

Ontario Energy Board COST CLAIM FOR HEARINGS



Affidavit and Summary of Fees and Disbursements

This form should be used by a party to a hearing before the Board to identify the fees and disbursements that form the party's cost claim. Paper and electronic copies of this form and itemized receipts must be filed with the Board and served on one or more other parties as directed by the Board in the applicable Board order. Please ensure all required fields are filled in and the Affidavit portion is signed and sworn or affirmed.

Instructions

- Required data input is indicated by yellow-shaded fields. Formulas are present in the document to assist with the calculation of the cost claim.
- All claims must be in Canadian dollars. If applicable, state exchange rate and country of initial currency.
Rate: _____ Country: _____
- A separate "Detail of Fees and Disbursements Being Claimed" (comprising a "Statement of Fees Being Claimed" and a "Statement of Disbursements Being Claimed") is required for each consultant or lawyer/articling student/paralegal. However, only one "Summary of Fees and Disbursements" covering the whole of the party's cost claim should be provided.
- The cost claim must be supported by a completed Affidavit signed by a representative of the party.
- A CV for each consultant must be attached unless, for a given consultant, a CV has been provided to the Board in another process within the last 24 months.
- Except as provided in section 7.03 of the Practice Direction on Cost Awards, itemized receipts must be provided.

File # EB- 2013-0029/0010

Process: Market Rule Amendments IESO

Party: BOMA

Affiant's Name: Tom Brett

HST Number: R119420859

HST Rate Ontario: 13.00%

Full Registrant ☒
Unregistered ☐
Other ☐

Qualifying Non-Profit ☐
Tax Exempt ☐


Affidavit

I, Tom Brett, of the City/Town of Toronto
in the Province/State of Ontario, swear or affirm that:

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 all of the documentation in support of this cost claim, including the attached "Summary of Fees and Disbursements Being Claimed", "Statement(s) of Fees Being Claimed" and "Statement(s) of Disbursements Being Claimed".
3. The attached "Summary of Fees and Disbursements Being Claimed", "Statement(s) of Fees Being Claimed" and "Statement(s) of Disbursements Being Claimed" include only costs incurred and time spent directly for the purposes of the Party's participation in the Ontario Energy Board process referred to above.
4. This cost claim does not include any costs for work done, or time spent, by a person that is an employee or officer of the Party as described in sections 6.05 and 6.09 of the Board's Practice Direction on Cost Awards.


Signature of Affiant

Sworn or affirmed before me at the City/Town of Toronto,
in the Province/State of Ontario, on Mar 5/13,
(date)


Commissioner for taking Affidavits

Ontario Energy Board
COST CLAIM FOR HEARINGS
Affidavit and Summary of Fees and Disbursements



File # EB- 2013-0029/0010

Process: Market Rule Amendments IESO

Party: BOMA

Summary of Fees and Disbursements Being Claimed

Legal/consultant fees	\$10,956.00
Disbursements	\$59.95
HST	\$1,432.07
Total Cost Claim	\$12,448.02

Ontario Energy Board COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2013-0029/0010</u>	Process: <u>Market Rule Amendments IESO</u>
Party: <u>BOMA</u>	Name: <u>Tom Brett</u>
Completed Years Practising/Years of relevant experience <u>35</u>	
Counsel/Articling Student/Paralegal: <input checked="" type="checkbox"/>	
Consultant: <input type="checkbox"/>	
CV attached: <input checked="" type="checkbox"/>	CV not required: <input type="checkbox"/>

Statement of Fees Being Claimed

	Hours	Hourly rate	Subtotal	HST	Total
Preparation	27.20	\$330.00	\$8,976.00	\$1,166.88	\$10,142.88
Attendance - Technical Conference			\$0.00	\$0.00	\$0.00
Attendance - Settlement Conference	3.00	\$330.00	\$990.00	\$128.70	\$1,118.70
Attendance - Oral Hearing	3.00	\$330.00	\$990.00	\$128.70	\$1,118.70
Argument			\$0.00	\$0.00	\$0.00
Case Management		\$170.00	\$0.00	\$0.00	\$0.00
TOTAL LEGAL/CONSULTANT FEES			\$10,956.00	\$1,424.28	\$12,380.28

