



By Electronic Filing and By E-mail

March 6, 2009

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street  
27<sup>th</sup> floor  
Toronto ON M4P 1E4

Dear Ms Walli,

**Union Gas Limited 2009 Rates**

**Board File No.: EB-2008-0220**

**Our File No.: 339583-000020**

We are writing to respond to the March 2, 2009 letter from Union Gas Limited ("Union") to the Board questioning the time spent in this proceeding by professionals in this firm in providing services to our client, Canadian Manufacturers & Exporters ("CME"). Union also questions the time spent by advisors to the Association of Power Producers of Ontario ("APPrO") in providing professional services to their client with respect to this matter.

Union criticizes the tasks this firm performed on behalf of CME and the tasks APPrO's advisors performed on behalf of their client on the following grounds:

- (a) It was unreasonable to have two professionals rather than one work together; and
- (b) The time spent by professional advisors to CME and APPrO exceed time spent by others in representing their clients' interests in connection with this matter.

The claim for costs submitted by CME on February 4, 2009, is in an amount of \$12,131.00 for fees and \$147.00 for disbursements. With the additional time we spent in reviewing and commenting on the Draft Rate Order Union, which circulated on February 12, 2009, we are requesting, as stated in our letter to the Board of February 19, 2009, a cost award in the amount of \$12,593.00 for fees and \$147.00 for disbursements, plus GST. Accordingly, the amount of CME's Cost Claim which Union is criticizing is about \$12,600.00 for fees plus disbursements and GST.

In this proceeding, Union sought to recover from ratepayers, by way of a Z Factor, an amount which exceeded \$4M. The Cost Claim submitted by CME of \$12,600, which Union is criticizing, is miniscule in comparison to the amount in issue in this case. Intervenor's successfully resisted Union's claim. In its Decision with Reasons dated

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**PETER C.P. THOMPSON, Q.C.**  
direct tel.: (613) 787-3528  
e-mail: pthompson@blgcanada.com

Vancouver  
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Toronto  
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Ottawa  
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Montréal  
.  
Calgary

January 29, 2009, the Board found favour with submissions made by CME and others to the effect that Union's claim to recover an additional amount of more than \$4M in rates should be dismissed.

We were somewhat surprised to receive Union's letter of March 2, 2009 criticizing CME's Cost Claim because, about two (2) weeks before that date, we had received an email from Mr. Ripley of Union thanking us for our February 19, 2009 letter commenting on the appropriateness of the formal Order Union had circulated. That letter requested an increase in the fees component of the Cost Claim submitted on February 4, 2009, from \$12,131.00 to \$12,593.00.

We mistakenly construed Mr. Ripley's "thank you" e-mail as an expression by Union of satisfaction with all aspects of our February 19, 2009 letter to the Board. Prior thereto, we had not been informed by Union that the amount claimed in our February 4, 2009 Cost Claim was a matter of concern. A copy of Mr. Ripley's e-mail dated February 19, 2008, is attached.

### **Case Management by Two Professionals Rather than One**

Most intervenors utilize two or more professionals to represent their interests in proceedings before the Board. It is customary for intervenors to be assisted by two or more professionals; be they two counsel or counsel and one or more consultants. Two or more professionals cannot work together on a case without each of them reviewing it.

Mr. DeRose and I have been working together for several years in this firm's management of interventions in Union's Applications for Rates. Union's criticism of the fact that both Mr. DeRose and I worked together on this case and reviewed the Application is unreasonable and lacks merit. We submit that the Cost Claims of CME and APPrO cannot reasonably be objected to on the grounds that they cover services provided by two professionals.

### **Duration of Time Spent**

Union criticizes the total hours which Mr. DeRose and I spent in providing services to CME by comparing that total to the average and totals of time spent by other professionals in providing services to other intervenors. We submit that such comparisons are inherently unfair since we do not have access to the Cost Claim documents submitted by other Cost Award eligible participants in this proceeding. Without access to these documents, we cannot point to the tasks we performed which may not have been performed by others; or the extent to which the time we spent in performing a particular task might differ from the time spent by others performing a similar task, and provide an explanation as to why such differences might exist.

When Cost Claims are judicially assessed, there is generally an onus on the complaining party to point to the performance of some superfluous task or to an excessive amount of time being spent in conducting a particular task. Union has done nothing to discharge

such an onus in its criticisms of the Cost Claims submitted on behalf of CME and APPrO.

Although we do not have the particulars of the Cost Claims submitted by others upon which Union bases its criticisms of CME and APPrO, we do have the Written Arguments submitted on behalf of others, including the Vulnerable Energy Consumers Coalition ("VECC") and Energy Probe. The brief Written Arguments by VECC and Energy Probe rely upon Written Arguments prepared and submitted by other intervenors. In these circumstances, it is obvious that the time spent by professionals representing VECC and Energy Probe will materially differ from the time we spent performing tasks on behalf of CME because CME participated much more extensively in the Written Argument phase of the proceeding.

When considering whether the duration of the time spent in this case by the professional advisers to CME and APPrO is reasonable, we ask the Board to take into account the extent to which a written hearing process tends to prolong a proceeding. In our letter of October 28, 2008, requesting intervenor status and cost award eligibility for CME in this case, we expressed the view that a face-to-face oral hearing process, rather than a written hearing process, would likely be the most efficient way of dealing with Union's Application. We reiterated that point of view in a letter dated December 16, 2008, in Enbridge Gas Distribution's ("EGD") 2009 Rates proceeding. Energy Probe referred to that letter in the brief Written Argument it filed in this case. Union resisted our proposal that a face-to-face process be adopted and reiterated its preference for a written hearing process, which the Board subsequently directed the parties to follow.

