

Direct Dial: 416.862.4825  
File: 6217

By Electronic Mail, Courier and RESS Filing

October 1, 2013

Ontario Energy Board  
2300 Yonge Street  
27<sup>th</sup> Floor  
Toronto, ON M4P 1E4

Attention: Kirsten Walli, Board Secretary

Dear Ms. Walli:

**Re: Low-Income Energy Network Application for Cost Award  
EB-2013-0099 - Enbridge Gas Distribution Inc. Open Bill Access**

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In accordance with the Board's Practice Direction on Cost Awards, the 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 generally supported Enbridge Gas Distribution Inc. ("Enbridge")'s proposed Open Bill Access Proposal for 2014 onward (the "Proposal") and submitted that the Proposal will not prejudice or negatively impact, and may assist, Enbridge's low-income customers, subject to the following.

LIEN expressed to Enbridge LIEN's concern that some of LIEN's members (social service agencies) have run into issues when working with Enbridge low-income customers having trouble paying their Enbridge bills while enrolled in a third party financing program (using Enbridge's open bill access program to charge and collect the financing charges). These agencies are concerned that their clients may be disconnected for non-payment of the financing charges, as funding (Winter Warmth, LEAP) only applies to Enbridge gas charges.

For LIEN to support Enbridge's Proposal, LIEN required Enbridge to (1) confirm that Enbridge's policy is to not disconnect customers for non-payment of financing charges, (2) explain how Enbridge's arrears management programs and disconnection policies apply to a low-income customer with ongoing charges from a third party using the open bill access opportunity, and (3) provide LIEN with a one-page, easy-to-read, guide/explanation of

Enbridge's conditions of service related to connection, arrears management and disconnection, for low-income customers. LIEN will provide this guide to LIEN's social service agency members, to provide them with a clear explanation of how Enbridge's conditions of service apply when the customer is also billed for third party financing on Enbridge's bill. Enbridge agreed to LIEN's requests and provided the relevant information. Enbridge and LIEN are currently working together on the one-page guide to be used by social service agencies.

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 attendance and participation in the settlement conference and settlement negotiations.

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 with similar interests to LIEN, and successfully minimized duplication to the extent possible. LIEN coordinated with VECC during the proceeding, and discussed mutual concerns for each intervenor's members. LIEN also attended Days 2 and 3 of the Settlement Conference by telephone, to minimize travel and attendance expenses.

### **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 Enbridge, discuss the Proposal with Enbridge 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 Enbridge's materials and developed LIEN's position on various aspects of the Proposal.

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 F. Gardner", with a stylized flourish at the end.

Matt Gardner

Encl.

Document #: 655723

**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- 2013-0099

Process: Enbridge Gas 2013 Open Bill Access Application

Party: Low-Income Energy Network (LIEN)

Affiant's Name: Matt Gardner (Willms & Shier Environmen

HST Number: 113627988RT0001

HST Rate Ontario: 13.00%

Full Registrant ☒

Qualifying Non-Profit ☐

Unregistered ☐

Tax Exempt ☐

Other ☐

**Affidavit**

I, Matt Gardner, of the City/Town of City of Brampton  
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.

Matt F. Gardner  
Signature of Affiant

Sworn or affirmed before me at the City/Town of Toronto,  
in the Province/State of Ontario, on October 1, 2013.  
(date)

**Ontario Energy Board**  
**COST CLAIM FOR HEARINGS**



**Affidavit and Summary of Fees and Disbursements**

**Commissioner for taking Affidavits**

**File # EB-** 2013-0099

**Process:** Enbridge Gas 2013 Open Bill Access Application

**Party:** Low-Income Energy Network (LIEN)

**Summary of Fees and Disbursements Being Claimed**

Legal/consultant fees	\$6,462.00
Disbursements	\$48.50
HST	\$846.37
<b>Total Cost Claim</b>	<b>\$7,356.87</b>

# Ontario Energy Board

## COST CLAIM FOR HEARINGS



### Detail of Fees and Disbursements Being Claimed

File # EB- <u>2013-0099</u>	Process: <u>Enbridge Gas 2013 Open Bill Access Application</u>
Party: <u>Low-Income Energy Network (LIEN)</u>	Name: <u>Matt Gardner (Willms &amp; Shier Environmental Law)</u>
Completed Years Practising/Years of relevant experience <hr style="width: 100%;"/> <div style="text-align: center;">3 years</div> <hr style="width: 100%;"/>	
Counsel/Articling Student/Paralegal: <input checked="" type="checkbox"/>	
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	9.60	\$170.00	\$1,632.00	\$212.16	\$1,844.16
Attendance - Technical Conference			\$0.00	\$0.00	\$0.00
Attendance - Settlement Conference	9.00	\$170.00	\$1,530.00	\$198.90	\$1,728.90
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
<b>TOTAL LEGAL/CONSULTANT FEES</b>			<b>\$3,162.00</b>	<b>\$411.06</b>	<b>\$3,573.06</b>

