

**ONTARIO ENERGY BOARD**

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

**IN THE MATTER OF** an application by Union Gas Limited  
for an order or orders approving its 2010 Demand Side  
Management Plan.

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**APPLICATION FOR AN AWARD OF COSTS  
OF THE INTERVENOR, THE LOW-INCOME ENERGY NETWORK**

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October 15, 2009

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

**Paul Manning**  
LSUC # AO50059P

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Lawyers for the Intervenor,  
The Low-Income Energy Network

TO: **ONTARIO ENERGY BOARD**

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

Tel.: (416) 481-7605  
Fax: (416) 440-7656  
Email: [boardsec@oeb.gov.on.ca](mailto:boardsec@oeb.gov.on.ca)

Ms. Kirsten Walli, Board Secretary

AND TO: **TORY'S LLP**

Barristers & Solicitors  
Suite 3000  
79 Wellington Street West  
Box 270, TD Centre  
Toronto, Ontario M5K 1N2

Mr. Crawford Smith

Tel.: (416) 865-8209  
Fax: (416) 865-7380  
Email: [csmith@torys.com](mailto:csmith@torys.com)

Counsel for Union Gas Limited

AND TO: **UNION GAS LIMITED**

50 Keil Drive North, P.O. Box 2001  
Chatham ON N7M 5M1

Mr. Chris Ripley, Manager

Tel: 519 436-5476  
Fax: 519 436-4641

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Direct Dial: (416) 862-4843  
File:

Sent by Courier and Electronic Mail

July 6, 2009

Ontario Energy Board  
Yonge Street, 27<sup>th</sup> Floor  
Toronto, ON M4P 1E4

Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

**Re: EB-2009-0166 – Union Gas 2010 DSM Plan  
Intervention and Cost Eligibility Request on Behalf of the  
Low-Income Energy Network (LIEN)**

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Willms & Shier Environmental Lawyers LLP (W+SEL) is environmental legal counsel to the Low-Income Energy Network (LIEN).

### **REQUEST FOR INTERVENTION**

In accordance with section 23 of the Ontario Energy Board (“Board”) *Rules of Practice and Procedure*, we hereby request Intervenor status on behalf of LIEN in the above-noted proceeding.

### **INTEREST IN THE PROCEEDING AND REQUEST FOR INTERVENTION**

LIEN is an organization of more than 75 member associations from across Ontario, including, energy, public health, legal, tenant/housing, education, social and community organizations. LIEN is directed by a Steering Committee. In addition to the LIEN Steering Committee, members and supporting organizations, over 35 individuals have indicated their support for LIEN.

As an umbrella organization, LIEN offers the opportunity for one entity to represent the similar interests of many organizations that have come together under LIEN. A detailed description of LIEN’s organization can be found on its website ([www.lowincomeenergy.ca](http://www.lowincomeenergy.ca)). LIEN is a well recognized Intervenor in other Board proceedings, including those concerning the issue of Demand Side Management.



LIEN's "mission statement" is in itself a statement of LIEN's interest in this proceeding.

*The Low-Income Energy Network:*

- ♦ *aims to ensure universal access to adequate, affordable energy as a basic necessity, while minimizing the impacts on health and on the local and global environment of meeting the essential energy and conservation needs of all Ontarians, and*
- ♦ *promotes programs and policies which tackle the problems of energy poverty and homelessness, reduce Ontario's contribution to smog and climate change, and promote a healthy economy through the more efficient use of energy, a transition to renewable sources of energy, education and consumer protection.*

LIEN has a history of involvement in energy policy as detailed below. LIEN has a long-standing history in participating as an intervenor in numerous OEB Proceedings. For example, LIEN has actively participated and been found eligible for costs in the following OEB Proceedings:

- ♦ Demand Side Management (DSM) Guidelines for Natural Gas Distributors (EB-2008-0346)
- ♦ Consultation on Energy Issues Relating to Low Income Consumers (EB-2008-0150)
- ♦ Proceeding on commodity pricing, load balancing and cost allocation methodologies for natural gas distributors in relation to regulated gas supply (EB-2008-0106)
- ♦ Natural Gas Demand Side Management Generic Issues Proceeding (EB-2006-0021)

LIEN intends to participate actively and responsibly throughout the proceeding.

## **NATURE AND SCOPE OF INTERVENTION**

Together with the interest of its numerous individual members and supporting organizations, LIEN has a clear interest in Demand Side Management for natural gas markets in Ontario.

