

Direct Dial: (416) 862-4829
File: 5441

By Electronic Mail, Courier and RESS Filing

February 15, 2011

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

Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

**Re: Ontario Sustainable Energy Association Application for an Award of Costs
Board File No. EB-2010-0060 – Consultation on Distribution Revenue
Decoupling**

We respectfully submit an application for an award of costs on behalf of our client, the Ontario Sustainable Energy Association (OSEA) in accordance with the Ontario Energy Board's *Practice Direction on Cost Awards*.

The costs application enclosed herein, sets out the legal fees and disbursements as incurred by Willms & Shier Environmental Lawyers LLP and OSEA's consultant, Fraser & Company.

Yours truly,



Cherie L. Brant

Encl.

cc: Mr. Kristopher Stevens, Executive Director, OSEA

Document #: 398805

APPENDIX "B"

FORM 1

SUMMARY STATEMENT OF HOURS – CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

| | | | | | |
|--|---|--------------------|------------------|-----------------|-----------------|
| EB-2010-0060 Board File Number | Ontario Sustainable Energy Association Party Name Willms & Shier Environmental Lawyers LLP Law Firm | | | | |
| Cherie Brant Legal Counsel Name | 2003 Year of Call | | | | |
| Consultant Name | Years of Relevant Experience (curriculum vitae must be attached) | | | Consultant Firm | |
| | Hours | Hourly Rate | Sub-total | GST | Total |
| Preparation | 2.8 | \$230 | \$644 | \$32.20 | \$676.20 |
| Attendance – Technical Conference | | | | | |
| Attendance – Settlement Conference | | | | | |
| Attendance – Oral Hearing | | | | | |
| Argument | | | | | |
| Case Management | | | | | |
| TOTALS | 2.8 | \$230 | \$644 | \$32.20 | \$676.20 |
| <p>Note: 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-2010-0060 Board File Number | Ontario Sustainable Energy Association Party Name | | | | |
| | Willms & Shier Environmental Lawyers LLP | | | | |
| Ara Calvo Law Clerk/Assistant Name | Year of Call | | | Law Firm | |
| Consultant Name | Years of Relevant Experience (curriculum vitae must be attached) | | | Consultant Firm | |
| | Hours | Hourly Rate | Sub-total | GST | Total |
| Preparation | | | | | |
| Attendance – Technical Conference | | | | | |
| Attendance – Settlement Conference | | | | | |
| Attendance – Oral Hearing | | | | | |
| Argument | | | | | |
| Case Management | 0.7 | \$100 | \$70 | \$3.50 | \$73.50 |
| TOTALS | 0.7 | \$100 | \$70 | \$3.50 | \$73.50 |
| <p>Note: All claims must be in Canadian dollars. If applicable, state the exchange rate _____, and country of initial currency _____.</p> | | | | | |

| Date | Fee / Time | Working Lawyer | | Hours | |
|-------------|---|----------------|----|-------------------|------|
| Entry # | Explanation | | | | |
| 1341 | Ontario Sustainable Energy Association | | | | |
| 5441 | Re: EB-2010-0060 Revenue Decoupling | | | | |
| Apr 22/2010 | Lawyer: 49 0.40 Hrs X 230.00 | 49 | 49 | - CHERIE BRANT | 0.40 |
| 1032010 | receive and review cost award re: EB2010 - 0060 revenue decoupling. | | | | |
| May 11/2010 | Lawyer: 49 0.20 Hrs X 230.00 | 49 | 49 | - CHERIE BRANT | 0.20 |
| 1032012 | follow up with Marion Fraser re: Status; | | | | |
| May 11/2010 | Lawyer: 49 0.40 Hrs X 230.00 | 49 | 49 | - CHERIE BRANT | 0.40 |
| 1032439 | receive comments and confirm instructions from client to file; draft letter to board re: filing; | | | | |
| May 17/2010 | Lawyer: 49 1.80 Hrs X 230.00 | 49 | 49 | - CHERIE BRANT | 1.80 |
| 1115833 | review, amend and submit comments; obtain approval from client to submit; instructions to clerk; | | | | |
| May 17/2010 | Lawyer: 19 0.70 Hrs X 100.00 | 19 | 19 | - PARALEGAL (Ass) | 0.70 |
| 1115875 | finalize OSEA's written comments re EB-2010-0060; prepare email to OEB, interveners and client and serve same via OEB's RESS web portal and courier same; | | | | |

APPENDIX "B"

