

April 3, 2013

VIA RESS AND COURIER

Ms. Kirsten Walli
ONTARIO ENERGY BOARD
P.O. Box 2319, 27th Floor
2300 Yonge Street
Toronto, Ontario
M4P 1E4

lan A. Mondrow Direct: 416-369-4670 ian.mondrow@gowlings.com

Assistant: Cathy Galler Direct: 416-369-4570 cathy.galler@gowlings.com

File No. T990829

Dear Ms. Walli:

Re: EB-2012-0226 – Union Gas Limited (Union) Application for Leave to Construct

Thunder Bay Terminals Limited (TBTL) Statement of Costs

In Procedural Order No. 1 herein (August 9, 2012) the Board granted TBTL intervenor status and cost award eligibility status. The Board confirmed TBTL's cost eligibility status by letter dated September 17, 2012.

The Board's Decision and Order herein was issued on March 28, 2013. Enclosed, on behalf of TBTL, please find a Statement of Costs.

Responsible Participation.

TBTL submits that it participated in this proceeding in a responsible and cost efficient manner, and on that basis seeks recovery of its reasonably incurred costs, as evidenced in the attached Cost Claim.

Union's initial application included construction of a segment of gas pipe the proposed route for which crossed the land leased by TBTL. In its September 17, 2012 letter confirming TBTL's cost eligibility status the Board found that TBTL had a legitimate interest in the execution and remediation by Union of the construction of the proposed pipeline.

TBTL submitted a small number of interrogatories for Union focussed on these construction and remediation issues, and made brief submissions in these respects regarding Union's application as initially framed.

On November 1, 2012 Ontario Power Generation (OPG) announced suspension of the project to convert its Thunder Bay Generating Station to be fired with gas. It was this project that the portion of Union's proposed pipe that crossed the land leased by TBTL was intended to serve. On November 13, 2012 TBTL filed in this proceeding a letter to the Board to formally draw the OPG announcement to the Board's attention, and to request an update from Union Gas in respect of its intentions with respect to the instant leave to construct application.



On November 19, 2012 Union filed an updated application, in which leave to construct the portion of the pipeline intended to serve OPG's generating station, and which crossed the land leased by TBTL, was no longer pursued. From and after review of this updated filing, TBTL refrained from further involvement in this matter as its interests were no longer directly impacted.

It is respectfully submitted that the scope and scale of TBTL's intervention in this proceeding, as outlined above, has been responsible and focussed on its interests herein, which interests were acknowledged by the Board. On this basis, TBTL requests recovery of 100% of its reasonably incurred costs, as claimed.

Cost Claim Details.

Please note that receipts cannot be provided for scanning or long distance telephone charges. Our firm's system is such that the file matter number is entered or provided at the time of the request. The associated charges are then posted directly in our accounting system. These charges are documented directly on our invoices, the relevant extracts of which are included in the enclosed supporting material.

Please also note that on the Statement of Disbursements for Ian Mondrow, we have included an amount of \$8.03 for a courier delivery to the Board for filing this Statement of Costs. As we have not been invoiced for this charge as of yet, we enclose the waybill for this delivery. This disbursement charge is included in the totals attested to in the Affidavit and Summary of Fees and Disbursements.

Yours truly,

Ian A. Mondrow

IAM:cag Encl.

cc: John Kepes, TBTL Mark Murray, Union

> Dan Jones, Union Counsel Zora Crnojacki, OEB Staff

TOR_LAW\ 8138384\2

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.

