

July 11, 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

Email: boardsec@ontarioenergyboard.ca

Dear Ms. Walli:

**Re: Environmental Defence Correspondence
EB-2012-0394 – Enbridge Gas Distribution Inc. (“Enbridge”)
2013-2014 Demand Side Management (“DSM”) Plan**

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

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

Yours truly,



Kent Elson

cc: Applicant

FORM 3

AFFIDAVIT IN SUPPORT OF COST CLAIM

EB-2012-0394		Environmental Defence											
Board File Number		Party Name											
Items Claimed Net of HST <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:35%;">Legal/Consultant Fees</td> <td style="width:5%; text-align: center;">+</td> <td style="width:35%;">Disbursements</td> <td style="width:5%; text-align: center;">=</td> <td style="width:20%;">Net Sub-Total</td> </tr> <tr> <td>\$ 10,302.00</td> <td></td> <td>\$ 138.53</td> <td></td> <td>\$ 10,440.53</td> </tr> </table>				Legal/Consultant Fees	+	Disbursements	=	Net Sub-Total	\$ 10,302.00		\$ 138.53		\$ 10,440.53
Legal/Consultant Fees	+	Disbursements	=	Net Sub-Total									
\$ 10,302.00		\$ 138.53		\$ 10,440.53									
Goods and Services Tax <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Full Registrant <input type="checkbox"/> Unregistered (HST at 13%) <input type="checkbox"/> Other HST at _____ % </div> <div> <input checked="" type="checkbox"/> Qualifying Non-Profit (HST at 6.5%) Tax Exempt (no HST) </div> </div>													
Total Cost Claim <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:35%;">Net Sub-Total</td> <td style="width:5%; text-align: center;">+</td> <td style="width:35%;">Total HST Claimed *</td> <td style="width:5%; text-align: center;">=</td> <td style="width:20%;">Total Cost Claim</td> </tr> <tr> <td>\$ 10,440.53</td> <td></td> <td>\$ 678.63</td> <td></td> <td>\$ 11,119.16</td> </tr> </table>				Net Sub-Total	+	Total HST Claimed *	=	Total Cost Claim	\$ 10,440.53		\$ 678.63		\$ 11,119.16
Net Sub-Total	+	Total HST Claimed *	=	Total Cost Claim									
\$ 10,440.53		\$ 678.63		\$ 11,119.16									
I, (name) <u>KENT ELSON</u> of the City of Toronto in the Province of Ontario MAKE OATH AND SAY (or AFFIRM): 1. I am a representative of the above noted intervenor (the "intervenor") and as such have knowledge of the matters attested to herein. 2. I have examined the above Cost Claim and all of the documentation in support of it. 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). SWORN (or AFFIRMED) BEFORE ME at the City of Toronto in the Province of Ontario on (date) <u>JULY 11, 2013</u> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%; text-align: center;"> COMMISSIONER for taking Affidavits, etc. </div> <div style="width: 45%; text-align: center;"> Signature of Deponent </div> </div>													

W. CORY WANKS #57288M

* - includes only 1/2 of HST from all Forms 1 and 2

FORM 2

SUMMARY OF DISBURSEMENTS

EB-2012-0394		Environmental Defence	
Board File Number	Party Name		
Environmental Defence			
Party or Group that made the disbursement			
	Net Cost	HST *	
Photocopies	32.25	4.19	
Printing	74.45	9.68	
Fax	0.00	0.00	
Courier	31.83	4.14	
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	138.53	18.01	156.54
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-2012-0394		Environmental Defence			
Board File Number		Party Name			
Murray Klippenstein		Klippensteins			
Legal Counsel Name		Law Firm			
		1987			
		Year of Call			
Consultant Name		Years of Relevant Experience (curriculum vitae must be attached)			
Consultant's Firm					
	Hours	Hourly Rate	Sub-total	HST *	Total
Preparation	2.55	330.00	841.50	109.40	950.90
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	2.55	330.00	841.50	109.40	950.90

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-2012-0394		Environmental Defence			
Board File Number		Party Name			
Kent Elson	2009	Klippensteins			
Legal Counsel Name	Year of Call	Law Firm			
Consultant Name	Years of Relevant Experience (curriculum vitae must be attached)	Consultant's Firm			
	Hours	Hourly Rate	Sub-total	HST *	Total
Preparation	50.15	170.00	8525.50	1108.32	9633.82
Attendance - Technical Conference	0.00	170.00	0.00	0.00	0.00
Attendance - Settlement Conference	0.00	170.00	0.00	0.00	0.00
Attendance - Oral Hearing	5.50	170.00	935.00	121.55	1056.55
Argument	0.00	170.00	0.00	0.00	0.00
Case Management	0.00	170.00	0.00	0.00	0.00
TOTALS	55.65	100.00	9460.50	1229.87	10690.37

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.

