



SIX NATIONS LANDS & RESOURCES

P.O. Box 5000
PHONE: 519-753-0665

OHSWEKEN, ONTARIO

CANADA N0A 1M0
FAX: 519-753-3449

April 9, 2012

Via EMAIL: boardsec@ontarioenergyboard.ca

Ontario Energy Board
P.O. Box 2319, 26th Floor
2300 Yonge Street
Toronto, Ontario
M4P 1E4

Attention: *Ms. Kirsten Walli, Board Secretary*

Dear Ms. Walli:

Re: EB-2011-0063 – Grand Renewable Wind LP ("GRWLP") Leave to Construct
re: McCarthy Request on behalf of GRWLP
re: Board Decision and Order on Cost Awards, dated March 29, 2012

I am responding to a letter dated April 3, 2012 from Kristyn Annis of McCarthy Tetraault LLP ("McCarthy") concerning the Board's Decision and Order on Costs Awards of March 29, 2012 (the "Cost Decision").

In the letter, McCarthy on behalf of GRWLP asked the Board to "defer" the Costs Decision already made and released.

For the Board's information, my office served my letter of March 1, 2012 attaching the costs claim of Six Nations Council in the following manner:

- (a) on March 2, 2012 by email at 2:37 p.m. to the Board Secretary copied to Mr. George Vegh of McCarthy as counsel of record for GRWLP (see Schedule 1 attached to this letter); and

- (b) by electronic submission via the RESS system (see Schedule 2 attached confirming the Board's receipt dated March 2, 2012 at 3:16 pm confirming the e-filing and providing the reference number 15970 as confirmation of receipt).

Arrangements were also made for the delivery of the original copy of the Six Nations costs claim to the Board.

Contrary to the McCarthy letter of April 3, 2012, the Board's Motion Decision and Order of February 23, 2012 at page 13, paragraph 1 did not require delivery of the costs claim to all of the intervenors or even by the filing through the RESS. I have trouble imagining what interest the intervenors would have in the Six Nations costs claim from GRWLP. Nonetheless, the costs claim was in fact filed through the RESS as demonstrated by schedule 2 attached.

The McCarthy firm (Mr. G. Vegh, counsel of record for GRWLP), received the claim on March 2, 2012 by mail.

I also note that the McCarthy letter does not say that Mr. Vegh of McCarthy did not receive the Six Nations costs claim sent by email to Mr. Vegh on March 2, 2012. It was apparent from the email to the Board Secretary that it was copied only to legal counsel for GRWLP.

It seems likely that counsel to GRWLP and their client would have been aware of the deadline for responding to the Six Nations costs claim set out in the Board's Order of February 23, 2012.

It also seems likely that experienced legal counsel for GRWLP would have been in communication with their client, GRWLP, after receipt of the cost claim and before the response deadline. The McCarthy letter does not say that they did not seek instructions from their client.

It appears from the McCarthy letter of April 3, 2012 that GRWLP's prime concern was to ensure that all costs claimed were "appropriately assigned to the leave to construct hearing."

The Board will be aware that after the deadline for objections to the costs claim had passed, I was contacted by a Board staff person (Christiane Wong) for copies of Blakes dockets and disbursements related to the costs claim in order that they could be reviewed. Those were forwarded to the Board by a law clerk at Blakes.

It is presumed that the Board's analyst already carefully reviewed those dockets to verify that those were "appropriately assigned to the leave to construct hearing" and therefore properly claimed.