In particular, LIEN was accepted as an intervenor in EB-2008-0346 regarding the Consultation on the Development of DSM Guidelines for Natural Gas Distributors, as well as the Natural Gas Demand Side Management Generic Issues Proceeding EB-2006-0021. LIEN is also a funded intervenor in EB-2008-0150 for the Consultation of Energy Issues Relating to Low Income Consumers. As such, LIEN has a substantial interest in the issues under EB-2009-0166, pursuant to Rule 23.02. LIEN's interest in this proceeding is to advance its views and protect its interests by bringing knowledge and experience to the making of better decisions.



## **GROUND'S FOR LIEN'S ELIGIBILITY FOR COSTS**

LIEN intends to seek costs from the applicant in relation to its participation in this review. The Ontario Energy Board's "*Practice Direction on Cost Awards*". Section 3 describes cost eligibility, and Section 4 describes the cost eligibility process.

*3.03 A party in a Board process is eligible to apply for a cost award where the party:*

*(a) primarily represents the direct interests of consumers (e.g. ratepayers) in relation regulated services; (b) primarily represents a public interest relevant to the Board's mandate; or (c) is a person with an interest in land that is affected by the process.*

LIEN meets all three of the eligibility criteria, but as a public interest organization, its primary purpose - and its primary contribution to the stakeholder review process - is with respect to (b).

LIEN "primarily represents the direct interests of consumers in relation to regulated services". LIEN has been accepted as a party eligible for an award of costs in other proceedings before the Board (see above).

As a not-for profit organization, LIEN's participation in this proceeding is dependent on any cost awards it receives. LIEN intends to coordinate its efforts with other intervenors to avoid duplication where possible.

LIEN has retained Marion Fraser of Fraser & Company and Judy Simon of Indeco to provide consulting advice to LIEN and W+SEL in this proceeding.

LIEN respectfully requests a determination by the Board that it is eligible for an award of costs in this proceeding.

## **CONTACT INFORMATION**

LIEN requests that copies of written materials in electronic or other format concerning this proceeding, be sent 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](mailto:pmanning@willmsshier.com)



Attention: Ms. Tracy Richards, Law Clerk  
Tel.: (416) 862-4831  
Email: [trichards@willmsshier.com](mailto:trichards@willmsshier.com)

And to:

IndEco  
Suite 412  
77 Mowat Avenue  
Toronto, Ontario,  
Canada M6K 3E3

Attention: Ms. Judy Simon, Vice-President  
Tel: 416 532-4333 ext. 357  
Email: [jsimon@indecoco.com](mailto:jsimon@indecoco.com)

And to:

Fraser & Company  
502 - 33 Harbour Square  
Toronto, Ontario, M5J 2G2

Attention: Ms. Marion Fraser  
Tel.: 416 941-9729  
Email: [marion.fraser@rogers.com](mailto:marion.fraser@rogers.com)

Yours truly,

Paul Manning

cc: LIEN

Document #: 250386

## 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 – CONSULTANTS AND LEGAL COUNSEL**

A separate form is required for each consultant or legal counsel

EB-2009-0166 Board File Number  Paul Manning Legal Counsel Name	1978 – England & Wales 2004 – Ontario Bar Year of Call	Low-Income Energy Network Party Name Willms & Shier Environmental Lawyers LLP Law Firm			
Consultant Name	Years of Relevant Experience (curriculum vitae must be attached)	Consultant Firm			
	<b>Hours</b>	<b>Hourly Rate</b>	<b>Sub-total</b>	<b>GST</b>	<b>Total</b>
<b>Preparation</b>	17.5	\$330.00	\$5,775.00	\$288.75	\$6,063.75
<b>Attendance – Technical Conference</b>					
<b>Attendance – Settlement Conference</b>					
<b>Attendance – Oral Hearing</b>					
<b>Argument</b>					
<b>Case Management</b>	0.4	\$330.00	\$132.00	\$6.60	\$138.60
<b>TOTALS</b>	<b>17.9</b>	<b>\$330.00</b>	<b>\$5,907.00</b>	<b>\$295.35</b>	<b>\$6,202.35</b>
Note: All claims must be in Canadian dollars. If applicable, state the exchange rate _____, and country of initial currency _____.					

