | | | | |
| Preparing Submissions | 1.4 | \$100.00 | \$140.00 | \$7.00 | \$147.00 |
| Case Management | | | | | |
| | | | | | |
| TOTALS | 13.6 | \$100.00 | \$1,360.00 | \$68.00 | \$1,428.00 |
| Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____. | | | | | |

Note: GST Calculated at 5% as of January 1, 2008. GST Calculated at 6% pre January 1, 2008

APPENDIX "B" FORM 2
SUMMARY OF DISBURSEMENTS

APPENDIX "B"

FORM 2

SUMMARY OF DISBURSEMENTS

| | | | |
|---|----------------|---------------|----------------|
| EB-2008-0150 | | NCO | |
| Board File Number | | Party Name | |
| Willms & Shier Environmental Lawyers LLP | | | |
| Party or Group that made the disbursement | | | |
| | Net Cost | GST | |
| Photocopies | \$42.50 | \$2.12 | |
| Printing | \$26.00 | \$1.30 | |
| Fax | | | |
| Courier | \$13.56 | \$0.67 | |
| Telephone | \$5.32 | \$0.26 | |
| Postage | | | |
| Transcripts | | | |
| Travel: Air | | | |
| Travel: Car * | | | |
| Travel: Rail | | | |
| Travel: Other () | | | |
| Taxi or Airport Limo | | | |
| Accommodation | | | |
| Meals | | | |
| Other () Binding | | | |
| Sub-totals | \$87.38 | \$4.35 | |
| | | | \$91.73 |

Notes

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

APPENDIX "B" FORM 3
AFFIDAVIT IN SUPPORT OF COSTS CLAIM

REVISED

APPENDIX "B"

FORM 3

AFFIDAVIT IN SUPPORT OF COST CLAIM

| | |
|--|--------------------------|
| <u>EB-2008-0150</u> Board File Number | <u>NCO</u> Party Name |
|--|--------------------------|

Items Claimed excluding GST

| | | | | |
|-----------------------|---|-----------------|---|---------------------|
| Legal/Consultant Fees | + | Disbursements | = | Net Sub-Total |
| \$ 12,349 | | \$ 87.38 | | \$ 12,436.38 |

Goods and Services Tax

| | |
|--------------------------------|---|
| Full Registrant | Qualifying Non-Profit (GST at 2.5%) |
| Unregistered (GST at 5%) | Tax Exempt (no GST)..... |
| Other _____ GST at <u>5</u> % | |


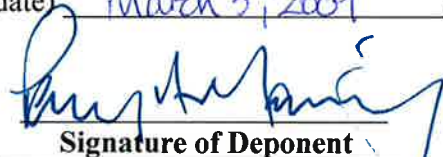
Total Cost Claim

| | | | | |
|---------------------|---|-------------------|---|---------------------|
| Net Sub-Total | + | Total GST Claimed | = | Total Cost Claim |
| \$ 12,436.38 | | \$ 621.80 | | \$ 13,058.18 |

I, (name) Paul Manning, of the (City, Town, etc.) City of Toronto in the
(County, Regional Municipality, etc.) of Province of Ontario, **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 process (the file number of which is set out above).

SWORN (OR AFFIRMED) BEFORE ME at the (City, Town, etc.) of
City of Toronto, in the (County, Regional Municipality, etc.) of
Province of Ontario on (date) March 5, 2009.

| | |
|---|---|
|  _____ COMMISSIONER for taking Affidavits |  _____ Signature of Deponent |
|---|---|

APPENDIX "B"

FORM 3

AFFIDAVIT IN SUPPORT OF COST CLAIM

| | |
|--|--------------------------|
| <u>EB-2008-0150</u> Board File Number | <u>NCO</u> Party Name |
|--|--------------------------|

Items Claimed excluding GST

| | | | | |
|-----------------------|---|---------------|---|---------------|
| Legal/Consultant Fees | + | Disbursements | = | Net Sub-Total |
| \$ 11,953 | | \$ 87.38 | | \$ 12,040.38 |