Yours truly,



Lonny Bomberry
Director, Lands & Resources
for the Six Nations Council

By Email to:

c: G. Vegh (McCarthy: gvegh@mccarthy.ca)
K. Annis (McCarthy: kannis@mccarthy.ca)
B. Jetten (Blakes: ben.jetten@blakes.com)
L. James (Blakes: louise.james@blakes.com)
M. Millar (OEB: michael.millar@ontarioenergyboard.ca)

Schedule 2

From: Lonny Bomberly [lonnybomberly@sixnations.ca]
Sent: Thursday, April 05, 2012 9:02 AM
To: JETTEN, BEN
Subject: FW: Confirmation of Application Submission for Grand Renewable Wind LP, Mississauga: Corporation; , Case Number: EB-2011-0063

Lonny C. Bomberly
Director, Lands and Resources
(P): 519-753-0665 ext 12
(F): 519-753-3449
lonnybomberly@sixnations.ca

-----Original Message-----

From: BoardSec@ontarioenergyboard.ca
[mailto:BoardSec@ontarioenergyboard.ca]
Sent: March 2, 2012 3:16 PM
To: Lonny Bomberly
Subject: Confirmation of Application Submission for Grand Renewable Wind LP, Mississauga: Corporation; , Case Number: EB-2011-0063

Thank you for using the Ontario Energy Board online for submitting your application.

Your electronic submission to the Ontario Energy Board has been received.

Please consider this email and the e-filing reference number 15970 as your confirmation of receipt.

The following file(s) have been uploaded successfully:
| 2012-03-02.pdf

Please send two paper copies of your submission to the attention of the Board Secretary by the next business day.

This electronic transmission, including any accompanying attachments, may contain information that is confidential, privileged and/or exempt from disclosure under applicable law, and is intended only for the recipient(s) named above. Any distribution, review, dissemination or copying of the contents of this communication by anyone other than the intended recipient(s) is strictly prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail and permanently delete the copy you have received.

Ce message, transmis par courriel, y compris tout fichier joint, peut contenir des renseignements qui sont confidentiels, qui sont protégés par le secret professionnel ou qui ne peuvent être divulgués aux termes des lois applicables et s'adressent exclusivement au(x) destinataire(s) indiqué(s) ci-dessus. La distribution, la diffusion, l'examen ou la

reproduction du contenu du courriel par une autre personne que le(s) destinataire(s) voulu(s) sont strictement interdits. Si vous recevez ce message par erreur, veuillez le supprimer définitivement et en aviser l'expéditeur immédiatement par retour du courriel.

Schedule 1

From: Marcie Hill [LRLSO@sixnations.ca]
Sent: Thursday, April 05, 2012 1:09 PM
To: JETTEN, BEN
Cc: Lonny Bomberly
Subject: FW: March 1 Letter

Attachments: 2012-03-02 letter.pdf; Costs Claim.pdf; Six Nations OEB Costs.pdf

Good Afternoon,

I am forwarding the following email with attachments that I sent to the Board on Lonny's behalf, please note that I cc. McCarthy.

Thanks,

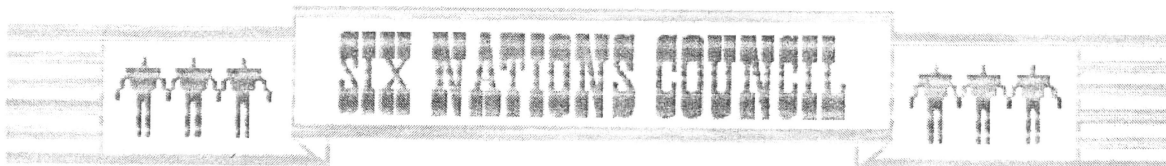
Marcie Hill
Six Nations Lands and Resources Department
519-753-0665 – ext: 5414

From: Marcie Hill
Sent: March-02-12 2:37 PM
To: 'boardsec@ontarioenergyboard.ca'
Cc: Lonny Bomberly; 'gvegh@mccarthy.ca'
Subject: March 1 Letter

Good Afternoon,

I am attaching a letter on behalf of Lonny Bomberly, Six Nations Lands and Resources Department.
Thank you,

Marcie Hill
Six Nations Lands and Resources Department
519-753-0665 – ext: 5414



SIX NATIONS LANDS & RESOURCES

P.O. Box 5000
PHONE: 519-753-0665

OHSWEKEN, ONTARIO

CANADA N0A 1M0
FAX: 519-753-3449

March 1, 2012

Via EMAIL: boardsec@ontarioenergyboard.ca
and RESS

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319, 26th Floor
2300 Yonge Street
Toronto, Ontario
M4P 1E4

Dear Ms. Walli:

**Re: Application by Grand Renewable Wind LP for
Leave to Construct Transmission Facilities
(EB-2011-0063)**

Pursuant to paragraph 1 of the Board's Motion Decision and Order dated February 23, 2012, attached is the costs claim on behalf of Six Nations Council for this proceeding before the Board.