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The state of the s	ata input is indicated by yellow-	shaded fields. F	ormulas are present in the d	locument to assist	with the calculation of		
the cost clain							
- All claims m	ust be in Canadian dollars. If a	7.74		Annual Control of the			
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File # EB-	2012-0226		Process: Union Gas Le	ave to Construct	ion Application		
Party:	Thunder Bay Terminals Lim	ited	Affiant's Name: Ian Mondrow (Gowlings)				
HST Numbe	r: R105278451		HST Rate Ontario: 13.00%				
	Full Registran	t 🗹	Qualifying	g Non-Profit			
	Unregistered			Tax Exempt			
	Othe						
			Affidavit				
l,	Ian Mondrov	N	, of the City/Town of	7	Γhornhill		
in the Prov	rince/State of	Ontario		, swear or affirr	n that:		
2. I have examples of the Ontario I d. This cost of the Ontario I	resentative of the above-noted mined all of the documentation ats Being Claimed", "Statement ned "Summary of Fees and Disbots Being Claimed" include only Energy Board process referred to claim does not include any costs sections 6.05 and 6.09 of the B	n in support of to (s) of Fees Being ursements Being costs incurred a to above. Is for work done	his cost claim, including the garding claimed" and "Statement(sign Claimed", "Statement(s) of and time spent directly for the continuous person to	attached "Summa) of Disbursement f Fees Being Claim ne purposes of the	ry of Fees and as Being Claimed". ed" and "Statement(s) of a Party's participation in		
Signature	of Affiant						
Sworn or a	affirmed before me at the	City/Town of	Toro	onto	,		
in the Prov	vince/State of	Ontario >	, on	3 April (date)	2013.		

Commissioner for taking Affidavits

Ontario Energy Board COST CLAIM FOR HEARINGS



Affidavit and Summary of Fees and Disbursements

File # EB- 2012-0226	Process: Un	ion Gas Leave to Construction Application
Party: Thunder Bay Terminals Limite	d	
Summary	of Fees and Disburseme	ents Being Claimed
Legal/Consultant Fees (Ian Mondrow)	\$4,356.00	
Disbursements	\$90.23	
HST	\$578.01	
Total	\$5,024.24	
Legal/Consultant Fees (Paul Seaman)	\$2,074.00	
HST	\$269.62	
Total	\$2,343.62	
Legal/Consultant Fees (Cathy Galler)	\$20.00	
Disbursements	\$2.50	
HST	\$2.93	
Total	\$25.43	

\$7,393.29

Total Cost Claim

Ontario Energy Board COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB-	2012-0226		Process:	Union Gas Leave to Construction Application		
Party:	Thunder Bay Terminals Limited		Name:	e: Ian Mondrow (Gowlings)		
				Completed Practising/Years of experien	of relevant	
Counse	el/Articling Student/Paralegal:	\checkmark		22		
	Consultant:					
	CV attached:		CV	not required:	V	

Statement of Fees Being Claimed

	Hours	Hourly rate	Subtotal	нѕт	Total
Preparation	7.80	\$330.00	\$2,574.00	\$334.62	\$2,908.62
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	5.40	\$330.00	\$1,782.00	\$231.66	\$2,013.66
Case Management		\$170.00	\$0.00	\$0.00	\$0.00
TOTAL LEGAL/CONSULTANT FEES			\$4.356.00	\$566.28	\$4 922 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	\$48.18	\$6.26	\$54.44
Telephone	\$42.05	\$5.47	\$47.52
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:	\$90.23	\$11.73	\$101.96

Ontario Energy Board COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB-	2012-0226		Process:	Union Gas Leave	e to Construc	tion Application
Party:	Thunder Bay Terminals Limited		_ Name:	e: Paul Seaman (Gowlings)		
				Completed Practising/Years experien	of relevant	
Counse	el/Articling Student/Paralegal:	~		2	**	
	Consultant:					
	CV attached:		CV r	not required:	V	

.00	\$170.00	\$1,700.00	\$221.00	\$1,921.00
		40.00		
		\$0.00	\$0.00	\$0.00
		\$0.00	\$0.00	\$0.00
		\$0.00	\$0.00	\$0.00
20	\$170.00	\$374.00	\$48.62	\$422.62
	\$170.00	\$0.00	\$0.00	\$0.00
	.20		\$0.00 .20 \$170.00 \$374.00	\$0.00 \$0.00 .20 \$170.00 \$374.00 \$48.62

TOTAL LEGAL/CONSULTANT FEES	\$2,074.00	\$269.62	\$2,343.62

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

Other:

TOTAL DISBURSEMENTS:

\$0.00

\$0.00

\$0.00

\$0.00

\$0.00

\$0.00

Ontario Energy Board COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB-	2012-0226		Process:	Union Gas Leave to Construction Application		
Party:	Thunder Bay Terminals Limited		Name:	e: Cathy Galler (Gowlings)		
				Completed Practising/Years experien	of relevant	
Counse	el/Articling Student/Paralegal:	$\overline{\mathbf{v}}$		3		
	Consultant:					
	CV attached:		CV	not required:	Ø	

Statement of Fees Being Claimed							
	Hours	Hourly rate	Subtotal	нѕт	Total		
Preparation	0.20	\$100.00	\$20.00	\$2.60	\$22.60		
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			\$20.00	\$2.60	\$22.60		

		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 Lim	o		\$0.00	\$0.00
Accommodation			\$0.00	\$0.00
Meals			\$0.00	\$0.00
Other:	Scanning	\$2.50	\$0.33	\$2.83
TOTAL DISBURSEM	ENTS:	\$2.50	\$0.33	\$2.83



August 15, 2012 INVOICE: 17539503

Thunder Bay Terminals Limited

Our Matter: T990829

Union Gas Leave to Construct Application (EB-2012-0226)

PROFESSIONAL SERVICES

Date	Hours	Timekeeper		Description
29/06/2012	0.20	Ian Mondrow	P	Quick review of e-mails from D. McFadden; check status of Union LTC record and initial response to H. Goldenberg;
03/07/2012	1.30	Ian Mondrow	ρ	Review e-mails from client; review Union Application materials and status of the record; discussion with P. Seaman relating to preparation of intervention request letter and next steps; e-mail to H. Goldenberg confirmation instructions; review and revise draft intervention letter and send draft to client to confirm instructions;
03/07/2012	3,00	Paul Seaman	ρ	Receive instructions from I. Mondrow; review materials; draft letter to OEB regarding late intervention; telephone call to OEB staff to advise of pending submission; review various e-mails and draft changes of I. Mondrow;
04/07/2012	0.50	Paul Seaman	۴	Review correspondence from observer; receive instructions from I. Mondrow in respect of expropriation issue; review materials related to application for leave to construct;
13/07/2012	3.10	Paul Seaman	ρ	Review OEB decisions and legislation relating to pipeline easements and expropriation; review, consider, and mark up EB-2012-0226 (Union leave to construct application information);
20/07/2012	2.00	Paul Seaman	P	Research in respect of expropriation issue;
23/07/2012	0.30	Paul Seaman	P	Research expropriation issue;
25/07/2012	0.30	Paul Seaman	P	Research expropriation issue;

Total Fees for Professional Services

SUMMARY OF FEES

TK#	TK Name	H	Iours
1760	Mondrow, Ian		1.50
4644	Seaman, Paul		9.20
		Totals	10.70

DISBURSEMENTS

Taxable Costs

04/07/2012 Courier

Originator:MONDROWI BLIZZARD 1 Piece(s) 100 King St West

\$8.03



August 15, 2012 INVOICE: 17539503

--> 2300 Yonge St

Total Taxable Disbursements

\$8.03

Blizzard Courier Orders

Date Range: 2012.07.01 to 2012.07.07 inclusive

Created: 20120710 17:07:35 ver: 2.9.27

# Waybill Srv Order Pickup DropOff Type Time Address Address	Reff	Received By	\$	Agent
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I and the same of	7		1760 -	i.		
16 610- 0193	2	0704 100 King	2300 Yonge St i.mondrow -	0704 09:43	8.03 X	1
0193	1	08:08 St West				



September 26, 2012 INVOICE: 17567099

Thunder Bay Terminals Limited Our Matter: T990829

Union Gas Leave to Construct Application (EB-2012-0226)