In support of our position that, in this case, a Cost Claim of about \$12,600.00 for fees, plus disbursements and GST, falls within a range of reasonableness, we rely on the costs that our client was awarded for its participation in Phase 1 of the Application by Enbridge Gas Distribution ("EGD") for 2009 Rates. That case involved a face-to-face Technical Conference and Settlement Conference, following the exchange of Interrogatories. That process eventually led to a settlement and did not involve the Written Argument process which took place in this case. In EGD's case, the Board approved CME's Cost Claim in an amount of about \$11,600.00 for fees, plus disbursements and GST. A copy of the Cost Claim and the Board's Decision and Order pertaining thereto are attached.

As we have already noted, we believe that a Written Hearing process of the type adopted in Union's case is less efficient and more time consuming than the face-to-face process adopted in EGD's case. Our Cost Claim in Union's case for fees, of about \$12,600.00, is about \$1,000 more than our Cost Claim for fees of about \$11,600.00, which the Board approved in Phase 1 of EGD's 2009 Rate Case. These circumstances, we submit, demonstrate that the Cost Claim of about \$12,600.00 for fees, plus disbursements and GST in this case, falls within the range of reasonableness.

A summary of the tasks Mr. DeRose and I performed in our management of this case on behalf of CME is contained in Schedule A to this letter. The time that we spent in performing these various tasks is as particularized in the Cost Claim which we submitted on behalf of CME. We respectfully suggest that the tasks particularized in the Cost

Claim and the time spent in performing them are compatible with the nature of the proceeding and the amount in issue therein.

For these reasons, we urge the Board to find that the tasks that the professionals in this firm performed in their management of Union's 2009 Rate Application on behalf of CME and the time spent in performing them were reasonable and that the Cost Claim of about \$12,600.00 for fees, plus disbursements and GST, falls within the ambit of reasonableness.

We request that the Board approve, as submitted, the Cost Claim reflected in our February 4, 2009 filing as well as the supplement thereto reflected in our letter to Union of February 19, 2009.

We also urge the Board to find that Union's criticisms of Mr. Wolnik's role in this case are without merit. Mr. Wolnik is an experienced and able consultant and, as indicated in the Summary attached as Schedule A, his services were relied upon by all intervenors to gain a better understanding of the DOS-MN service and the potential upstream transportation cost reductions associated therewith.

Please contact me if the Board requires any further information in connection with this matter.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Peter C.P. Thompson', with a long horizontal flourish extending to the right.

Peter C.P. Thompson, Q.C.

PCT/kt/slc  
enclosures

c. Chris Ripley (Union Gas Limited)  
Interested Parties EB-2008-0220  
Paul Clipsham (CME)

OTT01\3668019\1

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**From:** Chris Ripley [CRipley@uniongas.com]  
**Sent:** February 19, 2009 1:23 PM  
**To:** Thompson, Peter C. P.  
**Subject:** RE: EB-2008-0220 CME Comments DRO

Thanks Peter.

Chris.

Chris Ripley

Manager, Regulatory Applications  
cripley@uniongas.com  
Office (519) 436-5476  
Cell (519) 365-0450

---

**From:** Thompson, Peter C. P. [mailto:PThompson@blgcanada.com]  
**Sent:** February 19, 2009 11:30 AM  
**To:** Adams, Bonnie Jean; Aiken, Randy; Bartlett, Jim; Battista, Richard; Berge, Nadine; Buonaguro, Michael; Butters, David; Campbell, Donna; Cass, Fred; Chen, Rachel; Clipsham, Paul; Cramer, Duane; DeRose, Vincent J.; DeVellis, John; Duffy, Patrick; Forster, Ric; Girvan, Julie; Gruenbauer, Jim; Harbell, James; Killeen, Bill; Kuntz, Margaret; MacDonald, Glen; MacIntosh, David; Mondrow, Ian; Myers, Jonathan; Newton, Murray; Penny, Michael; Reuber, Barbara; Chris Ripley; Ross, Murray; Ruzycki, Nola; Ryckman, Norm; Scott, Jennifer; Stacey, Jason; TCE Regulatory@transcanada.com; Thompson, Peter C. P.; Williams, Bob; Wolnik, John; Young, Valerie  
**Subject:** EB-2008-0220 CME Comments DRO

Please find attached a letter of comment with respect to Union's Updated Draft Rate Order, submitted on behalf of Canadian Manufacturers & Exporters ("CME") in the above-noted proceeding, which was filed today through the OEB's Web Portal. Paper copies are being sent as required.

Peter C.P. Thompson, Q.C.  
Borden Ladner Gervais LLP  
World Exchange Plaza  
100 Queen Street, Suite 1100  
Ottawa, ON K1P 1J9

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03-05-2009

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

**AND IN THE MATTER OF** an Application by Enbridge Gas  
Distribution Inc. for an Order or Orders approving or fixing  
just and reasonable rates and other charges for the sale,  
distribution, transmission and storage of gas commencing  
January 1, 2009.