**APPENDIX "B"**

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**SUMMARY STATEMENT OF HOURS – CONSULTANTS AND LEGAL COUNSEL**

A separate form is required for each consultant or legal counsel

EB-2009-0166 Board File Number	Low-Income Energy Network Party Name				
Tracy Richards, <i>Law Clerk</i> Legal Counsel Name	Willms & Shier Environmental Lawyers LLP Law Firm				
Consultant Name	Year of Call				
Consultant Name	Years of Relevant Experience (curriculum vitae must be attached)			Consultant Firm	
	<b>Hours</b>	<b>Hourly Rate</b>	<b>Sub-total</b>	<b>GST</b>	<b>Total</b>
<b>Preparation</b>	4.1	\$100.00	\$410.00	\$20.50	\$430.50
<b>Attendance – Technical Conference</b>					
<b>Attendance – Settlement Conference</b>					
<b>Attendance – Oral Hearing</b>					
<b>Preparing Costs Application</b>	5.0	\$100.00	\$500.00	\$25.00	\$525.00
<b>Case Management</b>	2.3	\$100.00	\$230.00	\$11.50	\$241.50
<b>TOTALS</b>	<b>11.4</b>	<b>\$100.00</b>	<b>\$1,140.00</b>	<b>\$57.00</b>	<b>\$1,197.00</b>
<p><b>Note:</b> All claims must be in Canadian dollars. If applicable, state the exchange rate _____, and country of initial currency _____.</p>					

**APPENDIX "B"**

**FORM 1**

**SUMMARY STATEMENT OF HOURS – CONSULTANTS AND LEGAL COUNSEL**

A separate form is required for each consultant or legal counsel

EB-2009-0166 Board File Number		Low-Income Energy Network Party Name			
Legal Counsel Name		Year of Call			Law Firm
Marion Fraser Consultant Name		20+ Years of Relevant Experience (curriculum vitae must be attached)			Fraser & Company Consultant Firm
	<b>Hours</b>	<b>Hourly Rate</b>	<b>Sub-total</b>	<b>GST</b>	<b>Total</b>
<b>Preparation</b>	4.0	\$330.00	\$1,320.00	\$66.00	\$1,386.00
<b>Attendance – Technical Conference</b>					
<b>Attendance – Settlement Conference</b>					
<b>Attendance – Oral Hearing</b>					
<b>Argument</b>					
<b>Case Management</b>					
<b>TOTALS</b>	<b>4.0</b>	<b>\$330.00</b>	<b>\$1,320.00</b>	<b>\$66.00</b>	<b>\$1,386.00</b>
<p><b>Note:</b> All claims must be in Canadian dollars. If applicable, state the exchange rate _____, and country of initial currency _____.</p>					

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## **Marion Elizabeth Fraser**

### **OVERVIEW**

With 30 years of experience in the Ontario energy sector, Marion has worked for and consulted with a wide range of energy companies, associations and energy consumers. She understands the Ontario energy sector, its recent evolution and future challenges. She has earned a reputation as a leader in the sector with a strong record of participation on boards and committees at the national, provincial and municipal level.

Marion is considered one of the foremost practitioners of sustainable energy policy and programs in Ontario. With 30 years of experience in the energy sector, she pioneered conservation programs at Ontario Hydro contributing to saving over 1200 MW of electricity from 1989 to 1993. She applied this experience to an active consulting practice until she was recruited to head Enbridge Gas Distribution's conservation efforts where she spearheaded programs saving customers \$700 million over three years and delivering a shareholder incentive of \$13 million under an innovative regulatory framework which she helped establish. When the McGuinty government was elected in 2003, although she had not been active politically, it hired Marion to ensure that sustainability was a key element in energy policy.

Marion is a visionary leader who has had great success in building results oriented teams as well as innovative partnerships across multiple organizations engaging people in private and public sector organizations as well as non governmental agencies.

### **EDUCATION**

1975            Master of Public Administration, Queen's University at Kingston  
1974            Bachelor of Arts (Hon), Canadian Studies, Glendon College, York University

### **PROFESSIONAL EXPERIENCE**

From 2008	Fraser & Company	President
2003 – 2008	Office Of The Minister Of Energy	Senior Policy Advisor
2002 – 2003	Fraser & Company	President
1998 – 2002	Enbridge Gas Distribution	Marketing Director
1993 – 1998	Fraser & Company (SRC Canada)	President
1993 – 1993	Ontario Hydro International	Marketing Associate
1992 – 1993	Ontario Hydro	Manager, Energy Management
1987 – 1992	Ontario Hydro	Manager, Commercial Sector
1984 – 1987	Ontario Hydro	Manager, Marketing Services
1981 – 1983	Ontario Hydro	Senior Analyst
1979 – 1981	Generation & Transmission	Business Analyst
1975 – 1979	Ministry Of Treasury And Economics	Economist