#### Statement of Disbursements Being Claimed

	Net Cost	HST	Total
Photocopies	\$48.50	\$6.31	\$54.81
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
<b>TOTAL DISBURSEMENTS:</b>	<b>\$48.50</b>	<b>\$6.31</b>	<b>\$54.81</b>

## Client Fees Listing

ALL DATES

Date	Fee / Time	Working Lawyer	Hours	Amount	Inv#	Billing Status
Entry #	Explanation					
1052	Low Income Energy Network					
6217	Re: EB-2013-0099 Enbridge Gas 2013 Open Bi					
Jun 12/2013	Lawyer: 53 0.60 Hrs X 170.00	53 - MATTHEW GARDNER	0.60	102.00		Unbilled Prep
1368466	prepare intervention and cost eligibility request letter and coordinate filing;					
Jun 24/2013	Lawyer: 53 0.20 Hrs X 170.00	53 - MATTHEW GARDNER	0.20	34.00		Unbilled Prep
1372308	receipt of email from C. Schuch re Enbridge's proposal to proceed directly to ADR and reply confirming LIEN has r					
Aug 12/2013	Lawyer: 53 2.20 Hrs X 170.00	53 - MATTHEW GARDNER	2.20	374.00		Unbilled Prep
1388324	review Enbridge's application and evidence, including proposed revisions to OBA agreement and prepare discussion					
Aug 13/2013	Lawyer: 53 1.40 Hrs X 170.00	53 - MATTHEW GARDNER	1.40	238.00		Unbilled Prep
1388712	review Enbridge's application and evidence, including proposed revisions to OBA agreement; review Enbridge's Conc					
Aug 14/2013	Lawyer: 53 6.10 Hrs X 170.00	53 - MATTHEW GARDNER	6.10	1037.00		Unbilled Attend
1405490	travel to OEB from office; attend Enbridge ADR re open bill access, day 1; travel from OEB to office; report to J					Settle. Cont.
Aug 15/2013	Lawyer: 53 0.60 Hrs X 170.00	53 - MATTHEW GARDNER	0.60	102.00		Unbilled
1405491	email D. Stevens, counsel for Enbridge, re follow up to requests re brochure/information sheet to low income cust					Prep
Aug 15/2013	Lawyer: 53 2.50 Hrs X 170.00	53 - MATTHEW GARDNER	2.50	425.00		Unbilled Attend
1405492	attend Day 2 of settlement discussions with Enbridge by teleconference;					Settle. Cont.
Aug 20/2013	Lawyer: 53 0.20 Hrs X 170.00	53 - MATTHEW GARDNER	0.20	34.00		Unbilled
1390763	phone call with M. Janigan (VECC) re positions of VECC and LIEN re Enbridge open bill proposal;					Prep
Aug 21/2013	Lawyer: 53 1.00 Hrs X 170.00	53 - MATTHEW GARDNER	1.00	170.00		Unbilled Prep
1405493	receipt and review of email from D. Stevens re LIEN's request for letter from Enbridge re non-payment of third pa					
Aug 21/2013	Lawyer: 53 0.40 Hrs X 170.00	53 - MATTHEW GARDNER	0.40	68.00		Unbilled Attend
1405494	attend Day 3 of settlement discussions with Enbridge and intervenors by teleconference;					Settle. Cont.
Aug 22/2013	Lawyer: 53 0.30 Hrs X 170.00	53 - MATTHEW GARDNER	0.30	51.00		Unbilled Prep
1405495	emails with D. Stevens confirming agreement to settlement proposal as discussed and awaiting agreement in writing					
Aug 26/2013	Lawyer: 53 0.50 Hrs X 170.00	53 - MATTHEW GARDNER	0.50	85.00		Unbilled Prep
1392911	receipt and review of emails from LIEN legal subcommittee and phone call with J. Simon re accepting settlement pr					
Aug 27/2013	Lawyer: 53 0.20 Hrs X 170.00	53 - MATTHEW GARDNER	0.20	34.00		Unbilled Prep
1393118	phone call with D. Stevens re letter to LIEN re disconnection policies as part of agreement to settlement proposa					
Aug 28/2013	Lawyer: 53 0.40 Hrs X 170.00	53 - MATTHEW GARDNER	0.40	68.00		Unbilled Prep
1393256	receipt of draft letter from D. Stevens re Enbridge policies on disconnection and arrears management and confirma					
Aug 29/2013	Lawyer: 53 1.20 Hrs X 170.00	53 - MATTHEW GARDNER	1.20	204.00		Unbilled Prep
1393532	receipt of emails from J. Lopinski and J. Simon re Enbridge open bill issues and Enbridge's draft letter to LIEN;					
Sep 5/2013	Lawyer: 53 0.20 Hrs X 170.00	53 - MATTHEW GARDNER	0.20	34.00		Unbilled Prep
1396239	receipt and review of latest version of Settlement Agreement from D. Stevens; email D. Stevens confirming approva					
Sep 9/2013	Lawyer: 53 0.20 Hrs X 170.00	53 - MATTHEW GARDNER	0.20	34.00		Unbilled Prep
1397818	review latest version of settlement agreement and confirm agreement in email to D. Stevens;					
Sep 11/2013	Lawyer: 53 0.40 Hrs X 170.00	53 - MATTHEW GARDNER	0.40	68.00		Unbilled Prep
1398215	receipt and review of email and revised settlement agreement and OBA Contract from D. Stevens; reply confirming a					
			Unbilled:	18.60	3162.00	
			Billed:	0.00	0.00	
			Total:	18.60	3162.00	
			Percent Billed:	0.00	0.00	