Goods and Services Tax

| | |
|--|---|
| Full Registrant Unregistered (GST at 5%) Other _____ GST at <u>5</u> % | Qualifying Non-Profit (GST at 2.5%) Tax Exempt (no GST)..... |
|--|---|

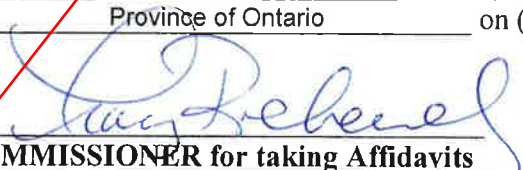
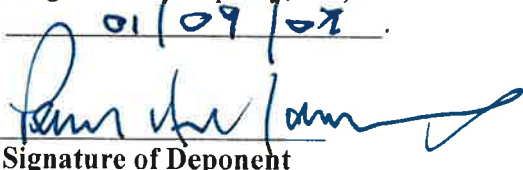
Total Cost Claim

| | | | | |
|---------------|---|-------------------|---|------------------|
| Net Sub-Total | + | Total GST Claimed | = | Total Cost Claim |
| \$ 12,040.38 | | \$ 602.00 | | \$ 12,642.38 |

I, (name) Paul Manning, of the (City, Town, etc.) City of Toronto in the
 (County, Regional Municipality, etc.) of Province of Ontario, **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 process (the file number of which is set out above).

SWORN (OR AFFIRMED) BEFORE ME at the (City, Town, etc.) of
City of Toronto, in the (County, Regional Municipality, etc.) of
Province of Ontario on (date) 01/09/08.

| | |
|--|--|
|  COMMISSIONER for taking Affidavits |  Signature of Deponent |
|--|--|

Tracy Lynn Richards, a Commissioner, etc.,
 City of Toronto, for
 Willms & Shier Environmental Lawyers LLP,
 Expires July 16, 2011.

APPENDIX "C"
LAWYER & CONSULTANT FEES
(TIME DOCKETS)

