

April 1, 2013

BY COURIER (2 COPIES) AND EMAIL

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, Suite 2700
Toronto, Ontario M4P 1E4
Fax: (416) 440-7656
Email: boardsec@oeb.gov.on.ca

Dear Ms. Walli:

**Re: Environmental Defence Cost Claim
EB-2012-0337 – Union Gas 2013-2014 Large Volume DSM Plan**

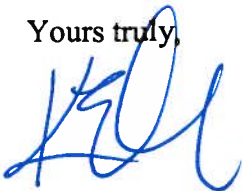
Enclosed please find Environmental Defence's cost claim in the above matter.

We respectfully request that this cost claim be accepted despite being overdue as the delay was due to an administrative error on my part and no party will be prejudiced by the brief passage of time.

We ask that any payment be made payable to "Klippensteins (In Trust)."

Please do not hesitate to contact me if anything further is required.

Yours truly,



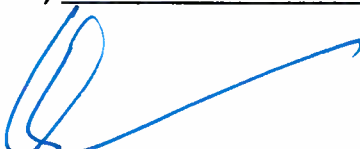

Kent Elson

cc: Applicant

KLIPPENSTEINS

FORM 3

AFFIDAVIT IN SUPPORT OF COST CLAIM

EB-2012-0337	Environmental Defence			
Board File Number	Party Name			
Items Claimed Net of HST				
Legal/Consultant Fees	+	Disbursements	=	Net Sub-Total
\$ 12,856.25		\$ 370.85		\$ 13,227.10
Goods and Services Tax				
<input type="checkbox"/> Full Registrant				<input checked="" type="checkbox"/> Qualifying Non-Profit (HST at 6.5%)
<input type="checkbox"/> Unregistered (HST at 13%)				<input type="checkbox"/> Tax Exempt (no HST)
<input type="checkbox"/> Other HST at _____ %				
Total Cost Claim				
Net Sub-Total	+	Total HST Claimed *	=	Total Cost Claim
\$ 13,227.10		\$ 859.76		\$ 14,086.86
<p>I, (name) <u>KENT ELSON</u> of the City of Toronto in the Province of Ontario MAKE OATH AND SAY (or AFFIRM):</p> <p>1. I am a representative of the above noted intervenor (the "intervenor") and as such have knowledge of the matters attested to herein.</p> <p>2. I have examined the above Cost Claim and all of the documentation in support of it.</p> <p>3. The above Cost Claim represents only costs incurred directly and necessarily by the intervenor for the purpose of the intervention in the Ontario Energy Board process (the file number of which is set out above).</p> <p>SWORN (or AFFIRMED) BEFORE ME at the City of Toronto in the Province of Ontario on (date) <u>APRIL 1, 2013</u></p>				
 _____ COMMISSIONER for taking Affidavits, etc.			 _____ Signature of Deponent	

V. GUY WAINLESS
* - includes only 1/2 of HST from all Forms 1 and 2

FORM 2

SUMMARY OF DISBURSEMENTS

EB-2012-0337		Environmental Defence	
Board File Number		Party Name	
Environmental Defence			
Party or Group that made the disbursement			
	Net Cost	HST *	
Photocopies	173.75	22.59	
Printing	197.10	25.62	
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 (Parking & Mileage)	0.00	0.00	
Taxi or Airport Limo	0.00	0.00	
Accommodation	0.00	0.00	
Note: All claims must be in Canadian dollars. If app	0.00	0.00	
Other ()	0.00	0.00	Grand Total
Sub-totals	370.85	48.21	419.06
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 _____.			

* - only 1/2 of HST is claimed on Form 3

FORM 1

SUMMARY STATEMENT OF HOURS - CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

EB-2012-0337		Environmental Defence			
Board File Number		Party Name			
Legal Counsel Name		Law Firm			
Jack Gibbons		Ontario Clean Air Alliance			
Consultant Name		Consultant's Firm			
Year of Call		Over 20			
Years of Relevant Experience (curriculum vitae must be attached)		Over 20			
	Hours	Hourly Rate	Sub-total	HST *	Total
Preparation	14.90	225.00	3352.50	435.83	3788.33
Attendance - Technical Conference	0.00	225.00	0.00	0.00	0.00
Attendance - Settlement Conference	0.75	225.00	168.75	21.94	190.69
Attendance - Oral Hearing	11.74	225.00	2641.50	343.40	2984.90
Argument	0.00	225.00	0.00	0.00	0.00
Case Management	0.00	225.00	0.00	0.00	0.00
TOTALS	27.39	225.00	6162.75	801.16	6963.91

Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____.

