



Fogler, Rubinoff LLP
Lawyers

77 King Street West
Suite 3000, PO Box 95
TD Centre
Toronto, ON M5K 1G8
t: 416.864.9700 | f: 416.941.8852
foglers.com

March 25, 2013

Reply To: Thomas Brett
Direct Dial: 416.941.8861
E-mail: tbrett@foglers.com
Our File No. 125482

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

Attention: Kirsten Walli,
Board Secretary

Dear Ms. Walli:

Re: EB-2012-0337

We are delivering herewith two (2) copies of the cost claim with respect to the above captioned proceeding on behalf of Building Owners and Managers Association - Toronto ("BOMA").

Yours sincerely,

FOGLER, RUBINOFF LLP

A handwritten signature in blue ink that reads "Tom Brett per [initials]".

Thomas Brett
TB/dd
Encls.

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- **2012-0337**

Process: **Union Gas Large Volume DSM Plan**

Party: **BOMA Toronto**

Affiant's Name: **Tom Brett**

HST Number: **R119420859**

HST Rate Ontario: **13.00%**

Full Registrant ☒

Qualifying Non-Profit ☐

Unregistered ☐

Tax Exempt ☐

Other ☐

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.20/13**.
(date)

Commissioner for taking Affidavits

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



File # EB- 2012-0337

Process: Union Gas Large Volume DSM Plan

Party: BOMA Toronto

Summary of Fees and Disbursements Being Claimed

Legal/consultant fees	\$11,220.00
Disbursements	15.14
HST	1,460.57
Total Cost Claim	\$12,695.71

Ontario Energy Board

COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2012-0337</u>	Process: <u>Union Gas Large Volume DSM Plan</u>
Party: <u>BOMA Toronto</u>	Name: <u>Tom Brett</u>
Completed Years Practising/Years of relevant experience <hr/> 35 <hr/>	
Counsel/Articling Student/Paralegal: <input checked="" type="checkbox"/>	
Consultant: <input type="checkbox"/>	
CV attached: <input type="checkbox"/>	CV not required: <input checked="" type="checkbox"/>

Statement of Fees Being Claimed

	Hours	Hourly rate	Subtotal	HST	Total
Preparation	4.00	\$330.00	\$1,320.00	\$171.60	\$1,491.60
Attendance - Technical Conference			\$0.00	\$0.00	\$0.00
Attendance - Settlement Conference			\$0.00	\$0.00	\$0.00
Attendance - Oral Hearing			\$0.00	\$0.00	\$0.00
Argument			\$0.00	\$0.00	\$0.00
Case Management		\$170.00	\$0.00	\$0.00	\$0.00
TOTAL LEGAL/CONSULTANT FEES					
			\$1,320.00	\$171.60	\$1,491.60

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	\$15.14	\$1.97	\$17.11
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:			
	\$15.14	\$1.97	\$17.11

Prebill # 668686 Session: 380318 Bill to: 05/Mar/13

F1588

Fraser & Company

125482

BOMA – Union Gas Limited,
2013-2014 Demand Side
Management Plan for Large
Volume Customers, Proposed
Rate T1, Proposed Rate T2 and
Rate 100; Board File No. EB-
2012-0337

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

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>
05/Feb/13	Thomas Brett	4.00	1,320.00	[] AS DOCKETED	415	TB
TOTAL UNBILLED FEES		4.00	1,320.00	[] 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>
05/Feb/13	7	Courier & Delivery	Y	15.14			
TOTAL UNBILLED DISB				15.14	[] WRITE OFF		
TOTAL ADJUSTMENTS							
TOTAL DISB THIS BILL							

TRUST SUMMARY – A Trust was not opened on this Matter

FOGLER, RUBINOFF
BILLING STATEMENT TO 05/Mar/13F1588 **125482**

Fraser & Company
BOMA – Union Gas Limited, 2013-2014
Demand Side Management Plan for
Large Volume Customers, Proposed
Rate T1, Proposed Rate T2 and Rate
100; Board File No. EB-2012-0337
Prebill No.: 668686
Session ID: 380318

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

<u>DATE</u>	<u>TIME ID</u>	<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>RATE</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
11/Oct/12	2121037	415 TB	1.00	330.00	330.00	Reviewing evidence
05/Nov/12	2133396	415 TB	0.50	330.00	165.00	Reviewing Procedural Order No. 2
04/Feb/13	2176923	415 TB	1.50	330.00	495.00	Reviewing Transcripts; Telephone discussion with Marion Fraser and discussing argument
05/Feb/13	2177520	415 TB	1.00	330.00	330.00	Reviewing and finalizing submission
		TOTAL TIME	4.00		1,320.00	

DETAIL OF UNBILLED DISBURSEMENTS

<u>DATE</u>	<u>DISB ID</u>	<u>CODE</u>	<u>QUAN</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
05/Feb/13	4972623	7		15.14	09:53 TB Courier: Blizzard# 6177074 ONT ENERGY BOARD 2300 Yonge St Fatima
		TOTAL DISB		15.14	