Jan 7/2009

Willms & Shier Environmental Lawyers LLP
Client Fees Listing
ALL DATES

| Date | Fee / Time | Working Lawyer | Hours | Amount | Inv# |
|-------------|--|----------------|-------|---------|------|
| Entry # | Explanation | | | | |
| 1216 | National Chief's Office on behalf of the | | | | |
| 5158 | Re: Rate Affordability Consultation | | | | |
| Jul 17/2008 | Lawyer: 38 0.30 Hrs X 330.00 | 38 | 38 | 99.00 | |
| 810625 | discussion consultation and NCO | | | | |
| Jul 18/2008 | potential intervention with J. K. Bell; | 22 | 22 | 150.00 | |
| 810117 | Lawyer: 22 1.50 Hrs X 100.00 | | | | |
| Jul 21/2008 | drafting intervention letter for NCO in | 38 | 38 | 429.00 | |
| 810524 | EB-2008-0150 (low-income consultation); | | | | |
| Jul 23/2008 | Lawyer: 38 1.30 Hrs X 330.00 | 38 | 38 | 330.00 | |
| 810568 | meetings and emails with J. K. Bell and | | | | |
| Jul 24/2008 | M. Cooper and with LIEN steering | 37 | 37 | 90.00 | |
| 810481 | committee to clear conflict issues;; | | | | |
| Jul 24/2008 | preparation of draft intervention | 38 | 38 | 99.00 | |
| 810584 | letter; | | | | |
| Aug 14/2008 | Lawyer: 37 0.90 Hrs X 100.00 | 22 | 22 | 100.00 | |
| 814862 | prepare and file intervention letter at | | | | |
| Aug 14/2008 | OEB; | 38 | 38 | 264.00 | |
| 818329 | Lawyer: 38 0.80 Hrs X 330.00 | | | | |
| Aug 15/2008 | email to M. Cooper re scheduling of | 22 | 22 | 400.00 | |
| 815277 | next stages of consultation and | | | | |
| Aug 18/2008 | presentation to stakeholders | 22 | 22 | 400.00 | |
| 815595 | conference;; instructions to J. Lyn to | | | | |
| Aug 18/2008 | research aboriginal energy poverty | 38 | 38 | 264.00 | |
| 817386 | issues; | | | | |
| Aug 22/2008 | Lawyer: 22 4.00 Hrs X 100.00 | 38 | 38 | 99.00 | |
| 818333 | research for Stakeholder's conference | | | | |
| Aug 26/2008 | presentation; | 38 | 38 | 561.00 | |
| 818344 | meeting with P. Manning to review | | | | |
| Aug 27/2008 | research; preparation of memorandum to | 38 | 38 | 99.00 | |
| 818433 | client; | | | | |
| Sep 3/2008 | Lawyer: 38 0.80 Hrs X 330.00 | 38 | 38 | 396.00 | |
| 824882 | review J. Lyn research re materials on | | | | |
| Sep 9/2008 | aboriginal energy poverty; | 37 | 37 | 30.00 | |
| 821245 | Lawyer: 38 0.30 Hrs X 330.00 | | | | |
| Sep 9/2008 | discuss with M. Cooper schedule of | 38 | 38 | 99.00 | |
| 824878 | notification of intention to make | | | | |
| Sep 17/2008 | presentation; M. Cooper to discuss | 38 | 38 | 66.00 | |
| 822774 | with NCO; outlined LIEN's role and | | | | |
| Sep 22/2008 | possible collaboration; | 38 | 38 | 1650.00 | |
| 823620 | Lawyer: 38 1.70 Hrs X 330.00 | | | | |
| | email to J.K. Bell and M. Cooper re | | | | |
| | requirements for presentation and | | | | |
| | pressing for instructions to give | | | | |
| | notice of intention to present and | | | | |
| | with memorandum of web sources for | | | | |
| | aboriginal poverty; emails with LIEN | | | | |
| | regarding other sources of information; | | | | |
| | Lawyer: 38 0.30 Hrs X 330.00 | | | | |
| | exchange of emails with LIEN re | | | | |
| | recommended contacts from G. Wedge as | | | | |
| | sources of information on aboriginal | | | | |
| | energy poverty; | | | | |
| | Lawyer: 38 1.20 Hrs X 330.00 | | | | |
| | preparation of memorandum reporting in | | | | |
| | detail on background and status of NCO | | | | |
| | intervention; | | | | |
| | Lawyer: 37 0.30 Hrs X 100.00 | | | | |
| | receive instructions from P. Manning to | | | | |
| | update clients with procedural | | | | |
| | deadlines for consultation proceeding; | | | | |
| | Lawyer: 38 0.30 Hrs X 330.00 | | | | |
| | exchange of emails with M. Cooper and | | | | |
| | instructions to include J.K Client | | | | |
| | Paying Bill . Bell and M. Cooper in | | | | |
| | our deadline sch Client Paying Bill | | | | |
| | eduling; | | | | |
| | Lawyer: 38 0.20 Hrs X 330.00 | | | | |
| | instructions to T. Richards re | | | | |
| | registration of attendance at | | | | |
| | consultation week; | | | | |
| | Lawyer: 38 5.00 Hrs X 330.00 | | | | |
| | attend and participate in stakeholder | | | | |
| | conference; lunchtime review and | | | | |
| | strategy planning and end of day | | | | |