FORM 2

SUMMARY OF DISBURSEMENTS

| | |
|--|---|
| <u>EB-2010-0060</u> Board File Number | <u>Ontario Sustainable Energy Association</u> Party Name |
| <u>Willms & Shier Environmental Lawyers LLP</u> Party or Group that made the disbursement | |

| | Net Cost | GST | |
|----------------------|-----------------|---------------|--------------------|
| Photocopies/Scanning | \$17.00 | \$0.85 | |
| Printing | \$37.25 | \$1.86 | |
| Fax | | | |
| Courier | \$51.12 | \$2.56 | |
| Telephone | | | |
| Postage | | | |
| Transcripts | | | |
| Travel: Air | | | |
| Travel: Car | | | |
| Travel: Rail | | | |
| Travel: Other () | | | |
| Taxi or Airport Limo | | | |
| Accommodation | | | |
| Meals | | | |
| Other () | | | |
| Sub-totals | \$105.37 | \$5.27 | Grand Total |
| | | | \$110.64 |

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.

| Date | Entry# | Paid To Explanation | Source | Matter | Client Name | Ref# | G/L Acct | Amount |
|-------------|---------|---|--------|--------------|---------------------|-------|------------------|--------|
| Apr 23/2010 | 1023501 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 1.50 |
| Apr 23/2010 | 1023502 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 0.25 |
| Apr 23/2010 | 1023503 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 1.50 |
| | | Total for Apr 23/2010 : | | 3.25 | | | | |
| Apr 26/2010 | 1023820 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 0.75 |
| Apr 26/2010 | 1023822 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 0.50 |
| Apr 26/2010 | 1023823 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 0.50 |
| | | Total for Apr 26/2010 : | | 1.75 | | | | |
| May 2/2010 | 1025756 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 1.75 |
| May 2/2010 | 1025757 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 5.50 |
| May 2/2010 | 1025758 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 1.50 |
| May 2/2010 | 1025759 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 0.25 |
| May 2/2010 | 1025760 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 0.25 |
| May 2/2010 | 1025761 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 0.50 |
| | | Total for May 2/2010 : | | 9.75 | | | | |
| May 10/2010 | 1028881 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 0.25 |
| May 10/2010 | 1028886 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 1.75 |
| | | Total for May 10/2010 : | | 2.00 | | | | |
| May 17/2010 | 1031177 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 1.75 |
| May 17/2010 | 1031249 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 0.50 |
| May 17/2010 | 1031250 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 3.50 |
| May 17/2010 | 1031252 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 1.75 |
| May 17/2010 | 1031253 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 0.25 |
| May 17/2010 | 1031254 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 0.25 |
| | | Total for May 17/2010 : | | 8.00 | | | | |
| May 18/2010 | 1031334 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5096 - PHOTOCOPY | 0.50 |
| May 18/2010 | 1031513 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 0.50 |
| May 18/2010 | 1031515 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 1.75 |
| May 18/2010 | 1031516 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 5.25 |
| | | Total for May 18/2010 : | | 8.00 | | | | |
| May 31/2010 | 1034286 | A & B COURIER Deliveries | AP | 5441 | Ontario Sustainable | 23317 | 5065 - DELIVERY | 25.68 |
| | | Total for May 31/2010 : | | 25.68 | | | | |
| Jun 4/2010 | 1061559 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 0.50 |
| Jun 4/2010 | 1061560 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 3.75 |
| Jun 4/2010 | 1061561 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 0.25 |
| Jun 4/2010 | 1061562 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 0.25 |
| Jun 4/2010 | 1061563 | Photocopies | CER | 5441 | Ontario Sustainabl | | 5170 - RECOVERY | 0.25 |
| | | Total for Jun 4/2010 : | | 5.00 | | | | |
| Jun 30/2010 | 1045307 | adj to move to other OEB files per C | CER | 5441 | Ontario Sustainabl | D5843 | 5096 - PHOTOCOPY | 8.25 |
| Jun 30/2010 | 1045650 | move delivery to 5441 per CB Deliveries | CER | 5441 | Ontario Sustainabl | D5848 | 5065 - DELIVERY | 12.84 |
| Jun 30/2010 | 1061564 | adj to move to other OEB files per C | CER | 5441 | Ontario Sustainabl | D5843 | 5096 - PHOTOCOPY | 8.25 |
| | | Total for Jun 30/2010 : | | 29.34 | | | | |
| Aug 26/2010 | 1061568 | Deliveries | CER | 5441 | Ontario Sustainabl | D5890 | 5065 - DELIVERY | 12.60 |
| | | Total for Aug 26/2010 : | | 12.60 | | | | |

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

| G/L Account | Debit | Credit |
|----------------------------|--------|--------|
| 1210 - CLIENT DISB.-RECOV. | 105.37 | |
| 5065 - DELIVERY CHARGES | | 51.12 |
| 5096 - PHOTOCOPY RECOVERY | | 17.00 |
| 5170 - RECOVERY - LASER CO | | 37.25 |



