

THE BOARD OF DIRECTORS

Chair, GAIL REGAN
President, Cara Holdings Ltd.

President, PATRICIA ADAMS
MAX ALLEN
Producer, IDEAS, CBC Radio
ANDREW COYNE
Columnist, National Post
GLENN FOX
Professor of Economics, University of Guelph
IAN GRAY
President, St. Lawrence Starch Co.
CLIFFORD ORWIN
Professor of Political Science, University of Toronto

Secretary/Treasurer, ANNETTA TURNER
ANDREW ROMAN
Barrister & Solicitor, Miller Thomson
ANDREW STARK
Rotman School of Management, University of Toronto
GEORGE TOMKO
Resident Expert, PSI Initiative, University of Toronto
MICHAEL TREBILCOCK
Chair, Law & Economics, University of Toronto
MARGARET WENTE
Columnist, The Globe and Mail

March 25, 2013

BY EMAIL & COURIER

Ms Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge St, Suite 2701
Toronto ON M4P 1E4

Dear Ms Walli:

**Board File No. EB-2012-0087 Union Gas Limited
2011 Earnings Sharing and Deferral Account Disposition
Energy Probe – Costs Submission**

Pursuant to the Decision and Rate Order, issued February 28, 2013, Energy Probe Research Foundation (Energy Probe) filed its Costs Submission in the EB-2012-0087 proceeding for the consideration of the Board on March 14, 2013.

It has been determined that there was an error in that Submission. On the “Detail of Fees and Disbursements Being Claimed” in respect of David MacIntosh, the line for Argument showed 4.5 hours but there was no hourly rate shown to compute the subtotal which amounted to \$1,305.00 plus HST of \$84.83 for a corrected line total of \$1,389.83. Attached is the corrected Costs Submission. An executed affidavit is being obtained and will be forwarded this week.

Should you require additional information, please do not hesitate to contact me.

Yours truly,

David S. MacIntosh
Case Manager

cc: Karen Hockin, Union Gas Limited (By email)
Mark Kitchen, Union Gas Limited (By email)
Crawford Smith, Torys LLP (By email)
Roger Higgin, SPA Inc., Consultant to Energy Probe (By email)

Energy Probe Research Foundation 225 BRUNSWICK AVE., TORONTO, ONTARIO M5S 2M6

Phone: (416) 964-9223 Fax: (416) 964-8239 E-mail: EnergyProbe@nextcity.com Internet: www.EnergyProbe.org

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- <u>2012-0087</u>	Process: <u>Union Gas Limited 2011 ESM Application</u>
Party: <u>Energy Probe Research Foundation</u>	Affiant's Name: <u>Annetta Turner</u>
HST Number: <u>10730 5146 RT0001</u>	HST Rate Ontario: <u>6.50%</u>
Full Registrant <input type="checkbox"/>	Qualifying Non-Profit <input checked="" type="checkbox"/>
Unregistered <input type="checkbox"/>	Tax Exempt <input type="checkbox"/>
Other <input type="checkbox"/>	

Affidavit

I, Annetta Turner, of the City/Town of Toronto
in the Province/State of Ontario, Canada, 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 _____,
in the Province/State of _____, on _____
(date)

Commissioner for taking Affidavits

File # EB- 2012-0087

Process: Union Gas Limited 2011 ESM Application

Party: Energy Probe Research Foundation

Summary of Fees and Disbursements Being Claimed	
Legal/consultant fees	\$15,622.50
Disbursements	\$36.00
HST	\$1,015.46
Total Cost Claim	\$16,673.96

Ontario Energy Board

COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

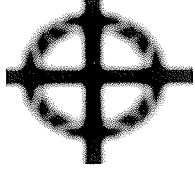
File # EB- 2012-0087	Process: Union Gas Limited 2011 ESM Application
Party: Energy Probe Research Foundation	Name: Dr. Roger Higgin
	Completed Years Practising/Years of relevant experience
Counsel/Articling Student/Paralegal:	
Consultant:	30+
CV attached:	CV not required:

Statement of Fees Being Claimed

	Hours	Hourly rate	Subtotal	HST	Total
Preparation	11.00	\$330.00	\$3,630.00	\$235.95	\$3,865.95
Attendance - Technical Conference	4.00	\$330.00	\$1,320.00	\$85.80	\$1,405.80
Attendance - Settlement Conference	7.00	\$330.00	\$2,310.00	\$150.15	\$2,460.15
Attendance - Oral Hearing		\$330.00	\$0.00	\$0.00	\$0.00
Argument	8.00	\$330.00	\$2,640.00	\$171.60	\$2,811.60
Case Management		\$170.00	\$0.00	\$0.00	\$0.00
TOTAL LEGAL/CONSULTANT FEES			\$9,900.00	\$643.50	\$10,543.50

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



SPA Inc

15 Malabar Place
Don Mills, Toronto, Ontario M3B 1A4
(416) 391-0738 fax (416) 391-0738

Invoice No. 2013-EP2

INVOICE

Customer

Name Energy Probe Research Foundation
Address 225 Brunswick Avenue
City Toronto Province Ont P.C. M5S 2M6
Attn. Mr. David MacIntosh

