



EB-2010-0170

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

AND IN THE MATTER OF cost awards in respect of a
consultation process regarding proposed amendments to
the Distribution System Code and the Retail Settlement
Code;

AND IN THE MATTER OF a motion by Northwatch for
review of the Board's February 8, 2010 Decision and Order
on Cost Awards;

AND IN THE MATTER OF Rules 8, 42 and 44 of the
Board's *Rules of Practice and Procedure*.

NOTICE OF HEARING AND PROCEDURAL ORDER NO.1

On September 21, 2009, the Board completed its consultation process on proposed amendments to the Retail Settlement Code and the Distribution System Code pertaining to the settlement and billing of embedded generation facilities (EB-2009-0303) (the "Code Amendment Consultation"). On October 8, 2009, the Board issued its Notice of Hearing for Cost Awards in relation to the Code Amendment Consultation. Northwatch, a participant eligible for cost awards in relation to Code Amendment Consultation, filed a cost claim in response to the Notice of Hearing for Cost Awards.

In its February 8, 2010 Decision and Order on Cost Awards (the "February Decision and Order"), the Board awarded costs to Northwatch in an amount less than claimed. The Board noted that the supporting documentation filed with Northwatch's cost claim indicated that the services were performed by a law clerk, but that the hourly tariff rate applicable to a lawyer had been applied. Accordingly, the Board reduced Northwatch's

cost claim from \$3,073.19 to \$1,078.19 to reflect the application of the appropriate tariff rate, being the rate applicable to paralegals.

On March 2, 2010, Northwatch filed with the Board a Notice of Motion for the review of the February Decision and Order. Specifically, the Notice of Motion requests that the Board vary the February Decision and Order and award Northwatch its full costs in the amount of \$3,073.19, on the grounds that Northwatch made an inadvertent clerical error in its cost claim. According to the Notice of Motion, the work to which the cost claim relates was performed by a lawyer, and Northwatch's cost award should be recalculated on that basis.

The Notice of Motion also requests that the Board waive the 20 calendar day deadline set out in Rule 42.03 of the Board's *Rules of Practice and Procedure* for the filing of motions to review. The grounds for that relief are that, after learning of its clerical error, Northwatch attempted to contact the Board staff Case Manager for the Code Amendment Consultation to advise of the error but was unable to do so within that 20-day period as the Case Manager was unavailable at the relevant time.

A copy of Northwatch's Motion Record pertaining to the Notice of Motion is attached as Appendix A to this Notice of Hearing and Procedural Order. Copies are also available for public inspection at the Board's offices at the address below and on the Board's website at www.oeb.gov.on.ca.

Notice of Hearing

The Board notes that the process for seeking a review of a Board order or decision is clearly set out in Rule 42 of the Board's *Rules of Practice and Procedure*. Nonetheless, the Board has determined that it will waive the 20-day deadline set out in Rule 42.03 and will proceed to hear Northwatch's Motion.

The Board intends to proceed by way of written hearing unless a party can satisfy the Board that there is a good reason for not holding a written hearing. If a party wants to object to the written hearing, the objection must be received by the Board no later than **7 days** after the date of this Notice and Procedural Order.

The file number for this proceeding is EB-2010-0170.

Procedural Order

The Board will adopt as parties in this proceeding all licensed electricity distributors, being the persons from whom costs awarded in relation to the Code Amendment Consultation are to be recovered and all participants in the Code Amendment Consultation. Any other person that wishes to participate as an intervenor or observer must contact the Board Secretary's office immediately.

Assuming that the Board does not receive any objections to a written hearing, this proceeding will follow the process set out below.

1. A licensed electricity distributor and any other person accepted by the Board as a party to this proceeding that wishes to make a written submission in respect of the Notice of Motion filed by Northwatch shall file that submission no later than **4:45 pm on May 5, 2010**. A copy of the submission must be served on Northwatch and on all other parties.
2. Northwatch may file written reply submissions in response to any submission received from another party to this proceeding. Any such reply submission shall be filed no later than **4:45 pm on May 12, 2010**. A copy of the submission must be served on all licensed distributors and on any other person accepted by the Board as a party to this proceeding.

Parties must file two paper copies and one electronic copy of their submissions. The electronic copy should be in searchable Adobe Acrobat (PDF) or Word and be filed through the Board's web portal at www.errr.oeb.gov.on.ca. If the Board's web portal is not available, electronic copies of submissions may be submitted on CD or diskette or by e-mail to boardsec@oeb.gov.on.ca. The submissions must quote file number **EB-2010-0170**, include your name, address, e-mail address, telephone number, and fax number.

All filings to the Board must consist of two paper copies and one electronic copy. The electronic copy must be in searchable / unrestricted PDF format, be filed through the Board's web portal at www.errr.oeb.gov.on.ca and adhere to the document naming conventions and document submission standards outlined in the RESS Document Guideline found at www.oeb.gov.on.ca. If the web portal is not available, submissions may be sent by e-mail to Boardsec@oeb.gov.on.ca. A party that does not have internet

access is required to submit all filings on a CD or diskette in PDF format, along with two paper copies. A party that does not have computer access is required to file 7 paper copies.

IF YOU DO NOT FILE A LETTER OBJECTING TO A WRITTEN HEARING OR DO NOT PARTICIPATE IN THE HEARING BY FILING WRITTEN SUBMISSIONS IN ACCORDANCE WITH THIS NOTICE, THE BOARD MAY PROCEED WITHOUT YOUR PARTICIPATION AND YOU WILL NOT BE ENTITLED TO FURTHER NOTICE IN THIS PROCEEDING.

DATED at Toronto, April 28, 2010

Original signed by

Kirsten Walli
Board Secretary

Appendix A

Notice of Hearing and Procedural Order No. 1

Dated April 28, 2010

Board File No.: EB-2010-0170

Motion Record Filed by Northwatch

(see document attached)

ONTARIO ENERGY BOARD

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

IN THE MATTER OF cost awards for eligible participants in relation to a consultation process relating to amendments to the Retail Settlement Code and the Distribution System Code associated with the settlement and billing of renewable embedded retail generation facilities.

MOTION RECORD OF NORTHWATCH

(Motion for Review of Board Decision and Order on Cost Awards issued February 8, 2010)

March 2, 2010

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

Juli Abouchar
LSUC #35343K

Tel: 416-862-4836
Fax: 416-863-1938

Counsel for the Moving Party, Northwatch

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

Ms. Kirsten Walli, Board Secretary

AND TO: **ALL REGISTERED INTERVENORS**

ONTARIO ENERGY BOARD

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

IN THE MATTER OF cost awards for eligible participants in relation to a consultation process relating to amendments to the Retail Settlement Code and the Distribution System Code associated with the settlement and billing of renewable embedded retail generation facilities.

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ONTARIO ENERGY BOARD

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

IN THE MATTER OF cost awards for eligible participants in
relation to a consultation process relating to amendments to
the Retail Settlement Code and the Distribution System
Code associated with the settlement and billing of
renewable embedded retail generation facilities.