Statement of Disbursements Being Claimed

	Net Cost	HST	Total
Photocopies		\$0.00	\$0.00
Printing		\$0.00	\$0.00
Fax		\$0.00	\$0.00
Courier	\$59.95	\$7.79	\$67.74
Telephone		\$0.00	\$0.00
Postage		\$0.00	\$0.00
Transcripts		\$0.00	\$0.00
Travel: Air		\$0.00	\$0.00
Travel: Car		\$0.00	\$0.00
Travel: Rail		\$0.00	\$0.00
Travel (Other):		\$0.00	\$0.00
Parking		included	\$0.00
Taxi or Airport Limo		\$0.00	\$0.00
Accommodation		\$0.00	\$0.00
Meals		\$0.00	\$0.00
Other:		\$0.00	\$0.00
TOTAL DISBURSEMENTS:	\$59.95	\$7.79	\$67.74

Prebill # 668728 Session: 380363 Bill to: 05/Mar/13

F1588
Fraser & Company

CLIENT LAWYER: Brett, Thomas
MATTER_LAWYER: Brett, Thomas
LAWYER ON BILL: Brett, Thomas
LAST BILL DATE: NONE

131682
BOMA - Review of Certain
Amendments to Market Rules
made by the IESO; Board File
No. EB-2013-0029

FOGLER, RUBINOFF LLP

PAYOR NAME & ADDRESS
Fraser & Company
502-33 Harbour Square
Toronto, ON
M5J 2G2
Canada
Attn: Marion Fraser

Page 1

PAYOR: F1588 MAIN
BILL: F1588 MAIN

ACCOUNT APPROVAL

Thomas Brett

[] FINAL BILL: MATTER WILL BE MADE INACTIVE

UNBILLED TIME

<u>LAST ENTRY</u>	<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>AMOUNT</u>	<u>FEE CREDIT ALLOCATION</u>	<u>CODE</u>	<u>INIT</u>
27/Feb/13	Thomas Brett	33.20	10,956.00	[] AS DOCKETED	415	TB
TOTAL UNBILLED FEES		33.20	10,956.00	[] WRITE OFF		
PREMIUM (WRITE DOWN)						
TOTAL FEES THIS BILL						

UNBILLED DISBURSEMENTS

<u>LAST ENTRY</u>	<u>CODE</u>	<u>DISB. TYPE</u>	<u>GST</u>	<u>AMOUNT</u>	<u>UNBILLED W/O</u>	<u>ANTICIPATED</u>	<u>TOTAL THIS BILL</u>
14/Feb/13	7	Courier & Delivery	Y	59.95			
TOTAL UNBILLED DISB				59.95	[] WRITE OFF		
TOTAL ADJUSTMENTS							
TOTAL DISB THIS BILL							

TRUST SUMMARY – A Trust was not opened on this Matter

F1588 **131682**

Fraser & Company
BOMA - Review of Certain Amendments
to Market Rules made by the IESO;
Board File No. EB-2013-0029
Prebill No.: 668728
Session ID: 380363