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**PHASE 1 COST CLAIM OF**

**CANADIAN MANUFACTURERS & EXPORTERS (“CME”)**

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**December 18, 2008**

**Peter C. P. Thompson, Q.C.**  
Borden Ladner Gervais LLP  
World Exchange Plaza  
100 Queen Street  
Suite 1100  
Ottawa ON K1P 1J9



Telephone (613) 237-5160  
Facsimile (613) 230-8842  
Counsel for CME

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# FORM 3

## AFFIDAVIT IN SUPPORT OF COST CLAIM

<b>Board File No.:</b>	EB-2008-0219		
<b>Party Name / Intervenor:</b>	Canadian Manufacturers & Exporters ("CME")		
<b>Items Claimed excluding GST:</b>			
Legal / Consultant Fees	+	Disbursements	= Net Sub-Total
\$ 11,582.00		\$ 1,911.88	= \$ 13,493.88
(Peter C.P. Thompson) (Vincent J. DeRose)		(Peter C.P. Thompson) (Vincent J. DeRose)	
<b>Goods and Services Tax:</b>			
..... Full Registrant (Claiming no GST)		..... Qualifying Non-Profit (Claiming GST at 2.5%)	
..... Unregistered (Claiming GST at 5%)		..... Tax Exempt (Claiming no GST)	
<u>X</u> Other (Claiming GST at 5%)			
Total GST Claimed			\$ 672.40
GST Registration No. 869096974 (BLG)			
<b>Total of Cost Claim:</b>			
Net Sub-Total	+	Total GST Claimed	= Total Cost Claim
\$ 13,493.88		\$ 672.40	= \$ 14,166.28
<p>I, Peter C.P. Thompson, of the City of Ottawa, in the Province of Ontario, MAKE OATH AND SAY:</p> <ol style="list-style-type: none"> <li>I am a representative of the above-noted party (the "party") and as such have knowledge of the matters attested to herein.</li> <li>I have examined the above Cost Claim, and all of the documentation in support of it.</li> <li>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).</li> </ol> <p><b>SWORN BEFORE ME</b> at the City of Ottawa, in the Province of Ontario on the 18<sup>th</sup> day of December, 2008.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%;">               _____              COMMISSIONER for taking Affidavits, etc.         </div> <div style="width: 45%;">               _____              Peter C.P. Thompson         </div> </div>			

Norma Jean Jennings, a Commissioner, etc.,  
 Province of Ontario, for Borden Ladner,  
 Gervais LLP, Barristers and Solicitors.  
 Expires January 11, 2009.



# FORM 1

## SUMMARY STATEMENT OF HOURS – CONSULTANT AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

<b>EB-2008-0219</b> Board File No.		<b>Canadian Manufacturers &amp; Exporters ("CME")</b> Party Name / Intervenor	
<b>Peter C.P. Thompson</b> Legal Counsel Name	<b>1967</b> Year of Call	<b>Borden Ladner Gervais LLP</b> Law Firm	
<b>N/A</b> Consultant Name	<b>N/A</b> Years of Relevant Experience (curriculum vitae must be attached)	<b>N/A</b> Consultant Firm	

	Hours	Hourly Rate	Sub-Total	GST	Total
Preparation (Prep)	25.1	\$330.00	8,283.00	414.15	8,697.15
Attendance Technical Conference (Attend TC)	4.5	\$330.00	1,485.00	74.25	1,559.25
Attendance Settlement Conference (Attend SC)	2.5	\$330.00	825.00	41.25	866.25
Attendance Oral Hearing (Attend OH)	0.0	\$330.00	0.00	0.00	0.00
Argument (Argument)	0.0	\$330.00	0.00	0.00	0.00
Case Management (CM)	0.0	\$330.00	0.00	0.00	0.00
<b>TOTALS:</b>	<b>32.1</b>		<b>\$10,593.00</b>	<b>\$ 529.65</b>	<b>\$11,122.65</b>

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

# **DETAILED STATEMENT OF HOURS - Peter C.P. Thompson**

<i>Date</i>	<i>Description of Services</i>	<i>Time</i>	<i>Allocation</i>
22-Oct-08	Considering Notice of Application, e-mail to ratepayer representatives, and responses re: two-phased approach	0.9	Prep
23-Oct-08	Considering various e-mails and drafting letter of intervention	0.9	Prep
24-Oct-08	Revising draft letter of intervention	0.9	Prep
24-Oct-08	E-mail to Mr. Clipsham	0.2	Prep
24-Oct-08	Considering e-mail from Mr. Clipsham	0.1	Prep
27-Oct-08	Considering e-mails from Mr. Clipsham and Mr. Humphries; finalizing CME's response to Notice of Application	0.3	Prep
27-Oct-08	Telephone call from Ms Girvan re: CME's position on two-phased hearing	0.1	Prep
31-Oct-08	Considering letter to OEB from Mr. Shepherd and Mr. Mondrow and EGD	0.2	Prep
12-Nov-08	Considering EGD's letter re: hearing process	0.2	Prep
19-Nov-08	Considering draft Issues List; drafting letter to OEB; finalizing letter to OEB with CME's comments on Issues List	0.9	Prep
25-Nov-08	E-mail to Mr. DeRose re: TCPL interim toll reductions	0.1	Prep
26-Nov-08	Reviewing Mr. Aiken's Interrogatories to EGD	0.2	Prep
01-Dec-08	Reviewing EGD's pre-filed evidence	2.9	Prep
01-Dec-08	Reviewing Mr. Aiken's Interrogatories to EGD	0.3	Prep
01-Dec-08	Drafting and dictating Interrogatories to EGD	3.5	Prep
01-Dec-08	Finalizing CME's Interrogatories to EGD	1.0	Prep
01-Dec-08	E-mail to Mr. Clipsham	0.1	Prep
01-Dec-08	Telephone call to Mr. Clipsham (voicemail)	0.1	Prep
03-Dec-08	Reviewing Mr. Schuch's e-mail and organizing materials for Technical Conference tomorrow	1.0	Prep
04-Dec-08	Preparation for Technical Conference during travel to Toronto	2.0	Prep
04-Dec-08	Attendance at Technical Conference	4.5	Attend TC
09-Dec-08	Preparation for Settlement Conference, including reviewing pre-filed evidence last year re: new power generators; discussion with Mr. DeRose; reviewing EGD response to Technical Conference undertakings	2.5	Prep
10-Dec-08	Preparation for Settlement Conference during travel to Toronto	2.5	Prep
10-Dec-08	Attendance at Settlement Conference	2.5	Attend SC
11-Dec-08	Reviewing draft Settlement Agreement; drafting suggested revisions; considering revisions suggested by other intervenors; e-mail to Mr. Clipsham; e-mail comments to Mr. Stevens	1.8	Prep
11-Dec-08	Reviewing revised Settlement Agreement; considering e-mail from Mr. Clipsham; e-mail to Mr. Stevens	0.3	Prep