## MEMBERSHIPS<sup>1</sup>

From 2008	Advisory Board to publication Energy Procurement and Conservation
From 2008	Board of Directors, GTA Chapter, Green Building Council
From 2008	Member, Grants Committee, Toronto Atmospheric Fund
2007 – 2008	Chair, Steering Committee for Canada Green Building Council's Summit
2003–2004	Founding Chair, Sustainable Buildings Canada
2001–2004	Board of Directors, York Condominium Corporation #288
1999–2004	Board of Directors, Toronto Atmospheric Fund; Treasurer
2002–2004	Past Chair, Canadian Energy Efficiency Alliance
1999–2002	Chair, Canadian Energy Efficiency Alliance
1998–2001	Board of Directors, Association of Energy Services Professionals (USA)
1998–2000	Vice-Chair, Association of Energy Engineers, Southern Ontario,
1994–1998	Board of Directors, Independent Power Producers Society of Ontario
1988–1994	Board of Directors, Canadian Association of Energy Service Companies
1993–1995	Board of Directors, ENCON Inc., Hopkinton, MA, USA
1990–1992	Board of Directors, Demand Side Management Training Institute (USA)
1990–1991	Royal Society of Canada, Committee on Greenhouse Gas Emission Reductions
1988–1990	Special Advisory Committee on the Environment, City of Toronto

## PROFESSIONAL EXPERIENCE

**FROM 2008 FRASER & COMPANY**

**PRESIDENT**

Re-established private consulting practice in January 2008:

- Content consultant to the Green Energy Act Alliance
- Assisted newly created Board of Directors to develop its vision for an energy management business.
- Provided Market Development Services to the Canada Green Building Council to recruit participants in its pilot programs in three major building sectors.
- Provided assistance to Green Energy Coalition during its development of evidence in for the Ontario Energy Board's review of the Ontario Power Authority's Integrated Power System Plan.
- Provided assistance to the First Nations Energy Alliance with respect to various Ontario Energy Board review processes.
- Developed and delivered marketing and promotional plans and programs for a local electric distribution utility.

**2003 - 2008 OFFICE OF THE MINISTER OF ENERGY**

**SENIOR POLICY ADVISOR**

Invited by the then newly elected provincial government to advise the Minister of Energy on how to rebuild Ontario's energy sector using principles of sustainability.

Championed the development of a standard offer for renewable energy which was lauded by Dr.

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<sup>1</sup> Upon accepting the Senior Policy Advisor position in the Office of the Minister of Energy, it was necessary to resign from energy related volunteer positions.

David Suzuki as a program that will “revolutionize the market for clean renewable energy in North America and lay the groundwork for a healthier and brighter future”.

- Established the Conservation Action Team, a committee of twelve parliamentary assistants to raise the profile of conservation within the government and plan the conservation framework for Ontario.
- Drove the creation of Ontario’s Conservation Bureau and the establishment of the Office of the Chief Energy Conservation Officer.
- Assisted in helping Toronto become the location for the World Green Building Council Secretariat.
- Crafted the overall plan for smart metering in Ontario’s energy sector.

**2002 – 2003 FRASER & COMPANY**

**PRESIDENT**

Re-established private consulting practice in September 2002:

- Conducted a scan of the potential for demand response and demand management among the City of Toronto’s major commercial properties.
- Developed policy papers for the Canadian Energy Efficiency Alliance to support submissions to the Ministry of Energy on the review of the Ontario Energy Board.
- Reported on best practices in DSM for a major gas utility.
- Developed an integrated energy efficiency strategy for the Ontario government.
- Organized and facilitated two summits on DSM in Ontario.
- Completed a benchmarking study on DSM for Hydro Quebec.

**1998 – 2002 ENBRIDGE GAS DISTRIBUTION**

**MARKETING DIRECTOR**

Responsible for energy efficiency programs, which contributed to the company winning the *Financial Times Global Energy Award* in 2001 and resulted in shareholder incentives of over \$13 million for three years.

Redeveloped the utility’s web site, led the Customer Relationship Management System project, and a customer data warehouse project. Managed market research and customer satisfaction research functions.