PROFESSIONAL SERVICES

Date	Hours	Timekeeper		Description
11/08/2012	0.10	Ian Mondrow	P	Review Procedural Order and interim status note to client;
16/08/2012	0.70	Ian Mondrow	P	Retrieve and review Union materials;
17/08/2012	2.00	Ian Mondrow	P	Continue review of Union filing; call with client relating to issues/instructions;
21/08/2012	0.80	Ian Mondrow	٩	Draft interrogatories for Union Leave to Construct and send to J. Kepes for review;
22/08/2012	0,20	Cathy Galler	٩	Formatting interrogatories to Union Gas in preparation for filing with the Ontario Energy Board;
22/08/2012	0.70	Ian Mondrow	P	Review Union cost objection letter and note to client proposing response; review comments from client on interrogatories and revise;
22/08/2012	0.30	Paul Seaman	P	Review correspondence from Union Gas and I. Mondrow in respect of intervention;
23/08/2012	0.10	Ian Mondrow	P	Review further comment from client and final revisions to interrogatories;
24/08/2012	1.00	Ian Mondrow	P	Draft response to Union's objection to cost eligibility;

Total Fees for Professional Services

SUMMARY OF FEES

TK#	TK Name		Hours
8440	Galler, Cathy		0.20
1760	Mondrow, Ian		5.40
4644	Seaman, Paul		0.30
		Totals	5.90

DISBURSEMENTS

Taxable Costs	
Scanning Service	\$0.75
Courier	\$16.06
Total Taxable Disbursements	\$16.81

Cost ID	Authorized By	Date	Cost Type	<u>Tax</u> Flag	Cost Description	Amount	Sum on Bill	Print on Bill	Phase/ Task
35367683	1760	24/08/12	1005	Y	Taxable: Scanning Service Originator:GALLERC Scans=3 Time:1456 EquipmentID:2.16.147	\$0.75	Ÿ	Ÿ	100%
35386380	1760	24/08/12	1191	Υ	Taxable: Courier Originator:MONDROWI BLIZZARD 1 Piece(s) 100 King St West> 2300 Yonge St	\$8.03	Y	Υ	
35408183	1760	27/08/12	1191	Y	Taxable: Courier Originator:MONDROWI BLIZZARD 1 Piece(s) 100 King St West> 2300 Yonge St	\$8.03	Y	Y	

Blizzard Courier Orders

Date Range: 2012.08.19 to 2012.08.25 inclusive

Created: 20120828 14:16:29 ver: 2.9.27

# Waybill 5	Srv ype	Order Time	Pickup Address	DropOff Address	Reff	Received By	\$	Agent
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74 ⁶¹¹ -	2	0824 08:05	100 King St West	2300 Yonge St	1760 - mondrow - t990829	0824 10:43	8.03	×

Blizzard Courier Orders

Date Range: 2012.08.26 to 2012.08.31 inclusive

Created: 20120905 12:46:57 ver: 2.9.27

#	Waybill Srv Type	Order Time	Pickup Address	DropOff Address	Reff	Received By	\$	Agent
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1	611- 8456	2	0827 08:03	2 July tonge of	1760 - mondrow - t990829	0827 10:26	8.03	x	
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October 11, 2012 INVOICE: 17574968

Thunder Bay Terminals Limited

Our Matter: T990829

Union Gas Leave to Construct Application (EB-2012-0226)

PROFESSIONAL SERVICES

Date	Hours	Timekeeper	Description
12/09/2012	0.10	Ian Mondrow	Update note to J. Kepes;
14/09/2012	0.50	Ian Mondrow P	Review interrogatory responses;
18/09/2012	0.10	Ian Mondrow P	Review OEB decision confirming cost eligibility and forward to client;
19/09/2012	1.20	Ian Mondrow ARG	Review balance of interrogatory responses; call with client relating to final submission instructions; draft proposed final submissions and send to client for review and instructions;
20/09/2012	0.80	Ian Mondrow ARG	Call with clients; amend draft LTC submission;
21/09/2012	1.00	Ian Mondrow ARG	Review Staff submission; call with J. Kepes and H. Goldenberg to confirm instructions on revised letter; draft revised submission and send to clients for approval;
26/09/2012	0.50	Paul Seaman ARG	Review Union response and draft e-mail to I. Mondrow on same;
27/09/2012	1.00	Ian Mondrow ARG	Review Union Reply and comments to client;
27/09/2012	1.00	Paul Seaman ARG	Review leave to construct application; research Red Sky Metis issue; review e-mail correspondence; discuss with I. Mondrow;
28/09/2012	0.50	Ian Mondrow ARG	 Call with client relating to instructions on confidentiality claim for Traditional Study;
28/09/2012	0.70	Paul Seaman ARG	 Prepare for and attend on teleconference call with I. Mondrow relating to Union Gas Reply;