12-Dec-08	Considering Mr. Stevens' e-mail	0.1	Prep
12-Dec-08	Drafting and finalizing e-mail to Mr. Stevens re: presentation of Settlement Agreement	0.5	Prep
16-Dec-08	Revising and converting e-mail to Mr. Stevens to letter to OEB	0.8	Prep
16-Dec-08	E-mail to Mr. Cass	0.1	Prep
16-Dec-08	E-mail to Board and interested parties	0.1	Prep
16-Dec-08	Considering and responding to e-mail from Mr. Schuch	0.2	Prep
16-Dec-08	Considering letter to OEB from Mr. Kacicnik of EGD	0.1	Prep
18-Dec-08	Reviewing Board's Decision approving Settlement Agreement	0.2	Prep

**TOTAL HOURS:**

**32.1**

## FORM 2

### SUMMARY OF DISBURSEMENTS

<b>Board File No.:</b>	EB-2008-0219		
<b>Party Name / Intervenor:</b>	Canadian Manufacturers & Exporters ("CME")		
<b>Party or Group that made the disbursement:</b>	Borden Ladner Gervais – Peter C.P. Thompson		
	<b>NET COST</b>	<b>GST</b>	
Photocopies	222.50	11.13	
LPIC Levy Surcharge	50.00	2.50	
Travel: air	1,387.66	69.39	
Travel: parking	31.54	1.46	
Travel: taxis	192.32	7.68	
Travel: meals	27.86	1.14	
			<b>GRAND TOTAL:</b>
<b>SUB-TOTAL:</b>	<b>\$1,911.88</b>	<b>\$ 93.30</b>	<b>\$2,005.18</b>
<i>Notes: (a) All claims for disbursements must include receipts where practical.</i> <b>(b) All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____.</b>			

# Borden Ladner Gervais - EXPENSE REPORT

NAME: PETER THOMPSON DATE: DEC 4, 2008

Billable: ✓ Non-Billable: \_\_\_\_\_

Prof. Dev.: \_\_\_\_\_ Promotion: \_\_\_\_\_

Inter Office Travel: \_\_\_\_\_

## BILLABLE INFORMATION:

Client File No./Name: CME - ESD 2009 RATES 339583-00017

## NON-BILLABLE INFORMATION:

Event: TECHNICAL CONFERENCE

Location: DEB TORONTO

Date(s) of Event: DEC 4, 2008

Expenses	Expenses Outside Canada	Total (Inc. GST)	NET Cost of Service	GST	Non-Tax. Expenses
Transportation (Air, Bus, Train)		<u>668.15</u>	<u>636.33</u>	<u>31.82</u>	
Mileage ( _____ km. @ _____ /km)					
Car Rental					
Taxis <u>50, 50</u>		<u>100.00</u>	<u>96.16</u>	<u>3.84</u>	
Hotel Room only/# of Nights _____					
Food and Drink <u>SNACKS &amp; LUNCHES (NO RECEIPT)</u>		<u>88.00</u>	<u>7.68</u>	<u>0.32</u>	
Parking <u>OTTAWA AIRPORT</u>		<u>16.50</u>	<u>15.77</u>	<u>0.73</u>	
Long Distance					
Miscellaneous (specify)					
TOTALS:		<u>\$ 792.65</u>	<u>755.94</u>	<u>36.71</u>	

Total Expenses 792.65

Less: Travel Advance 0

Net Cheque Payable \$ 792.65

- Expenses are to be remitted within one week of being incurred.
- Original receipts are required for all items.
- Non-billable expenses must be approved by Group Leader

LAWYER OR GROUP LEADER'S APPROVAL: Peter Thompson

**Thompson, Peter C. P.**

**From:** Air Canada [confirmation@aircanada.com]  
**Sent:** December 3, 2008 5:45 PM  
**To:** Thompson, Peter C. P.  
**Subject:** Air Canada - 04-Dec: Ottawa - Toronto (booking ref: PUTZYA)

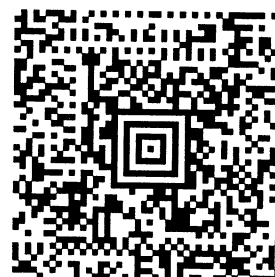
\*\*\*\*\* PLEASE DO NOT REPLY TO THIS E-MAIL \*\*\*\*\*

## Itinerary/Receipt

Your booking is confirmed.