**1993 – 1998 FRASER & COMPANY (SRC CANADA)**

**PRESIDENT**

Responsible for setting up the Canadian subsidiary of a U.S. consulting firm, purchased the subsidiary in 1996, and changed its operating name to Fraser & Company. Projects completed:

- **Ontario Ministry of Energy:** international electricity restructuring processes
- **Metropolitan Toronto Housing Authority:** Optimum utility management plan including pre-qualifying energy management firms for projects
- **Natural Resources Canada:** Requirements for new construction efficiency program
- **Japan Research Institute:** Overview of North American performance contracting industry and a detailed project case study

- **Nova Scotia Power Inc.:** First post privatization marketing plan and competitor analysis for energy services business plan
- **CIPEC:** Track record of energy performance contracting in the industrial market in North America
- **Technical University of Nova Scotia:** Training program on energy performance contracting
- **Canadian Industrial Innovation Centre:** Market assessment of energy services
- **Public Works/Government Services Canada:** Service delivery effectiveness study
- **Union/Centra Gas:** 1997 DSM Plan, new construction program, ESCO brokering
- **Consumers Gas:** ESCO brokering process for large industrial customers
- **Ontario Hydro:** Environmental mechanisms in restructured electricity markets
- **Ontario Hydro Technologies:** Market research to identify current issues and future trends; executive round table on new technologies; new product/service initiatives
- **Provident Energy Management:** Model energy performance contracts
- **CAESCO:** Executive Director, Canadian Association of Energy Service Companies
- **BC Hydro:** Alternatives for Power Smart, with special attention to ESCOs
- **BOMA Toronto:** Managing the Downtown Energy Forum without government financing
- **Ontario Energy Corporation:** Profitability study of the ESCO industry
- **Toronto Hydro:** Commercial cooling opportunities
- **Confidential Client:** Research on market potential for fuel cells

**1993 – 1993**    **ONTARIO HYDRO INTERNATIONAL**

**MARKETING ASSOCIATE**

Developed an international marketing plan for Ontario Hydro's energy management expertise, and coordinated overall marketing plan for OHI's other lines of business.

At the invitation of the US Department of Energy, delivered a workshop on the *Successful Marketing of DSM Programs* sponsored by Asian Pacific Economic Co-operative (APEC) in Seoul, Korea, and attended by utility executives from Pacific Rim countries.

**1992 – 1993**    **ONTARIO HYDRO**

**MANAGER, ENERGY MANAGEMENT**

Increased understanding of Ontario Hydro's energy management plans and programs among four critical audiences: senior business community, environmental groups, the international utility community, and Ontario Hydro's own management and staff. Led senior management workshops. Held senior executive meetings with associations and executives representing Ontario Hydro's 20 largest customers.

Managed the *First Annual International Conference on Energy Efficiency and DSM*. Delivered over 50 speeches and presentations to diverse audiences including the World Bank.



Initiated internal symposium, "Sharing Experiences" and series of staff workshops, "Food for Thought" to encourage cross-fertilization of ideas and approaches within Ontario Hydro, and to expose staff to alternative approaches on related topics.

Participated with a team of managers who developed Ontario Hydro's strategy - *Energy Management for the 1990's*

**1987 – 1992 ONTARIO HYDRO**

**MANAGER, COMMERCIAL SECTOR**

Managed the growth of a department from 15 to 75 with budgetary responsibility for \$6 million in operations and \$20 million in capital. Achieved high ratings in staff review of managerial capabilities. Exceeded targets for energy conservation.

Broke corporate ground developing Ontario Hydro's first demand side management programs: *Energy Efficient Lighting, Savings by Design, Thermal Cool Storage and the Street Smart Lighting.*

Achieved high penetration rates, and in the words of a leading engineering design specialist, "transformed" the market in Ontario including helping the government introduce energy efficiency in the commercial building code.

Created the *Guaranteed Energy Performance Program*, which targeted energy service companies resulting in increased penetration of energy performance contracting in Ontario.

**1984 – 1987 ONTARIO HYDRO**

**MANAGER, MARKETING SERVICES**

Established corporate process for the design and delivery of marketing programs. Managed market research function and established marketing library to assist in the transformation of technical specialists to marketing generalists.

Developed marketing oriented planning and budgeting for Marketing Operations Division. Completed commercial, residential, and industrial marketing plans. Managed trade show support unit including distribution of customer information, brochures, point of sale materials, and trade show equipment.

**1981 – 1983 ONTARIO HYDRO**

**SENIOR ANALYST**

Reporting to Executive Vice-President, Planning and Administration, part of a small team of professionals who developed and implemented the corporate management system, "*The Organization and Operation of Ontario Hydro*".

**1979 – 1981 GENERATION & TRANSMISSION**

**BUSINESS ANALYST**

Introduced staff planning for Hydraulic Generation and Transmission Division.

Served as Secretary to the Regional Operations Managers Committee, and provided assistance in development of management strategies for electrical product quality, corporate citizenship, product cost, staffing, and safety.

**1975 – 1979 MINISTRY OF TREASURY AND ECONOMICS**

**ECONOMIST**

Responsible for policy analysis in areas such as labour force growth, industrial development, the automotive sector, and inter-provincial trade barriers.

Authored ministerial correspondence, policy papers, and briefing notes for Treasurer of Ontario; assisted in organizing Premier's forum, "*Partnership for Prosperity*".

## **REGULATORY EXPERIENCE**

- Testified for 20 days over six week period at Environmental Assessment Board Hearings on *Hydro's Demand and Supply Plan*; Integrated Ontario Hydro's responses to over 2,000 interrogatories for EAB Hearing.
- Expert Witness for Union/Centra Gas on DSM (EBRO 493/494): Participated in Alternative Dispute Resolution Process, 1996.
- Expert witness on behalf of the Canadian Association of Energy Services Companies at Ontario Hydro Rate Hearing (HR 22), 1994.
- Case Manager for Canadian Association of Energy Services Companies for Ontario Energy Board review of Ontario Hydro, 1994.
- Witness for Ontario Hydro - Demand Side Management Panel, Environmental Assessment Board Hearings on Ontario Hydro's Demand/Supply Plan.
- Witness for Ontario Hydro, Ontario Energy Board (HR 20, HR 19, HR18).
- Witness for Enbridge Consumers Gas EBRO 497, EBO 179-14, EBO 179-15.

**APPENDIX "B"**

**FORM 2**


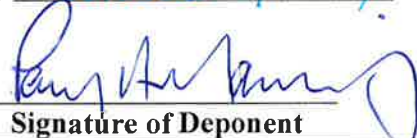
**SUMMARY OF DISBURSEMENTS**

<u>EB-2009-0166</u>		<u>Low-Income Energy Network</u>	
Board File Number		Party Name	
<u>Willms &amp; Shier Environmental Lawyers LLP</u>		<u>Party or Group that made the disbursement</u>	
	<b>Net Cost</b>	<b>GST</b>	
Photocopies	\$146.10	\$7.30	
Printing			
Fax			
Courier			
Telephone			
Postage			
Transcripts			
Travel: Air			
Travel: Car			
Travel: Rail			
Travel: Other ( )			
Taxi or Airport Limo			
Accommodation			
Meals			
Other ( )			<b>Grand Total</b>
<b>Sub-totals</b>	<b>\$146.10</b>	<b>\$7.30</b>	<b>\$153.40</b>
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 COST CLAIM

<u>EB-2009-0166</u> Board File Number	<u>LOW-INCOME ENERGY NETWORK</u> Party Name	
Items Claimed excluding GST		
Legal/Consultant Fees +	Disbursements =	Net Sub-Total
\$ <u>7,047</u> / \$ <u>1,320</u>	\$ <u>146.10</u>	\$ <u>8,513.10</u>
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
\$ <u>8,513.10</u>	\$ <u>425.65</u>	\$ <u>8,938.75</u>
I, (name) <u>PAUL MANNING</u> , of the (City, Town, etc.) <u>CITY OF TORONTO</u> in the (County, Regional Municipality, etc.) of <u>ONTARIO</u> , 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).		
4. The above Cost Claim does not include any costs incurred for work done, or time spent, by employees or officers of the party as described in section 6.05 of the Board's Practice Direction on Cost Awards.		
SWORN (OR AFFIRMED) BEFORE ME at the (City, Town, etc.) of <u>TORONTO</u> , in the (County, Regional Municipality, etc.) of <u>ONTARIO</u> on (date) <u>October 14, 2009</u> .		
 COMMISSIONER for taking Affidavits	 Signature of Deponent	

