



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

June 25, 2013

Reply To: Thomas Brett
Direct Dial: 416.941.8861
E-mail: tbrett@foglers.com
Our File No. 132788

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-2013-0070

Please find enclosed herewith two (2) copies of the cost claim with respect to the above captioned proceeding on behalf of Building Owners and Managers Association, Greater Toronto (BOMA).

Yours sincerely,

FOGLER, RUBINOFF LLP

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- <u>2013-0070</u>	Process: <u>PowerStream DSM Program</u>
Party: <u>BOMA</u>	Affiant's Name: <u>Tom Brett</u>
HST Number: <u>R119420859</u>	HST Rate Ontario: <u>13.00%</u>
Full Registrant <input checked="" type="checkbox"/> Unregistered <input type="checkbox"/> Other <input type="checkbox"/>	Qualifying Non-Profit <input type="checkbox"/> Tax Exempt <input type="checkbox"/>

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 Jun 24/13.
(date)

Commissioner for taking Affidavits
M. SWAN 56443C

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



File # EB- 2013-0070

Process: PowerStream DSM Program

Party: BOMA

Summary of Fees and Disbursements Being Claimed

Legal/consultant fees	\$6,435.00
Disbursements	39.96
HST	841.74
Total Cost Claim	\$7,316.70

Ontario Energy Board COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2013-0070</u>		Process: <u>PowerStream DSM Program</u>	
Party: <u>BOMA</u>		Name: <u>Tom Brett</u>	
		Completed Years Practising/Years of relevant experience	
Counsel/Articling Student/Paralegal:	<input checked="" type="checkbox"/>	<u>35</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	6.50	\$330.00	\$2,145.00	\$278.85	\$2,423.85
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			\$2,145.00	\$278.85	\$2,423.85

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	\$39.96	\$5.19	\$45.15
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:	\$39.96	\$5.19	\$45.15

Ontario Energy Board COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2013-0070</u>	Process: <u>PowerStream DSM Program</u>
Party: <u>BOMA</u>	Name: <u>Marion Fraser</u>
Counsel/Articling Student/Paralegal: <input type="checkbox"/>	Completed Years Practising/Years of relevant experience
Consultant: <input checked="" type="checkbox"/>	<u>33</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	12.00	\$330.00	\$3,960.00	\$514.80	\$4,474.80
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	1.00	\$330.00	\$330.00	\$42.90	\$372.90
Case Management		\$170.00	\$0.00	\$0.00	\$0.00
TOTAL LEGAL/CONSULTANT FEES					
			\$4,290.00	\$557.70	\$4,847.70

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

Prebill # 694287 Session: 389558 Bill to: 24/Jun/13

FOGLER, RUBINOFF LLP

F1588
Fraser & Company

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

PAYOR NAME & ADDRESS
Fraser & Company
502-33 Harbour Square
Toronto, ON
M5J 2G2
Canada
Attn: Marion Fraser

PAYOR: F1588 MAIN
BILL: F1588 MAIN

132788
BOMA – PowerStream Inc., CDM
Program – Direct Install
Refrigeration Program; Board File
No. EB-2013-0070

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>
28/May/13	Thomas Brett	6.50	2,145.00	[] AS DOCKETED	415	TB
TOTAL UNBILLED FEES		6.50	2,145.00	[] 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>
28/May/13	7	Courier & Delivery	Y	39.96			
TOTAL UNBILLED DISB				39.96	[] WRITE OFF		
TOTAL ADJUSTMENTS							
TOTAL DISB THIS BILL							

TRUST SUMMARY – A Trust was not opened on this Matter

**FOGLER, RUBINOFF
BILLING STATEMENT TO 24/Jun/13**

F1588 **132788**
Fraser & Company
BOMA – PowerStream Inc., CDM
Program – Direct Install Refrigeration
Program; Board File No. EB-2013-0070
Prebill No.: 694287
Session ID: 389558

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>
01/May/13	2223586	415 TB	1.00	330.00	330.00	Reviewing evidence
02/May/13	2224329	415 TB	2.50	330.00	825.00	Reviewing evidence
03/May/13	2226074	415 TB	2.00	330.00	660.00	Reviewing evidence; Reviewing Marion Fraser's approach
28/May/13	2239043	415 TB	1.00	330.00	330.00	Preparation of Argument
TOTAL TIME			6.50		2,145.00	

DETAIL OF UNBILLED DISBURSEMENTS

<u>DATE</u>	<u>DISB ID</u>	<u>CODE</u>	<u>QUAN</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
28/May/13	5134806	7 Courier & Delivery		19.98	10:42 TB Courier: Blizzard# 6218785 Ontario Enrgy Board 2300 Yonge St liam
28/May/13	5134809	7 Courier & Delivery		19.98	11:25 TB Courier: Blizzard# 6218833 ontario energy board 2300 Yonge St liam
TOTAL DISB				39.96	

Filter

Disb ID 5134806

Disbursement Details

Client	F1588	Fraser Company
Matter	132788	BOMA – PowerStream Inc., CDM Program – D
Entry Empl	AP	Parusis, Tony
Auth Empl		
Disb Empl		
Billed Empl		
Disb Office	FOGR	Fogler, Rubinoff LLP
Office	FOGR	Fogler, Rubinoff LLP
Dept	LITN	Litigation
Profit Center	GEN	General Profit Centre
Project		

Std Amt	\$18.15	Currency Code	CDN
Base Amt	\$18.15	Base Qty	0.000000
Tobill Amt	\$19.98		
Billed Amt	\$19.98	Bill Qty	0.000000

Narrative

10:42 TB Courier: Blizzard# 6218785 Ontario Enrgy Board 2300 Yonge St liam

Filter

Disb ID

5134809

Disbursement Details

Client	F1588	Fraser Company
Matter	132788	BOMA – PowerStream Inc., CDM Program – D
Entry Empl	AP	Parusis, Tony
Auth Empl		
Disb Empl		
Billed Empl		
Disb Office	FOGR	Fogler, Rubinoff LLP
Office	FOGR	Fogler, Rubinoff LLP
Dept	LITN	Litigation
Profit Center	GEN	General Profit Centre
Project		

Std Amt	\$18.15	Currency Code	CDN
Base Amt	\$18.15	Base Qty	0.000000
Tobill Amt	\$19.98		
Billed Amt	\$19.98	Bill Qty	0.000000

Narrative

11:25 TB Courier: Blizzard# 6218833 ontario energy board 2300 Yonge St liam

Appendix B

DOCKET

EB-2013-0070 Power Stream DSM Program			BOMA Toronto					
Board File Number			Party Name					
Date	Explanation	Consultant	Preparation	Fraser & Company			Argument	Total
				Attendance TC	Attendance SC	Attendance OH		
8-Apr-13	Application Review	MEF	7					7
4-May-13	Interrogatory Prep	MEF	4					4
23-May-13	Review Interrogatory Responses	MEF	1					1
26-May-13	Preparation of Submissin	MEF					1	1
Total			12	0	0	0	1	13