July 11, 2013

116 Spadina Ave
Suite 300
Toronto, ON M5V 2K6

File #: 1957
Invoice #: 3049

RE: EB-2012-0394 - Enbridge 2012-2014 DSM Plan

DATE	DESCRIPTION	HOURS	LAWYER
Mar-14-13	Review Notice of Application and Hearing; Review application materials; Confer with JG re issues for hearing	0.45	KE
Mar-20-13	Draft request for intervention and oral hearing; Correspondence to JG	1.25	KE
Mar-22-13	Revise request for intervenor status and an oral hearing; File correspondence	0.65	KE
Mar-26-13	Call with D. O'Leary re ED intervention request	0.45	KE
Mar-28-13	Reviewing Settlement Guidelines re confidentiality further to call with D. O'Leary; Meet with MK & JG re further discussions with applicant	0.45	KE
Apr-02-13	Review correspondence from EGD I objecting to intervention and drafting response	2.90	KE
Apr-03-13	Review and revise correspondence re intervention	0.10	KE
	Confer with JG & MK; Call with M. Millar re procedure for deferring decision on 2014 budget until the GTA pipeline decision; Revisions to correspondence re intervention request, issues, etc.	0.85	KE
Apr-04-13	Finalize and file correspondence re intervention	0.20	KE
Apr-10-13	Review procedural order	0.20	MK
Apr-15-13	Review alternative options re 2014 budget	0.30	MK
	Call re procedure for DSM proceeding and pipeline issue; Reviewing Procedural Order 1; Analyzing	1.15	KE

	possible next steps; Confer with MK; Review settlement agreement		
Apr-16-13	Review correspondence from EGDI & CME re settlement agreement and proposed bifurcated process	0.25	KE
Apr-17-13	Review responses to 2014 DSM budget proposal	0.35	MK
	Analyze possible procedural avenues to address ED's issues without opening up entire settlement agreement; Draft correspondence to the Board re procedural possibilities; Confer with MK re next steps; Correspondence with counsel for GEC	1.45	KE
Apr-22-13	Review procedural order and possible next steps; confer KE about strategy and next steps	0.50	MK
	Draft update to client; Review application and evidence; Confer with MK	0.70	KE
Apr-23-13	Confer with KE	0.10	MK
	Review past issues list; Review correspondence; Confer with MK	0.30	KE
Apr-24-13	Review draft letter and strategy with KE	0.15	MK
	Analyzing possible procedural solutions to ensure that DSM in 2014 can be addressed as a possible alternative to the GTA pipeline; Drafting correspondence to the Board re proposed issues and process; Confer with MK re next steps	3.30	KE
Apr-25-13	Review next steps with KE	0.15	MK
	Review GEC motion and affidavit of Neme; Call from D. Poch; Call from D. O'Leary; Draft possible revised settlement wording; Confer with MK; Draft correspondence to client; Call from T. Brett	2.15	KE
Apr-26-13	Review next step options with KE	0.20	MK
	Review submissions of applicant and parties on proposed issues; Research previous cases re severability issue	1.55	KE
Apr-28-13	Review strategy for hearing and email KE	0.15	MK
	Prepare submissions and materials for issues and process day; Correspondence to the parties re materials for hearing tomorrow; Correspondence to the parties re possible agreement re impact of 2014 budget on GTA pipeline proceedings	2.50	KE
Apr-29-13	Prepare for and attend issues and process day (preparation: 5; attendance: 5.5)	6.00	KE
May-03-13	Review procedural order	0.15	KE

May-08-13	Review correspondence from DP	0.10	KE
May-09-13	Preparing interrogatories and reviewing application materials	2.55	KE
May-10-13	Confer with KE re interrogatories	0.15	MK
	Preparing interrogatories and reviewing application materials	6.05	KE
May-30-13	Review interrogatory responses and submissions of EGGI and other parties; Draft submissions	1.50	KE
Jun-01-13	Review materials and draft argument	1.00	KE
Jun-02-13	Review materials and draft argument	6.00	KE
Jun-03-13	Confer with KE and review argument	0.30	MK
	Review materials and draft argument; Confer with MK; Review argument; Correspondence with client	6.50	KE
Jun-04-13	Review, finalize, compile, and file submissions and compendium	1.75	KE
Jun-12-13	Review submissions of Enbridge; Draft correspondence to the Board re new issue raised in Enbridge submissions; Review submissions of SEC	3.25	KE
Jul-04-13	Review decision of the Board	0.15	KE

Totals	58.20	\$10,302.00
HST on Fees		\$1,339.26

FEE SUMMARY

Lawyer	Hours	Amount
Murray Klippenstein	2.55	\$841.50
Kent Elson	55.65	\$9,460.50

DISBURSEMENTS

Courier expenses	31.83 (Invoices attached)
Outside photocopy expenses	74.45 (Invoice attached)
Photocopies	32.25 (129 pages @ \$0.25 per page)
Totals	\$138.53
HST on Disbursements	\$18.01