Date	Fee / Time	Working	Lawyer	Hours	Amount	Inv#
Entry #	Explanation					
1052	Low Income Energy Network					
5292	Re: EB-2009-0166, Union Gas 2010 DSM Pla					
Jul 6/2009	Lawyer: 37 0.50 Hrs X 100.00	37	37	0.50	50.00	Prep.
926157	review OEB website re filing requirements for file Union Gas 2010 DSM Plan; prepare and file intervention request letter with OEB;					
Jul 20/2009	Lawyer: 37 0.10 Hrs X 100.00	37	37	0.10	10.00	Case Mgmt.
931384	check OEB website for updates;					
Jul 22/2009	Lawyer: 37 0.50 Hrs X 100.00	37	37	0.50	50.00	Case Mgmt.
931396	Case Management: receive and review Procedural Order No. 1; prepare update to P. Manning re dates for filing IRs and submissions;					
Jul 22/2009	Lawyer: 38 0.50 Hrs X 330.00	38	38	0.50	165.00	Prep.
931422	receive Procedural Order; schedule key dates; emails with client re preparation of IRs;					
Jul 24/2009	Lawyer: 38 1.00 Hrs X 330.00	38	38	1.00	330.00	Prep.
933225	review materials;					
Jul 27/2009	Lawyer: 37 0.50 Hrs X 100.00	37	37	0.50	50.00	Case Mgmt.
933250	case management; directions to assistant; checking website for updates;					
Jul 27/2009	Lawyer: 38 1.30 Hrs X 330.00	38	38	1.30	429.00	Prep.
933576	review evidence;					
Jul 28/2009	Lawyer: 37 2.50 Hrs X 100.00	37	37	2.50	250.00	Prep.
933431	review evidence of Union Gas; consider interrogatories relevant to LIEN; prepare draft interrogatories for P. Manning review;					
Jul 28/2009	Lawyer: 38 1.50 Hrs X 330.00	38	38	1.50	495.00	Prep.
933610	review evidence; instruction to Law Clerk re preparation of IRS;					
Jul 29/2009	Lawyer: 37 0.70 Hrs X 100.00	37	37	0.70	70.00	Prep.
933520	meeting with P. Manning to review draft IRs; revise same;					
Jul 29/2009	Lawyer: 38 0.70 Hrs X 330.00	38	38	0.70	231.00	Prep.
935358	review materials and issues with law clerk; prepare and finalise interrogatories;					
Jul 29/2009	Lawyer: 38 0.70 Hrs X 330.00	38	38	0.70	231.00	Prep.
935359	review materials and issues with law clerk; prepare and finalise interrogatories;					
Jul 30/2009	Lawyer: 37 0.20 Hrs X 100.00	37	37	0.20	20.00	Prep.
933752	file LIEN interrogatories with OEB;					
Jul 30/2009	Lawyer: 38 1.70 Hrs X 330.00	38	38	1.70	561.00	Prep.
935450	review other parties interrogatories; finalise and file LIEN interrogatories;					
Aug 6/2009	Lawyer: 38 1.20 Hrs X 0.00	38	38	1.20	0.00	Prep.
940084	review replies to interrogatories;					
Aug 11/2009	Lawyer: 37 0.50 Hrs X 100.00	37	37	0.50	50.00	Case Mgmt.
937503	case management: various submissions of intervenors;					
Aug 11/2009	Lawyer: 38 2.80 Hrs X 0.00	38	38	2.80	0.00	Prep.
940065	review materials; review draft report on 2010 framework for low income DSM review submissions of GEC; report to client and request instructions;					
Aug 12/2009	Lawyer: 38 2.60 Hrs X 330.00	38	38	2.60	858.00	Prep.
940071	review Union Gas amended evidence; review submissions of LP MA; discuss submissions with D. Poch; prepare LIEN submissions;					
Aug 13/2009	Lawyer: 37 0.60 Hrs X 100.00	37	37	0.60	60.00	Case Mgmt.
937461	prepare cover letter; serve and file LIEN written submissions on Board, Utility and All Registered Participants;					
Aug 13/2009	Lawyer: 38 2.80 Hrs X 330.00	38	38	2.80	924.00	Prep.
940051	review CME submissions; review GEGEA amendments to OEBA statutory objectives; prepare LIEN submissions; instructions to clerk to file and report to client;					
Aug 14/2009	Lawyer: 38 0.50 Hrs X 330.00	38	38	0.50	165.00	Prep.
940058	review IGUA submissions;					
Sep 30/2009	Lawyer: 38 0.40 Hrs X 330.00	38	38	0.40	132.00	Case Mgmt.
953323	review decision and Order from Board; instructions to clerk to report to client and prepare cost award application;					

