



**EB-2010-0023**

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

**AND IN THE MATTER OF** section 99 of the Act;

**AND IN THE MATTER OF** an application by Hydro One  
Networks Inc. for authority to expropriate interest in certain  
lands for the purpose of constructing and operating a new  
500 kilovolt double circuit transmission line known as the  
Bruce to Milton Transmission Reinforcement Project.

**BEFORE:** Ken Quesnelle  
Presiding Member

### **Decision and Order on Cost Awards**

Hydro One Networks Inc. (“Hydro One”) has filed an application (the “Application”), dated February 26, 2010, with the Ontario Energy Board (the “Board”) under section 99 of the *Ontario Energy Board Act 1998*, S.O. 1998, c. 15 (Schedule B) for authority to expropriate interests in certain lands for the purpose of constructing and operating a new 500 kilovolt double circuit transmission line known as the Bruce to Milton Transmission Reinforcement Project located between the Bruce Power Complex in Kincardine, Ontario and Hydro One’s switching station in Milton, Ontario. The Board assigned File No. EB-2010-0023 to this application.

In its Procedural Order No. 1, the Board determined that all intervenors who were owners of lands that were subject to expropriation in this proceeding were eligible to apply for an award of costs under the Board’s *Practice Direction on Cost Awards*.

The Board issued its Decision and Order on the application on March 15, 2011, in which it set out the process for intervenors to file their cost claims and to respond to any objections raised by Hydro One.

The Board received cost claims from Catharine Gale Walford, The Ross Firm Group, Robert Watson, Jeffrey Todd Bruce and Bonnie Bruce, and Fallis, Fallis & McMillan.

On April 11, 2011, Hydro One commented that it would raise no issues with respect to the cost claims from Fallis, Fallis & McMillan and Catharine Gale Walford. In its letter, Hydro One also commented that:

- Regarding the cost claim from Robert Watson, Hydro One requested the Assessment Officer to ensure that all the disbursement receipts matched what had been claimed.
- Regarding the cost claim from The Ross Firm Group, Hydro One requested the Assessment Officer to check the arithmetic on the Form 1 and Form 3; and
- Regarding the cost claim from Jeffrey Todd Bruce and Bonnie Bruce, Hydro One requested the Assessment Officer to ensure that the claimed hourly rates meet the OEB's *Practice Direction on Cost Awards*, that there were curriculum vitae for the legal counsel and the consultants and disbursement receipts had been received and match what had been claimed.

### **Board Findings**

The Board has reviewed the cost claims filed by Catharine Gale Walford, the Ross Firm Group, Robert Watson, Jeffrey Todd Bruce and Bonnie Bruce and Fallis, Fallis & McMillan.

#### **Catharine Gale Walford**

The cost claims by Catharine Gale Walford include car travel rates that do not comply with the OEB's *Practice Direction on Cost Awards*. The Board has therefore made an adjustment to reduce the travel car rate for Lindsay Lake and John Goudy from \$0.50 per kilometer to \$0.40 per kilometer, effectively reducing this portion of the cost claims from \$148.00 to \$118.40 and \$498.50 to \$398.80.

The Ross Firm Group

The Board finds that The Ross Firm Group's cost claim includes \$249.30 for disbursements not supported by receipts. The Board has therefore made an adjustment to remove this amount. The Board finds that The Ross Firm Group's cost claim includes \$70.11 for disbursements for meals that do not comply with the OEB's *Practice Direction on Cost Awards*. The Board has made an adjustment to remove this amount.

Mr. Quinn Ross claimed 103.45 total hours on Form 1. The Board finds an error in the addition of the total hours and has adjusted the amount to be 109.45 hours.

Rochelle Doherty claimed 9.25 hours, however supporting documentation shows 9.05 hours. The Board has made this adjustment.

Robert Watson

The Board finds that Robert Watson's cost claim includes \$76.47 for disbursements for meals that do not comply with the OEB's *Practice Direction on Cost Awards*. The Board has therefore made an adjustment to remove this amount.

The Board has also adjusted the total cost claim by allocating the correct GST and HST portion of the cost claim. 102.35 hours for preparation have the GST applied and the remaining 40.55 hours have the HST applied. 23.20 hours for attendance have the HST applied.

Jeffrey Todd Bruce and Bonnie Bruce

The original claims by Jeffrey Todd Bruce and Bonnie Bruce were withdrawn and new claims were filed in accordance with the OEB's *Practice Direction on Cost Awards* regarding the fees, supporting time dockets, forms, documentation and receipts. These costs will be awarded as claimed.

Fallis, Fallis & McMillan

The Board has reduced the case management fees for Peter Fallis from \$330 to \$170 per hour. The Board also finds that Fallis, Fallis & McMillan's cost claim shall be

reduced by \$164.32 for disbursements not supported by receipts and disbursements already claimed.

The Board has also broken down the GST and HST portion of the cost claim. 44.55 hours of preparation have had the GST applied and the remaining 30.95 hours of preparation have had the HST applied. Five attendance hours have had the GST applied to it.

**THE BOARD THEREFORE ORDERS THAT:**

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Hydro One Networks Inc. shall immediately pay:

Catharine Gale Walford	\$40,352.78;
The Ross Firm Group	\$31,779.55;
Robert Watson	\$41,914.12;
Jeffrey Todd Bruce and Bonnie Bruce	\$29,822.16; and
Fallis, Fallis & McMillan	\$31,925.13.
2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Hydro One Networks Inc. shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

**DATED** at Toronto, June 27, 2011

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary