



PUBLIC INTEREST ADVOCACY CENTRE
LE CENTRE POUR LA DEFENSE DE L'INTERET PUBLIC

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September 24, 2013

PIAC FILE # 6310

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
Suite 2700
2300 Yonge Street
27th floor
Toronto, ON
M4P 1E4

VIA Email
10 pages

Dear Ms. Walli:

Re: Board File No. EB-2012-0394
Enbridge Gas Distribution Inc.
Notice of Motion of Vulnerable Energy Consumers Coalition (VECC)

On behalf of the Vulnerable Energy Consumers Coalition (VECC) please find enclosed a Notice of Motion with respect to the above-noted proceeding.

Thank you.

Yours truly,

Michael Janigan
Counsel for VECC

Cc: EGDI – Norm Ryckman – EGDRegulatoryProceedings@enbridge.com
Counsel – Dennis O'Leary – doleary@airdberlis.com

IN THE MATTER OF the Ontario Energy Board Act, 1998, S.O. 1998,
c.15 (Schedule B);

AND IN THE MATTER OF an application by Enbridge Gas Distribution Inc.
seeking approval for an update to its 2012-2014 Demand Side Management plan;

NOTICE OF MOTION

Pursuant to the Ontario Energy Board's Rules of Practice and Procedure (the "Rules"), Rule 7, the Vulnerable Energy Consumers Coalition (VECC) will make a motion to the Board for the matter described herein on a date and at a time to be determined by the Board at the Board's office located at 2300 Yonge Street, Toronto, Ontario. VECC requests the motion be heard by written submissions.

THE MOTION IS FOR:

1. Pursuant to Rule 7 of the Rules of Practice of the Ontario Energy Board, an order extending the time for VECC to file its cost claim in the within proceeding;

THE GROUNDS FOR THIS MOTION ARE:

1. Rule 7.01 of the Rules provides as follows:
The Board may on its own motion or upon a motion by a party extend or abridge a time limit directed by these Rules, Practice Directions or by the Board, on such conditions the Board considers appropriate.
2. Rule 7.02 of the Rules also provides:
The Board may exercise its discretion under this Rule before or after the expiration of a time limit, with or without a hearing.
3. Counsel for VECC inadvertently failed to submit a claim for time spent on this file because of a failure to obtain the complete docket of time spent.

THE MATERIALS RELIED UPON IN SUPPORT OF THE MOTION ARE:

- a. Affidavit of Donna Brady of September 24, 2013
- b. The Ontario Energy Board Rules of Practice and Procedure
- c. Such other materials as this Board may permit

Dated at Ottawa this 24th Day of September, 2013

Michael Janigan
Counsel for VECC

IN THE MATTER OF the Ontario Energy Board Act, 1998, S.O. 1998,
c.15 (Schedule B);

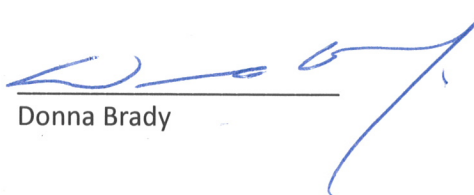
AND IN THE MATTER OF an application by Enbridge Gas Distribution Inc.
seeking approval for an update to its 2012-2014 Demand Side Management plan.

AFFIDAVIT OF DONNA BRADY

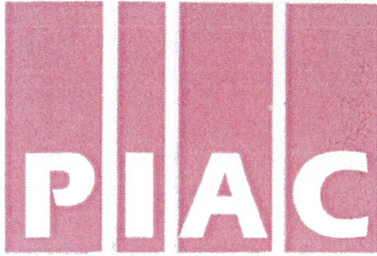
I, Donna Brady, of the City of Ottawa, in the province of Ontario make oath and say as follows:

1. I am the administrator of the Public Interest Advocacy Centre (PIAC) that facilitates the representation of the Vulnerable Energy Consumers Coalition (VECC) in the Ontario Energy Board. This includes the organizing and filing of cost claims on behalf of VECC and its counsel.
2. I am informed and advised that counsel for VECC inadvertently ascertained that his hours spent in this proceeding on behalf of VECC were much fewer than the actual total.
3. Now shown to me and marked as Exhibit A to this my affidavit is a letter with its attachments from VECC counsel, Michael Janigan, which I believe sets out the facts with respect to the reason for this motion.
4. I make this affidavit in support of a motion extending the time for VECC to file its cost claim and for no other or improper purpose.

Sworn before me at the City of)
Ottawa in the Province of Ontario)
this 24th day of September 2013)
)
)
)
)
)
Commissioner for taking Affidavits)



Donna Brady



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September 6, 2013

PIAC FILE # 6310


Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
Suite 2700
2300 Yonge Street
27th floor
Toronto, ON
M4P 1E4

VIA Email
7 pages

This is Exhibit A referred to in the
affidavit of DONNA BRADY
sworn before me, on 24
day of SEPTEMBER 2013

Dear Ms. Walli:

Re: Board File No. EB-2012-0394
Enbridge Gas Distribution Inc.
Cost Claim of Vulnerable Energy Consumers Coalition (VECC)


A COMMISSIONER

We are writing to request leave to submit our very late cost claim in the above noted matter. The time for submission of the same coincided with the transfer of docketed time from the main PIAC server to a separate program maintained on my computer. Unbeknownst to counsel, it did not contain all of the time entries, and when our consultant, Roger Higgin, indicated that he was not submitting an invoice for this file, we unfortunately assumed that the inaccurate time summary that was missing entries was correct and we would not bill for such a small amount of time. When another page record was found, the time was, in fact, greater than 10 hours.

It was, however, something that might have been discovered with more diligence and we can understand if the conclusion of the panel is to advise us that we are too late. We have, however, in recognition of our mistake, deducted 25% from our counsel fee in this matter. Whatever the decision of the panel, we apologize for the additional time required attending to this request

Thank you.

Yours truly,



Michael Janigan
Counsel for VECC

Cc: EGDI – Norm Ryckman – EGDRegulatoryProceedings@enbridge.com
Counsel – Dennis O'Leary – doleary@airdberlis.com

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>2012-0394</u>	Process: <u>EGDI</u>
Party: <u>VECC</u>	Affiant's Name: <u>Donna Brady</u>
HST Number: <u>13059 2405 RT 0001</u>	HST Rate Ontario: _____
Full Registrant <input type="checkbox"/>	Qualifying Non-Profit <input checked="" type="checkbox"/>
Unregistered <input type="checkbox"/>	Tax Exempt <input type="checkbox"/>
Other <input type="checkbox"/>	

Affidavit


I, Donna Brady, of the City/Town of Ottawa
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 Ottawa
in the Province/State of Ontario, on SEPT. 6-2013.
(date)



Commissioner for taking Affidavits

Ontario Energy Board
COST CLAIM FOR HEARINGS



Affidavit and Summary of Fees and Disbursements

File # EB- 2012-0394 Process: EGPF
Party: VECC

Summary of Fees and Disbursements Being Claimed

Legal/consultant fees	2580.60
Disbursements	5.40
HST	101.89
Total Cost Claim	2,687.89

Michael Janigan
Janigan Professional Corporation
c/o Public Interest Advocacy Centre
1204-ONE Nicholas Street
Ottawa, ON
KIN 7B7

STATEMENT OF ACCOUNT

September 6, 2013

TO: VULNERABLE ENERGY CONSUMERS COALITION
c/o Public Interest Advocacy Centre
Suite 1204
ONE Nicholas Street
Ottawa, ON
KIN 7B7

Re: EB – 2012-0394
Enbridge Gas Distribution Inc.
Vulnerable Energy Consumers Coalition (VECC)
Cost Claim

For Services Rendered as Counsel in the above-noted matter. RATE: \$330.00 per hour

To receipt, review, and attending on behalf of VECC in the above-noted proceeding.