↑
attend
prepare
report
↓

Jan 7/2009

Willms & Shier Environmental Lawyers LLP
Client Fees Listing
ALL DATES

| Date | Fee / Time | Working Lawyer | Hours | Amount | Inv# |
|-----------------------|---|------------------------|-------|---------|------|
| Entry # | Explanation | | | | |
| Sep 22/2008 823621 | debrief with T. McGlenahan, M. Todorow and Z.. Bhanji (including lunchtime conference call with R. Colton); Lawyer: 38 3.00 Hrs X 330.00 | 38 38 - PAUL MANNING | 3.00 | 990.00 | |
| Sep 24/2008 824130 | attend and participate in stakeholder conference; Lawyer: 38 4.00 Hrs X 330.00 | 38 38 - PAUL MANNING | 4.00 | 1320.00 | |
| Oct 8/2008 833290 | prepare for attend and participate in OEB consultation; Lawyer: 38 0.30 Hrs X 330.00 | 38 38 - PAUL MANNING | 0.30 | 99.00 | |
| Oct 8/2008 833295 | exchange of emails with M. Todorow of LIEN re discussion of Aboriginal Energy Poverty at Green Communities Canada conference and information relevant to OEB consultation; Lawyer: 38 0.20 Hrs X 330.00 | 38 38 - PAUL MANNING | 0.20 | 66.00 | |
| Oct 13/2008 828585 | review various emails re preparation of written submission; Lawyer: 38 1.00 Hrs X 330.00 | 38 38 - PAUL MANNING | 1.00 | 330.00 | |
| Oct 14/2008 835296 | report attendance at consultation presentations week and next steps for preparation of summary; Lawyer: 38 1.30 Hrs X 550.00 | 38 38 - PAUL MANNING | 1.30 | 715.00 | |
| Oct 15/2008 835304 | emails from J. London and J. K. Bell confirming instructions to work with K. Stark; review materials available on line; prepare email briefing for K. Stark; Lawyer: 38 0.50 Hrs X 330.00 | 38 38 - PAUL MANNING | 0.50 | 165.00 | |
| Oct 16/2008 830183 | exchange of emails with M. Cooper to ascertain contact details for K. Stark; instructions to J. Georgakopoulos to contact K. Stark and (on learning of her absence) to write to Board requesting an extension of time; Lawyer: 37 0.50 Hrs X 100.00 | 37 37 - TRACY RICHARDS | 0.50 | 50.00 | |
| Oct 16/2008 834655 | file request for time extnsion with the Board; Lawyer: 38 0.30 Hrs X 330.00 | 38 38 - PAUL MANNING | 0.30 | 99.00 | |
| Oct 17/2008 834643 | prepare and instructions to file and serve letter to Board Secretary requesting extension of time for filing of NCO's written comments; Lawyer: 38 0.30 Hrs X 330.00 | 38 38 - PAUL MANNING | 0.30 | 99.00 | |
| Oct 20/2008 830252 | call from A. Cazalet re extension of time for written comments; Lawyer: 38 1.20 Hrs X 330.00 | 38 38 - PAUL MANNING | 1.20 | 396.00 | |
| Oct 22/2008 831391 | receive email re extension of time for submissions; voicemail and email from and speak K. Stark; conference call with K. Stark and S. Watke at AFN; preliminary briefing; instructions to J. Georgakopoulos; Lawyer: 38 0.30 Hrs X 330.00 | 38 38 - PAUL MANNING | 0.30 | 99.00 | |
| Oct 24/2008 831877 | email from K. Stark confirming that NCO will work with W+SEL to prepare written submissions; Lawyer: 38 1.00 Hrs X 550.00 | 38 38 - PAUL MANNING | 1.00 | 550.00 | |
| Oct 28/2008 833736 | research and preparation for submissions; Lawyer: 38 1.30 Hrs X 550.00 | 38 38 - PAUL MANNING | 1.30 | 715.00 | |
| Oct 30/2008 835176 | email from K. Stark requesting current draft submission; review latest draft submission from NCO perspective; send to K. Stark with explanatory email; Lawyer: 38 1.00 Hrs X 330.00 | 38 38 - PAUL MANNING | 1.00 | 330.00 | |
| Oct 30/2008 835180 | receive and briefly review latest LIEN draft submission and forward to K. Stark; Lawyer: 38 0.30 Hrs X 330.00 | 38 38 - PAUL MANNING | 0.30 | 99.00 | |
| Oct 31/2008 835269 | receive and briefly review other participants submissions; Lawyer: 45 0.50 Hrs X 100.00 | 45 45 - LOUIE VARGAS | 0.50 | 50.00 | |
| Oct 31/2008 835591 | finalize, serve and file extension letter to file written submissions; Lawyer: 38 1.30 Hrs X 330.00 | 38 38 - PAUL MANNING | 1.30 | 429.00 | |
| | voicemails to and speak with K.Stark to confirm instructins re extension of time; receive consider and forward to K. Stark submissions of Nipissing First Nation;; prepare letter to Board Secretary advising of delay; receive and consider submissions of other participants; | | | | |

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attend
prepare
report

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submissions

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Willms & Shier Environmental Lawyers LLP
Client Fees Listing
ALL DATES

| Date | Fee / Time | Working | Lawyer | Hours | Amount | Inv# |
|-----------------------|--|---------|---------------------|-------|--------|------|
| Entry # | Explanation | | | | | |
| Nov 4/2008 836498 | Lawyer: 37 0.20 Hrs X 100.00 ; case management and instructions from P. Manning; email to K. Campbell re final submissions and filing requirements | 37 | 37 - TRACY RICHARDS | 0.20 | 20.00 | |
| Nov 4/2008 842791 | Lawyer: 38 0.70 Hrs X 330.00 instructions to T. Richards re finalising and filing submissions; exchange of emails with K. Campbell; | 38 | 38 - PAUL MANNING | 0.70 | 231.00 | |
| Nov 5/2008 836699 | Lawyer: 38 1.50 Hrs X 330.00 receive, review, revise and comment on draft submission; exchange of emails with K. Campbell; | 38 | 38 - PAUL MANNING | 1.50 | 495.00 | |
| Nov 7/2008 837143 | Lawyer: 37 0.70 Hrs X 100.00 file final submissions of NCO with Board and all parties; case management re same; | 37 | 37 - TRACY RICHARDS | 0.70 | 70.00 | |
| Nov 10/2008 844745 | Lawyer: 38 0.30 Hrs X 330.00 report filing of NCO submission; | 38 | 38 - PAUL MANNING | 0.30 | 99.00 | |

submissions

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APPENDIX "D"