NOTICE OF MOTION

(Motion for Review of Board Decision and Order on Cost Awards issued February 8, 2010)

THE INTERVENOR, Northwatch, will make a motion pursuant to Rules 8.02, 42 and 44 of the Board's Rules of Practice and Procedure, for review and variance of the Ontario Energy Board ("Board")'s Decision and Order on Cost Awards ("Cost Decision"), issued on February 8, 2010, in relation to Northwatch's Application for an Award of Costs ("Cost Application") in this Proceeding.

PROPOSED METHOD OF HEARING: Northwatch requests a written hearing.

THE MOTION IS FOR:

1 An Order:

- (a) for leave to waive the 20 calendar day requirement to serve and file this notice under Rule 42.03
- (b) varying the Cost Decision issued on February 8, 2010 to correct the clerical error made by Northwatch at Appendix B Form 1 and award Northwatch its full costs in the amount of \$3,073.19, and
- (c) such further and other relief as Northwatch's Counsel may request and this Board deem just.

THE GROUNDS FOR THE MOTION ARE:

1 Northwatch is an intervenor in this proceeding and was found to be eligible for an award of costs.

2 Accordingly, on October 29, 2009 Northwatch filed a Cost Application in the amount of \$3,073.19.

3 On February 8, 2010 the Board issued a Cost Decision awarding costs to Northwatch in the amount of \$1,078.19. This was a recalculated amount based on a rate of \$100/hr.

4 Northwatch made an inadvertent clerical error on Appendix "B" Form 1 Summary Statement of Hours – Consultants and Legal Counsel in its Cost Application and named a Law Clerk instead of counsel for Northwatch.

5 All rates and amounts calculated at Appendix "B" Form 1 in the Cost Application are correct, as are all amounts calculated in the Affidavit at Appendix "B" Form 3, sworn on October 27, 2009. Further, Northwatch provided detailed time dockets for Ms. Juli Abouchar, Counsel for Northwatch, at Tab 6 of the Cost Application.

6 After learning of the error, Northwatch made several attempts to contact the Board and the Case Manager to advise of the error prior to the expiry of the 20 days to file a Motion for Review. The Case Manager was not available until March 1, 2010 due to illness.

7 Northwatch was informed by the Case Manager on March 1, 2010 to a Motion for Review in order to request a variance of the Cost Decision.

8 Other grounds include:

(a) Ontario Energy Board Rules of Practice and Procedure
(revised July 14, 2008).

(b) *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15 (Schedule B)

(c) *Statutory Powers and Procedure Act*, R.S.O. 1990, c. S.22, and

- (d) Such further and other grounds and Counsel may request and this Board deem just.

THE EVIDENCE TO BE USED AT THE MOTION:

- 9 Affidavit of Tracy Richards, sworn March 2, 2010 and Exhibits.
- 10 Such further and other evidence as Counsel may request and the Board deem just.

March 2, 2010

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

Juli Abouchar
LSUC #35343K

Tel: 416-862-4836
Fax: 416-863-1938

Counsel for the Moving Party, Northwatch

TO: **ONTARIO ENERGY BOARD**

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Ms. Kirsten Walli, Board Secretary

AND TO: **ALL REGISTERED INTERVENORS**

ONTARIO ENERGY BOARD

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

IN THE MATTER OF cost awards for eligible
participants in relation to a consultation process relating
to amendments to the Retail Settlement Code and the
Distribution System Code associated with the
settlement and billing of renewable embedded retail
generation facilities.

NOTICE OF MOTION

WILLMS & SHIER
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4 King Street West, Suite 900
Toronto, Ontario M5H 1B6

Juli Abouchar
LSUC #35343K

Tel: 416-862-4836
Fax: 416-863-1938

Counsel for the Moving Party, Northwatch

ONTARIO ENERGY BOARD

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

IN THE MATTER OF cost awards for eligible participants in
relation to a consultation process relating to amendments to
the Retail Settlement Code and the Distribution System
Code associated with the settlement and billing of
renewable embedded retail generation facilities.

AFFIDAVIT OF TRACY RICHARDS

(Motion for Review of Board Decision and Order on Cost Awards issued February 8, 2010)

I, TRACY RICHARDS, of the City of Vaughan, in the Province of Ontario, MAKE
OATH AND SAY:

1 I am a Law Clerk at Willms & Shier Environmental Lawyers LLP, and as
such have knowledge of the matters herein deposed.

2 Juli Abouchar is a partner at Willms & Shier Environmental Lawyers LLP
with whom I work. Ms. Abouchar is legal counsel to Northwatch in Board
Proceeding EB-2009-0303.

3 On October 27, 2009 I prepared an Application for an Award of Costs on
behalf of Northwatch ("Cost Application") for Board Proceeding EB-2009-0303.

4 On October 29, 2009 I served and filed the Cost Application with all participants and the Board. Attached hereto as Exhibit A to my affidavit is a true copy of the Cost Application submitted by Northwatch on October 29, 2009.

5 On February 8, 2010, I received a Decision and Order on Cost Awards ("Cost Decision") for Board Proceeding EB-2009-0303 that awarded \$1,078.19 to Northwatch. Attached hereto as Exhibit B to my affidavit is a true copy of the Board's Cost Decision.

6 I noticed a clerical error at Appendix "B" Form 1 of the Cost Application. The clerical error noted was such that my name (Tracy Richards) was listed on Form 1 instead of Northwatch's legal counsel, Ms. Abouchar. I further noticed that the Board had recalculated the cost award based on a Law Clerk rate of \$100/hr instead of Ms. Abouchar's rate of \$290/hr.

7 Mr. Abouchar was called to the Ontario Bar and the New Brunswick Bar in 1994. As such, Ms. Abouchar has 16+ years of experience and falls at a rate of \$290/hr according to the Board's Cost Award Tariff.

8 All time claimed by Northwatch in Board Proceeding EB-2009-0303 is time incurred by Ms. Abouchar. There was a clerical error in the name listed at Appendix B Form 1. All other calculations in the Cost Application of Northwatch are correct. The total claim for Northwatch is \$3,073.19.

9 I made attempts to contact the Case Manager, Mr. Russ Holden, to advise of the error and recalculation. I understand that Mr. Holden was out of the office due to illness.

10 Mr. Holden returned my phone calls in the afternoon on March 1, 2010. I explained the error to Mr. Holden and he advised that Northwatch must file a Notice of Motion for Review of the Cost Decision and request leave to waive the 20 calendar day filing and service requirement in Rule 42.03.

11 Northwatch has since corrected the error t Appendix B Form 1 of the Cost Application. Attached hereto and marked as Exhibit C to my affidavit is a revised Cost Application, wherein Form 1 has been amended to name Ms. Abouchar.

12 I make this affidavit in support of a motion to vary the Cost Decision issued by the Board on February 8, 2010 and to award Northwatch its costs of \$3,073.19.

SWORN BEFORE ME at the City of
Toronto, in the Province of Ontario
this 2nd day of March, 2010

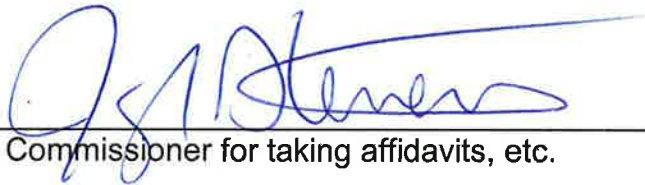


Commissioner for Taking Affidavits
(or as may be)

} 

Tracy Richards

This is Exhibit "A" referred to in the
Affidavit of Tracy Richards
sworn before me, this
2nd day of March, 2010.