Total Fees for Professional Services

SUMMARY OF FEES

TK#	TK Name	Hours
1760	Mondrow, Ian	5.20
4644	Seaman, Paul	2.20
	1	Totals 7.40

DISBURSEMENTS

Taxable Costs

21/09/2012 Scanning Service

Originator:GALLERC Scans=1 Time:1255 EquipmentID:2.16.147

\$0.25



		October 11, 2012 INVOICE: 17574968
21/09/2012	Scanning Service Originator:GALLERC Scans=4 Time:1237 EquipmentID:2.16.147	\$1.00
21/09/2012	Courier Originator:MONDROWI BLIZZARD 1 Piece(s) 100 King St West> 2300 Yonge St	\$8.03
	Total Taxable Disbursements	\$9.28

Blizzard Courier Orders

Date Range: 2012.09.16 to 2012.09.22 inclusive

Created: 20120927 14:42:23 ver: 2.9.27

# Waybill	Srv Type	Order Time	Pickup Address	DropOff Address	Reff	Received By	\$	Agent
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73 ⁶¹²⁻ 7858 2	0921 13:08	100 King St West	2300 Yonge St	1760 - mondrow - t990829	0921 15:05	8.03	Α	
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December 7, 2012 INVOICE: 17614002

Thunder Bay Terminals Limited

Our Matter: T990829

Union Gas Leave to Construct Application (EB-2012-0226)

PROFESSIONAL SERVICES

Date	Hours	Timekeeper	Description
07/11/2012	0.70	Ian Mondrow ARG	Review e-mails from J. Kepes relating to TBGS conversion cancellation; draft letter to OEB relating to change in circumstances;
12/11/2012	0.20	Ian Mondrow ARG	E-mails with client relating to instructions on submission on project cancellation;
19/11/2012	0.20	Ian Mondrow	Review correspondence from Union amending application and note to client;
19/11/2012	0.50	Paul Seaman P	Review materials/evidence filed by Union Gas, correspondence from board, and e-mail from I. Mondrow to client and consider same;

Total Fees for Professional Services

SUMMARY OF FEES

TK#	TK Name		Hours
1760	Mondrow, Ian		1.10
4644	Seaman, Paul		0.50
		Totals	1.60

DISBURSEMENTS

DISDURSEMENTS		
Taxable Costs		
13/11/2012	Scanning Service Originator:GALLERC Scans=2 Time:1103 EquipmentID:2.16.147	\$0.50
13/11/2012	Courier Originator:MONDROWI BLIZZARD 1 Piece(s) 100 King St West> 2300 Yonge St	\$8.03
27/11/2012	PR Travel Expenses: Telephone & Telecomm (Out-of-Town) Mondrow, Ian - Mobile phone charges, including roaming and long distance 09/20/2012	\$42.05
	Total Taxable Disbursements	\$50.58

Blizzard Courier Orders

Date Range: 2012.11.11 to 2012.11.17 inclusive

Created: 20121120 10:51:19 ver: 2.9.27

#	Waybill Srv Type	Order Time	Pickup Address	DropOff Address	Reff	Received By	\$	Agent
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26	614- 7159	2	1113 12:14	100 King St West	2300 Yonge St	1760 - I.Mondrow - T990829	1113 15:45	8.03	G
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Toronto Energy Board

Blizzard Courier Order # 6198416

Reference 1760 - T990829 - I. Mondrow

ServiceType 2

Waybill 6198416

Order Time 20130403 14:51:06

PickUp Company GOWLING, LAFLEUR & HENDERSON

PickUp Building First Canadian Place
PickUp Address 100 King St West

PickUp Suite 13flr 369-7316

PickUp City Toronto

PickUp Attention

DropOff Company

PickUp Instructions
.

DropOff Building

DropOff Address 2300 Yonge St

DropOff Suite 27th Floor DropOff City Toronto

DropOff Attention Kristen Walli

DropOff Instructions Kristen Wall

1 piece(s)

Tariff 8.03 Received By: