

Direct Dial: (416) 862-4825
File: 5972

By Electronic Mail, Courier and RESS Filing

March 26, 2013

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

Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

**Re: Low-Income Energy Network Application for Cost Award
EB-2012-0337 – Union Gas Limited (the “Applicant”) Application for
Approval of 2013-2014 Large Volume Demand Side Management Plan**

In accordance with the Board’s Practice Direction on Cost Awards, Low-Income Energy Network (“LIEN”) hereby applies for cost awards for its contribution in this proceeding. As a not-for-profit organization, LIEN depends on cost awards to remunerate counsel and its consultant for their participation in this proceeding.

Value to the Proceeding

LIEN supported the Applicant’s proposed Large Volume Demand Side Management (“DSM”) Plan and submitted that the plan will not prejudice or negatively impact the Applicant’s low-income customers. LIEN also submitted that APPRO’s proposal that the Board require the Applicant to provide large volume customers with the ability to opt-out of paying for DSM programming would negatively affect the Applicant’s low-income customers.

LIEN serves as an invaluable representative of low-income consumers before the Board to assist the Board to fulfill its objectives including “to protect the interests of consumers with respect to prices and the reliability and quality of gas service” (OEB Act section 2, paragraph 2) and “to promote energy conservation and energy efficiency in accordance with the policies of the Government of Ontario, including having regard to the consumer’s economic circumstances” (OEB Act section 2, paragraph 5).



LIEN demonstrated this throughout this proceeding, through LIEN's interrogatories of APPrO, attendance at the settlement conference and written submission to the Board. Throughout the above, LIEN supported the Applicant's plan and argued against APPrO's proposal to provide large volume customers with the ability to opt-out of paying for DSM programming.

LIEN submits that its costs claimed in this proceeding are representative of LIEN's value to this proceeding. LIEN's costs are minimal and reasonable.

Promotion of Efficiency and Avoidance of Duplication

LIEN successfully coordinated its efforts with other intervenors to avoid duplication where possible in this proceeding.

LIEN collaborated with intervenors of similar interests to LIEN, and successfully minimized duplication to the extent possible. LIEN coordinated with GEC prior to cross-examinations on February 1, 2013 in order to have GEC ask LIEN's minimal cross questions to avoid LIEN's attendance costs. LIEN also provided its submission in writing to the Board, instead of attending the oral hearing. LIEN submits that because LIEN's position was relatively focussed, LIEN was able to articulate its position effectively in writing without LIEN's presence at the hearing, allowing LIEN to avoid incurring potentially unnecessary attendance costs.

Delegation of Tasks

LIEN co-ordinated roles and responsibilities between and among LIEN's consultant and legal counsel, in order to avoid duplication and to minimize costs.

LIEN minimized legal costs by having junior associate counsel prepare letters, review correspondence and materials from the Board and the Applicants, prepare interrogatories and submissions and coordinate with other intervenors.

LIEN minimized administrative costs by employing legal counsel's assistant to perform filing and formatting of correspondence and submissions to the Board, and all other administrative tasks whenever possible, free of charge.

LIEN retained Judy Simon to provide consulting advice to LIEN in this proceeding. Judy Simon is an expert in energy policy and conservation in Ontario and has been retained for expert advice in many proceedings by LIEN, and other clients, related to these issues.

Judy Simon reviewed the Applicant's materials, prepared interrogatories, prepared for and attended the settlement conference and assisted counsel in preparing LIEN's written submission.



We enclose the Cost Claim of LIEN and respectfully request that its contribution be acknowledged in this proceeding.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Matt Gardner', with a stylized flourish at the end.

Matt Gardner

Encl.

Document #: 600069

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>2012-0337</u>	Process: <u>Union Gas 2013-2014 Large Volume DSM Plan</u>
Party: <u>Low-Income Energy Network (LIEN)</u>	Affiant's Name: <u>Matt Gardner (Willms & Shier Environmen</u>
HST Number: <u>113627988RT0001</u>	HST Rate Ontario: <u>13.00%</u>
Full Registrant <input checked="" type="checkbox"/>	Qualifying Non-Profit <input type="checkbox"/>
Unregistered <input type="checkbox"/>	Tax Exempt <input type="checkbox"/>
Other <input type="checkbox"/>	

Affidavit

I, MATTHEW GARDNER, of the City/Town of BURLINGTON
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 March-26-13.
(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 2013-2014 Large Volume DSM Plan

Party: Low-Income Energy Network (LIEN)

Summary of Fees and Disbursements Being Claimed

Legal/consultant fees	\$12,093.50
Disbursements	\$67.75
HST	\$1,580.96
Total Cost Claim	\$13,742.21

Ontario Energy Board

COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2012-0337</u>	Process: <u>Union Gas 2013-2014 Large Volume DSM Plan</u>
Party: <u>Low-Income Energy Network (LIEN)</u>	Name: <u>Matthew Gardner (Willms & Shier Environmental</u>
Completed Years Practising/Years of relevant experience	
Counsel/Articling Student/Paralegal: <input checked="" type="checkbox"/>	<u>3 years</u>
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	15.40	\$170.00	\$2,618.00	\$340.34	\$2,958.34
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	0.90	\$170.00	\$153.00	\$19.89	\$172.89
Case Management		\$170.00	\$0.00	\$0.00	\$0.00
TOTAL LEGAL/CONSULTANT FEES			\$2,771.00	\$360.23	\$3,131.23

Statement of Disbursements Being Claimed

	Net Cost	HST	Total
Photocopies	\$0.25	\$0.03	\$0.28
Printing	\$67.50	\$8.78	\$76.28
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:	\$67.75	\$8.81	\$76.56

Date	Fee / Time	Working	Lawyer	Hours	Amount	Inv#	Billing
Entry #	Explanation						
1052	Low Income Energy Network						
5972	Re: EB-2012-0337 Union Gas 2013-2014 Lar						
Dec 19/2012	Lawyer: 53 1.30 Hrs X 170.00	53	53	- MATTHEW GARDNE	1.30	221.00	Unbilled
1314247	review APPrO and GEC evidence; revise Interrogatories for APPrO;						
Jan 11/2013	Lawyer: 53 0.30 Hrs X 170.00	53	53	- MATTHEW GARDNE	0.30	51.00	Unbilled
1317739	review APPrO and GEC interrogatory responses;						
Jan 14/2013	Lawyer: 53 1.20 Hrs X 170.00	53	53	- MATTHEW GARDNE	1.20	204.00	Unbilled
1320121	review APPrO and GEC responses to interrogatories; consider inputs for settlement conference with J. Simon;						
Jan 16/2013	Lawyer: 53 0.60 Hrs X 170.00	53	53	- MATTHEW GARDNE	0.60	102.00	Unbilled
1320537	consider strategy and timing for hearing with J. Simon;						
Jan 17/2013	Lawyer: 53 0.60 Hrs X 170.00	53	53	- MATTHEW GARDNE	0.60	102.00	Unbilled
1320695	telephone call to D. Poch re asking cross-examination question on LIEN's behalf should APPrO representative attend as witness and discuss LIEN's support of GEC's evidence and approach and follow-up email; email Board re no cross but will make submissions;						
Jan 18/2013	Lawyer: 53 0.30 Hrs X 170.00	53	53	- MATTHEW GARDNE	0.30	51.00	Unbilled
1321062	prepare argument for hearing;						
Feb 2/2013	Lawyer: 53 5.10 Hrs X 170.00	53	53	- MATTHEW GARDNE	5.10	867.00	Unbilled
1327343	review transcript from January 31, 2013; review evidence of C. Neme; prepare written submission re Union's Large Volume DSM plan;						
Feb 4/2013	Lawyer: 53 4.90 Hrs X 170.00	53	53	- MATTHEW GARDNE	4.90	833.00	Unbilled
1327673	prepare written submissions re large volume DSM;						
Feb 5/2013	Lawyer: 53 0.20 Hrs X 170.00	53	53	- MATTHEW GARDNE	0.20	34.00	Unbilled
1328730	finalize LIEN's written submissions;						
Mar 19/2013	Lawyer: 53 0.90 Hrs X 170.00	53	53	- MATTHEW GARDNE	0.90	153.00	Unbilled
1339856	receipt and review of Board's Decision and Order to approve Union Gas' Large Volume DSM plan and deny APPrO's proposal to modify plan to include opt-out; reporting email to LIEN legal subcommittee (Z. Bhanji, M. Todorow, K. Hale, J. Lopinski, D. Johnston and T. McClenaghan) and consultant J. Simon summarizing Decision and Order and reviewing LIEN's intervention;						
Mar 20/2013	Lawyer: 53 0.90 Hrs X 170.00	53	53	- MATTHEW GARDNE	0.90	153.00	Unbilled
1341318	coordinate cost claim and prepare cost claim letter;						
				Unbilled:	16.30	2771.00	
				Billed:	0.00	0.00	
				Total:	16.30	2771.00	
				Percent Billed:	0.00	0.00	