A handwritten signature in blue ink, appearing to read "J. A. Stevens", is written over a horizontal line. Below the line, the text "A Commissioner for taking affidavits, etc." is printed.

A Commissioner for taking affidavits, etc.

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 award eligibility for
interested parties in a consultation process regarding
proposed amendments to the Retail Settlement Code and
the Distribution System Code associated with the
settlement and billing of renewable embedded retail
generation facilities.

**APPLICATION FOR AN AWARD OF COSTS
ON BEHALF OF THE INTERVENOR, NORTHWATCH**

October 29, 2009

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

Juli Abouchar
LSUC # 35343K

Tel: 416-862-4836
Fax: 416-863-1938

Lawyers for the Intervenor, Northwatch

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

Kirsten Walli, Board Secretary

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

INDEX

TAB 1

Direct Dial: (416) 862-4836
File: 5296

By Electronic Mail, Courier & RESS Filing

August 12, 2009

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

Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

**Re: Request for Eligibility for an Award of Costs
EB-2009-0303 – Proposed Amendments to the Retail Settlement Code and
the Distribution System Code**

Willms & Shier Environmental Lawyers LLP is environmental legal counsel to Northwatch.

Northwatch has received the Notice of Proposal to Amend the Retail Settlement Code and the Distribution System Code, dated August 5, 2009. Accordingly, on behalf of Northwatch, we respectfully request herein intervenor status and eligibility to apply for an award of costs in accordance with the Ontario Energy Board's *Practice Directions on Cost Awards*.

Northwatch has a history of involvement in energy policy as detailed in detail below. Recently Northwatch has actively participated as intervenor and has been found eligible for an award of costs in the following OEB proceedings:

- ♦ The Integrated Power System Plan (IPSP) (EB-2007-0707)
- ♦ The Transmission Connection Cost Responsibility Review (EB-2008-0003)
- ♦ Proposed Amendments to the Distribution System Code (EB-2009-0077)
- ♦ The Regulatory Treatment of Infrastructure Investment for Ontario's Electricity Transmitters & Distribution (EB-2009-0152)



Given that Northwatch is an accepted intervenor in the Board proceeding on the Proposed Amendments to the Distribution System Code, EB-2009-0077, and the relationship between these two initiatives, Northwatch would like to submit comments on the proposed amendments to the RSC and DSC set out in Attachments A and B to the Notice.

Northwatch's main objective is to represent the public interest with respect to environmental protection, social justice, and resource management matters in north-eastern Ontario. Its members are committed to promoting the health, well being and sustainability of the human and natural communities throughout the region.

Northwatch has made submissions on all of the above proceedings from the perspective of its north-eastern energy rate-payers and environmental/social interest groups. These perspectives are relevant in this proceeding.

Northwatch's contact is Ms. Brennain Lloyd, coordinator for Northwatch. Ms. Lloyd's contact information is as follows:

Courier Address:

Northwatch
c/o Ms. Brennain Lloyd
1450 Ski Club Road
North Bay, Ontario
P1B 8H2

Tel.: (705) 497-0373
Fax: (705) 476-7060
Email: northwatch@onlink.net
Website: www.northwatch.org

Mailing Address:

Northwatch
c/o Ms. Brennain Lloyd
Box 282
North Bay, Ontario
P1B 8H2

**HOW NORTHWATCH IS OR MAY BE AFFECTED BY THE PROPOSED
AMENDMENTS TO THE RETAIL SETTLEMENT CODE AND THE
DISTRIBUTION SYSTEM CODE**

Issues that have been raised at the IPSP hearing and in the Transmission Connection Cost Responsibility Review are equally appropriate to the Proposed Amendments to the retail Settlement Code and the Distribution System Code proceeding.



For example, the residents and regions of northeastern Ontario will or may be affected by the Proposed Amendments to the Retail Settlement Code and the Distribution System Code in as far as they relate to:

- ♦ ability for people to install embedded generation, and
- ♦ promotion of renewable energy.

GROUND'S FOR NORTHWATCH ELIGIBILITY FOR COSTS

Northwatch 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.

Northwatch 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).

Northwatch's primary purpose is to represent the public interest with respect to environmental protection and resource management matters in northeastern Ontario. However, as a coalition of interests which includes those represented by social organizations, Northwatch also has an interest and a relevant perspective with respect to consumer concerns, many of which are unique in northeastern Ontario, relative to a provincial or more urban context (i.e. criteria a).

Northwatch represents the interests of the environment, and of the residents of northeastern Ontario who identify and express environmental concerns; it is within the mandate of the Ontario Energy Board to consider such matters as the effect on the environment (i.e. criteria b). Further, our members have an interest in the land that is or may be affected by the process (i.e. criteria c). That interest may in some cases be a private interest, but in every case is also a public interest.

Northwatch will make a responsible, unique and beneficial contribution to the Ontario Energy Board's proceeding.



EXISTING SOURCES OF FUNDING

Northwatch's core funding comes from memberships and donations, which are under \$5000 per year, on average. Other project-specific funding is provided by a small number of charitable foundations or is contracted on a fee for service basis. The majority of the current years' funding is dedicated to Northwatch's Forest Project, which supports public participation in forest management planning throughout northeastern Ontario.

FORM OF SUBMISSION/CO-OPERATION WITH OTHER GROUPS

Northwatch intends to provide written comment in this proceeding.

Northwatch understands that a responsible intervention will add value and is deserving of costs.

Contacts for the distribution list are as follows:

- ♦ Brennain Lloyd, coordinator for Northwatch, e-mail: northwatch@onlink.net
- ♦ Juli Abouchar, Counsel, Willms & Shier Environmental Lawyers, e-mail: jabouchar@willmsshier.com
- ♦ Tracy Richards, Law Clerk, Willms & Shier Environmental Lawyers, e-mail: trichards@willmsshier.com

Thank you for your consideration. We look forward to a positive response to this request for costs eligibility and to participating in this proceeding.

Yours truly,

Juli Abouchar
Partner, W+SEL
Certified as a Specialist in Environmental Law
by the Law Society of Upper Canada

cc: Brennain Lloyd, Northwatch

Document #: 257550

TAB 2

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.

TAB 3

APPENDIX "B" FORM 1
SUMMARY STATEMENT OF HOURS

APPENDIX "B"

FORM 1

SUMMARY STATEMENT OF HOURS – CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

EB-2009-0303
Board File Number

Northwatch
Party Name

Tracy Richards, Law Clerk
Legal Counsel Name

Willms & Shier Environmental Lawyers LLP
Law Firm

Year of Call

Consultant Name	Years of Relevant Experience (curriculum vitae must be attached)			Consultant Firm	
	Hours	Hourly Rate	Sub-total	GST	Total
Preparation	10.0	\$290.00	\$2,900.00	\$145.00	\$3,045.00
Attendance – Technical Conference					
Attendance – Settlement Conference					
Attendance – Oral Hearing					
Argument					
Case Management					
TOTALS	10.0	\$290.00	\$2,900.00	\$145.00	\$3,045.00

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

Document #: 272855

TAB 4

**APPENDIX "B" FORM 2
SUMMARY OF DISBURSEMENTS**

APPENDIX "B"

FORM 2

SUMMARY OF DISBURSEMENTS

EB-2009-0303		Northwatch	
Board File Number		Party Name	
Willms & Shier Environmental Lawyers LLP			
Party or Group that made the disbursement			
	Net Cost	GST	
Photocopies	\$26.85	\$1.34	
Printing			
Fax			
Courier			
Telephone			
Postage			
Transcripts			
Travel: Air			
Travel: Car			
Travel: Rail			
Travel: Other ()			
Taxi or Airport Limo			
Accommodation			
Meals			
Other ()			Grand Total
Sub-totals	\$26.85	\$1.34	\$28.19

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.

Document #: 272859

TAB 5

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

APPENDIX "B"

FORM 3

AFFIDAVIT IN SUPPORT OF COST CLAIM

<p><u>EB-2009-0303</u> Board File Number</p>	<p><u>NORTHWATCH</u> Party Name</p>
---	--

Items Claimed excluding GST

Legal/Consultant Fees	+	Disbursements	=	Net Sub-Total
\$ <u>2,900.00</u>		\$ <u>26.85</u>		\$ <u>2,926.85</u>

Goods and Services Tax

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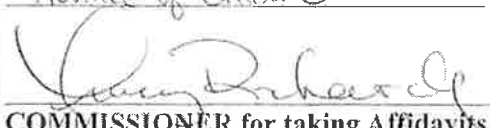
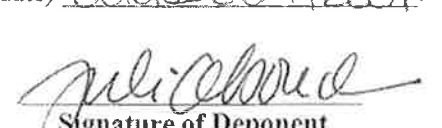
Total Cost Claim

Net Sub-Total	+	Total GST Claimed	=	Total Cost Claim
\$ <u>2,926.85</u>		\$ <u>146.34</u>		\$ <u>3,073.19</u>

I, (name) JULI ABOUCHAR, 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).
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 City of Toronto, in the (County, Regional Municipality, etc.) of Province of Ontario on (date) October 27, 2009.

 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.

TAB 6

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

Oct 27/2009

Willms & Shier Environmental Lawyers LLP
Client Fees Listing
ALL DATES

Page: 1

Date	Fee / Time	Working Lawyer	Hours	Amount	Inv#
Entry #	Explanation				
1202	Northwatch				
5308	Re: Amendments to the RSC and DSC				
Aug 24/2009	Lawyer: 31 3.50 Hrs X 290.00	31	31	1015.00	
961765	prepare submissions to OEB				
Aug 25/2009	Lawyer: 31 2.20 Hrs X 290.00	31	31	638.00	
940492	telephone call B. Robertson, OEB;				
	prepare comments				
Aug 26/2009	Lawyer: 31 4.30 Hrs X 290.00	31	31	1247.00	
961766	review comments from B. Lloyd; finalise				
	comments to the OEB;				

TAB 7

APPENDIX "D"
DISBURSEMENTS

Oct 27/2009

Willms & Shier Environmental Lawyers LLP
Client Costs Journal
To Oct 27/2009

Page 1

Date	Entry#	Paid To Explanation	Source Matter	Client Name	Ref#	G/L Acct	Amount
Aug 25/2009	943242	Photocopies	CER 5308	Northwatch	5170	- RECOVERY	0.75
		Total for Aug 25/2009 :	0.75				
Aug 26/2009	943396	Photocopies	CER 5308	Northwatch	5170	- RECOVERY	4.50
Aug 26/2009	943401	Photocopies	CER 5308	Northwatch	5170	- RECOVERY	0.25
Aug 26/2009	943402	Photocopies	CER 5308	Northwatch	5170	- RECOVERY	0.75
Aug 26/2009	943406	Photocopies	CER 5308	Northwatch	5170	- RECOVERY	0.50
Aug 26/2009	943431	Photocopies	CER 5308	Northwatch	5170	- RECOVERY	0.50
		Total for Aug 26/2009 :	6.50				
Aug 31/2009	946111	A & B COURIER Deliveries	AP 5308	Northwatch	20493 5065	- DELIVERY	12.60
		Total for Aug 31/2009 :	12.60				
Sep 24/2009	951747	Photocopies	CER 5308	Northwatch	5170	- RECOVERY	1.50
		Total for Sep 24/2009 :	1.50				
Oct 21/2009	960798	Photocopies	CER 5308	Northwatch	5170	- RECOVERY	4.25
Oct 21/2009	960801	Photocopies	CER 5308	Northwatch	5170	- RECOVERY	1.25
		Total for Oct 21/2009 :	5.50				

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

G/L Account	Debit	Credit
1210 - CLIENT DISB.-RECOV.	26.85	
5065 - DELIVERY CHARGES		12.60
5170 - RECOVERY - LASER CO		14.25
Total:	26.85	26.85

REPORT SELECTIONS - Client Costs Journal

Layout Template: All
 Requested by: Tracy Richards
 Finished: Tuesday, October 27, 2009 at 10:08:37 AM
 Date Range: To Oct 27/2009
 Matters: 5308
 Clients: All
 Major Clients: All
 Responsible Lawyer: All
 Assigned Lawyer: All
 Sort by Resp Lawyer: No
 G/L Account: All G/L Accounts
 Ref#: All Cheques
 G/L Summary Only: No
 Display in Order Entered: No
 Corrected Entries: Not Included
 Select From: Active, Inactive, Archived Matters
 Explanation Codes: All
 Ver: 9.31d

Matter Intro Lawyer: All
 Client Intro Lawyer: All
 Type of Law: All
 New Page for Each Lawyer: No
 Include Exp. Recoveries: Yes
 Include Accounts Payable Entries: Yes
 Include General Cheque Allocations: Yes
 Show User Name: No
 Summary by Resp Lawyer: No

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 award eligibility for interested
parties in a consultation process regarding proposed
amendments to the Retail Settlement Code and the
Distribution System Code associated with the settlement and
billing of renewable embedded retail generation facilities.

**APPLICATION FOR AN AWARD OF COSTS
ON BEHALF OF THE INTERVENOR, NORTHWATCH**

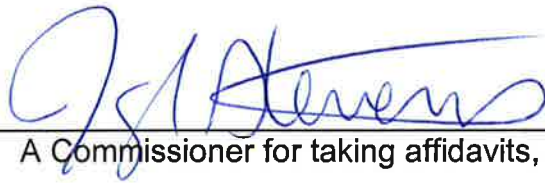
**WILLMS & SHIER
ENVIRONMENTAL LAWYERS LLP**
4 King Street West, Suite 900
Toronto, ON M5H 1B6

Juli Abouchar
LSUC # 35343K

Tel: 416-862-4836
Fax: 416-863-1938

Lawyers for the Intervenor, Northwatch

This is Exhibit "B" referred to in the
Affidavit of Tracy Richards
sworn before me, this
2nd day of March, 2010.

A handwritten signature in blue ink, appearing to read "J. A. Stevens", is written over a horizontal line.

A Commissioner for taking affidavits, etc.



EB 2009-0303

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 eligible
participants in relation to a consultation process
relating to amendments to the Retail Settlement Code
and the Distribution System Code associated with the
settlement and billing of renewable embedded retail
generation facilities.