\*\*\* Summary by Working Lawyer \*\*\*

## Client Costs Journal

To Oct/ 1/2013

Date	Paid To	Source	Matter	Client Name	Ref#	G/L Acct	Amount
Entry#	Explanation						
Jun/12/2013		CER	6217	Low Income Energy	5170	- RECOVERY	3.00
1369312	Photocopies						
	<b>Total for Jun/12/2013 :</b>	<b>3.00</b>					
Aug/12/2013		CER	6217	Low Income Energy	5170	- RECOVERY	0.50
1389263	Photocopies						
Aug/12/2013		CER	6217	Low Income Energy	5170	- RECOVERY	0.75
1389264	Photocopies						
Aug/12/2013		CER	6217	Low Income Energy	5170	- RECOVERY	1.00
1389265	Photocopies						
Aug/12/2013		CER	6217	Low Income Energy	5170	- RECOVERY	2.75
1389267	Photocopies						
Aug/12/2013		CER	6217	Low Income Energy	5170	- RECOVERY	0.50
1389268	Photocopies						
Aug/12/2013		CER	6217	Low Income Energy	5170	- RECOVERY	6.50
1389272	Photocopies						
Aug/12/2013		CER	6217	Low Income Energy	5170	- RECOVERY	4.25
1389273	Photocopies						
Aug/12/2013		CER	6217	Low Income Energy	5170	- RECOVERY	16.50
1389274	Photocopies						
	<b>Total for Aug/12/2013 :</b>	<b>32.75</b>					
Aug/13/2013		CER	6217	Low Income Energy	5170	- RECOVERY	4.75
1389379	Photocopies						
	<b>Total for Aug/13/2013 :</b>	<b>4.75</b>					
Aug/15/2013		CER	6217	Low Income Energy	5170	- RECOVERY	0.25
1390091	Photocopies						
Aug/15/2013		CER	6217	Low Income Energy	5170	- RECOVERY	6.00
1390093	Photocopies						
Aug/15/2013		CER	6217	Low Income Energy	5170	- RECOVERY	1.75
1390094	Photocopies						
	<b>Total for Aug/15/2013 :</b>	<b>8.00</b>					

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

G/L Account	Debit	Credit
1210 - CLIENT DISB.-RECOV.	48.50	
5170 - RECOVERY - LASER CO		48.50
Total:	48.50	48.50



# Ontario Energy Board

## COST CLAIM FOR HEARINGS



### Detail of Fees and Disbursements Being Claimed

File # EB- <b>2013-0099</b>	Process: <b>Enbridge Gas 2013 Open Bill Access Application</b>
Party: <b>Low-Income Energy Network (LIEN)</b>	Name: <b>Judy Simon</b>
Completed Years Practising/Years of relevant experience <hr style="width: 100px; margin: 0 auto;"/> <b>30 years</b>	
Counsel/Articling Student/Paralegal: <input type="checkbox"/> Consultant: <input checked="" 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	10.00	\$330.00	\$3,300.00	\$429.00	\$3,729.00
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
<b>TOTAL LEGAL/CONSULTANT FEES</b>			<b>\$3,300.00</b>	<b>\$429.00</b>	<b>\$3,729.00</b>

#### 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
<b>TOTAL DISBURSEMENTS:</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

**Re: Judy Simon hours for LIEN on EB-2013-0099 for expert advice on Enbridge Gas Distribution's proposal for open bill access**

Time Docket – Judy Simon, regarding EB-2013-0099

<b>Date (2013)</b>	<b>Task</b>	<b>Time spent (hours)</b>
August 12	Review case materials	2.5
August 13	Develop suggested positions and discuss with legal counsel	1.5
August 14	Review materials, refine positions	1.5
August 21	Review proposals, briefings, emails on positions	1
August 22	Review materials and discuss with counsel	1.5
August 28	Review draft Enbridge letter response and advise client	.5
August 29	Provide briefings to client and discuss with counsel	1.5
<b>Total</b>		<b>10</b>