Oct 9/2009

Willms & Shier Environmental Lawyers LLP

Client Fees Listing

ALL DATES

Date	Entry #	Fee / Time Explanation	Working	Lawyer		Hours	Amount	Inv#
Oct 1/2009	953649	Lawyer: 37 0.20 Hrs X 100.00 receive, review and report decision to LIEN committee;	37	37	- TRACY RICHARDS	0.20	20.00	Prep.
Oct 1/2009	956138	Lawyer: 38 0.20 Hrs X 330.00 review clerks email to client reporting Board decision and order;	38	38	- PAUL MANNING	0.20	66.00	Prep.
Oct 7/2009	956125	Lawyer: 37 0.10 Hrs X 100.00 Case management: instruct assistant re preparation;	37	37	- TRACY RICHARDS	0.10	10.00	Case Mgmt.

October 13, 2009 - Prepare Costs Application - T. Richards 5.0 hrs.

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Date	Entry#	Paid To Explanation	Source	Matter	Client Name	Ref#	G/L Acct	Amount
Jul 6/2009	927847	Photocopies	CER	5292	Low Income Energy	5170	- RECOVERY	1.50
Jul 6/2009	927918	Photocopies	CER	5292	Low Income Energy	5170	- RECOVERY	0.25
Jul 6/2009	927932	Photocopies	CER	5292	Low Income Energy	5170	- RECOVERY	1.00
Jul 15/2009	932960	<b>Total for Jul 6/2009 : A &amp; B COURIER Deliveries</b>	AP	5292	Low Income Energy N	20079 5065	- DELIVERY	6.30
Jul 28/2009	934371	Photocopies	CER	5292	Low Income Energy	5170	- RECOVERY	1.00
Jul 28/2009	934457	Photocopies	CER	5292	Low Income Energy	5170	- RECOVERY	11.25
Jul 28/2009	934459	Photocopies	CER	5292	Low Income Energy	5170	- RECOVERY	29.25
Jul 29/2009	934547	<b>Total for Jul 28/2009 :</b>	CER	5292	Low Income Energy	5170	- RECOVERY	41.50
Jul 29/2009	934548	Photocopies	CER	5292	Low Income Energy	5170	- RECOVERY	0.50
Jul 29/2009	934623	Photocopies	CER	5292	Low Income Energy	5170	- RECOVERY	0.50
Jul 30/2009	934835	<b>Total for Jul 29/2009 :</b>	CER	5292	Low Income Energy	5170	- RECOVERY	1.25
Jul 30/2009	934897	Photocopies	CER	5292	Low Income Energy	5170	- RECOVERY	0.50
Jul 30/2009	934912	Photocopies	CER	5292	Low Income Energy	5170	- RECOVERY	1.00
Aug 1/2009	940221	<b>Total for Jul 30/2009 :</b>	AP	5292	Low Income Energy N	20199 5065	- DELIVERY	2.00
Aug 11/2009	938619	A & B COURIER Deliveries	CER	5292	Low Income Energy	5170	- RECOVERY	6.30
Aug 11/2009	938622	Photocopies	CER	5292	Low Income Energy	5170	- RECOVERY	0.50
Aug 11/2009	938628	Photocopies	CER	5292	Low Income Energy	5170	- RECOVERY	11.00
Aug 11/2009	938631	Photocopies	CER	5292	Low Income Energy	5170	- RECOVERY	0.50
Aug 13/2009	938985	<b>Total for Aug 11/2009 :</b>	CER	5292	Low Income Energy	5171	- RECOVERY	83.50
Aug 13/2009	939077	Photocopies	CER	5292	Low Income Energy	5170	- RECOVERY	0.50
Aug 13/2009	939095	Photocopies	CER	5292	Low Income Energy	5170	- RECOVERY	1.00
Aug 13/2009	939102	Photocopies	CER	5292	Low Income Energy	5170	- RECOVERY	0.50
		<b>Total for Aug 13/2009 :</b>						2.50

Total:

146.10

146.10

EB-2009-0166

**ONTARIO ENERGY BOARD**

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

**IN THE MATTER OF** an application by  
Union Gas Limited for an order or  
orders approving its 2010 Demand Side  
Management Plan.

**APPLICATION FOR AN AWARD OF COSTS**

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

**Paul Manning**  
LSUC # AO50059P

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Fax: 416-863-1938

Lawyers for the Intervenor,  
The Low-Income Energy Network