BEFORE: Paul Sommerville
Presiding Member

DECISION AND ORDER ON COST AWARDS

Background

On August 5, 2009, the Ontario Energy Board (the "Board") issued a Notice of Proposed Amendments to a Code (the "August Notice") concerning proposed amendments to the Retail Settlement Code (the "RSC") and the Distribution System Code (the "DSC") regarding the settlement and billing of renewable embedded retail generation facilities. The August Notice indicated that cost awards would be available to eligible persons under section 30 of the *Ontario Energy Board Act, 1998* (the "Act") in relation to the provision of comments on the proposed amendments, to a maximum of 10 hours, and that any costs awarded would be recovered from all licensed electricity distributors based on their respective distribution revenues. This notice and comment process was completed with the adoption by the Board of amendments to the RSC and the DSC, as set out in the Board's Notice of Amendment to a Code issued on September 21, 2009.

In accordance with the Board's August 24, 2009 Decision on Cost Eligibility, the following participants were found to be eligible for an award of costs in relation to their participation in this consultation process: Canadian Manufacturers & Exporters; Consumers Council of Canada; Northwatch; National Chief's Office on Behalf of the Assembly for First Nations; London Property Management Association; and School Energy Coalition (collectively, the "eligible participants").

On October 8, 2009, the Board issued a Notice of Hearing for Cost Awards (the "October Notice") initiating a hearing on its own motion in order to determine the cost awards that will be made under section 30 of the Act in relation to this consultation process. All of the eligible participants submitted cost claims within the timelines specified in the October Notice. No objections to the cost claims were received from electricity distributors.

Board Findings on the Cost Claims of the Eligible Participants

The Board has reviewed the cost claims and finds that the cost claims filed by each of the eligible participants are within the maximum set by the Board in the August Notice.

With respect to the cost claim filed by Northwatch, the supporting documentation indicates that the services to which the cost claim relates were performed by a law clerk. However, the hourly tariff rate applied to those services is the tariff rate applicable to a lawyer. The Board has therefore reduced Northwatch's cost claim to reflect the application of the appropriate tariff rate, which is the rate applicable to paralegals.

Subject to this adjustment, the Board finds that each of the eligible participants is entitled to 100% of its reasonably incurred costs for participating in this consultation process.

The amount payable by each individual licensed rate-regulated distributor in relation to the costs awarded to each eligible participant is listed in Appendix A to this Decision and Order.

Process for Paying Cost Awards

As stated in the August Notice, the Board will use the process set out in section 12 of its *Practice Direction on Cost Awards* to implement the payment of the cost awards. Therefore, the Board will act as a clearing house for all payments of cost awards relating to this consultation process. Invoices will be issued to distributors at the same time as are invoices for cost assessments made under section 26 of the Act. The practice of the Board is to issue to each distributor one invoice that covers all cost awards payable by the distributor for the relevant period. As a result, the invoice may cover cost awards payable in relation to a number of consultations, including this one.

THE BOARD THEREFORE ORDERS THAT:

1. The amounts to be paid by each individual distributor in relation to the costs awarded to each eligible participant are as set out in Appendix A to this Decision and Order.
2. The individual distributors listed in Appendix A to this Decision and Order shall pay the costs awarded to each of the eligible participants as set out in Appendix A.
3. Payment of cost awards referred to in paragraph 2 shall be made to the Ontario Energy Board in accordance with the invoice issued to the individual distributor and shall be due at the same time as cost assessments under section 26 of the Act are due.

DATED at Toronto, February 8, 2010.

ONTARIO ENERGY BOARD

Original signed by

Kirsten Walli
Board Secretary

Appendix A

**To the Board's Decision and Order on Cost Awards
Dated February 8, 2010**

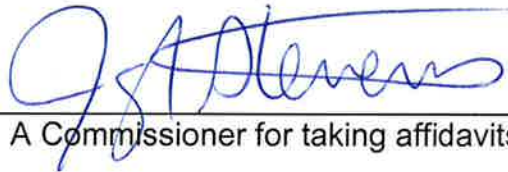
EB-2009-0303

Electricity Distribution System Owner/Operator	CME	CCC	NCO	Northwatch	LPMA	SEC	Total Intervenor Costs
ATIKOKAN HYDRO INC.	0.82	0.70	1.19	0.36	0.95	1.01	5.03
ATTAWAPISKAT POWER CORP.	0.80	0.69	1.16	0.36	0.92	0.98	4.91
BARRIE HYDRO DISTRIBUTION INC.	26.31	22.50	38.07	11.67	30.32	32.32	161.19
BLUEWATER POWER DISTRIBUTION CORP.	14.80	12.66	21.41	6.56	17.05	18.18	90.66
BRANT COUNTY POWER INC.	5.53	4.73	8.00	2.45	6.37	6.79	33.87
BRANTFORD POWER INC.	14.30	12.23	20.69	6.34	16.48	17.57	87.61
BURLINGTON HYDRO INC.	25.87	22.12	37.42	11.47	29.80	31.77	158.45
CAMBRIDGE AND NORTH DUMFRIES HYDRO INC.	19.94	17.05	28.84	8.84	22.98	24.49	122.14
CANADIAN NIAGARA POWER INC.	13.74	11.75	19.87	6.09	15.83	16.87	84.15
CENTRE WELLINGTON HYDRO LTD.	2.31	1.98	3.35	1.03	2.67	2.84	14.18
CHAPLEAU PUBLIC UTILITIES CORP.	0.54	0.46	0.78	0.24	0.62	0.66	3.30
CHATHAM-KENT HYDRO INC.	12.85	10.99	18.59	5.70	14.81	15.79	78.73
CLINTON POWER CORP.	0.49	0.42	0.71	0.22	0.57	0.61	3.02
COLLUS POWER CORP.	4.40	3.77	6.37	1.95	5.07	5.41	26.97
COOPERATIVE HYDRO EMBRUN INC.	0.56	0.48	0.81	0.25	0.65	0.69	3.44
DUTTON HYDRO LTD.	0.11	0.10	0.17	0.05	0.13	0.14	0.70
E.L.K. ENERGY INC.	3.54	3.03	5.12	1.57	4.08	4.35	21.69
ENERSOURCE HYDRO MISSISSAUGA INC.	108.68	92.94	157.22	48.20	125.23	133.50	665.77
ENWIN POWERLINES LTD.	41.23	35.26	59.64	18.28	47.50	50.64	252.55
ERIE THAMES POWERLINES CORP.	7.00	5.99	10.13	3.10	8.07	8.60	42.89
ESPANOLA REGIONAL HYDRO DISTRIBUTION CORP.	1.15	0.99	1.67	0.51	1.33	1.42	7.07
ESSEX POWERLINES CORP.	9.19	7.86	13.29	4.07	10.59	11.29	56.29
FESTIVAL HYDRO INC.	8.75	7.49	12.66	3.88	10.09	10.75	53.62
FORT ALBANY POWER CORP.	0.51	0.44	0.74	0.23	0.59	0.63	3.14
FORT FRANCES POWER CORP.	1.31	1.12	1.89	0.58	1.51	1.61	8.02
GREAT LAKES POWER LTD.	12.18	10.41	17.62	5.40	14.03	14.96	74.60
GREATER SUDBURY HYDRO INC.	19.84	16.97	28.70	8.80	22.86	24.37	121.54
GRIMSBY POWER INC.	3.12	2.67	4.52	1.38	3.60	3.83	19.12
GUELPH HYDRO ELECTRIC SYSTEMS INC.	22.14	18.93	32.02	9.82	25.51	27.19	135.61
HALDIMAND COUNTY HYDRO INC.	11.22	9.60	16.23	4.98	12.93	13.78	68.74
HALTON HILLS HYDRO INC.	7.91	6.77	11.45	3.51	9.12	9.72	48.48
HORIZON UTILITIES CORPORATION	79.90	68.33	115.59	35.44	92.07	98.15	489.48

HYDRO HAWKESBURY INC.	1.15	0.98	1.66	0.51	1.32	1.41	7.03
HEARST POWER DISTRIBUTION COMPANY LTD.	0.84	0.72	1.22	0.37	0.97	1.04	5.16
HYDRO 2000 INC.	0.23	0.20	0.33	0.10	0.26	0.28	1.40
HYDRO ONE BRAMPTON NETWORKS INC.	57.73	49.37	83.52	25.60	66.52	70.91	353.65
HYDRO ONE NETWORKS INC.	841.44	719.54	1,217.23	373.24	969.54	1,033.59	5,154.58
HYDRO OTTAWA LTD.	116.97	100.03	169.22	51.88	134.78	143.68	716.56
INNISFIL HYDRO DISTRIBUTION SYSTEMS LTD.	6.18	5.28	8.93	2.74	7.12	7.59	37.84
KASHECHEWAN POWER CORP.	0.47	0.41	0.69	0.21	0.55	0.58	2.91
KENORA HYDRO ELECTRIC CORPORATION LTD.	1.85	1.58	2.68	0.82	2.13	2.28	11.34
KINGSTON ELECTRICITY DISTRIBUTION LTD.	9.58	8.19	13.86	4.25	11.04	11.77	58.69
KITCHENER-WILMOT HYDRO INC.	31.24	26.72	45.20	13.86	36.00	38.38	191.40
LAKEFRONT UTILITIES INC.	3.10	2.65	4.48	1.37	3.57	3.81	18.98
LAKELAND POWER DISTRIBUTION LTD.	3.68	3.15	5.33	1.63	4.24	4.52	22.55
LONDON HYDRO INC.	49.16	42.04	71.12	21.80	56.64	60.39	301.15
MIDDLESEX POWER DISTRIBUTION CORP.	2.68	2.29	3.88	1.19	3.09	3.29	16.42
MIDLAND POWER UTILITY CORP.	2.67	2.29	3.87	1.19	3.08	3.28	16.38
MILTON HYDRO DISTRIBUTION INC.	9.76	8.35	14.12	4.33	11.24	11.99	59.79
NEWBURY POWER INC.	0.07	0.06	0.10	0.03	0.08	0.08	0.42
NEWMARKET - TAY POWER DISTRIBUTION LTD.	14.50	12.40	20.98	6.43	16.71	17.81	88.83
NIAGARA PENINSULA ENERGY INC.	24.47	20.93	35.40	10.85	28.20	30.06	149.91
NIAGARA-ON-THE-LAKE HYDRO INC.	4.38	3.75	6.34	1.94	5.05	5.38	26.84
NORFOLK POWER DISTRIBUTION INC.	8.54	7.30	12.35	3.79	9.84	10.49	52.31
NORTH BAY HYDRO DISTRIBUTION LTD.	9.41	8.04	13.61	4.17	10.84	11.55	57.62
NORTHERN ONTARIO WIRES INC.	2.08	1.78	3.02	0.92	2.40	2.56	12.76
OAKVILLE HYDRO ELECTRICITY DISTRIBUTION INC.	27.01	23.10	39.07	11.98	31.12	33.17	165.45
ORANGEVILLE HYDRO LTD.	4.11	3.52	5.95	1.82	4.74	5.05	25.19
ORILLIA POWER DISTRIBUTION CORP.	5.90	5.05	8.54	2.62	6.80	7.25	36.16
OSHAWA PUC NETWORKS INC.	16.90	14.45	24.44	7.49	19.47	20.76	103.51
OTTAWA RIVER POWER CORP.	3.29	2.82	4.76	1.46	3.79	4.04	20.16
PARRY SOUND POWER CORP.	1.70	1.45	2.46	0.75	1.96	2.09	10.41
PETERBOROUGH DISTRIBUTION INC.	11.64	9.95	16.83	5.16	13.41	14.29	71.28
POWERSTREAM INC.	108.74	93.00	157.31	48.23	125.30	133.58	666.16
PUC DISTRIBUTION INC.	11.33	9.69	16.38	5.02	13.05	13.91	69.38
RENFREW HYDRO INC.	1.49	1.27	2.15	0.66	1.71	1.83	9.11
RIDEAU ST. LAWRENCE DISTRIBUTION INC.	1.45	1.24	2.09	0.64	1.67	1.78	8.87
ST. THOMAS ENERGY INC.	5.76	4.92	8.33	2.55	6.63	7.07	35.26
SIOUX LOOKOUT HYDRO INC.	1.37	1.17	1.98	0.61	1.58	1.68	8.39

THUNDER BAY HYDRO ELECTRICITY DISTRIBUTION INC.	15.27	13.06	22.09	6.77	17.59	18.76	93.54
TILLSONBURG HYDRO INC.	2.38	2.04	3.45	1.06	2.75	2.93	14.61
TORONTO HYDRO-ELECTRIC SYSTEM LTD.	421.10	360.12	609.18	186.76	485.22	517.27	2,579.65
VERIDIAN CONNECTIONS INC.	40.35	34.51	58.38	17.90	46.50	49.57	247.21
WASAGA DISTRIBUTION INC.	3.09	2.64	4.47	1.37	3.56	3.80	18.93
WATERLOO NORTH HYDRO INC.	23.49	20.09	33.98	10.42	27.06	28.85	143.89
WELLAND HYDRO-ELECTRIC SYSTEM CORP.	6.90	5.90	9.99	3.06	7.96	8.48	42.29
WELLINGTON NORTH POWER INC.	1.14	0.98	1.65	0.51	1.32	1.40	7.00
WEST COAST HURON ENERGY INC.	1.49	1.28	2.16	0.66	1.72	1.84	9.15
WEST PERTH POWER INC.	0.70	0.60	1.01	0.31	0.81	0.86	4.29
WESTARIO POWER INC.	7.40	6.32	10.70	3.28	8.52	9.08	45.30
WHITBY HYDRO ELECTRIC CORP.	17.66	15.10	25.54	7.83	20.34	21.69	108.16
WOODSTOCK HYDRO SERVICES INC.	6.13	5.25	8.87	2.72	7.07	7.54	37.58
Total, Electricity Distributors	\$ 2,431.01	\$ 2,079.00	\$ 3,516.82	\$ 1,078.19	\$ 2,801.19	\$ 2,986.20	\$ 14,892.41

This is Exhibit "C" referred to in the
Affidavit of Tracy Richards
sworn before me, this
2nd day of March, 2010.

A handwritten signature in blue ink, appearing to read "J. A. Allen", is written over a horizontal line.

A Commissioner for taking affidavits, etc.