April to May 2013

TO: Hours

10.42 Hours @ \$330.00 per hour \$ 3,438.60

-2.60 Hours @ \$330.00 per hour (LESS 25%) -858.00

2,580.60

HST @ 13% 335.48

TOTAL AMOUNT DUE AND OWING: \$ 2,916.08

Michael Janigan
Janigan Professional Corporation - 831059738

Dockets.txt
TraxTime report for Michael Janagan created 9/4/2013 11:27 PM

Thursday, April 11, 2013 - Total 0:27
in: 11:31a out: 11:58a 0:27 6310 EGDI DSM 2012-2014
review file

Sunday, April 14, 2013 - Total 0:33
in: 7:33p out: 8:06p 0:33 6310 EGDI DSM 2012-2014
review file

Tuesday, April 16, 2013 - Total 0:21
in: 5:05p out: 5:26p 0:21 6310 EGDI DSM 2012-2014
emails with Roger Higgin

Wednesday, April 17, 2013 - Total 0:38
in: 5:57p out: 6:35p 0:38 6310 EGDI DSM 2012-2014
review file and emails to RH re settlement

Thursday, April 25, 2013 - Total 0:43
in: 10:05a out: 10:39a 0:34 6310 EGDI DSM 2012-2014
review of RH emails and email of instructions
in: 11:10a out: 11:19a 0:09 6310 EGDI DSM 2012-2014
receipt of RH comments

Friday, April 26, 2013 - Total 0:19
in: 1:04p out: 1:23p 0:19 6310 EGDI DSM 2012-2014
review emails from EGD and CME

Sunday, April 28, 2013 - Total 2:02
in: 5:12p out: 7:14p 2:02 6310 EGDI DSM 2012-2014
review file and prep for hearing

Monday, April 29, 2013 - Total 5:25
in: 7:05a out: 8:10a 1:05 6310 EGDI DSM 2012-2014
review and assemble evidence
in: 9:00a out: 1:20p 4:20 6310 EGDI DSM 2012-2014
attend at OEB and representation at hearing

Friday, May 03, 2013 - Total 0:14
in: 1:13p out: 1:27p 0:14 6310 EGDI DSM 2012-2014
receipt of EGD Plan update

=====
Totals From Tuesday, January 01, 2013 To Wednesday, September 04, 2013
10:42 6310 EGDI DSM 2012-2014
10:42 Total

LESS - 2.60 HRS.
7.82 HRS.

Ontario Energy Board

COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2012-0394</u>		Process: <u>Enbridge Gas Distribution Inc</u>	
Party: <u>VECC</u>		Name: <u>Michael Janigan</u>	
		Completed Years Practising/Years of relevant experience	
Counsel/Articling Student/Paralegal:	<input checked="" type="checkbox"/>	<u>31</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	3.62	\$330.00	\$1,194.60	\$47.07	\$1,241.67
Attendance - Technical Conference		\$330.00	\$0.00	\$0.00	\$0.00
Attendance - Settlement Conference		\$330.00	\$0.00	\$0.00	\$0.00
Attendance - Oral Hearing	4.20	\$330.00	\$1,386.00	\$54.61	\$1,440.61
Argument		\$315.00	\$0.00	\$0.00	\$0.00
Case Management		\$170.00	\$0.00	\$0.00	\$0.00
TOTAL LEGAL/CONSULTANT FEES			\$2,580.60	\$101.68	\$2,682.28

Statement of Disbursements Being Claimed

	Net Cost	HST	Total
Photocopies		\$0.00	\$0.00
Printing	\$5.40	\$0.21	\$5.61
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:	\$5.40	\$0.21	\$5.61

Estimotech Bill

6310

pd # 3996

PRINT THREE
2300 YONGE ST
416 481 5159
CALL AGAIN

REG 04-29-2013 08:09
0003

DEPT03	T1	\$1.20
TAX-AMT 1		\$1.20
TAX 1		\$0.16
CASH		\$1.36

PRINT THREE
2300 YONGE ST
416 481 5159
CALL AGAIN

REG 04-29-2013 08:09
0002

DEPT03	T1	\$4.20
TAX-AMT 1		\$4.20
TAX 1		\$0.55
CASH		\$4.75

26.11