* - only 1/2 of HST is claimed on Form 3

FORM 1

SUMMARY STATEMENT OF HOURS - CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

EB-2012-0337	Environmental Defence	Party Name			
Board File Number		Klippensteins			
Murray Klippenstein	1987	Law Firm			
Legal Counsel Name	Year of Call				
Consultant Name	Years of Relevant Experience	Consultant's Firm			
	<small>(curriculum vitae must be attached)</small>				
	Hours	Hourly Rate	Sub-total	HST *	Total
Preparation	0.45	330.00	148.50	19.31	167.81
Attendance - Technical Conference	0.00	330.00	0.00	0.00	0.00
Attendance - Settlement Conference	0.00	330.00	0.00	0.00	0.00
Attendance - Oral Hearing	0.00	330.00	0.00	0.00	0.00
Argument	0.00	330.00	0.00	0.00	0.00
Case Management	0.00	330.00	0.00	0.00	0.00
TOTALS	0.45	330.00	148.50	19.31	167.81

Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____.

* - only 1/2 of HST is claimed on Form 3

FORM 1

SUMMARY STATEMENT OF HOURS - CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

EB-2012-0337	Board File Number	Environmental Defence	Party Name
Kent Elson	2009	Klippensteins	Law Firm
Legal Counsel Name	Year of Call	Consultant's Firm	
Consultant Name	Years of Relevant Experience (curriculum vitae must be attached)		
	Hours	Hourly Rate	Sub-total
Preparation	22.40	170.00	3808.00
Attendance - Technical Conference	0.00	170.00	0.00
Attendance - Settlement Conference	0.00	170.00	0.00
Attendance - Oral Hearing	3.50	170.00	595.00
Argument	0.00	170.00	0.00
Case Management	0.00	170.00	0.00
			77.35
			672.35
			0.00
			0.00
TOTALS	25.90	100.00	4403.00
			572.39
			4975.39

Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____.

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FORM 1

SUMMARY STATEMENT OF HOURS - CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

EB-2012-0337	Board File Number	Environmental Defence	Party Name
Cory Wanless	2009	Klippensteins	Law Firm
Legal Counsel Name	Year of Call		
Consultant Name	Years of Relevant Experience (curriculum vitae must be attached)	Consultant's Firm	
	Hours	Hourly Rate	Sub-total
Preparation	5.60	170.00	952.00
Attendance - Technical Conference	0.00	170.00	0.00
Attendance - Settlement Conference	0.00	170.00	0.00
Attendance - Oral Hearing	7.00	170.00	1190.00
Argument	0.00	170.00	0.00
Case Management	0.00	170.00	0.00
			154.70
			1344.70
			0.00
			0.00
			0.00
TOTALS	12.60	170.00	2142.00
			278.46
			2420.46

Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____.

* - only 1/2 of HST is claimed on Form 3

KLIPPENSTEINS
Barristers & Solicitors
160 John Street, Suite 300
Toronto, Ontario M5V 2E5

Telephone: (416) 598-0288

Fax: (416) 598-9520

Environmental Defence Canada Inc.
116 Spadina Ave
Suite 300
Toronto, ON M5V 2K6

April 01, 2013

File #: 1943
Invoice #: 2979

RE: Union Gas - 2013-2014 Large Vol. DSM Plan - EB-2012-0337

Note: Unless otherwise indicated, hours are allocated to "preparation."

DATE	DESCRIPTION	HOURS	LAWYER
Oct-10-12	Draft intervention letter; Draft correspondence to the client	1.75	KE
Oct-26-12	Revise intervention request letter; Confer with JG re intervention and client instructions; Finalize, file, serve intervention letter	0.90	KE
Dec-07-12	Review procedural order; Confer with JG re overall strategy	0.20	KE
Dec-18-12	Review APPrO evidence; Draft/revise interrogatories	0.50	KE
Dec-19-12	Draft/revise interrogatories to APPrO; Confer with JG re same	0.80	KE
Dec-20-12	Finalize and serve APPrO interrogatories	0.45	KE
Jan-10-13	Review interrogatory responses from APPRO; Correspondence with JG	0.25	KE
Jan-17-13	Confer with JG re hearing strategy; Correspondence to/from board staff re time estimates; Review APPrO interrogatory responses; Review motion by GEC; Review practice direction on confidential filings; Confer with JG re potential motion re APPrO interrogatory responses	0.95	KE
Jan-25-13	Review materials for cross-examination brief	0.50	KE
Jan-27-13	Draft/review cross-examination questions for hearing; Review materials and compile cross-examination book	4.50	KE

Jan-28-13	Correspondence with JG	0.10	KE
Jan-29-13	Review correspondence from J. Wasylyk; Correspond with JG; Correspondence with C. Smith re table to be included in Cross-Examination Reference Book	0.35	KE
Jan-30-13	Confer with K Elson; detailed review of materials and cross examination strategy; receive instructions from J Gibbons	4.60	CW
	Preparing materials for hearing and briefing C. Wanless on cross-examination issues	1.05	KE
Jan-31-13	Attend OEB hearing, cross examine Union Gas witnesses (4 hrs); prepare for cross examination of APPRO (1 hr)	5.00	CW
Feb-01-13	Confer with KE re final submissions	0.20	MK
	Attend OEB hearing; cross examine witnesses from APPRO	3.00	CW
	Confer with CW, MK, JG re strategy for oral submissions	0.45	KE
Feb-03-13	Prepare for hearing on Tuesday; Review DSM guidelines and evidence re free riders; Draft summary of ED submissions	2.05	KE
Feb-04-13	Review draft submissions; review legal principles with KE	0.25	MK
	Confer with MK, JG, SP re tomorrow's hearing; Prepare for hearing tomorrow; Draft summary of oral submissions; Compiling book of materials for oral submissions; Legal research regarding the requirements/objectives of the OEB Act and the reasonableness of administrative tribunal decisions	6.10	KE
Feb-05-13	Prepare for hearing (1.5 hours); Attend hearing (3.5 hours)	5.00	KE
	Totals	38.95	\$6,693.50
	HST on Fees		\$870.16