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 award eligibility for
interested parties in a consultation process regarding
proposed amendments to the Retail Settlement Code and
the Distribution System Code associated with the
settlement and billing of renewable embedded retail
generation facilities.

REVISED

APPLICATION FOR AN AWARD OF COSTS ON BEHALF OF THE INTERVENOR, NORTHWATCH

Revised: March 1, 2010

October 29, 2009

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

Juli Abouchar
LSUC # 35343K

Tel: 416-862-4836
Fax: 416-863-1938

Lawyers for the Intervenor, Northwatch

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

INDEX

TAB 1

Direct Dial: (416) 862-4836
File: 5296

By Electronic Mail, Courier & RESS Filing

August 12, 2009

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

Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

**Re: Request for Eligibility for an Award of Costs
EB-2009-0303 – Proposed Amendments to the Retail Settlement Code and
the Distribution System Code**

Willms & Shier Environmental Lawyers LLP is environmental legal counsel to Northwatch.

Northwatch has received the Notice of Proposal to Amend the Retail Settlement Code and the Distribution System Code, dated August 5, 2009. Accordingly, on behalf of Northwatch, we respectfully request herein intervenor status and eligibility to apply for an award of costs in accordance with the Ontario Energy Board's *Practice Directions on Cost Awards*.

Northwatch has a history of involvement in energy policy as detailed in detail below. Recently Northwatch has actively participated as intervenor and has been found eligible for an award of costs in the following OEB proceedings:

- ♦ The Integrated Power System Plan (IPSP) (EB-2007-0707)
- ♦ The Transmission Connection Cost Responsibility Review (EB-2008-0003)
- ♦ Proposed Amendments to the Distribution System Code (EB-2009-0077)
- ♦ The Regulatory Treatment of Infrastructure Investment for Ontario's Electricity Transmitters & Distribution (EB-2009-0152)



Given that Northwatch is an accepted intervenor in the Board proceeding on the Proposed Amendments to the Distribution System Code, EB-2009-0077, and the relationship between these two initiatives, Northwatch would like to submit comments on the proposed amendments to the RSC and DSC set out in Attachments A and B to the Notice.

Northwatch's main objective is to represent the public interest with respect to environmental protection, social justice, and resource management matters in north-eastern Ontario. Its members are committed to promoting the health, well being and sustainability of the human and natural communities throughout the region.

Northwatch has made submissions on all of the above proceedings from the perspective of its north-eastern energy rate-payers and environmental/social interest groups. These perspectives are relevant in this proceeding.

Northwatch's contact is Ms. Brennain Lloyd, coordinator for Northwatch. Ms. Lloyd's contact information is as follows:

Courier Address:

Northwatch
c/o Ms. Brennain Lloyd
1450 Ski Club Road
North Bay, Ontario
P1B 8H2

Tel.: (705) 497-0373
Fax: (705) 476-7060
Email: northwatch@onlink.net
Website: www.northwatch.org

Mailing Address:

Northwatch
c/o Ms. Brennain Lloyd
Box 282
North Bay, Ontario
P1B 8H2

**HOW NORTHWATCH IS OR MAY BE AFFECTED BY THE PROPOSED
AMENDMENTS TO THE RETAIL SETTLEMENT CODE AND THE
DISTRIBUTION SYSTEM CODE**

Issues that have been raised at the IPSP hearing and in the Transmission Connection Cost Responsibility Review are equally appropriate to the Proposed Amendments to the retail Settlement Code and the Distribution System Code proceeding.



For example, the residents and regions of northeastern Ontario will or may be affected by the Proposed Amendments to the Retail Settlement Code and the Distribution System Code in as far as they relate to:

- ability for people to install embedded generation, and
- promotion of renewable energy.

GROUNDWORK FOR NORTHWATCH ELIGIBILITY FOR COSTS

Northwatch 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.

Northwatch 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).

Northwatch's primary purpose is to represent the public interest with respect to environmental protection and resource management matters in northeastern Ontario. However, as a coalition of interests which includes those represented by social organizations, Northwatch also has an interest and a relevant perspective with respect to consumer concerns, many of which are unique in northeastern Ontario, relative to a provincial or more urban context (i.e. criteria a).

Northwatch represents the interests of the environment, and of the residents of northeastern Ontario who identify and express environmental concerns; it is within the mandate of the Ontario Energy Board to consider such matters as the effect on the environment (i.e. criteria b). Further, our members have an interest in the land that is or may be affected by the process (i.e. criteria c). That interest may in some cases be a private interest, but in every case is also a public interest.

Northwatch will make a responsible, unique and beneficial contribution to the Ontario Energy Board's proceeding.



EXISTING SOURCES OF FUNDING

Northwatch's core funding comes from memberships and donations, which are under \$5000 per year, on average. Other project-specific funding is provided by a small number of charitable foundations or is contracted on a fee for service basis. The majority of the current years' funding is dedicated to Northwatch's Forest Project, which supports public participation in forest management planning throughout northeastern Ontario.

FORM OF SUBMISSION/CO-OPERATION WITH OTHER GROUPS

Northwatch intends to provide written comment in this proceeding.

Northwatch understands that a responsible intervention will add value and is deserving of costs.

Contacts for the distribution list are as follows:

- ♦ Brennain Lloyd, coordinator for Northwatch, e-mail: northwatch@onlink.net
- ♦ Juli Abouchar, Counsel, Willms & Shier Environmental Lawyers, e-mail: jabouchar@willmsshier.com
- ♦ Tracy Richards, Law Clerk, Willms & Shier Environmental Lawyers, e-mail: trichards@willmsshier.com

Thank you for your consideration. We look forward to a positive response to this request for costs eligibility and to participating in this proceeding.

Yours truly,

Juli Abouchar
Partner, W+SEL
*Certified as a Specialist in Environmental Law
by the Law Society of Upper Canada*

cc: Brennain Lloyd, Northwatch

Document #: 257550

TAB 2

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.

TAB 3

APPENDIX "B" FORM 1
SUMMARY STATEMENT OF HOURS

APPENDIX "B"

FORM 1

SUMMARY STATEMENT OF HOURS – CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

EB-2009-0303
Board File Number

Northwatch
Party Name

Tracy Richards, Law Clerk
Legal Counsel Name

Year of Call

Willms & Shier Environmental Lawyers LLP
Law Firm

Consultant Name

Years of Relevant Experience
(curriculum vitae must be attached)

Consultant Firm

	Hours	Hourly Rate	Sub-total	GST	Total
Preparation	10.0	\$290.00	\$2,900.00	\$145.00	\$3,045.00
Attendance – Technical Conference					
Attendance – Settlement Conference					
Attendance – Oral Hearing					
Argument					
Case Management					
TOTALS	10.0	\$290.00	\$2,900.00	\$145.00	\$3,045.00

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

Document #: 272855

REVISED

**APPENDIX "B"
FORM 1**

SUMMARY STATEMENT OF HOURS – CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

EB-2009-0303 Board File Number		Northwatch Party Name			
Juli Abouchar Legal Counsel Name	1994 (Ont. NB) Year of Call	Willms & Shier Environmental Lawyers LLP Law Firm			
Consultant Name	Years of Relevant Experience (curriculum vitae must be attached)			Consultant Firm	
	Hours	Hourly Rate	Sub-total	GST	Total
Preparation	10.0	\$290.00	\$2,900.00	\$145.00	\$3,045.00
Attendance – Technical Conference					
Attendance – Settlement Conference					
Attendance – Oral Hearing					
Argument					
Case Management					
TOTALS	10.0	\$290.00	\$2,900.00	\$145.00	\$3,045.00
Note: All claims must be in Canadian dollars. If applicable, state the exchange rate _____, and country of initial currency _____.					