Yours truly,

Lonny Bomberry
Director, Lands & Resources
for the Six Nations Council

cc: Grand Renewal Wind LP
c/o McCarthy Tétrault, (George Vegh)

ONTARIO ENERGY BOARD

IN THE MATTER OF ONTARIO ENERGY BOARD FILE: EB-2011-0063

IN THE MATTER OF the *Ontario Energy Board Act*, 1998, S.O. 1997, c. 15, Sch. , as amended (the "OEB Act");

AND IN THE MATTER of an application by Grand Renewable Wind LP (the "Applicant") for an order under section 92 and subsection 96(2) of the OEB Act granting leave to construct an electricity transmission line and related facilities

**COSTS CLAIM
ON BEHALF OF SIX NATIONS COUNCIL**

Introduction

Pursuant to paragraph 1 of the Board's Motion Decision and Order dated February 23, 2012, this is the Costs Claim on behalf of Six Nations Council for this proceeding before the Board. Six Nations Council is a party that was previously granted costs eligibility by the Board's July 12, 2011 Decision and Order.

Attachment

The Six Nations Costs Claim for this Board proceeding is set out in the enclosed relevant Board approved forms.

The Costs Claim submitted by Six Nations are only in respect of those expenses incurred by Six Nations Council directly and necessarily for Six Nations Council's participation in the Board proceeding, including with respect to the Board's Motion to Review and Procedural Order No. 5 dated December 22, 2011. The Costs Claim submitted falls solely within the applicable reimbursement for costs and disbursements set out in the Board's Practice Direction on Cost Awards (sections 6 and 7 respectively).

The attachments consist of:

- (a) affidavit in support of the cost claim;
- (b) summary statement form of hours for consultants and legal Counsel (Ben Jetten, Sharon Wong, Alyssa Manji and Louise James).
- (c) summary of disbursements form.

All of which is respectfully submitted

March 1, 2012

BLAKE, CASSELS & GRAYDON LLP
Barristers & Solicitors
199 Bay Street, Ste. 4000
Commerce Court West
Toronto, Ontario M5L 1A9

Ben A. Jetten (LSUC#: 22064H)
Tel: (416) 863-2938
Email: ben.jetten@blakes.com

For: Six Nations Council

To: Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319, 26th Floor
2300 Yonge Street
Toronto, Ontario
M4P 1E4

AND TO: Grand Renewable Wind LP
c/o Mr. George Vegh
McCarthy Tetrault
Box 48, Suite 5300
Toronto Dominion Bank Tower
Toronto ON M5K 1E6

FORM 3

AFFIDAVIT IN SUPPORT OF COST CLAIM

EB-2011-0063
Board File Number

SIX NATIONS COUNCIL
(INTERVENOR)
Party Name

Items Claimed excluding HST

Legal/Consulting Fees	Disbursements =	Net Sub-Total
\$33,567.00	\$305.74	\$ 33,872.74

Harmonized Sales Tax

....Full Registrant	Qualifying Non-Profit (GST at 2/5%)t
....Unregistered (GST at 5%)	Tax Exempt (no GST) ...
Other _____ HST AT ____ 13%	

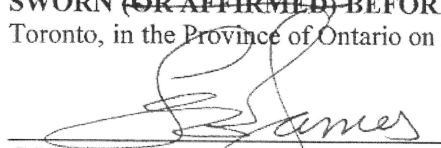
Total Cost Claim

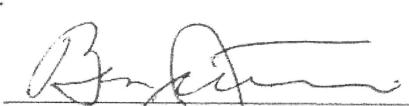
Net Sub-Total	+	Total HST Claimed	=	Total Cost Claim
\$ 33,872.74		\$N/A		\$ 33,872.74

I, Ben Jetten, of the City of Toronto in the Province of Ontario, MAKE OATH AND SAY:

1. I am a partner at Blake, Cassels & Graydon LLP. Our firm assisted Six Nations Council with respect to its submissions to the Board in this matter. In this capacity, 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 March 1, 2012.