DISBURSEMENTS

Jan 7/2009

Willms & Shier Environmental Lawyers LLP
Client Costs Journal
To Jan 7/2009

| Date | Paid To | Source Matter | Client Name | Ref# | G/L | Acct |
|-------------|--------------------------------|---------------|--------------------|------|-----|-----------|
| Entry# | Explanation | | | | | |
| Jul 29/2008 | | CER 5158 | National Chief's O | 5096 | - | PHOTOCOPY |
| 811381 | Photocopies | | | | | |
| Jul 29/2008 | | CER 5158 | National Chief's O | 5096 | - | PHOTOCOPY |
| 811382 | Photocopies | | | | | |
| Jul 29/2008 | | CER 5158 | National Chief's O | 5096 | - | PHOTOCOPY |
| 811383 | Photocopies | | | | | |
| Jul 29/2008 | | CER 5158 | National Chief's O | 5096 | - | PHOTOCOPY |
| 811384 | Photocopies | | | | | |
| Jul 29/2008 | | CER 5158 | National Chief's O | 5170 | - | RECOVERY |
| 811534 | Photocopies | | | | | |
| Jul 29/2008 | | CER 5158 | National Chief's O | 5170 | - | RECOVERY |
| 811535 | Photocopies | | | | | |
| | Total for Jul 29/2008 : | 6.00 | | | | |
| Jul 30/2008 | | CER 5158 | National Chief's O | 5170 | - | RECOVERY |
| 811924 | Photocopies | | | | | |
| Jul 30/2008 | | CER 5158 | National Chief's O | 5170 | - | RECOVERY |
| 811925 | Photocopies | | | | | |
| Jul 30/2008 | | CER 5158 | National Chief's O | 5096 | - | PHOTOCOPY |
| 811926 | Photocopies | | | | | |
| Jul 30/2008 | | CER 5158 | National Chief's O | 5096 | - | PHOTOCOPY |
| 811927 | Photocopies | | | | | |
| Jul 30/2008 | | CER 5158 | National Chief's O | 5096 | - | PHOTOCOPY |
| 811928 | Photocopies | | | | | |
| Jul 30/2008 | | CER 5158 | National Chief's O | 5096 | - | PHOTOCOPY |
| 811929 | Photocopies | | | | | |
| Jul 30/2008 | | CER 5158 | National Chief's O | 5096 | - | PHOTOCOPY |
| 811930 | Photocopies | | | | | |
| Jul 30/2008 | | CER 5158 | National Chief's O | 5096 | - | PHOTOCOPY |
| 811934 | Photocopies | | | | | |
| | Total for Jul 30/2008 : | 16.50 | | | | |
| Aug 15/2008 | | CER 5158 | National Chief's O | 5170 | - | RECOVERY |
| 815435 | Photocopies | | | | | |
| Aug 15/2008 | | CER 5158 | National Chief's O | 5170 | - | RECOVERY |
| 815436 | Photocopies | | | | | |
| Aug 15/2008 | | CER 5158 | National Chief's O | 5170 | - | RECOVERY |
| 815437 | Photocopies | | | | | |
| | Total for Aug 15/2008 : | 6.50 | | | | |
| Aug 18/2008 | | CER 5158 | National Chief's O | 5170 | - | RECOVERY |
| 815803 | Photocopies | | | | | |
| Aug 18/2008 | | CER 5158 | National Chief's O | 5170 | - | RECOVERY |
| 815809 | Photocopies | | | | | |
| Aug 18/2008 | | CER 5158 | National Chief's O | 5170 | - | RECOVERY |
| 815810 | Photocopies | | | | | |
| Aug 18/2008 | | CER 5158 | National Chief's O | 5170 | - | RECOVERY |
| 815811 | Photocopies | | | | | |
| Aug 18/2008 | | CER 5158 | National Chief's O | 5096 | - | PHOTOCOPY |
| 815840 | Photocopies | | | | | |
| Aug 18/2008 | | CER 5158 | National Chief's O | 5170 | - | RECOVERY |
| 815900 | Photocopies | | | | | |
| Aug 18/2008 | | CER 5158 | National Chief's O | 5170 | - | RECOVERY |
| 815929 | Photocopies | | | | | |
| | Total for Aug 18/2008 : | 8.50 | | | | |
| Aug 26/2008 | | CER 5158 | National Chief's O | 5125 | - | TELEPHONE |
| 825789 | Long Distance Calls | | | | | |
| | Total for Aug 26/2008 : | 2.28 | | | | |
| Sep 3/2008 | | CER 5158 | National Chief's O | 5125 | - | TELEPHONE |
| 825793 | Long Distance Calls | | | | | |
| | Total for Sep 3/2008 : | 3.04 | | | | |
| Sep 9/2008 | | CER 5158 | National Chief's O | 5096 | - | PHOTOCOPY |
| 821078 | Photocopies | | | | | |
| Sep 9/2008 | | CER 5158 | National Chief's O | 5096 | - | PHOTOCOPY |
| 821092 | Photocopies | | | | | |
| Sep 9/2008 | | CER 5158 | National Chief's O | 5096 | - | PHOTOCOPY |
| 821093 | Photocopies | | | | | |
| Sep 9/2008 | | CER 5158 | National Chief's O | 5096 | - | PHOTOCOPY |
| 821094 | Photocopies | | | | | |
| Sep 9/2008 | | CER 5158 | National Chief's O | 5096 | - | PHOTOCOPY |
| 821096 | Photocopies | | | | | |
| Sep 9/2008 | | CER 5158 | National Chief's O | 5096 | - | PHOTOCOPY |
| 821097 | Photocopies | | | | | |
| Sep 9/2008 | | CER 5158 | National Chief's O | 5096 | - | PHOTOCOPY |
| 821098 | Photocopies | | | | | |
| Sep 9/2008 | | CER 5158 | National Chief's O | 5096 | - | PHOTOCOPY |
| 821099 | Photocopies | | | | | |
| Sep 9/2008 | | CER 5158 | National Chief's O | 5096 | - | PHOTOCOPY |
| 821101 | Photocopies | | | | | |
| Sep 9/2008 | | CER 5158 | National Chief's O | 5096 | - | PHOTOCOPY |
| 821102 | Photocopies | | | | | |
| Sep 9/2008 | | CER 5158 | National Chief's O | 5096 | - | PHOTOCOPY |
| 821106 | Photocopies | | | | | |
| Sep 9/2008 | | CER 5158 | National Chief's O | 5096 | - | PHOTOCOPY |
| 821107 | Photocopies | | | | | |
| | Total for Sep 9/2008 : | 20.00 | | | | |
| Sep 26/2008 | | CER 5158 | National Chief's O | 5096 | - | PHOTOCOPY |