**Please print this itinerary/receipt for your reference.**

Thank you for choosing Air Canada and we look forward to welcoming you on board.



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with this barcode

	<b>Looking for Travel Insurance?</b> Protect yourself and your family against unforeseen circumstances.
	<b>Need a hotel in Toronto?</b> Competitive room pricing guaranteed. Earn Aeroplan Miles for every purchase.
	<b>Need prearranged City Attractions and Services?</b>
	<b>Need a car in Toronto?</b> Get your aircanada.com discount with <i>Hertz</i>

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You can now take the initiative to directly offset the carbon emissions of your flight. Air Canada and Zerofootprint have partnered to allow you to make a difference for the environment.  
[Offset now](#) | [Learn more](#)

**Bring along your favourite headset**  
Did you know that each year, millions of used headsets are thrown away? You can help significantly reduce waste by bringing along your favourite headset each time you fly. We even provide complimentary adaptors onboard all aircrafts equipped with outlets not compatible with single-prong headset jacks.

### Booking Information

**Booking Reference:** **PUTZYA**

**Electronic Ticketing confirmed. This is your official itinerary/receipt.**

**Main Contact:**

Mr Peter Thompson  
pthompson@blgcanada.com  
Home: 1-613-7415680  
Work: 1-613-2375160

**Online Services**

- **Manage** my booking online (view/change my booking; select seats\*).

**AIR CANADA**

**Customer Care**

**Air Canada**  
1-888-247-2262

**Flight Arrivals and  
Departures**  
1-888-422-7533

- **Alert me** of flight status changes directly to my mobile phone or email.
- **Flight Arrivals & Departures** - check online if my flight is on time.
- **Check-in online** and print my boarding pass.

\* Can my booking be changed online?

## Flight Itinerary

Flight	From	To	Stops	Duration	Aircraft	Fare Type	Meal *
AC441	<b>Ottawa, Ottawa Int'l (YOW)</b> Thu 04-Dec 2008 07:00	<b>Toronto, Pearson Int'l (YYZ)</b> Thu 04-Dec 2008 08:23 - Terminal 1	0	1hr23	320	Tango Plus	
AC458	<b>Toronto, Pearson Int'l (YYZ)</b> Thu 04-Dec 2008 16:10 - Terminal 1	<b>Ottawa, Ottawa Int'l (YOW)</b> Thu 04-Dec 2008 17:13	0	1hr03	321	Latitude	

## Passenger Information

### Passenger 1: Adult

Name: **Mr Peter Thompson** Frequent Flyer Pgm : **Air Canada - Aeroplan**  
 Ticket Number: **0142165133255** Program Number: **0311063200**  
 Meal Preference: **None** Special Needs: **None**  
 Sport equipment(s): **None**  
 Seat Selection: **None**  
 Credit Card: **XXXX-XXXX-XXXX-**

## Purchase Summary

### Fare Summary

Passenger Type	Adult
Departing Flight - <b>Tango Plus</b>	<b>199.00</b>
Returning Flight - <b>Latitude</b>	<b>369.00</b>
Surcharges	<b>24.00</b>

### Taxes, Fees and Charges

Canada Airport Improvement Fee	35.00
Air Travellers Security Charge (ATSC)	9.33
Canada Goods and Services Tax (GST/HST #10009-2287)	31.82
Total airfare and taxes before options (per passenger)	<b>668.15</b>
Number Of Passengers	1
Total	<b>668.15</b>
RBC Travel Insurance (declined)	0.00
<b>Grand Total - Canadian dollars</b>	<b>\$668.15</b>

The following charges (tax inclusive) will appear on your credit card statement:  
 Air Canada: \$668.15 (Airfare - per ticket)

Ticket number(s): 0142165133255

Aéroport d'Ottawa Airport

EX1 CT 04/12/08 16:16  
Cashier 57  
Receipt 095251

Ticket/Billet  
P1 - No. 055278  
04/12/08 05:50 -  
04/12/08 16:16  
Period 0d10h27'  
(GSTPST) \$16.50

Gross total \$16.50

Payment  
Cash \$16.50

Net total \$14.60  
GSTTPS 5% 0.73  
PSTTVP 8% 1.17

GST#TPS 898569942RT. CAD  
Good Day Au revoir

**RECEIVED PAYMENT**

PAID \$50.00

DATE Dec. 04/08 #4

DRIVER Ma

WITH THANKS



**INDEPENDENT CAB OWNERS'  
CO-OPERATIVE INCORPORATED  
TORONTO, ONTARIO**

Date: Dec 4, 2008 Fare: \$50.00  
GST INCLUDED

From: 2300 Yonge

To: AIRPORT

Cab # \_\_\_\_\_ Driver: [Signature]

**Flat rates available for Airport, Out of Town,  
Business Trips, Sightseeing, Etc: Ask Driver for details.**

RECEIPT



# Borden Ladner Gervais - EXPENSE REPORT

NAME:

BORDEN LADNER GERVAIS

DATE:

DEC 11, 2008

Billable:

V

Non-Billable:

\_\_\_\_\_

Prof. Dev.:

\_\_\_\_\_

Promotion:

\_\_\_\_\_

Inter Office Travel:

\_\_\_\_\_

## BILLABLE INFORMATION:

Client File No./Name:

CME END - 2009 GARD

339583

-000017

## NON-BILLABLE INFORMATION:

Event:

SETTLEMENT CONFERENCE

Location:

TORONTO

Date(s) of Event:

DEC 10, 2008

Expenses	Expenses Outside Canada	Total (Inc. GST)	NET Cost of Service	GST	Non-Tax. Expenses
Transportation (Air, Bus, Train)		<u>8.700.90</u>	<u>751.33</u>	<u>37.57</u>	
Mileage ( _____ km. @ _____ /km)					
Car Rental					
Taxis <u>50 50</u>		<u>100.00</u>	<u>96.16</u>	<u>3.84</u>	
Hotel Room only/# of Nights					
Food and Drink <u>21.00</u>		<u>21.00</u>	<u>20.18</u>	<u>0.82</u>	
Parking <u>16.50</u>		<u>16.50</u>	<u>15.77</u>	<u>0.73</u>	
Long Distance					
Miscellaneous (specify)					
TOTALS:		<u>8926.40</u>	<u>883.44</u>	<u>42.96</u>	

Total Expenses 926.40

Less: Travel Advance

\_\_\_\_\_

Net Cheque Payable

926.40

1. Expenses are to be remitted within one week of being incurred.
2. Original receipts are required for all items.
3. Non-billable expenses must be approved by Group Leader

LAWYER OR GROUP LEADER'S APPROVAL:

[Signature]

**Thompson, Peter C. P.**

**From:** Air Canada [confirmation@aircanada.com]  
**Sent:** December 9, 2008 5:11 PM  
**To:** Thompson, Peter C. P.  
**Subject:** Air Canada - 10-Dec: Ottawa - Toronto (booking ref: LMYBAI)

4/10

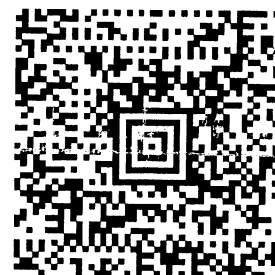
\*\*\*\*\* PLEASE DO NOT REPLY TO THIS E-MAIL \*\*\*\*\*

## Itinerary/Receipt

Your booking is confirmed.

**Please print this itinerary/receipt for your reference.**

Thank you for choosing Air Canada and we look forward to welcoming you on board.



Learn what you can do  
with this barcode

	<b>Looking for Travel Insurance?</b> Protect yourself and your family against unforeseen circumstances.
	<b>Need a hotel in Toronto?</b> Competitive room pricing guaranteed. Earn Aeroplan Miles for every purchase.
	<b>Need prearranged City Attractions and Services?</b>
	<b>Need a car in Toronto?</b> Get your aircanada.com discount with <i>Hertz</i>

**Reduce your carbon footprint!**  
You can now take the initiative to directly offset the carbon emissions of your flight. Air Canada and Zerofootprint have partnered to allow you to make a difference for the environment.  
[Offset now](#) | [Learn more](#)

**Bring along your favourite headset**  
Did you know that each year, millions of used headsets are thrown away? You can help significantly reduce waste by bringing along your favourite headset each time you fly. We even provide complimentary adaptors onboard all aircrafts equipped with outlets not compatible with single-prong headset jacks.

### Booking Information

**Booking Reference:** **LMYBAI**

**Electronic Ticketing confirmed. This is your official itinerary/receipt.**

**Main Contact:**

Mr Peter Thompson  
pthompson@blgcanada.com  
Home: 1-613-7415680  
Work: 1-613-2375160

**Online Services**

- **Manage** my booking online (view/change my booking; select seats\*).

**AIR CANADA**

### Customer Care

**Air Canada**  
1-888-247-2262

**Flight Arrivals and  
Departures**  
1-888-422-7533

- **Alert me** of flight status changes directly to my mobile phone or email.
- **Flight Arrivals & Departures** - check online if my flight is on time.
- **Check-in online** and print my boarding pass.

\* Can my booking be changed online?

## Flight Itinerary

Flight	From	To	Stops	Duration	Aircraft	Fare Type	Meal *
AC479	<b>Ottawa, Ottawa Int'l (YOW)</b> Wed 10-Dec 2008 06:00	<b>Toronto, Pearson Int'l (YYZ)</b> Wed 10-Dec 2008 07:20 - Terminal 1	0	1hr20	320	Tango Plus	
AC456	<b>Toronto, Pearson Int'l (YYZ)</b> Thu 11-Dec 2008 15:10 - Terminal 1	<b>Ottawa, Ottawa Int'l (YOW)</b> Thu 11-Dec 2008 16:10	0	1hr00	319	Latitude	

## Passenger Information

### Passenger 1: Adult

Name: **Mr Peter Thompson** Frequent Flyer Pgm : **Air Canada - Aeroplan**  
 Ticket Number: **0142165313799** Program Number: **0311063200**  
 Meal Preference: **None** Special Needs: **None**  
 Sport equipment(s): **None**  
 Seat Selection: **None**  
 Credit Card: **XXXX-XXXX-XXXX-**