Date 19/02/2013
Project No Union Gas Limited
Title 2012 ESM
EB-2012-0087

Hours	Date	Description Of Services	Unit Price	TOTAL
6	25/May/12	Review Prefiled Evidence and Prepare IRs	\$330.00	\$1,980.00
2	14/Jun/12	Review IRRs and Prepare Notes for ADR	\$330.00	\$660.00
2	19/Aug/12	Prepare TCQs and file	\$330.00	\$660.00
4	21/Aug/12	Attend Technical Conference	\$330.00	\$1,320.00
4	12/Sep/12	Review Tr & Prepare Prelim Issue Subs	\$330.00	\$1,320.00
1	14/Sep/12	Finalize Preliminary Issue Submission	\$330.00	\$330.00
5	27/Nov/12	Attend Union Settlement Conference	\$330.00	\$1,650.00
2	28/Nov/12	Attend Union Settlement Conference	\$330.00	\$660.00
1	12/Dec/12	Review Final Settlement Proposal	\$330.00	\$330.00
3	6/Jan/13	Review Tr & Undertaking & File Argument	\$330.00	\$990.00

Payment

- ☐ Cash
☒ Cheque
☐ Other

Name

Date

Taxes

SubTotal	\$9,900.00
	\$0.00
HST	\$1,287.00
PST	
TOTAL	\$11,187.00

HST NUMBER 88413 6714 RT0001

Thank you for your Business

Ontario Energy Board

COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2012-0087</u>	Process: <u>Union Gas Limited 2011 EMS Application</u>
Party: <u>Energy Probe Research Foundation</u>	Name: <u>David MacIntosh</u>
Completed Years Practising/Years of relevant experience <hr/>	
Counsel/Articling Student/Paralegal: <input type="checkbox"/>	<hr/>
Consultant: <input checked="" type="checkbox"/>	<u>13</u>
CV attached: <input type="checkbox"/>	CV not required: <input checked="" type="checkbox"/>

Statement of Fees Being Claimed

	Hours	Hourly rate	Subtotal	HST	Total
Preparation	6.50	\$290.00	\$1,885.00	\$122.53	\$2,007.53
Attendance - Technical Conference		\$290.00	\$0.00	\$0.00	\$0.00
Attendance - Settlement Conference	8.00	\$290.00	\$2,320.00	\$150.80	\$2,470.80
Attendance - Oral Hearing		\$290.00	\$0.00	\$0.00	\$0.00
Argument	4.50	\$290.00	\$1,305.00	\$84.83	\$1,389.83
Case Management	1.25	\$170.00	\$212.50	\$13.81	\$226.31
TOTAL LEGAL/CONSULTANT FEES			\$5,722.50	\$371.96	\$6,094.46

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	\$36.00	included	\$36.00
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:	\$36.00	\$0.00	\$36.00

Time Sheet for D. MacIntosh**Board File: EB-2012-0087 Union 2011 Earnings Sharing****Summary: Hours**

Preparation	6.50
Attend. Tech.	0.00
Attend. ADR	8.00
Attend. Hearing	0.00
Argument Prep.	4.50
Case Mngt. (CM)	1.25

Total	20.25
--------------	--------------

Date Hours Note

25-May-12	1.75	prep - Review Prefiled Evidence, Draft Interrogatories
19-Aug-12	1.25	prep - Review Evidence & IR Response, Draft TCQs
22-Nov-12	1.50	prep - Prepare for Settlement Conference
28-Nov-12	1.25	prep - Many Intervenor Emails, Prepare for Settlement Conference Day 2
13-Dec-12	0.75	prep - Many Emails, Sign-off on Settlement Proposal

Total	6.50	Attendance - Settlement Conference
--------------	-------------	---

Date Hours Note

27-Nov-12	5.50	Attend ADR
29-Nov-12	2.50	Attend ADR

Total	8.00	Attendance - Settlement Conference
--------------	-------------	---

Date Hours Note

12-Sep-12	1.25	prep - Review Argument-in-Chief, Draft Preliminary Issue Submissions
14-Sep-12	0.50	prep - Finalize Preliminary Issue Submissions
20-Nov-13	0.50	prep - Review Decision and Order, Preliminary Issue
04-Jan-13	1.25	prep - Draft Argument Unsettled Issue
16-Jan-13	0.50	prep - Review Union Reply Argument
07-Feb-13	0.50	prep - Review Decision and Order

Total	4.50	Argument - Preparation
--------------	-------------	-------------------------------

Date	Hours	Note
25-May-12	0.50	CM - File Interrogatories
19-Aug-12	0.25	CM - File Technical Conference Questions
14-Sep-12	0.25	CM - File Preliminary Issue Submissions
06-Jan-13	0.25	CM - File Argument Submissions Unsettled Issue
Total	1.25	Case Management

 RECEIPT

 CAR PARK: Yonge & Eglinton Ctr
 DEVICE: Paystation 4
 PAID: 29/11/12 03:10P
 SHORT TERM 165172
 ENTRY: 29/11/12 09:31A
 EXIT: 29/11/12 03:11P
 PARKING DURATION: 000 05:38
 CHARGED DURATION: 000 02:20
 PAID: CAD18.00
 TAX FREE CAD15.93
 V.A.T. 13% : CAD2.07
 CASH PAYMENTS: CAD20.00
 GIVEN CAD2.00

 RECEIPT

 CAR PARK: Yonge & Eglinton Ctr
 DEVICE: Paystation 4
 PAID: 27/11/12 04:26P
 SHORT TERM 164952
 ENTRY: 27/11/12 09:20A
 EXIT: 27/11/12 04:25P
 PARKING DURATION: 000 07:05
 CHARGED DURATION: 000 02:20
 PAID: CAD18.00
 TAX FREE CAD15.93
 V.A.T. 13% : CAD2.07
 CASH PAYMENTS: CAD20.00
 GIVEN CAD2.00