Jan 7/2009

Willms & Shier Environmental Lawyers LLP

Client Costs Journal

To Jan 7/2009

| Date | Entry# | Paid To Explanation | Source Matter | Client Name | Ref# | G/L Acct |
|-------------|--------|--------------------------------|---------------|---------------------|------------|-------------|
| | 824985 | Photocopies | | | | |
| | | Total for Sep 26/2008 : | 0.50 | | | |
| Oct 31/2008 | 835625 | Photocopies | CER 5158 | National Chief's O | 5096 | - PHOTOCOPY |
| Oct 31/2008 | 835632 | Photocopies | CER 5158 | National Chief's O | 5171 | - RECOVERY |
| Oct 31/2008 | 835633 | Photocopies | CER 5158 | National Chief's O | 5171 | - RECOVERY |
| Oct 31/2008 | 835748 | Photocopies | CER 5158 | National Chief's O | 5170 | - RECOVERY |
| Oct 31/2008 | 835754 | Photocopies | CER 5158 | National Chief's O | 5170 | - RECOVERY |
| Oct 31/2008 | 835758 | Photocopies | CER 5158 | National Chief's O | 5170 | - RECOVERY |
| Oct 31/2008 | 835760 | Photocopies | CER 5158 | National Chief's O | 5170 | - RECOVERY |
| Oct 31/2008 | 835761 | Photocopies | CER 5158 | National Chief's O | 5170 | - RECOVERY |
| Oct 31/2008 | 835766 | Photocopies | CER 5158 | National Chief's O | 5170 | - RECOVERY |
| Oct 31/2008 | 835777 | Photocopies | CER 5158 | National Chief's O | 5170 | - RECOVERY |
| Oct 31/2008 | 835785 | Photocopies | CER 5158 | National Chief's O | 5170 | - RECOVERY |
| | | Total for Oct 31/2008 : | 5.50 | | | |
| Nov 5/2008 | 838704 | Photocopies | CER 5158 | National Chief's O | 5170 | - RECOVERY |
| Nov 5/2008 | 838706 | Photocopies | CER 5158 | National Chief's O | 5170 | - RECOVERY |
| Nov 5/2008 | 838707 | Photocopies | CER 5158 | National Chief's O | 5170 | - RECOVERY |
| Nov 5/2008 | 838710 | Photocopies | CER 5158 | National Chief's O | 5170 | - RECOVERY |
| Nov 5/2008 | 838711 | Photocopies | CER 5158 | National Chief's O | 5170 | - RECOVERY |
| | | Total for Nov 5/2008 : | 5.00 | | | |
| Nov 7/2008 | 842923 | SHELLX COURIER Deliveries | AP 5158 | National Chief's Of | 75697 5065 | - DELIVERY |
| | | Total for Nov 7/2008 : | 13.56 | | | |

*** Client Costs Journal - G/L Account Summary ***

| G/L Account | Debit | Credit |
|----------------------------|-------|--------|
| 1210 - CLIENT DISB.-RECOV. | 87.38 | |
| 5065 - DELIVERY CHARGES | | 13.56 |
| 5096 - PHOTOCOPY RECOVERY | | 42.50 |
| 5125 - TELEPHONE | | 5.32 |
| 5170 - RECOVERY - LASER CO | | 25.50 |
| 5171 - RECOVERY - SCANNING | | 0.50 |
| Total: | 87.38 | 87.38 |

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B;

AND IN THE MATTER OF cost awards for parties in a Consultation Process on Energy Issues Relating to Low Income Consumers.

**APPLICATION FOR AN AWARD OF COSTS
ON BEHALF OF THE INTERVENOR,
NATIONAL CHIEF'S OFFICE
ON BEHALF OF ASSEMBLY OF FIRST NATIONS**

**WILLMS & SHIER
ENVIRONMENTAL LAWYERS LLP**
4 King Street West, Suite 900
Toronto, ON M5H 1B6

Paul Manning
LSUC # O50059P

Tel: 416-862-4843
Fax: 416-863-1938

Lawyers for the Intervenor, NCO