FEE SUMMARY

Lawyer	Hours	Amount
Murray Klippenstein	0.45	\$148.50
Cory Wanless	12.60	\$2,142.00
Kent Elson	25.90	\$4,403.00

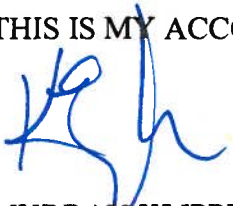
DISBURSEMENTS

Outside photocopy expenses	197.10	-For Cross-Examination Reference Book
Photocopies	173.75	-For 695 pages at 0.25 per page. Largely the Book of Materials for Oral Submissions

Totals	\$370.85
HST on Disbursements	\$48.21
<hr/>	
TOTAL FOR THIS INVOICE	\$7,982.72
Previous Balance	\$0.00
Previous Payments	\$0.00
Payment From Trust Towards This Invoice	\$0.00
<hr/>	
TOTAL DUE	\$7,982.72

Any disbursements not posted to your account on the date of this statement will be billed at a later date

THIS IS MY ACCOUNT HEREIN:



for:

MURRAY KLIPPENSTEIN

E. & O. E.

Total Tax: \$918.37

HST #: 87215 1923 RT0001

* items are HST exempt

Accounts are due when rendered. Pursuant to the Solicitor's Act, interest at the rate of 5.00% per annum may be charged on amounts unpaid thirty days after the date of this account



Invoice 041183810

Account: 601994
Date: January 30, 2013

Bill To: Klippenstein, Barristers & Solicitors
Attn: Cory Wanless
160 John St 3rd Floor
Toronto ON M5V 2E5

Ordered By: Cory Wanless
Phone: (416) 598-0288
Customer PO: 1943

Ship To: SAME

Job Name: *For Cross-Examination Reference Book*

Item	1-Sided	2-Sided	Quantity	Description	HST	Job Price
A	59		10	Legal Copying	X	\$197.10
/ Other: insert tabs/ Analogue Copying: / FSC_Mixed: / Bind: Cerlox - orig & copies - white F & B						

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Branch Contact: Chris Gennings
Address: 181 University Ave
Main Level - Suite 109
Toronto, ON, M5H 3M7
Phone: 416-867-1588

Net Sales	\$197.10
Shipping	\$0.00
Sub Total	\$197.10
HST	\$25.62
Total Price	\$222.72



Only the products identified as such on this invoice are FSC Certified

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TERMS: Net due upon receipt of invoice. Interest of 1.5% per month (18% PA) will be charged on all overdue accounts.



ONTARIO
CLEAN AIR
ALLIANCE

INVOICE: EB-2011-0327#1

To: Klippensteins; Attention: Kent Elson

From: Ontario Clean Air Alliance

Re: Fee for professional services of Jack Gibbons on behalf of Environmental Defence for OEB Docket No. EB-2011-0327 (Union Gas DSM) for the period October 9, 2013 to February 5, 2013 inclusive.

Date: February 14, 2013

1.	Reviewing evidence and interrogatory responses	
	3.25 hours x \$225/hour	\$731.25
2.	Preparing interrogatories for APPRO	
	1.91 hours x \$225/hour	\$429.75
3.	Preparing for ADR	
	2.25 hours x \$225/hour	\$506.25
4.	Attending ADR	
	0.75 hours x \$225/hour	\$168.75
5.	Preparing cross-examination briefing notes	
	6.83 hours x \$225/hour	\$1,536.75
6.	Briefing counsel	
	0.66 hours x \$225/hour	\$148.50
7.	Attending hearing	
	11.74 hours x \$225/hour	<u>\$2,641.50</u>



160 John Street, Suite 300, Toronto, Ontario, M5V 2E5
Telephone: (416) 260-2080 • Fax: (416) 598-9520
contact@cleanairalliance.org • www.cleanairalliance.org

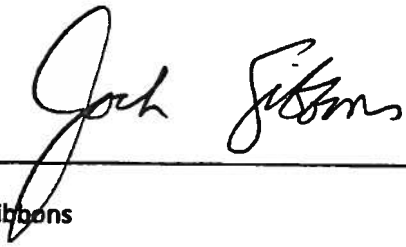
HST Registration No. 85281 3997 RT0001

\$6,162.75

\$801.16

TOTAL

\$6,963.91

A handwritten signature in black ink that reads "Jack Gibbons". The signature is written in a cursive style with a large, looping initial "J".

Jack Gibbons

Chair