ORDER DETAILS

Logged in as Liba Kocian

[New Order](#) | [Order Tracking](#) | [Search](#) | [Addressbook](#) | [Reports](#) | [Admin](#) | [Logout](#)

Order #2988426

PICK UP

WILLMS & SHIER
 4 KING STREET WEST, Unit 900
 Toronto, ON M5H1B6
 CANADA
RECEPTION
 P: (416)863-0711
 F:

DELIVER TO

ONTARIO ENERGY BOARD
 2300 YONGE STREET, Unit 27TH FLOOR
 Toronto, ON M4P1E4
 CANADA
Kirsten Walli
 P:
 F:

| Order Information | | | | | | | |
|----------------------------|-------------|-------------|----------------|------------|----------------|-----------------|--------|
| Pick Up Date: | 5/3/2010 | Ready Time: | 09:10 | Service: | 4 HOUR | Vehicle: | CAR |
| Delivery Date: | 5/3/2010 | Deliver By: | 13:10 | Insurance: | NO | Declared Value: | \$0.00 |
| Status: | Finalized | Picked Up: | 5/3/2010 09:39 | Delivered: | 5/3/2010 10:49 | Waiting Time: | 0 min. |
| Total Weight of Shipments: | 1 Lbs | Reference: | ts 544 | COD: | | | \$0.00 |
| Ordered By: | Liba Kocian | Department: | | | | | |
| POD: | Fatima | | | | | | |

| Packages Details |
|------------------|
| LETTER(S) 1 |

Comments:

| Charges | |
|-------------------------|----------------|
| Base Amount: | \$12.00 |
| Weight Surcharge: | \$0.00 |
| Waiting Time Surcharge: | \$0.00 |
| Package Surcharge: | \$0.00 |
| Vehicle Surcharge: | \$0.00 |
| After Hours Surcharge: | \$0.00 |
| Insurance Surcharge: | \$0.00 |
| Fuel Surcharge: | \$0.84 |
| Extras: | \$0.00 |
| Subtotal: | \$12.84 |
| Discount: | \$0.00 |
| GST (5.00%): | \$0.64 |
| Total: | \$13.48 |

OK

Reprint Waybill

Duplicate

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ORDER DETAILS

Logged in as Liba Kocian

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Order #3007984

PICK UP

WILLMS & SHIER
 4 KING STREET WEST, Unit 900
 Toronto, ON M5H1B6
 CANADA
RECEPTION
 P: (416)863-0711
 F:

DELIVER TO

ONTARIO ENERGY BOARD
 2300 YONGE STREET, Unit 27TH FLOOR
 Toronto, ON M4P1E4
 CANADA
KIRSTIN WALLI
 P:
 F:

Order Information

| | | | | | | | |
|----------------------------|-------------|-------------|-----------------|------------|-----------------|-----------------|--------|
| Pick Up Date: | 5/18/2010 | Ready Time: | 14:10 | Service: | DIRECT | Vehicle: | CAR |
| Delivery Date: | 5/18/2010 | Deliver By: | 15:40 | Insurance: | NO | Declared Value: | \$0.00 |
| Status: | Finalized | Picked Up: | 5/18/2010 14:25 | Delivered: | 5/18/2010 14:50 | Waiting Time: | 0 min. |
| Total Weight of Shipments: | 1 Lbs | Reference: | 5441/CK | COD: | | | \$0.00 |
| Ordered By: | Liba Kocian | Department: | | | | | |
| POD: | Fatima | | | | | | |

| | |
|-------------------------|---|
| Packages Details | |
| LETTER(S) | 1 |

Comments:

Order Notes:
 A & B COURIER WILL BE CLOSED MAY 24, 2010 FOR THE VICTORIA DAY HOLIDAY.
 5/18/2010 2:08:08 PM

Charges

| | |
|-------------------------|----------------|
| Base Amount: | \$24.00 |
| Weight Surcharge: | \$0.00 |
| Waiting Time Surcharge: | \$0.00 |
| Package Surcharge: | \$0.00 |
| Vehicle Surcharge: | \$0.00 |
| After Hours Surcharge: | \$0.00 |
| Insurance Surcharge: | \$0.00 |
| Fuel Surcharge: | \$1.68 |
| Extras: | \$0.00 |
| Subtotal: | \$25.68 |
| Discount: | \$0.00 |
| GST (5.00%): | \$1.28 |
| Total: | \$26.96 |

OK

Reprint Waybill

Duplicate

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ORDER DETAILS

New Order

Order Tracking

Search

Addressbook

Reports

Admin

Logout

Logged in as Liba Kocian

Order #3066209

PICK UP

WILLMS & SHIER
 4 KING STREET WEST, Unit 900
 Toronto, ON M5H1B6
 CANADA
RECEPTION
 P: (416)863-0711
 F:

DELIVER TO

ONTARIO ENERGY BOARD
 2300 YONGE STREET, Unit 27TH FLOOR
 Toronto, ON M4P1E4
 CANADA
KIRSTEN WALLI
 P:
 F:

Order Information

| | | | | | | | |
|-----------------------------------|-------------|--------------------|----------------|-------------------|----------------|------------------------|--------|
| Pick Up Date: | 7/7/2010 | Ready Time: | 10:38 | Service: | 4 HOUR | Vehicle: | CAR |
| Delivery Date: | 7/7/2010 | Deliver By: | 14:38 | Insurance: | NO | Declared Value: | \$0.00 |
| Status: | Finalized | Picked Up: | 7/7/2010 11:11 | Delivered: | 7/7/2010 12:12 | Waiting Time: | 0 min. |
| Total Weight of Shipments: | 1 Lbs | Reference: | 5465/AC | COD: | | | \$0.00 |
| Ordered By: | Liba Kocian | Department: | 5441 | | | | |
| POD: | Adriana | | | | | | |

Packages Details
 LETTER(S) 1

Comments:

OK

Reprint Waybill

Duplicate

Charges

| | |
|-------------------------|----------------|
| Base Amount: | \$12.00 |
| Weight Surcharge: | \$0.00 |
| Waiting Time Surcharge: | \$0.00 |
| Package Surcharge: | \$0.00 |
| Vehicle Surcharge: | \$0.00 |
| After Hours Surcharge: | \$0.00 |
| Insurance Surcharge: | \$0.00 |
| Fuel Surcharge: | \$0.60 |
| Extras: | \$0.00 |
| Subtotal: | \$12.60 |
| Discount: | \$0.00 |
| HST - 13% (13.00%) | \$1.64 |
| Total: | \$14.24 |

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SUMMARY STATEMENT OF HOURS - CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

| | | | | | | |
|---|--|-------------|-----------------------------|----------|-------------|---|
| <u>EB-2010-0060</u> | | | | | | <u>Ontario Sustainable Energy Association</u> |
| Board File Number | | | | | | Party Name |
| <u>Legal Counsel Name</u> | <u>Year of Call</u> | | <u>Law Firm</u> | | | |
| <u>Marion Fraser</u> | <u>35</u> | | <u>Fraser & Company</u> | | | |
| Consultant Name | Years Relevant Experience (curriculum vitae must be attached) | | Consultant Firm | | | |
| | Hours | Hourly Rate | Sub-Total | GST | Total | |
| Provision of Written Comments | 30 | \$330.00 | \$9,900.00 | \$495.00 | \$10,395.00 | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| TOTALS | 30 | | \$9,900.00 | \$495.00 | \$10,395.00 | |
| Note: 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

| | | | | | | | |
|--|--|-------------------|------------------|-------------|----------|-------------|--|
| EB-2010-0060 <hr/> Board File Number | Ontario Sustainable Energy Association (OSEA) <hr/> Party Name | | | | | | |
| Items Claimed Excluding HST | | | | | | | |
| <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Legal/Consultant Fees</td> <td style="width: 33%;">Disbursements</td> <td style="width: 33%;">Net Sub-Total</td> </tr> <tr> <td>\$10,614</td> <td>\$105.37</td> <td>\$10,719.37</td> </tr> </table> | Legal/Consultant Fees | Disbursements | Net Sub-Total | \$10,614 | \$105.37 | \$10,719.37 | |
| Legal/Consultant Fees | Disbursements | Net Sub-Total | | | | | |
| \$10,614 | \$105.37 | \$10,719.37 | | | | | |
| Goods and Services Tax | | | | | | | |
| - Full Registrant - Unregistered (GST at 5%) Other _____ GST at <u>5</u> % | Qualifying Non-Profit (GST at 2.5 %) Tax Exempt (No GST) | | | | | | |
| Total Cost Claim | | | | | | | |
| <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Net Sub-Total</td> <td style="width: 33%;">Total GST Claimed</td> <td style="width: 33%;">Total Cost Claim</td> </tr> <tr> <td>\$10,719.37</td> <td>\$535.97</td> <td>\$11,255.34</td> </tr> </table> | Net Sub-Total | Total GST Claimed | Total Cost Claim | \$10,719.37 | \$535.97 | \$11,255.34 | |
| Net Sub-Total | Total GST Claimed | Total Cost Claim | | | | | |
| \$10,719.37 | \$535.97 | \$11,255.34 | | | | | |
| I, CHERIE LYNN BRANT , of the City of Toronto in the Province of Ontario, MAKE OATH AND SAY: | | | | | | | |
| <ol style="list-style-type: none"> 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 of Toronto, in the Province of Ontario on February 15, 2011. | | | | | | | |
|  <hr/> Commissioner for taking Affidavits |  <hr/> Signature of Deponent | | | | | | |