TAB 4

APPENDIX "B" FORM 2
SUMMARY OF DISBURSEMENTS

APPENDIX "B"

FORM 2

SUMMARY OF DISBURSEMENTS

EB-2009-0303		Northwatch	
Board File Number		Party Name	
Willms & Shier Environmental Lawyers LLP			
Party or Group that made the disbursement			
	Net Cost	GST	
Photocopies	\$26.85	\$1.34	
Printing			
Fax			
Courier			
Telephone			
Postage			
Transcripts			
Travel: Air			
Travel: Car			
Travel: Rail			
Travel: Other ()			
Taxi or Airport Limo			
Accommodation			
Meals			
Other ()			Grand Total
Sub-totals	\$26.85	\$1.34	\$28.19

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.

Document #: 272859

TAB 5

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

APPENDIX "B"

FORM 3

AFFIDAVIT IN SUPPORT OF COST CLAIM

<p><u>EB-2009-0303</u> Board File Number</p>	<p><u>NORTHWATCH</u> Party Name</p>
---	--

Items Claimed excluding GST

Legal/Consultant Fees	+	Disbursements	=	Net Sub-Total
\$ <u>2,900.00</u>		\$ <u>26.85</u>		\$ <u>2,926.85</u>

Goods and Services Tax

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



Total Cost Claim

Net Sub-Total	+	Total GST Claimed	=	Total Cost Claim
\$ <u>2,926.85</u>		\$ <u>146.34</u>		\$ <u>3,073.19</u>

I, (name) JULI ABOUCHAR, 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).
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 City of Toronto, in the (County, Regional Municipality, etc.) of Province of Ontario on (date) October 27, 2009.

 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.

TAB 6

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

Oct 27/2009

Willms & Shier Environmental Lawyers LLP

Page: 1

Client Fees Listing

ALL DATES

Date	Fee / Time	Working	Lawyer	Hours	Amount	Inv#
Entry #	Explanation					
1202	Northwatch					
5308	Re: Amendments to the RSC and DSC					
Aug 24/2009	Lawyer: 31 3.50 Hrs X 290.00	31	31	- JULI ABOUCHAR	3.50	1015.00
961765	prepare submissions to OEB					
Aug 25/2009	Lawyer: 31 2.20 Hrs X 290.00	31	31	- JULI ABOUCHAR	2.20	638.00
940492	telephone call B. Robertson, OEB;					
	prepare comments					
Aug 26/2009	Lawyer: 31 4.30 Hrs X 290.00	31	31	- JULI ABOUCHAR	4.30	1247.00
961766	review comments from B. Lloyd; finalise					
	comments to the OEB;					

TAB 7

APPENDIX "D"
DISBURSEMENTS

Oct 27/2009

Willms & Shier Environmental Lawyers LLP

Page 1

Client Costs Journal

To Oct 27/2009

Date	Entry#	Paid To Explanation	Source Matter	Client Name	Ref#	G/L Acct	Amount
Aug 25/2009	943242	Photocopies	CER 5308	Northwatch	5170	- RECOVERY	0.75
		Total for Aug 25/2009 :	0.75				
Aug 26/2009	943396	Photocopies	CER 5308	Northwatch	5170	- RECOVERY	4.50
Aug 26/2009	943401	Photocopies	CER 5308	Northwatch	5170	- RECOVERY	0.25
Aug 26/2009	943402	Photocopies	CER 5308	Northwatch	5170	- RECOVERY	0.75
Aug 26/2009	943406	Photocopies	CER 5308	Northwatch	5170	- RECOVERY	0.50
Aug 26/2009	943431	Photocopies	CER 5308	Northwatch	5170	- RECOVERY	0.50
		Total for Aug 26/2009 :	6.50				
Aug 31/2009	946111	A & B COURIER Deliveries	AP 5308	Northwatch	20493	5065 - DELIVERY	12.60
		Total for Aug 31/2009 :	12.60				
Sep 24/2009	951747	Photocopies	CER 5308	Northwatch	5170	- RECOVERY	1.50
		Total for Sep 24/2009 :	1.50				
Oct 21/2009	960798	Photocopies	CER 5308	Northwatch	5170	- RECOVERY	4.25
Oct 21/2009	960801	Photocopies	CER 5308	Northwatch	5170	- RECOVERY	1.25
		Total for Oct 21/2009 :	5.50				

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

G/L Account	Debit	Credit
1210 - CLIENT DISB.-RECOV.	26.85	
5065 - DELIVERY CHARGES		12.60
5170 - RECOVERY - LASER CO		14.25
Total:	26.85	26.85

REPORT SELECTIONS - Client Costs Journal

Layout Template: All
 Requested by: Tracy Richards
 Finished: Tuesday, October 27, 2009 at 10:08:37 AM
 Date Range: To Oct 27/2009
 Matters: 5308
 Clients: All
 Major Clients: All
 Responsible Lawyer: All
 Assigned Lawyer: All
 Sort by Resp Lawyer: No
 G/L Account: All G/L Accounts
 Ref#: All Cheques
 G/L Summary Only: No
 Display in Order Entered: No
 Corrected Entries: Not Included
 Select From: Active, Inactive, Archived Matters
 Explanation Codes: All
 Ver: 9.31d

Matter Intro Lawyer: All
 Client Intro Lawyer: All
 Type of Law: All
 New Page for Each Lawyer: No
 Include Exp. Recoveries: Yes
 Include Accounts Payable Entries: Yes
 Include General Cheque Allocations: Yes
 Show User Name: No
 Summary by Resp Lawyer: No

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 award eligibility for interested parties in a consultation process regarding proposed amendments to the Retail Settlement Code and the Distribution System Code associated with the settlement and billing of renewable embedded retail generation facilities.

**APPLICATION FOR AN AWARD OF COSTS
ON BEHALF OF THE INTERVENOR, NORTHWATCH**

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

Juli Abouchar
LSUC # 35343K

Tel: 416-862-4836
Fax: 416-863-1938

Lawyers for the Intervenor, Northwatch

ONTARIO ENERGY BOARD

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

IN THE MATTER OF cost awards for eligible
participants in relation to a consultation process relating
to amendments to the Retail Settlement Code and the
Distribution System Code associated with the
settlement and billing of renewable embedded retail
generation facilities.

AFFIDAVIT OF TRACY RICHARDS

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

Juli Abouchar
LSUC #35343K

Tel: 416-862-4836
Fax: 416-863-1938

Counsel for the Moving Party, Northwatch

tl

ONTARIO ENERGY BOARD

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

IN THE MATTER OF cost awards for eligible participants in relation to a consultation process relating to amendments to the Retail Settlement Code and the Distribution System Code associated with the settlement and billing of renewable embedded retail generation facilities.

MOTION RECORD

**WILLMS & SHIER
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