## Purchase Summary

### Fare Summary

Passenger Type	Adult
Departing Flight - <b>Tango Plus</b>	<b>314.00</b>
Returning Flight - <b>Latitude</b>	<b>369.00</b>
Surcharges	<b>24.00</b>

### Taxes, Fees and Charges

Canada Airport Improvement Fee	35.00
Air Travellers Security Charge (ATSC)	9.33
Canada Goods and Services Tax (GST/HST #10009-2287)	37.57
Total airfare and taxes before options (per passenger)	<b>788.90</b>
Number Of Passengers	1
Total	<b>788.90</b>
RBC Travel Insurance (declined)	0.00
<b>Grand Total - Canadian dollars</b>	<b>\$788.90</b>

The following charges (tax inclusive) will appear on your credit card statement:  
 Air Canada: \$788.90 (Airfare - per ticket)

Ticket number(s): 0142165313799

Aéroport d'Ottawa Airport

EX1 CT 10/12/08 17:38  
Cashier 57  
Receipt 005888

Ticket/Billet  
P1 - No: 063887  
10/12/08 05:05 -  
10/12/08 17:38  
Period 0d12h34'  
(GSTPST) \$16.50

Gross total \$16.50

Payment  
Cash \$16.50

Net total \$14.60  
GSTTPS 5% 0.73  
PSTTVP 8% 1.17

GST#TPS 898569942RT. CAD  
Good Day Au revoir

1731 RECEIPT

CAR NO.: \_\_\_\_\_ G.S.T. NO.: \_\_\_\_\_

FROM: AIRPORT

TO: OOB

DATE: Dec-10/08 AMOUNT \$ 50.00

SIGNATURE: [Signature]

RECEIPT

Cab No. 1491 G.S.T. \_\_\_\_\_

From OOB

To AIRPORT

Date Dec 10, 08 Amount 50.00

Signature [Signature]

SSP America  
Exchange Domestic T1  
Lester B. Pearson Intl Airport  
GST # 825875560RT001

290 KRISTINA

Tbl 14/1 Chk 2922 Gst 1  
Dec10'08 02:48PM

Eat In

1 Bruschetta 6.89  
1 Heineken 9.46

Subtotal 16.35

16.35 GST 0.82

6.89 PST 0.55

9.46 Liquor Tax 0.95

02:48PM Total 18.67

TTP. 2.33

\$21.00

**FORM 1****SUMMARY STATEMENT OF HOURS – CONSULTANT AND LEGAL COUNSEL**

A separate form is required for each consultant or legal counsel

<b>EB-2008-0219</b> Board File No.		<b>Canadian Manufacturers &amp; Exporters ("CME")</b> Party Name / Intervenor	
<b>Vincent J. DeRose</b> Legal Counsel Name	<b>2001</b> Year of Call	<b>Borden Ladner Gervais LLP</b> Law Firm	
<b>N/A</b> Consultant Name	<b>N/A</b> Years of Relevant Experience (curriculum vitae must be attached)	<b>N/A</b> Consultant Firm	

	Hours	Hourly Rate	Sub-Total	GST	Total
Preparation (Prep)	4.3	\$230.00	989.00	49.45	1,038.45
Attendance Technical Conference (Attend TC)	0.0	\$230.00	0.00	0.00	0.00
Attendance Settlement Conference (Attend SC)	0.0	\$230.00	0.00	0.00	0.00
Attendance Oral Hearing (Attend OH)	0.0	\$230.00	0.00	0.00	0.00
Argument (Argument)	0.0	\$230.00	0.00	0.00	0.00
Case Management (CM)	0.0	\$230.00	0.00	0.00	0.00
<b>TOTALS:</b>	<b>4.3</b>		<b>\$ 989.00</b>	<b>\$ 49.45</b>	<b>\$1,038.45</b>

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

**DETAILED STATEMENT OF HOURS - Vincent J. DeRose**

<i>Date</i>	<i>Description of Services</i>	<i>Time</i>	<i>Allocation</i>
16-Sep-08	Attendance at meeting with EGD re: process	1.0	Prep
26-Sep-08	Reviewing EGD Application	2.0	Prep
23-Oct-08	Reviewing emails from Intervenors and Application	1.3	Prep
<b>TOTAL HOURS:</b>		<b>4.3</b>	



**EB-2008-0219**

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

**AND IN THE MATTER OF** an Application by Enbridge Gas  
Distribution Inc. for an Order or Orders approving or fixing  
just and reasonable rates and other charges for the sale,  
distribution, transmission and storage of gas commencing  
January 1, 2009.

**BEFORE:** Pamela Nowina  
Vice-Chair and Presiding Member

Paul Sommerville  
Member

David Balsillie  
Member

## **DECISION AND ORDER ON COST AWARDS FOR PHASE 1**

Enbridge Gas Distribution Inc. ("Enbridge") filed an Application on September 26, 2008 with the Ontario Energy Board (the "Board") under section 36 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Sched. B, as amended, for an order of the Board approving or fixing rates for the distribution, transmission and storage of natural gas, effective January 1, 2009 (the "Application"). The Board assigned file number EB-2008-0219 to the Application and issued a Notice of Application dated October 20, 2008.