LAST BILL DATE: NONE
LAST BILLED TO DATE: NONE

FILE LAWYER: Brett, Thomas
ASSIGNED LAWYER: Brett, Thomas

CLIENT ADDRESS
Fraser & Company
502-33 Harbour Square
Toronto, ON M5J 2G2
CANADA

BILLING ADDRESS
502-33 Harbour Square
Toronto, ON
M5J 2G2

Fraser, Marion

DETAIL OF UNBILLED TIME

DATE	TIME ID	TIMEKEEPER	HOURS	RATE	AMOUNT	DESCRIPTION
04/Feb/13	2176921	415 TB	1.00	330.00	330.00	Reviewing material
04/Feb/13	2176925	415 TB	1.40	330.00	462.00	Preparation of intervention letter; Telephone discussion with Marion Fraser; Reviewing evidence
05/Feb/13	2177518	415 TB	1.00	330.00	330.00	Reviewing Procedural Order No. 2; Revising letter
06/Feb/13	2178186	415 TB	1.30	330.00	429.00	Reviewing evidence; Filing Declaration and Undertaking re confidentiality; Telephone discussion with Board staff
07/Feb/13	2180517	415 TB	2.00	330.00	660.00	Reviewing materials; Preparation for Settlement Conference
08/Feb/13	2180623	415 TB	1.50	330.00	495.00	Preparation of cross-examination for Hearing
08/Feb/13	2180625	415 TB	1.50	330.00	495.00	Preparation for Settlement Conference
08/Feb/13	2180626	415 TB	3.00	330.00	990.00	Attending Settlement Conference
11/Feb/13	2180635	415 TB	2.50	330.00	825.00	Preparation for Motion Hearing
11/Feb/13	2180636	415 TB	3.00	330.00	990.00	Attending Motion Hearing
11/Feb/13	2180638	415 TB	2.00	330.00	660.00	Preparation of letter on costs eligibility
12/Feb/13	2181557	415 TB	2.40	330.00	792.00	Preparation of cost submission letter
13/Feb/13	2181563	415 TB	0.60	330.00	198.00	Reviewing Procedural Order; Preparing for Confidential Proceedings
14/Feb/13	2183564	415 TB	3.50	330.00	1,155.00	Preparation of submission on confidentiality
19/Feb/13	2186675	415 TB	3.00	330.00	990.00	Preparation for Hearing
20/Feb/13	2186677	415 TB	2.00	330.00	660.00	Reviewing material for cross-examination
22/Feb/13	2186686	415 TB	1.00	330.00	330.00	Reviewing Transcripts; Preparing Argument
27/Feb/13	2189488	415 TB	0.50	330.00	165.00	Telephone discussion with IESO staff and discussing issues
TOTAL TIME			33.20		10,956.00	

DETAIL OF UNBILLED DISBURSEMENTS

DATE	DISB ID	CODE	QUAN	AMOUNT	DESCRIPTION
29/Jan/13	4964043	7		11.99	15:22 TB Courier: Blizzard# 6174628 ONT ENERGY BOARD 2300 Yonge St fastima
06/Feb/13	4972333	7		11.99	12:54 TB Courier: Blizzard# 6177843 ONT ENERGY BOARD 2300 Yonge St fatima
07/Feb/13	4972358	7		11.99	14:07 TB Courier: Blizzard# 6178423 ONTARIO ENERGY BOARD 2300 Yonge St fatima
13/Feb/13	4977918	7		11.99	16:55 TB Courier: Blizzard# 6180457 ONTARIO ENERGY 2300 Yonge St stephanie long
14/Feb/13	4983302	7		11.99	15:20 TB Courier: Blizzard# 6180856 ONTARIO ENERGY 2300 Yonge St nicole
TOTAL DISB				59.95	

Filter

Disb ID

4964043

Disbursement Details

Client	F1588	Fraser Company
Matter	131682	BOMA - Review of Certain Amendments to M
Entry Empl	AP	Parusis, Tony
Auth Empl		
Disb Empl		
Billed Empl		
Disb Office	FOGR	Fogler, Rubinoff LLP
Office	FOGR	Fogler, Rubinoff LLP
Dept	LITN	Litigation
Profit Center	GEN	General Profit Centre
Project		

Std Amt	\$10.89	Currency Code	CDN
Base Amt	\$10.89	Base Qty	0.000000
Tobill Amt	\$11.99		
Billed Amt	\$11.99	Bill Qty	0.000000

Narrative

15:22 TB Courier: Blizzard# 6174628 ONT ENERGY BOARD 2300 Yonge St fastima

Filter

Disb ID

4972333

Disbursement Details

Client	F1588	Fraser Company
Matter	131682	BOMA - Review of Certain Amendments to M
Entry Empl	AP	Parusis, Tony
Auth Empl		
Disb Empl		
Billed Empl		
Disb Office	FOGR	Fogler, Rubinoff LLP
Office	FOGR	Fogler, Rubinoff LLP
Dept	LITN	Litigation
Profit Center	GEN	General Profit Centre
Project		

Std Amt	\$10.89	Currency Code	CDN
Base Amt	\$10.89	Base Qty	0.000000
Tobill Amt	\$11.99		
Billed Amt	\$11.99	Bill Qty	0.000000

Narrative

12:54 TB Courier: Blizzard# 6177843 ONT ENERGY BOARD 2300 Yonge St fatima

Filter

Disb ID

4972358

Disbursement Details

Client F1588	Fraser Company
Matter 131682	BOMA - Review of Certain Amendments to M
Entry Empl AP	Parusis, Tony
Auth Empl	
Disb Empl	
Billed Empl	
Disb Office FOGR	Fogler, Rubinoff LLP
Office FOGR	Fogler, Rubinoff LLP
Dept LITN	Litigation
Profit Center GEN	General Profit Centre
Project	

Std Amt	\$10.89	Currency Code	CDN
Base Amt	\$10.89	Base Qty	0.000000
Tobill Amt	\$11.99		
Billed Amt	\$11.99	Bill Qty	0.000000

Narrative

14:07 TB Courier: Blizzard# 6178423 ONTARIO ENERGY BOARD 2300 Yonge St fatima

Filter

Disb ID

4977918

Disbursement Details

Client	F1588	Fraser _Company
Matter	131682	BOMA - Review of Certain Amendments to M
Entry Empl	AP	Parusis, Tony
Auth Empl		
Disb Empl		
Billed Empl		
Disb Office	FOGR	Fogler, Rubinoff LLP
Office	FOGR	Fogler, Rubinoff LLP
Dept	LITN	Litigation
Profit Center	GEN	General Profit Centre
Project		

Std Amt	\$10.89	Currency Code	CDN
Base Amt	\$10.89	Base Qty	0.000000
Tobill Amt	\$11.99		
Billed Amt	\$11.99	Bill Qty	0.000000

Narrative

16:55 TB Courier: Blizzard# 6180457 ONTARIO ENERGY 2300 Yonge St stephanie long

Filter

Disb ID

4983302

Disbursement Details

Client	F1588	Fraser Company
Matter	131682	BOMA - Review of Certain Amendments to M
Entry Empl	AP	Parusis, Tony
Auth Empl		
Disb Empl		
Billed Empl		
Disb Office	FOGR	Fogler, Rubinoff LLP
Office	FOGR	Fogler, Rubinoff LLP
Dept	LITN	Litigation
Profit Center	GEN	General Profit Centre
Project		

Std Amt	\$10.89	Currency Code	CDN
Base Amt	\$10.89	Base Qty	0.000000
Tobill Amt	\$11.99		
Billed Amt	\$11.99	Bill Qty	0.000000

Narrative

15:20 TB Courier: Blizzard# 6180856 ONTARIO ENERGY 2300 Yonge St nicole

J. Thomas Brett

1. Educational Background

University of Toronto B.A. Political Science 1963

University of Toronto M.A. Political Economy 1965 (led undergraduate seminar in macroeconomics for the late professor, Don Forster; awarded university fellowship for Ph.D. in Economics at Harvard University, 1965) on the recommendation of Professor J.S. Dupre (Declined).

University of Toronto LL.B. 1968 – Medal in Contract Law; CMHC Fellowship in Planning law; top 10% of class.

2. Professional and Employment Background

2009 – present, Partner, Fogler, Rubinoff LLP. Specialist in Energy Regulation Transactions. Clients include energy consumers, First Nations Consortia, local distribution companies, independent transmission companies, solar power developers/customers/equipment manufacturers, wind power developers, water power developers, US gas utilities; Expertise in Green Energy Act; Chairman of International Bar Association Energy Committee Biennial Meeting in Toronto, May 2010; mentor to other lawyers; many projects require close collaboration with Ontario Energy Board staff. I have advised solar, wind and water power developers, on power purchase agreements, including FIT and microFIT contracts, O&M agreements, interconnection agreements, construction agreements, and related agreements. I have been a member of the Board of Directors of the Association of Power Producers of Ontario for fourteen years, and am familiar with all aspects of Ontario's electricity industry.

1999 – 2009, Partner, Gowling Lafleur Henderson LLP. Specialist in Energy Regulation and Transactions. Similar range of clients to Foglers. In addition, retained by State of Alaska with respect to all Canadian Regulatory aspects of The Alaska Northwest Gas Pipeline.

1985 -1999, Partner, Johnston & Buchan, Ottawa. Energy regulation and transactions. Leading Administrative Law Boutique Firm in Energy, Telecommunications, Broadcasting, Trade and Copyright. Clients mainly institutional, commercial, industrial energy consumers. Created some of initial buying groups for natural gas and electricity in Ontario, including Association of Municipalities of Ontario (AMO), various school board consortia, Ottawa Regional Consortium including schools, universities, colleges, municipalities and hospitals.

1982 – 1985, Vice-President and General Manager, Canertech Conservation Ltd. (a Petrocan subsidiary/energy services company, specializing in energy efficiency retrofit work in institutions, commercial buildings and industry. Managed Start-Up Energy Services Company specializing in Energy Efficiency Retrofit in buildings across Canada, established joint ventures with engineering firms across Canada (selected partners, negotiated joint ventures, prepared budgets, hired key staff). Highly collaborative decision-making style; built on government policy work in Conservation and Renewables; developed appreciation of practical business aspects of implementing Energy Efficiency projects.

1974 – 1982, Various senior executive positions with the Government of Canada, including:

1979 – 1982 – Dept. Dir. -- Gen General Enercan – Conservation and Renewables: led policy development efforts in conservation and renewables sector of the federal energy ministry, including creation of federal-provincial programs for research, development and demonstration in renewables and conservation, grant programs, tax incentives, building code reform, and creation of a federal energy services company called Canertech Conservation Inc., a national Crown corporation.

1977 – 1979 -- Treasury Board Secretariat – Energy Division: particular expertise in financial aspects of large energy projects or companies, including formation of Petro-Canada, nuclear reactor exports and sales to Canadian utilities by Atomic Energy of Canada, off oil infrastructure programs; led and

mentored a group of central agency calibre analysts, most of whom eventually became senior executives and leaders in the federal public service.

1974 – 1977 -- Investment Canada – Energy Division: led a group of analysts in preparing regulations and guidelines and drafting cabinet memoranda on foreign takeovers of Canadian Companies.

1972 – 1974, A.E. Ames & Co. (Investment Bank), Corporate Finance Officer (Energy). Worked on financing various energy companies and merger and acquisition projects.

1970 – 1972, Blake Cassels Graydon, Toronto – Associate Lawyer (Business). Associate with leading Canadian business law firm; worked on various contracts, corporate transactions and financings.

1968 – 1970, Chief of Staff/Policy Advisor to Federal Cabinet Minister, Ottawa. Responsible for maintaining and organizing legislative agenda and procedures; general policy advice; staffing; media relations; speech writing.

3. Community Involvement

Member of Board of Directors, Castlehill Owners Association, 2006-2007.

Coach, Fisher Park Girls Baseball Association, Ontario, 1974-1977.

Managed federal election campaign in Broadview, Toronto, 1968.

Member, Institute for Research and Public Policy (current).

Founder and first Chairman of Canadian Association of Energy Services Companies, Board of Directors, 1985-1995.

Member of Board of Directors, The Association of Power Producers of Ontario, 1986-present. President and CEO for two years, Chairman of Executive Committee for five years.

Policy Advisor, Ontario election campaign of 1971.

4. Memberships in professional organizations

Canadian Bar Association, Ontario Bar Association.

Energy Bar Association (Washington, D.C.), member of renewables and transmission committees.

Legal Associates of the American Gas Association (Washington, D.C.)

SEERIL (Section on Energy, Environment, Natural Resources and Infrastructure Law) (gas regulatory specialists and in-house lawyer for gas LDCs), International Bar Association Chair, Toronto Host City Steering Committee, 20th Biennial Meeting of SEERIL on April 24, 2010.

5. Additional Information

I have practised energy law for over 25 years with leading law firms: Foglers, Gowlings, Smith/Lyons in Toronto, and Johnston & Buchan in Ottawa, and appeared in more than 50 Ontario Energy Board hearings, including rates, facilities, generic, and "policy hearings". Often represented energy consumer interests. Have appeared many times before the National Energy Board, and on occasion, the Manitoba Public Utilities Board and have acted for the California Public Utilities Board. I was, for three years (2007-09), the International Articles Editor of the Energy Law Journal, published by the Energy Bar Association, in Washington, D.C., the leading English language legal journal on energy matters.

Was a member of the three person editorial board for the publication, "Electricity Law In Canada"

(Carswell, 2009); authored chapter on Conservation and Demand Management.

Familiar with principal texts in regulatory economics, including Bonbright, Philips, Sidak, Nordhaus; have worked in three areas of public law, energy, foreign investment, and land use planning; familiar with principles of judicial review of administrative tribunals.

Co-authored a chapter on natural gas regulation in Canada for several years, for the US legal text "Natural Gas Regulation in North America".

Have spoken regularly, over the last 25 years, to many groups, in Canada and abroad on energy law topics, including, in Canada, APPrO, the Ontario Bar Association, Enercom (electricity distribution), the Canadian Petroleum Law Foundation, Insight and Canadian Institute Conferences and, outside Canada, to meetings of the Energy Bar Association, Legal Associates Committee of the American Gas Association (United States), and SEERIL (International Bar Association) (Abroad).