COMMISSIONER for taking Affidavits


Signature of Deponent

FORM I

SUMMARY STATEMENT OF HOURS -CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

EB-2011-0063		Six Nations Council, Intervenor	
Ben Jetten	Board File Number 1982	Party Name Blake, Cassels & Graydon LLP	
Legal Counsel Name	Year of Call	Law Firm	
Consultant Name	Years of Relevant Experience (curriculum vitae must be attached)	Consultant Firm	
	Hours	Hourly Rate	Sub-total
Preparation	73.4	\$330./hr.	\$24,222.00
Attendance -Technical Conference			
Attendance -Settlement Conference			
Attendance -Oral Hearing			
Argument			
Case Management			
TOTALS			\$24,222.00
Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____.			

FORM 1

SUMMARY STATEMENT OF HOURS -CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

EB-2011-0063		Six Nations Council, Intervenor	
Sharon Wong	Board File Number	1988	Party Name Blake, Cassels & Graydon LLP
Legal Counsel Name	Year of Call		Law Firm
Consultant Name	Years of Relevant Experience (curriculum vitae must be attached)	Consultant Firm	
	Hours	Hourly Rate	Sub-total
Preparation	22.5	\$330./hr.	\$7,425.00
Attendance -Technical Conference			
Attendance -Settlement Conference			
Attendance -Oral Hearing			
Argument			
Case Management			
TOTALS			\$7,425.00
Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____.			

FORM 1

SUMMARY STATEMENT OF HOURS -CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

EB-2011-0063		Six Nations Council, Intervenor	
Board File Number		Party Name	
Alyssa Manji	Law Student	Blake, Cassels & Graydon LLP	
Legal Counsel Name	Year of Call	Law Firm	
Consultant Name	Years of Relevant Experience (curriculum vitae must be attached)	Consultant Firm	
	Hours	Hourly Rate	Sub-total
Preparation	16.7	\$100./hr.	\$1,670.00
Attendance -Technical Conference			N/A
Attendance -Settlement Conference			
Attendance -Oral Hearing			
Argument			
Case Management			
TOTALS			\$1,670.00
Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____.			

FORM 1

SUMMARY STATEMENT OF HOURS -CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

EB-2011-0063		Six Nations Council, Intervenor	
Louise James	Board File Number	Party Name	
	Law Clerk/Paralegal	Blake, Cassels & Graydon LLP	
Legal Counsel Name	Year of Call	Law Firm	
Consultant Name	Years of Relevant Experience (curriculum vitae must be attached)		Consultant Firm
	Hours	Hourly Rate	Sub-total
Preparation	2.5	\$100./hr.	\$250.00
Attendance -Technical Conference			N/A
Attendance -Settlement Conference			
Attendance -Oral Hearing			
Argument			
Case Management			
TOTALS			\$250.00
Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____.			

FORM 2

SUMMARY OF DISBURSEMENTS

EB-2011-0063			
Board File Number		Party Number	
Six Nations Council, Intervenor			
Party or Group that made the disbursement			
	Net Cost	HST	
Photocopies	\$142.75		
Printing			
Fax	\$115.00		
Courier			
Telephone			
Postage			
Transcripts			
Travel: Air			
Travel: Car			
Travel: Rail			
Travel: Other ()			
Taxi or Airport Limo			
Accommodation			
Meals			
Computer Research	\$ 47.99		Grand Total
Sub-totals	\$305.74		\$305.74
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.			