The Association of Power Producers of Ontario ("APPrO), the Building Owners & Managers Association of the Greater Toronto Area ("BOMA"), the Canadian Manufacturers & Exporters ("CME"), the Consumers Council of Canada ("CCC"), the Energy Probe Research Foundation ("Energy Probe"), the Industrial Gas Users Association ("IGUA"), the Association of Physical Plant Administrators ("OAPPA"), the

School Energy Coalition (“SEC”), and the Vulnerable Energy Consumers Coalition (“VECC”) applied for and were granted intervenor status, and were deemed eligible to apply for an award of costs.

In Procedural Order No. 1, issued November 13, 2008, the Board ordered that the Application be heard in two phases, with the setting of rates to be dealt with in Phase 1. In Procedural Order No.3, issued on December 18, 2008, the Board set out the process for eligible intervenors to file their cost claims for all Phase 1 costs incurred up to December 18, 2008.

The Board received cost claims from APPrO, BOMA, CME, CCC, Energy Probe, IGUA, OAPPA, SEC and VECC. On January 8, 2009, Enbridge submitted a letter stating that the cost submissions filed were within the guidelines set out in the Board’s *Practice Direction on Cost Awards*.

The Board reviewed the cost claims filed by APPrO, BOMA, CME, CCC, Energy Probe, IGUA, OAPPA, SEC and VECC, and found that one claim was not in accordance with the *Practice Direction on Cost Awards*, and has made the following adjustment:

- CME: \$10.50 reduction in disbursements.

The Board accepts the cost claims filed by SEC and VECC notwithstanding that they were filed after the deadline specified in the Procedural Order. The Board finds that all parties are eligible for 100% of their reasonably incurred costs of participating in this proceeding. The Board finds that each party’s claims, adjusted as described above, are reasonable and should be reimbursed by Enbridge.

**THE BOARD THEREFORE ORDERS THAT:**

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Enbridge shall immediately pay:

- APPrO \$14,356.21;
- BOMA \$ 6,639.06;
- CME \$14,156.05;
- CCC \$ 8,974.35;
- Energy Probe \$ 3,625.65;



- IGUA                      \$ 8,922.34;
  - OAPPA                  \$ 1,520.00;
  - SEC                      \$ 9,943.48; and
  - VECC                    \$ 6,208.06
2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Enbridge shall pay the Board's costs of and incidental to this proceeding immediately upon receipt of the Board's invoice.

**DATED** at Toronto, February 9, 2009

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary

## **Schedule A - Summary**

A summary of the tasks BLG professionals performed in their management of this case on behalf of CME is as follows:

- We received and reviewed Union's Application and Pre-filed Evidence;
- We submitted a Letter of Intervention and suggested therein that a face-to-face Technical Conference/Settlement Conference process would likely be more efficient than a Written Hearing process for determining matters in issue. Union reiterated its preference for a Written Hearing process and the Board directed that such a process be followed;
- We drafted, finalized and submitted Written Interrogatories with respect to Union's pre-filed evidence after reviewing questions submitted by Mr. Aiken and Board Staff. In submitting CME's Interrogatories, we attempted to avoid any duplication with those already submitted by Board Staff and Mr. Aiken;
- Following e-mail exchanges between intervenor representatives, a conference call was scheduled to discuss matters in issue. In a face-to-face process, this discussion among intervenors would normally take place following the completion of a Technical Conference or just before the commencement of a Settlement Conference. The conference call was scheduled for December 22, 2008, so that parties could use Union's Written Argument, due on December 19, 2008, as the framework for the discussions;
- As in many other cases, we prepared for and led the discussions during the conference call. This is done in an attempt to consolidate, to the extent possible, intervenors' positions on matters in issue. We performed this task during the conference call held on December 22, 2008;
- Each of the issues raised in Union's Written Argument was reviewed with conference call participants. All intervenors benefited from this process and gained insight into the range of arguments that could be presented with respect to the Z Factor issue and other issues;
- One issue discussed during the course of the conference call pertained to the possible status of the Dawn Overrun Service-Must Nominate ("DOS-MN") introduced by TransCanada Pipelines Limited ("TCPL") for the winter of 2008 and 2009. John Wolnik, one of APPrO's advisors, who participated in the conference call, undertook to do some research and report back to all intervenors with respect to the parameters of this particular service. Mr. Wolnik, who is very experienced in matters of this nature, responded by email to all intervenors on December 23, 2008 and his work clearly helped all intervenors better understand the facts pertaining to this new service and the cost reductions in Union's Upstream Transportation costs which might be related thereto;
- Following the conference call, there were a number of email exchanges between intervenors with respect to matters in issue;

- It was initially contemplated that Mr. DeRose would draft the Written Argument of CME in this case and to that end, he engaged in discussions with the client. Mr. DeRose's availability to complete the task became materially constrained as a result of the rapid deterioration in his mother's health. As a result, I assumed the task of dictating and revising the draft Argument of CME, which I then delivered to Mr. DeRose prior to my departure from Canada on December 27, 2008;
- Mr. DeRose completed the task of finalizing the Written Argument in consultation with me and with the client. I provided input by email and telephone because I was then vacationing with my family outside of Canada;
- Following the filing of the Written Argument of CME, we reviewed the Written Arguments submitted by others and Union's Reply Argument;
- We reviewed the Board's Decision and Reasons dated January 29, 2009, and reported to our client;
- We prepared CME's claim for costs and submitted it on February 4, 2009; and
- We reviewed CME's draft Rate Order and submitted a letter of comments thereon dated February 19, 2009, for which Union thanked us as we have already noted.

Peter C.P. Thompson, Q.C.  
March 6, 2009