Date	Paid To	Source	Matter	Client Name	Ref#	G/L Acct
Entry#	Explanation					
Dec 10/2012		CER	5972	Low Income Energy	5170	- RECOVERY
1311954	Photocopies					
	Total for Dec 10/2012 :	4.00				
Dec 19/2012		CER	5972	Low Income Energy	5170	- RECOVERY
1314921	Photocopies					
Dec 19/2012		CER	5972	Low Income Energy	5170	- RECOVERY
1314925	Photocopies					
	Total for Dec 19/2012 :	8.00				
Dec 20/2012		CER	5972	Low Income Energy	5170	- RECOVERY
1314997	Photocopies					
	Total for Dec 20/2012 :	7.00				
Jan 8/2013		CER	5972	Low Income Energy	5170	- RECOVERY
1318835	Photocopies					
Jan 8/2013		CER	5972	Low Income Energy	5171	- RECOVERY
1319118	Photocopies					
	Total for Jan 8/2013 :	0.75				
Jan 11/2013		CER	5972	Low Income Energy	5170	- RECOVERY
1319628	Photocopies					
Jan 11/2013		CER	5972	Low Income Energy	5170	- RECOVERY
1320009	Photocopies					
Jan 11/2013		CER	5972	Low Income Energy	5170	- RECOVERY
1320010	Photocopies					
	Total for Jan 11/2013 :	26.50				
Jan 14/2013		CER	5972	Low Income Energy	5170	- RECOVERY
1322365	Photocopies					
	Total for Jan 14/2013 :	7.25				
Jan 16/2013		CER	5972	Low Income Energy	5170	- RECOVERY
1323161	Photocopies					
	Total for Jan 16/2013 :	0.50				
Jan 29/2013		CER	5972	Low Income Energy	5170	- RECOVERY
1326331	Photocopies					
	Total for Jan 29/2013 :	5.00				
Feb 4/2013		CER	5972	Low Income Energy	5170	- RECOVERY
1328550	Photocopies					
	Total for Feb 4/2013 :	1.75				
Feb 5/2013		CER	5972	Low Income Energy	5170	- RECOVERY
1329796	Photocopies					
Feb 5/2013		CER	5972	Low Income Energy	5170	- RECOVERY
1329803	Photocopies					
	Total for Feb 5/2013 :	5.25				
Feb 8/2013		CER	5972	Low Income Energy	5170	- RECOVERY
1330320	Photocopies					
	Total for Feb 8/2013 :	1.75				

*** Client Costs Journal - G/L Account Summary ***

G/L Account	Debit	Credit
1210 - CLIENT DISB.-RECOV.	67.75	
5170 - RECOVERY - LASER CO		67.50
5171 - RECOVERY - SCANNING		0.25
Total:	67.75	67.75

Ontario Energy Board

COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2012-0337</u>	Process: <u>Union Gas 2013-2014 Large Volume DSM Plan</u>
Party: <u>Low-Income Energy Network (LIEN)</u>	Name: <u>Judy Simon (Judy Simon + Associates)</u>
Completed Years Practising/Years of relevant experience	
Counsel/Articling Student/Paralegal: <input type="checkbox"/>	
Consultant: <input checked="" type="checkbox"/>	
CV attached: <input type="checkbox"/>	30+ years
CV not required: <input checked="" type="checkbox"/>	

Statement of Fees Being Claimed

	Hours	Hourly rate	Subtotal	HST	Total
Preparation	22.25	\$330.00	\$7,342.50	\$954.53	\$8,297.03
Attendance - Technical Conference			\$0.00	\$0.00	\$0.00
Attendance - Settlement Conference	1.00	\$330.00	\$330.00	\$42.90	\$372.90
Attendance - Oral Hearing			\$0.00	\$0.00	\$0.00
Argument	5.00	\$330.00	\$1,650.00	\$214.50	\$1,864.50
Case Management		\$170.00	\$0.00	\$0.00	\$0.00
TOTAL LEGAL/CONSULTANT FEES			\$9,322.50	\$1,211.93	\$10,534.43

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

EB- 2012-0337: Union Gas Large Volume DSM Plan

Re: Judy Simon hours for LIEN regarding EB-2012-0337

Time Docket - Judy Simon, Judy Simon + Associates, December 2012 - 2013

Date	Task	Time spent (hours)
December 16	Review Union Gas and intervenor evidence and prepare draft IRs for review	10
December 20	Prepare for and attend briefing of counsel	1
January 13	Review IR responses and prepare proposed plan for settlement conference	7.5
January 14	Prepare for and attend meeting with counsel on settlement conference issues	1
January 15	Attend settlement conference	1
January 16	Brief legal counsel on conference outcome and next steps	.75
January 18	Prepare for and attend meeting with legal counsel to prepare for hearing and argument	1.5
February 4	Review transcripts, evidence and prepare comments on draft argument for counsel	5
February 5	Review draft final argument and provide comment	.5
Total		28.25