Fogler Rubinoff

Blizzard Courier Orders

2013.02.05

Created: 20130211 16:57:02 ver: 2.9.27

#	Waybill	Srv Type	Order Time	Pickup Address	DropOff Address	Reff	Received By	\$	Agent
1	617-6997	1	0205 08:00	Fogler Rubinoff 77 King Street West	TSX 130 King St W	MK - 105240	madhu 0205 08:18	6.05	J
2	617-6998	2	0205 08:02	Fogler Rubinoff 77 King Street West	AIRD & BERLIS 181 Bay St	MRK - 067633	brah 0205 08:30	4.51	J
3	617-6999	2	0205 08:02	Fogler Rubinoff 77 King Street West	HSBC BANK 70 York St	DFH - 125300	a garcia 0205 09:35	4.51	J
4	617-7000	2	0205 08:03	Fogler Rubinoff 77 King Street West	HSBC BANK 70 York St	DFH - 125290	a garcia 0205 09:38	4.51	J
5	617-7001	1	0205 08:05	Fogler Rubinoff 77 King Street West	LOWLAND CANADA LIMITED 411 Richmond St E	CRD - 131718	liona.fritzm 0205 09:31	6.05	28
6	617-7002	2	0205 08:07	Fogler Rubinoff 77 King Street West	C/O BRUCE O TOOLE 179 John St	SOT - 113997	mary 0205 09:22	4.51	J
7	617-7037	3	0205 09:17	Fogler Rubinoff 77 King Street West	TRINE DEV 3250 Bloor St W	JBG - 102264	pat 0205 11:59	13.20	26
8	617-7043	1	0205 09:26	Fogler Rubinoff 77 King Street West	MCCAGUE PEACOCK 130 King St W	JMJ - 064435	rose 0205 09:43	6.05	J
9	617-7045	1	0205 09:28	Fogler Rubinoff 77 King Street West	HARVEY DORSEY 121 King St W	JMJ - 064435	patti 0205 09:40	6.05	J
10	617-7074	2	0205 09:53	Fogler Rubinoff 77 King Street West	ONT.ENERGY BOARD 2300 Yonge St	TB - 125482	Fatima 0205 12:31	13.75	A
11	617-7094	2	0205 10:08	Fogler Rubinoff 77 King Street West	BLAKE CASSELS 199 Bay St	MT - 126213	markus 0205 10:30	4.51	J
12	617-7100	2	0205 10:11	Fogler Rubinoff 77 King Street West	HEENAN BLAIKIE 333 Bay St	KRR - 103491	ibra 0205 10:36	4.51	J
13	617-7101	3	0205 10:12	Fogler Rubinoff 77 King Street West	IDENTITY DEVELOPMENT 345 Horner Ave (Etob)	KK - 111189	Ivanka S 0205 15:18	14.58	45
14	617-7118	3	0205 10:33	Fogler Rubinoff 77 King Street West	ADAIR MORSE LLP 1 Queen St E	JMJ - 081986	orlando 0205 11:19	3.52	J
15	617-7178	2	0205 11:23	Fogler Rubinoff 77 King Street West	cohen sabsay 357 Bay St	sab - 123572	emma choi 0205 11:43	4.51	J
16	617-7205	1	0205 11:46	mcap 200 King St W	Fogler Rubinoff 77 King Street West	rmr - 113827	ageorlo 0205 12:03	6.05	J
17	617-7239	4	0205 12:17	REGISTRY OFFIOCE 50 BLOOMINGTON RD WEST (Auro)	Fogler Rubinoff 77 King Street West	DKM - 121557	Hamid 0206 16:33	20.08	29
18	617-7245	1	0205 12:22	Fogler Rubinoff 77 King Street West	LAURENTIAN BANK 130 Adelaide St W	LN - 131072	jeff murray 0205 13:39	6.05	J

Ontario Energy Board
COST CLAIM FOR HEARINGS
Detail of Fees and Disbursements Being Claimed



File # EB- <u>2012 -0337</u>	Process: <u>Union Gas Large Volume DSM Plan</u>
Party: <u>BOMA Toronto</u>	Name: <u>Marion Fraser</u>
Completed Years Practising/Years of relevant experience <u>34</u>	
Counsel/Articling Student/Paralegal: <input type="checkbox"/>	
Consultant: <input checked="" type="checkbox"/>	
CV attached: <input type="checkbox"/>	CV not required: <input checked="" type="checkbox"/>

Statement of Fees Being Claimed

	Hours	Hourly rate	Subtotal	HST	Total
Preparation	14.00	\$330.00	\$4,620.00	\$600.60	\$5,220.60
Attendance - Technical Conference			\$0.00	\$0.00	\$0.00
Attendance - Settlement Conference			\$0.00	\$0.00	\$0.00
Attendance - Oral Hearing			\$0.00	\$0.00	\$0.00
Argument	16.00	\$330.00	\$5,280.00	\$686.40	\$5,966.40
Case Management		\$170.00	\$0.00	\$0.00	\$0.00
TOTAL LEGAL/CONSULTANT FEES					
			\$9,900.00	\$1,287.00	\$11,187.00

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		\$0.00	\$0.00
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:			
	\$0.00	\$0.00	\$0.00

Appendix B

DOCKET

EB-2012-0337

Board File Number

Party Name

Date	Explanation	Consultant	Preparation	Fraser & Company Attendance TC	Attendance SC
18-Sep-12	Submission review	MEF	7		
24-Jan-13	Materials Review	MEF	7		
28-Jan-13	Draft Argument	MEF			
4-Feb-13	Finalize Argument	MEF			

Total

14

0

0

BOMA Toronto

Attendance OH	Argument	Total
		7
		7
	8	8
	8	8

0	16	30
---	----	----