TOTAL FOR THIS INVOICE

\$11,797.80

Previous Balance

\$0.00

Previous Payments

\$0.00

Payment From Trust Towards This Invoice

\$0.00

TOTAL DUE

\$11,797.80

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: \$1,357.27

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

1642 KLIPPENSTEIN, MURRAY		Invoice 160512
Contact ROSIE		Reference X815
Pickup KLIPPENSTEIN, MURRAY 160 JOHN ST., 3rd FLOOR TORONTO, ONT. M5V2E5	Destination: KIRSTEN WALLI BOARD SECRETARY 2700 - 2300 YONGE ST TORONTO M4P1E4	
Client Use: 1957		
Additional Information: READY FOR PICK-UP		
5 HOUR	\$8.11	Time Entered 3/22/2013 10:39:00 AM
Pieces 1	\$0.00	Time Received 3/22/2013 10:39:00 AM
Fuel	\$0.89	Time Dispatched 3/22/2013 10:54:09 AM
Subtotal	\$9.00	Time Picked Up 3/22/2013 12:02:38 PM
H.S.T.	\$1.17	Time Delivered 3/22/2013 1:30:35 PM
Total	\$10.17	Last Modified 3/22/2013 1:30:35 PM
Signature: Nicole		Broker: 25

1642 KLIPPENSTEIN, MURRAY		Invoice: 160639
Contact ROSIE		Reference: X821
Pickup KLIPPENSTEIN, MURRAY 160 JOHN ST., 3rd FLOOR TORONTO, ONT. M5V2E5	Destination KIRSTEN WALLI BOARD SECRETARY 2700 - 2300 YONGE ST TORONTO M4P1E4	
Client Use: 1957 - ED		
Additional Information: READY FOR PICK UP		
ON METRO	\$7.09	Time Entered 4/4/2013 10:26:27 AM
Pieces 1	\$0.00	Time Received 4/4/2013 10:26:27 AM
Fuel	\$0.78	Time Dispatched 4/4/2013 10:38:47 AM
Subtotal	\$7.87	Time Picked Up 4/4/2013 10:57:12 AM
HST	\$1.02	Time Delivered 4/4/2013 12:16:43 PM
Total	\$8.89	Last Modified 4/4/2013 12:16:43 PM
Signature: NICOLE		Broker: 25

1642 KLIPPENSTEIN, MURRAY		Invoice: 161001
Contact ROSIE		Reference X833
Pickup KLIPPENSTEIN, MURRAY 160 JOHN ST., 3rd FLOOR TORONTO, ONT. M5V2E5	Destination: KIRSTEN WALLI BOARD SECRETARY 2700 - 2300 YONGE ST TORONTO M4P1E4	
Client Use: 1957		
Additional Information: READY FOR PICK-UP		
O/N METRO	\$7.09	Time Entered 4/24/2013 4:07:20 PM
Pieces 1	\$0.00	Time Received 4/24/2013 4:07:20 PM
Subtotal	\$7.09	Time Dispatched 4/25/2013 8:58:08 AM
H.S.T.	\$0.92	Time Picked Up 4/25/2013 9:45:26 AM
Total	\$8.01	Time Delivered 4/26/2013 9:40:46 AM
		Last Modified 4/26/2013 9:40:46 AM
Signature: Long		Broker 416

1642 KLIPPENSTEIN, MURRAY		Invoice: 161589
Contact ROSIE		Reference: X852
Pickup: KLIPPENSTEIN, MURRAY 160 JOHN ST., 3rd FLOOR TORONTO, ONT M5V2E5	Destination: KIRSTEN WALLI BOARD SECRETARY 2700 - 2300 YONGE ST TORONTO M4P1E4	
Client Use: 1957		
Additional Information: READY		
O/N METRO	\$7.09	Time Entered 6/12/2013 11:28:25 AM
Pieces 1	\$0.00	Time Received 6/12/2013 11:28:25 AM
Fuel	\$0.78	Time Dispatched 6/12/2013 12:14:48 PM
Subtotal	\$7.87	Time Picked Up 6/12/2013 2:42:03 PM
H.S.T.	\$1.02	Time Delivered 6/13/2013 2:31:33 PM
Total	\$8.89	Last Modified 6/13/2013 2:31:33 PM
Signature: fatima		Broker: 930



Invoice 041188091

Account: 601994
Date: June 5, 2013

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

Ordered By: kent
Phone: (416) 906-7305
Customer PO: 1956

*Written submissions and
compendium.*

Ship To: SAME

Job Name:

Item	1-Sided	2-Sided	Quantity	Description	HST	Job Price
A	91		2	Legal copying	X	\$47.30
/ Other: insert tabs/ Analogue Copying: / FSC Mixed: / Bind: Cerlox bind orig & copies white f & b						
B	11		3	Tabs	X	\$13.20
/ Other:						
C	1		3	Cerlox Binding	X	\$13.95
/ Other:						

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Net Sales	\$74.45
Shipping	\$0.00
Sub Total	\$74.45
HST	\$9.68
Total Price	\$84.13



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