

Giffen & Partners

Barristers, Solicitors and Notaries Public

James A. Giffen, Q.C. (1931-1990)

Keith M. Trussler

Christopher A. Lewis

Rebecca L. Grima

Nicole C. Keating

465 Waterloo Street

London, Ontario

N6B 2P4

Telephone: (519) 679-4700

Fax: (519) 432-8003

Email: lewis@giffens.com

Our Reference: 2491-7028

May 6, 2010

Ontario Energy Board

P.O. Box 2319

27th Floor

2300 Yonge Street

Toronto, ON M4P 1E4

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: Application by Tribute Resources Inc. and Bayfield Resources Inc., on behalf of
Huron Bayfield Limited Partnership (the "Applicants")
Ontario Energy Board – Procedural Order No. 3 dated March 30, 2010
File Numbers EB-2009-0338/0339/0340
Applicants' Cost Claim Objection dated May 6, 2010

On behalf of the Applicants, we are enclosing herewith the Cost Claim Objection dated May 6, 2010 which is to be filed with the Board in accordance with the timeline set out in paragraph 2 of Procedural Order No. 3 dated March 30, 2010.

Yours truly,

GIFFEN & PARTNERS

"C. A. Lewis"
(signed electronically)

Per: **Christopher A. Lewis**
/rgb
Enc.
(BY RESS & COURIER)

cc: Tribute Resources Inc. (BY E-MAIL & REGULAR MAIL)

Applicable Intervenor:
The Corporation of the Municipality of Bluewater
c/o Arlene Parker (BY E-MAIL & REGULAR MAIL)

IN THE MATTER OF CERTAIN APPLICATIONS (THE "APPLICATIONS") BROUGHT BY
TRIBUTE RESOURCES INC. AND BAYFIELD RESOURCES INC. (COLLECTIVELY THE
"APPLICANTS") BEFORE THE ONTARIO ENERGY BOARD ("OEB") PURSUANT TO
THE *ONTARIO ENERGY BOARD ACT*, 1998, S.O. 1998, C.15, SCHEDULE "B" AND IN
PARTICULAR SECTIONS 36.1(1), 38(1), 40(1) AND 90(1)

**APPLICANTS' OBJECTIONS TO THE SUBMISSIONS ON COSTS OF THE
CORPORATION OF THE MUNICIPALITY OF BLUEWATER (THE "INTERVENOR")**

The Applicants would like to thank the Intervenor for its submissions on costs which were received by the Applicants on April 23, 2010. Although received one day late the Applicants are prepared to accept and consider the Intervenor's submissions on costs and the following are the Applicants' objections and observations to the submissions on costs of the Intervenor.

The Intervenor's submissions on costs must be in compliance with the OEB's Practice Direction on Cost Awards dated June 9, 2009 (the "Practice Direction"). Section 10.03(a) of the Practice Direction reads as follows:

"10.03 Cost claims shall consist of the following forms (contained in Appendix "B") and shall be provided in a clear and legible format:

- (a) Summary Statement of Hours (Form 1) for each consultant or lawyer, *together with supporting time dockets and invoices*; (my emphasis)"

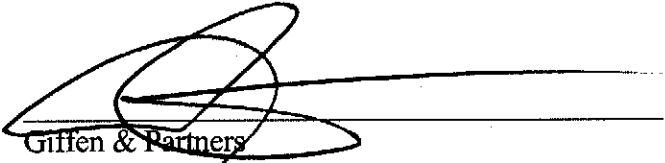
We note that the Intervenor's submissions on costs do not comply with Section 10.03(a) of the Practice Direction because they do not include "supporting time dockets and invoices". In addition, we do not know whether the law firm of Strong, MacDougall, Oudekerk has in fact rendered any invoices to the Intervenor in respect of the fees and GST for which costs are being claimed.

We note that the Intervenor is a full registrant for GST purposes and is claiming GST in the amount of \$124.20. It is submitted that this GST will be recoverable by the Intervenor through input tax credits and rebates and therefore GST should be disallowed in the Intervenor's submissions on costs. No details of input tax credits, GST rebates and GST collectible have been supplied contrary to Section 9.03(d) of the Practice Direction.

Subject to the Applicants being provided with copies of the appropriate supporting time dockets and invoices in compliance with Section 10.03(a) of the Practice Direction, the Applicants have no objection to the time being claimed by the Intervenor in the amount of \$2,484.00 (exclusive of GST of \$124.20). It is submitted that as a pre-condition to the making of any such cost award the OEB should require proof in the form of an invoice from Strong, MacDougall, Oudekerk to the Intervenor for all time spent to date together with the time dockets in support thereof.

All of which is respectfully submitted.

Dated: May 6, 2010



Giffen & Partners
Christopher A. Lewis
Solicitors for the Applicants