

EB-2011-0140

## **ONTARIO ENERGY BOARD**

**IN THE MATTER OF** sections 70 and 78 of the *Ontario Energy Board Act*, 1998, S.O. 1998, c.15, (Schedule B);

**AND IN THE MATTER OF** a Board-initiated proceeding to designate an electricity transmitter to undertake development work for a new electricity transmission line between Northeast and Northwest Ontario: the East-West Tie Line.

## **MOTION RECORD**

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**AND IN THE MATTER OF** a Board-initiated proceeding to designate an electricity transmitter to undertake development work for a new electricity transmission line between Northeast and Northwest Ontario: the East-West Tie Line.

### **NOTICE OF MOTION**

**(Motion for Review of Board Decision and Order on Costs Awards issued October 1, 2013)**

THE INTERVENOR, Pic River First Nations, will make a motion pursuant to Rules 8.02, 42 and 44 of the Board's Rules of Practice and Procedure, for review of the Board's Decision and Order on Cost Awards issued October 1, 2013 in relation to Pic River First Nations intervention in the Board initiated proceeding to designate an electricity transmitter to undertake development work on the East-West Tie Line.

**PROPOSED METHOD OF HEARING:** Pic River First Nations requests a written hearing.

#### **THE MOTION IS FOR:**

1. An Order:
  - (a) Reviewing and varying the decision of October 1, 2013 by awarding all of the costs submitted for recovery for Pic River First Nations;
  - (b) Costs of this motion; and

(c) Such further and other relief as Counsel may advise and to this Board seems just.

**THE GROUNDS FOR THE MOTION ARE:**

1. Pic River First Nation ("**PRFN**") applied for status as Intervenor in the proceeding;
2. PRFN was granted intervenor status and deemed eligible to apply for cost awards in all phases of the designation process;
3. In granting PRFN eligibility to apply for cost awards, the Board considered PRFN's interest to be akin to that of a landowner;
4. PRFN was the only intervenor in the proceeding with proven (not asserted) aboriginal rights along the Project corridor although five other First Nations were similarly situated with respect to the designated project. [Emphasis added]
5. The Board erred in fact by failing to consider the fundamental principle of Aboriginal Consultation that a First Nation that is participating in the consultation process will be made whole with respect to the costs and expenses incurred.
6. The Board erred in fact by overlooking the time spent by counsel for PRFN in adequately preparing to interpret case law and legal issues raised by the Metis Nations of Ontario.
7. The Board allowed intervenors to spend additional time to respond and incorporate relevant information provided in the oral session pursuant to its Procedural Order #7. Consideration for this specific time allocation for PRFN over and above the maximum time award is nonetheless reasonable as the issues were unique to PRFN.

8. The Board erred in fact by failing to account for PRFN's reasonable expectations regarding the interrogatory process based on procedures followed in other Ontario Energy Board proceedings.
9. At no time, prior to the submissions of the interrogatories, did the Board communicate that the interrogatory process would be restricted or different from other proceedings which include an interrogatory process.
10. The Board erred in fact in reducing PRFN's cost awards on the basis that PRFN made "a decision to change legal representatives during the proceeding." PRFN's change of counsel was involuntary and occurred because Immigration and Naturalization Services in the U.S.A. prevented PRFN's former counsel from returning to Canada thereby preventing that counsel's participation in the proceeding.
11. *Constitution Act 1982*, s. 35, Sch. B to the Canada Act, 1982 (U.K.) 1982 c. 11
12. *Ontario Energy Board Rules of Practice and Procedure*;
13. *Ontario Energy Board Act*, 1998, S.O. 1998 C. 15 (Schedule B);
14. *Statutory Powers and Procedures Act*, R.S.O. 1990, C. 22; and
15. Such further and other grounds as Counsel shall advise and to this Board seems just.

**THE EVIDENCE TO BE USED AT THE MOTION:**

1. Materials in the record of this proceeding;
2. Cost submissions of Pic River First Nation;
3. The Affidavit of Byron Leclair, sworn October 21, 2013 and the Exhibits attached thereto; and

4. Such further and other evidence as Counsel may advise and to this Board seems just.

October 21, 2013

**DICKINSON WRIGHT LLP**

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Counsel for the Moving Party,  
\*

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### AFFIDAVIT

(Motion for Review of Board Decision and Order on Costs Awards issued October 1, 2013)

#### AFFIDAVIT OF BYRON LECLAIR

I, Byron Leclair, of the Ojibways of Pic River First Nation, in the Province of Ontario,  
MAKE OATH AND SAY:

1. I am the Director of Energy of the Ojibways of Pic River First Nation ("PRFN"), an intervenor in this proceeding, and, as such, have knowledge of the matters referred to herein except where I have been advised by others, in which case, I have stated the source of my knowledge and that I believe that knowledge to be true.

#### A. BACKGROUND

2. On February 2, 2012, the Ontario Energy Board (the "Board") issued notice that it was initiating a proceeding to designate an electricity transmitter to undertake development work for a new electricity transmission line between Northeast and Northwest Ontario: the East-West Tie line.

3. Pursuant to the Board's Decision on Intervention and Cost Award Eligibility, PRFN was deemed eligible to apply for cost awards in all phases of this designation proceeding.

4. The Board issued its Decision and Order on Cost Awards for Phase 1 of this proceeding on September 17, 2012 (the "Phase I Decision") and in that decision Intervenor's representing Aboriginal interests received costs awards for the following amounts:

- (a) MNO: \$22,180.21 (later amended to \$32,781.68 pursuant to Board's own motion to review the Phase 1 Decision)
- (b) NCO: \$22,541.24
- (c) NAN: \$24,531.17
- (d) PRFN: \$34,398.00 (reduced from \$68,796.00)

5. On November 12, 2012, the elected council of PRFN (the "Council") wrote to the Board to address the Phase I Decision and provide further explanation for increased time and costs spent on its behalf in the proceeding. Chief Roy Michano, writing on behalf of Council wrote:

*"Pic River is the only intervenor in this proceeding with proven (not asserted) aboriginal rights along the Project corridor. Five other First Nations are similarly situated. They have chosen not to intervene leaving Pic River as the voice before the Board but when we speak, we must and do so while considering these other communities... Considering how our rights and interests might be impacted by positions advanced in this proceeding is a nuanced and complicated undertaking. As a result, our involvement and preparation is careful, considerate and extensive. We are obliged to take into account a myriad of issues that do not pertain to other intervenors and we are concerned that the Board's comments about our costs being "excessive*

*and disproportionate to the value of our participation in Phase I” do not reflect an appreciation of these facts.”*

Attached hereto and marked as Exhibit “A” to this affidavit is a true copy of Chief Roy Michano’s letter dated November 12, 2012.

#### B. COST DECISION

6. In the Board’s Phase 2 Decision and Cost Awards for Phase 2 of the proceeding (the “Phase 2 Decision”),

*“The Board notes that PRFN’s participation was focused almost exclusively on Aboriginal Consultation and Participation, whereas other intervenors focused on other issues, many of which were just as complex. PRFN’s intervention was generally not broader overall in comparison to many of the other intervenors, and therefore the Board concludes that the claim should be comparable to that of other intervenors.”*

#### Aboriginal Consultation and Participation

7. PRFN’s role as an intervenor was essentially different from that of the other intervenors who participated in the proceeding, due to the fact that PRFN has a claim for Aboriginal Title in respect of lands within the proposed project corridor. Additionally, PRFN is the only directly impacted First Nation participating in the proceeding. As such, PRFN’s role dealt with issues having constitutional implications, pursuant to section 35 of the Constitution Act, 1982. While many of the evaluation criteria set out by the Board are solely within the discretionary authority of the Board, the duty to consult and accommodate is not in my view, a discretionary category, but is informed

through the participation of groups such as PRFN.

8. It is a fundamental principle of the Aboriginal Consultation process that a consulting First Nation will be made whole for the costs and expenses, including third party costs and expenses, related to the consultation process. Costs and expenses incurred are not visited on the First Nation, but rather on the party who will benefit from the consultation.

9. The Board did not give any guidance to the intervenors regarding limitations as to the quantum of third party costs. As such, I believed that the third party expenses incurred by PRFN would be awarded and that PRFN would be made whole.

10. I am concerned that the potential negative implications of a precedent limiting First Nations' ability to recoup third party expenses for participation in the consultation process will produce a chill on First Nations exercising their constitutional right to the consultation process.

11. I believe that the issue of Aboriginal Consultation and Participation in this proceeding was significantly more complex than the other issues before the Board in this proceeding. PRFN was required to respond to case law raised by legal counsel for Metis Nation of Ontario (MNO), despite the apparent restriction on legal argument at the oral session. The Board convened an oral session in Thunder Bay, the purpose of which was to hear from those communities located in proximity to the existing East-West Tie transmission line. Legal counsel for MNO made a presentation on May 2<sup>nd</sup>, 2013, making legal argument, raising case law to support its position along with submissions suggesting that a judicial review would result if MNO's position was not accepted.

12. Based on the MNO presentation made by legal counsel, PRFN felt responsible to review the case law presented and to present to the Board its findings from the case law. PRFN had no reason

to believe that the Board would not be interested to receive and consider PRFN's interpretation and consideration of the same case law. In fact, I believed it was incumbent on PRFN to present its interpretation, should the Board require support for its positions.

13. PRFN had to review and consider two recent case law decisions from 2013, *Daniels v. Canada*, 2013 FC 6 and *Manitoba Metis Federation v. Canada*, 2013 SC 14, and respond to the interpretation presented by MNO legal counsel in the oral session. These decisions were lengthy each containing 175 and 144 pages respectively.

14. Legal counsel for MNO also raised another decision, *Kwikwetlem First Nation v. British Columbia (Utilities Commission)*, 2009 BCCA 68, that required review (38 pgs) and response to the interpretation presented by MNO legal counsel in the oral session.

15. PRFN did not have legal counsel make legal argument at the oral submission and did not raise case law in the oral session.

16. PRFN legal counsel reviewed their dockets and have determined that from the period from April 3<sup>rd</sup> to April 29<sup>th</sup>, the following time was spent preparing the written submission and from May 3<sup>rd</sup> to May 9<sup>th</sup>, the following additional time was spent reviewing the case law raised by legal counsel in the MNO oral session and revising the submission based on the oral session in order to incorporate relevant testimony provided in the oral session:

Preparing submission prior to Thunder Bay Oral Session

Cherie Brant 31.9 hrs at OEB tariff rate of \$230.00 = \$7,337.00

Joanna Vince 15.2 hrs at OEB tariff rate of \$170.00 = \$2,584.00

**For a total of \$9,921.00**

Preparing submission in response to Procedural Order No. 7 Thunder Bay Oral Session

Cherie Brant 35.2 hrs at OEB tariff rate of \$230.00 = \$8,096.00

Joanna Vince 44.3 hrs at OEB tariff rate of \$170.00 = \$7,531.00

**For a total of \$15,627.00**

Attached hereto and marked as Exhibits "B" and "C" to this affidavit is a true copy of the time dockets of Willms & Shier Environmental Lawyers LLP highlighting the time dockets referred to above.

17. On April 26, 2013, the MNO requested: i) an extension to the filing deadline from May 6<sup>th</sup>, 2013 to May 9<sup>th</sup>, 2013 and ii) an opportunity for legal counsel to provide oral argument at a one day hearing to be held in June, 2013.

*"The MNO believes that the information that will be provided to the Board in Thunder Bay is important and that non-applicant intervenors should have a reasonable opportunity to review and incorporate relevant testimony and materials from these sessions into their written submissions."*

18. On April 29, 2013, the Board issued Procedural Order No. 7, accepting that some non-applicant intervenors may wish to incorporate relevant information provided in the oral session into their written submission and denied MNO's request to for an oral hearing for legal argument in June.

19. By April 29<sup>th</sup>, 2013, PRFN had already spent \$9,921.00 for time preparing its written

submission on the basis that written submissions would be due by non-applicant intervenors on May 6<sup>th</sup>, 2013. The \$9,921.00 is comparable to the amounts spent by other intervenors prior to this time.

Attached hereto and marked as Exhibit "D" to this affidavit is a true copy of the time dockets of Willms & Shier Environmental Lawyers LLP highlighting the time dockets referred to above.

20. During the same period from May 4<sup>th</sup> to May 9<sup>th</sup>, the MNO claimed 43.3 hours from its respective legal counsel. This time was deemed reasonable by the Board and received a full cost award for this period. MNO did not have to review the case law referred to in paragraph 16 above and it also appears from MNO's cost submission that they did not claim for any time spent preparing a written submission prior to the oral session.

21. I believe that it would be unreasonable to deny PRFN the costs it incurred by preparing a written submission for the original due date of May 6<sup>th</sup>, 2013 and further amending its submissions in accordance with Procedural Order No. 7 to respond to the legal issues raised by MNO at the oral session. PRFN was the sole intervenor materially affected by MNO's submissions and, therefore required to respond pursuant to Procedural Order No. 7.

#### Change in PRFN Legal Counsel

22. In the Phase 2 Decision, the Board wrote:

"The Board finds that there is no justification for allowing additional costs related to PRFN's decision to change legal representatives during the proceeding." [Emphasis added].

No restriction.

23. Unfortunately, PRFN's change in legal counsel occurred because of a change in circumstances and not due to a decision on the part of PRFN.

24. I have been informed by Carol Godby, ("Ms. Godby") who was the original counsel for PRFN, and I verily believe it to be true, that at the time the Board determined it would entertain oral submissions, Ms. Godby was adjusting her status to become a United States resident. As such, she was under travel restrictions imposed by Immigration and Naturalization Services in the United States.

25. PRFN determined that, having participated in the proceeding to that point, it would be unjust to the Board and to the Applicants and other intervenors to withdraw due to loss of counsel. As such, new counsel was retained to see the process through to completion.

Interrogatory Process carried out by the Board

26. On August 7, 2013 the Board issued its Phase 2 decision and order (the "Designation Decision"). The Board wrote:

*"The Board found in its Phase 1 decision that as the proceeding involved multiple competitive applicants and had some similarity to a procurement process, it called for specific procedures that respected fairness and efficiency in that context. For Example, while the Board invited parties to propose written interrogatories for the applicants to answer, the Board itself issued the interrogatories, having combined, edited and eliminated some interrogatories proposed by the parties. The Board was of the view that the applicants should be compared on the basis of the applications as filed, and attempted to avoid*

*providing opportunities for applicants to fill any gaps in their applications.”*

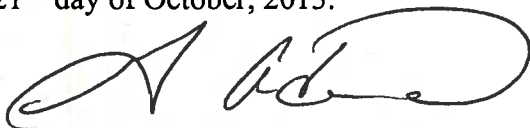
27. I believe that, while the Board’s decision to restrict the interrogatory process to prevent Applicants from “filing in gaps” in their applications was prudent, the timing of the decision coming after the submission of interrogatories, risks creating an injustice by imposing on PRFN “costs thrown away” for fulsome participation in that process.

28. I believed that PRFN was acting fairly and in reasonable manner when I instructed legal counsel to retain a technical expert to review the applications and provide rigorous inquiry as part of the interrogatory process. The interrogatories were the only way to test the evidence provided as cross-examinations were prohibited.

29. I believe intervenors would have benefited from more guidance or restrictions to intervenors if the Board was going to consider that the interrogatory process merited a different approach. Given previous proceedings which allowed unrestricted interrogatories and the need to test evidence, PRFN’s approach was reasonable.

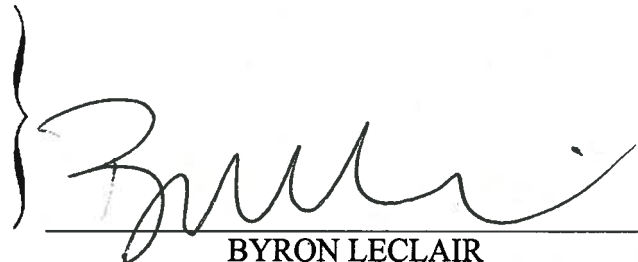
30. I make this Affidavit in support of a Motion to the review the Board’s Decision and Order on Cost Awards, issued October 1, 2013 and for no other and improper purpose.

**SWORN BEFORE ME** at the City of  
Toronto, in the Province of Ontario this  
21<sup>st</sup> day of October, 2013.



Commissioner for Taking Affidavits  
(or as may be)

53110



BYRON LECLAIR

**ONTARIO ENERGY BOARD**

**IN THE MATTER OF** sections 70 and 78 of the *Ontario Energy Board Act*, 1998, S.O. 1998, c.15, (Schedule B);

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**NOTICE OF MOTION**

**DICKINSON WRIGHT LLP**

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Counsel for the Moving Party,

This is Exhibit "A" referred to in the Affidavit of Byron Leclair  
sworn October 21, 2013

A handwritten signature in blue ink, appearing to be "A. Leclair", written over a horizontal line.

*Commissioner for Taking Affidavits (or as may be)*

539110



November 12, 2012

Ontario Energy Board  
2300 Yonge Street  
27th Floor  
Toronto, ON M4P 1E4  
Attention: Ms. K. Walli, Board Secretary

By email

Dear Ms. Walli

**Re: EB- 2011-0140 Pic River First Nation' Comments on Board's Costs Decision**

We are the elected Council of the Ojibways of the Pic River First Nation., We are writing to address the Board's Decision and Order on Costs dated September 17, 2012 as it relates to our intervention.

The Council has chosen not to appeal this Order, but we feel obliged to comment on it. Pic River First Nation is the only intervenor in this proceeding with proven (not asserted) aboriginal rights along the Project corridor. Five other First Nations are similarly situated. They have chosen not to intervene leaving Pic River as the voice before the Board but when we speak, we must and do so while considering these other communities. We remind the Board that Pic River has an outstanding aboriginal title claim over the Project corridor; we have an interest in several energy related projects in our traditional territory; and we have partnerships and complex relationships with First Nations, non-aboriginals and the Crown.

Considering how our rights and interests might be impacted by positions advanced in this proceeding is a nuanced and complicated undertaking. As a result, our involvement and preparation is careful, considered and extensive. We are obliged to take into account a myriad of issues that do not pertain to other intervenors and we are concerned that the Board's comments about our costs being "excessive and disproportionate to the value our participation in Phase I," do not reflect an appreciation for these facts. As such, Pic River First Nation felt it necessary to register this objection with the Board.

**Ojibways of the Pic River First Nation**

...2

We respect the need for efficiency in this process and we strive to accomplish same, but we cannot short circuit protection of our First Nations citizens' rights and interests for the sake of Board efficiency.

Yours truly,

A handwritten signature in black ink, appearing to be 'Roy Michano', with a long horizontal stroke extending to the right.

Chief Roy Michano,

---

## **Ojibways of the Pic River First Nation**

P.O. Box 193, Via Heron Bay, Ontario P0T 1R0 Phone (807) 229-1749 Fax (807) 229-1944

This is Exhibit "B" referred to in the Affidavit of Byron Leclair  
sworn October 21, 2013

A handwritten signature in blue ink, appearing to read "N. Adams", is written above a horizontal line.

*Commissioner for Taking Affidavits (or as may be)*

539110

Date	Fee / Time			Hours	Amount	Inv#	Billing Status
Entry #	Explanation						
1684	Ojibways of Pic River First Nation						
6176	Re: EB2011-0140 East West Tie Transmissi						
Mar 22/2013	Lawyer: 49 4.20 Hrs X 290.00	49	- CHERIE BRANT	4.20	1218.00		Unbilled
1343283	instructions from client; lengthy conference call and briefing from client and Carole Godby former legal counsel;						
Mar 31/2013	Lawyer: 49 5.00 Hrs X 290.00	49	- CHERIE BRANT	5.00	1450.00		Unbilled
1343284	consider background materials;						
Apr 1/2013	Lawyer: 48 2.20 Hrs X 170.00	48	- JOANNA VINCE	2.20	374.00		Unbilled
1344814	instructions to obtain interrogatories and responses to interrogatories for review; meet with C. Brant to review						
Apr 1/2013	Lawyer: 49 4.40 Hrs X 290.00	49	- CHERIE BRANT	4.40	1276.00		Unbilled
1352464	consider proceedings materials; lengthy meeting with Joanna Vince to distribute tasks to maximize efficiencies; r						
Apr 1/2013	Lawyer: 49 2.00 Hrs X 290.00	49	- CHERIE BRANT	2.00	580.00		Unbilled
1391066	consider materials;						
Apr 2/2013	Lawyer: 49 0.80 Hrs X 290.00	49	- CHERIE BRANT	0.80	232.00		Unbilled
1345176	meet with Joanna Vince;						
Apr 2/2013	Lawyer: 48 6.60 Hrs X 170.00	48	- JOANNA VINCE	6.60	1122.00		Unbilled
1345187	review responses to interrogatories by all intervenors to assess how client's concerns will be addressed; research						
Apr 3/2013	Lawyer: 49 6.60 Hrs X 290.00	49	- CHERIE BRANT	6.60	1914.00		Unbilled
1391067	prepare outline; conference call with client on oral hearing and written submission;						
Apr 4/2013	Lawyer: 49 3.00 Hrs X 290.00	49	- CHERIE BRANT	3.00	870.00		Unbilled
1391068	outline preparation; telephone call with Jennifer Lea; draft lengthy memo to client;						
Apr 4/2013	Lawyer: 48 4.80 Hrs X 170.00	48	- JOANNA VINCE	4.80	816.00		Unbilled
1391088	review whether policy frameworks are binding on the Board or if there is flexibility; review Pic River's interroq						
Apr 5/2013	Lawyer: 49 11.00 Hrs X 290.00	49	- CHERIE BRANT	11.00	3190.00		Unbilled
1345872	consider submissions; prepare outline; follow up with client;						
Apr 8/2013	Lawyer: 49 0.60 Hrs X 290.00	49	- CHERIE BRANT	0.60	174.00		Unbilled
1345923	revise outline; memo to client;						
Apr 10/2013	Lawyer: 48 1.00 Hrs X 170.00	48	- JOANNA VINCE	1.00	170.00		Unbilled
1346274	review Haida case on aboriginal consultation;						
Apr 12/2013	Lawyer: 49 4.50 Hrs X 290.00	49	- CHERIE BRANT	4.50	1305.00		Unbilled
1346509	prepare submission;						
Apr 12/2013	Lawyer: 48 1.80 Hrs X 170.00	48	- JOANNA VINCE	1.80	306.00		Unbilled
1346616	review outline for oral argument and discuss approach and content;						
Apr 13/2013	Lawyer: 48 3.40 Hrs X 170.00	48	- JOANNA VINCE	3.40	578.00		Unbilled
1346606	prepare oral argument on duty to consult background;						
Apr 15/2013	Lawyer: 49 3.00 Hrs X 290.00	49	- CHERIE BRANT	3.00	870.00		Unbilled
1346714	conference call with client; consider materials;						
Apr 15/2013	Lawyer: 48 2.80 Hrs X 170.00	48	- JOANNA VINCE	2.80	476.00		Unbilled
1391091	prepare oral arguments for Chief Michano re duty to consult and aboriginal participation; review application by I						
Apr 16/2013	Lawyer: 49 1.80 Hrs X 290.00	49	- CHERIE BRANT	1.80	522.00		Unbilled
1346994	revise outline;						
Apr 17/2013	Lawyer: 48 2.80 Hrs X 170.00	48	- JOANNA VINCE	2.80	476.00		Unbilled
1347132	review consultation plans and participation plans for each application to evaluate and compare;						
Apr 17/2013	Lawyer: 49 3.00 Hrs X 290.00	49	- CHERIE BRANT	3.00	870.00		Unbilled
1391069	consider MNO submissions; consider Board Staff Submissions on Phase I; instructions to Joanna Vince;						
Apr 18/2013	Lawyer: 48 4.20 Hrs X 170.00	48	- JOANNA VINCE	4.20	714.00		Unbilled
1350644	review transmitter applications for Aboriginal consultation and participation plans; compare relevant provisions						
Apr 19/2013	Lawyer: 48 6.00 Hrs X 170.00	48	- JOANNA VINCE	6.00	1020.00		Unbilled
1350767	locate letter from MNO to the Ministry and review MNO's argument re participation in projects by MNO; summarize A						
Apr 19/2013	Lawyer: 49 4.60 Hrs X 290.00	49	- CHERIE BRANT	4.60	1334.00		Unbilled
1350856	consider arguments in chief; prepare submission;						
Apr 22/2013	Lawyer: 49 6.00 Hrs X 290.00	49	- CHERIE BRANT	6.00	1740.00		Unbilled
1353644	prepare submission;						
Apr 23/2013	Lawyer: 48 1.20 Hrs X 170.00	48	- JOANNA VINCE	1.20	204.00		Unbilled
1352042	locate and review Board Staff submissions on consideration of and weighting of Aboriginal participation; locate a						
Apr 23/2013	Lawyer: 49 8.00 Hrs X 290.00	49	- CHERIE BRANT	8.00	2320.00		Unbilled
1352100	review arguments in chief; prepare submission;						
Apr 24/2013	Lawyer: 48 2.00 Hrs X 170.00	48	- JOANNA VINCE	2.00	340.00		Unbilled
1352333	prepare first draft of written argument focusing on the Board's mandate and required content to designate a trans						
Apr 24/2013	Lawyer: 49 10.00 Hrs X 290.00	49	- CHERIE BRANT	10.00	2900.00		Unbilled
1352338	prepare submissions;						
Apr 25/2013	Lawyer: 48 1.40 Hrs X 170.00	48	- JOANNA VINCE	1.40	238.00		Unbilled
1352560	review and revise written arguments on Boards mandate and jurisdiction; review and insert examples and comparisor						
Apr 25/2013	Lawyer: 49 10.00 Hrs X 290.00	49	- CHERIE BRANT	10.00	2900.00		Unbilled
1352747	draft submission;						
Apr 26/2013	Lawyer: 48 1.80 Hrs X 170.00	48	- JOANNA VINCE	1.80	306.00		Unbilled
1352895	meet with C. Brant to discuss draft oral argument and additional thoughts and arguments;						
Apr 26/2013	Lawyer: 49 5.50 Hrs X 290.00	49	- CHERIE BRANT	5.50	1595.00		Unbilled
1391101	prepare submission;						
Apr 27/2013	Lawyer: 49 8.00 Hrs X 290.00	49	- CHERIE BRANT	8.00	2320.00		Unbilled
1352752	prepare submission;						
Apr 27/2013	Lawyer: 48 3.20 Hrs X 170.00	48	- JOANNA VINCE	3.20	544.00		Unbilled
1352892	review RES and AltaLink arguments in chief for arguments about Aboriginal participation and comments on discrimin						
Apr 28/2013	Lawyer: 49 13.00 Hrs X 290.00	49	- CHERIE BRANT	13.00	3770.00		Unbilled
1352759	prepare written submission;						
Apr 28/2013	Lawyer: 48 2.80 Hrs X 170.00	48	- JOANNA VINCE	2.80	476.00		Unbilled
1352762	review draft oral argument and provide additional arguments re distinction between Aboriginal Participation and A						
Apr 29/2013	Lawyer: 48 2.00 Hrs X 170.00	48	- JOANNA VINCE	2.00	340.00		Unbilled
1352884	research and review case law on Aboriginal Participation and decisions distinguishing Aboriginal participation fr						
Apr 29/2013	Lawyer: 49 8.00 Hrs X 290.00	49	- CHERIE BRANT	8.00	2320.00		Unbilled
1352901	prepare written submission;						
Apr 30/2013	Lawyer: 48 2.80 Hrs X 170.00	48	- JOANNA VINCE	2.80	476.00		Unbilled
1353137	research on Aboriginal Participation; prepare table comparing Aboriginal Participation and Aboriginal Consultatio						
Apr 30/2013	Lawyer: 49 6.00 Hrs X 290.00	49	- CHERIE BRANT	6.00	1740.00		Unbilled
1353646	prepare submission;						

Date	Entry #	Fee / Time Explanation	Working Lawyer	Hours	Amount	Inv#	Billing Status
May 1/2013	1353319	Lawyer: 48 1.80 Hrs X 170.00 review articles on aboriginal participation, aboriginal title and land claims;	48 - JOANNA VINCE	1.80	306.00		Unbilled
May 1/2013	1353786	Lawyer: 49 12.00 Hrs X 290.00 hearing preparation; meeting with client; revise submission; travel to Thunder Bay	49 - CHERIE BRANT	12.00	3480.00		Unbilled
May 2/2013	1353430	Lawyer: 48 2.80 Hrs X 170.00 review and revise oral argument; expand on points about aboriginal participation and add information about Daniel	48 - JOANNA VINCE	2.80	476.00		Unbilled
May 2/2013	1353787	Lawyer: 49 10.00 Hrs X 290.00 hearing preparation; meeting with client; attend hearing; revise submission; debrief meeting;	49 - CHERIE BRANT	10.00	2900.00		Unbilled
May 3/2013	1353788	Lawyer: 49 4.00 Hrs X 290.00 meeting with client; attend hearing; debrief meeting;	49 - CHERIE BRANT	4.00	1160.00		Unbilled
May 3/2013	1391070	Lawyer: 48 6.40 Hrs X 170.00 review transcripts from Thursday May 2, 2013 and highlight relevant arguments for expansion and/or counter argume	48 - JOANNA VINCE	6.40	1088.00		Unbilled
May 4/2013	1391071	Lawyer: 48 2.00 Hrs X 170.00 review oral submissions from May 3, 2013 and highlight sections that require counter arguments or that support Pi	48 - JOANNA VINCE	2.00	340.00		Unbilled
May 5/2013	1391072	Lawyer: 48 2.40 Hrs X 170.00 begin to prepare counter arguments to MNO oral submission, including characterization of consultation, accommodat	48 - JOANNA VINCE	2.40	408.00		Unbilled
May 6/2013	1353792	Lawyer: 49 1.40 Hrs X 290.00 prepare written submission; meeting with Joanna Vince on case law matters; emails to client;	49 - CHERIE BRANT	1.40	406.00		Unbilled
May 6/2013	1353949	Lawyer: 48 10.80 Hrs X 170.00 discuss arguments made during oral hearings in Thunder Bay; identify those intervenors that had a common approach	48 - JOANNA VINCE	10.80	1836.00		Unbilled
May 7/2013	1354332	Lawyer: 49 14.00 Hrs X 290.00 prepare written submission; conference call with client; instructions to Joanna Vince;	49 - CHERIE BRANT	14.00	4060.00		Unbilled
May 7/2013	1391073	Lawyer: 49 2.80 Hrs X 290.00 revise submission; instructions to Joanna Vince;	49 - CHERIE BRANT	2.80	812.00		Unbilled
May 7/2013	1391150	Lawyer: 48 10.10 Hrs X 170.00 review Carrier Sekani Court of Appeal decision; review Rio Tinto Supreme Court of Canada decision re jurisdiction	48 - JOANNA VINCE	10.10	1717.00		Unbilled
May 8/2013	1354331	Lawyer: 49 13.00 Hrs X 290.00 prepare and revise written submission; conference call with client; instructions to Joanna Vince;	49 - CHERIE BRANT	13.00	3770.00		Unbilled
May 8/2013	1354436	Lawyer: 48 11.00 Hrs X 170.00 review case law on reciprocal duty of Aboriginal communities to engage in consultation; prepare write up on same	48 - JOANNA VINCE	11.00	1870.00		Unbilled
May 9/2013	1354666	Lawyer: 48 8.00 Hrs X 170.00 review revise and finalize written arguments; receipt of comments from client on written submission; telephone ca	48 - JOANNA VINCE	8.00	1360.00		Unbilled
May 9/2013	1391074	Lawyer: 49 4.00 Hrs X 290.00 revise submission; lengthy conference calls with client; instructions to Joanna Vince;	49 - CHERIE BRANT	4.00	1160.00		Unbilled
May 10/2013	1354916	Lawyer: 48 1.80 Hrs X 170.00 review submissions from intervenors and highlight positions on Aboriginal Participation and Aboriginal Consultati	48 - JOANNA VINCE	1.80	306.00		Unbilled
May 26/2013	1391102	Lawyer: 48 6.10 Hrs X 170.00 summarize MNO arguments re Aboriginal participation and Aboriginal consultation and compare to Pic.River's positi	48 - JOANNA VINCE	6.10	1037.00		Unbilled
May 29/2013	1362887	Lawyer: 49 3.00 Hrs X 290.00 review memo;	49 - CHERIE BRANT	3.00	870.00		Unbilled
May 30/2013	1362888	Lawyer: 49 0.50 Hrs X 290.00 meeting with Joanna Vince;	49 - CHERIE BRANT	0.50	145.00		Unbilled
May 31/2013	1391108	Lawyer: 48 5.00 Hrs X 170.00 review submissions from all intervenors for points of agreement with Pic River; summarized consultation and parti	48 - JOANNA VINCE	5.00	850.00		Unbilled
Jun 4/2013	1365849	Lawyer: 48 0.40 Hrs X 170.00 receipt and initial review of reply submissions from applicants;	48 - JOANNA VINCE	0.40	68.00		Unbilled
Jun 11/2013	1368337	Lawyer: 49 1.20 Hrs X 290.00 revise memo to client to seek instructions;	49 - CHERIE BRANT	1.20	348.00		Unbilled
Jun 12/2013	1368450	Lawyer: 49 2.60 Hrs X 290.00 revise memo to client;	49 - CHERIE BRANT	2.60	754.00		Unbilled
Jun 12/2013	1368508	Lawyer: 48 2.40 Hrs X 170.00 review reply arguments from applicants, focusing on aboriginal participation and aboriginal consultation; prepare	48 - JOANNA VINCE	2.40	408.00		Unbilled
Jun 14/2013	1369675	Lawyer: 48 1.50 Hrs X 170.00 review submission from UCT and send brief summary to client; MOVE TO NEW FILE: prepare intervenor request for Ont	48 - JOANNA VINCE	1.50	255.00		Unbilled
Jun 17/2013	1369863	Lawyer: 48 1.60 Hrs X 170.00 review applicant reply arguments and summarize for client;	48 - JOANNA VINCE	1.60	272.00		Unbilled
Jun 18/2013	1391112	Lawyer: 49 1.90 Hrs X 290.00 review applicant responses; receive instructions to prepare response; revise memo;	49 - CHERIE BRANT	1.90	551.00		Unbilled
Jun 18/2013	1391116	Lawyer: 48 1.40 Hrs X 170.00 review and finalize summary of Applicants' reply arguments;	48 - JOANNA VINCE	1.40	238.00		Unbilled
Jun 25/2013	1373121	Lawyer: 49 0.30 Hrs X 290.00 instructions to Joanna Vince;	49 - CHERIE BRANT	0.30	87.00		Unbilled
Jun 25/2013	1383584	Lawyer: 48 0.80 Hrs X 170.00 discuss preparation of letter to the Energy Board to correct the record based on NextBridge's reply and misstater	48 - JOANNA VINCE	0.80	136.00		Unbilled
Jun 26/2013	1373113	Lawyer: 49 0.80 Hrs X 290.00 revise clarification of record letter;	49 - CHERIE BRANT	0.80	232.00		Unbilled
Jun 26/2013	1373195	Lawyer: 48 1.00 Hrs X 170.00 prepare draft letter to correct the record based on NextBridge's reply submission;	48 - JOANNA VINCE	1.00	170.00		Unbilled
Jun 27/2013	1373899	Lawyer: 48 0.40 Hrs X 170.00 revise letter to the Board correcting the record based on NextBridges assertions about Pic River;	48 - JOANNA VINCE	0.40	68.00		Unbilled
Jun 28/2013	1374035	Lawyer: 49 0.40 Hrs X 290.00 revise letter;	49 - CHERIE BRANT	0.40	116.00		Unbilled
Jun 28/2013	1374701	Lawyer: 48 0.40 Hrs X 170.00 review letter to Board to clarify concerns with NextBridge's submission;	48 - JOANNA VINCE	0.40	68.00		Unbilled
Aug 7/2013	1391119	Lawyer: 49 1.00 Hrs X 290.00 review decision;	49 - CHERIE BRANT	1.00	290.00		Unbilled

Unbilled: 332.80 80804.00  
Billed: 0.00 0.00  
Total: 332.80 80804.00  
Percent Billed: 0.00 0.00

This is Exhibit "C" referred to in the Affidavit of Byron Leclair  
sworn October 21, 2013

A handwritten signature in blue ink, appearing to be "A. Leclair", is written over a horizontal line.

*Commissioner for Taking Affidavits (or as may be)*

53910

Date	Fee / Time	Working Lawyer	Hours	Amount	Inv#	Billing Status
Entry #	Explanation					
May 1/2013	Lawyer: 48 1.80 Hrs X 170.00	48 - JOANNA VINCE	1.80	306.00		Unbilled
1353319	review articles on aboriginal participation, aboriginal title and land claims;					
May 1/2013	Lawyer: 49 12.00 Hrs X 290.00	49 - CHERIE BRANT	12.00	3480.00		Unbilled
1353786	hearing preparation; meeting with client; revise submission; travel to Thunder Bay					
May 2/2013	Lawyer: 48 2.80 Hrs X 170.00	48 - JOANNA VINCE	2.80	476.00		Unbilled
1353430	review and revise oral argument; expand on points about aboriginal participation and add information about Daniel					
May 2/2013	Lawyer: 49 10.00 Hrs X 290.00	49 - CHERIE BRANT	10.00	2900.00		Unbilled
1353787	hearing preparation; meeting with client; attend hearing; revise submission; debrief meeting;					
May 3/2013	Lawyer: 49 4.00 Hrs X 290.00	49 - CHERIE BRANT	4.00	1160.00		Unbilled
1353788	meeting with client; attend hearing; debrief meeting;					
May 3/2013	Lawyer: 48 6.40 Hrs X 170.00	48 - JOANNA VINCE	6.40	1088.00		Unbilled
1391070	review transcripts from Thursday May 2, 2013 and highlight relevant arguments for expansion and/or counter argume					
May 4/2013	Lawyer: 48 2.00 Hrs X 170.00	48 - JOANNA VINCE	2.00	340.00		Unbilled
1391071	review oral submissions from May 3, 2013 and highlight sections that require counter arguments or that support Pi					
May 5/2013	Lawyer: 48 2.40 Hrs X 170.00	48 - JOANNA VINCE	2.40	408.00		Unbilled
1391072	begin to prepare counter arguments to MNO oral submission, including characterization of consultation, accommodat					
May 6/2013	Lawyer: 49 1.40 Hrs X 290.00	49 - CHERIE BRANT	1.40	406.00		Unbilled
1353792	prepare written submission; meeting with Joanna Vince on case law matters; emails to client;					
May 6/2013	Lawyer: 48 10.80 Hrs X 170.00	48 - JOANNA VINCE	10.80	1836.00		Unbilled
1353949	discuss arguments made during oral hearings in Thunder Bay; identify those intervenors that had a common approach					
May 7/2013	Lawyer: 49 14.00 Hrs X 290.00	49 - CHERIE BRANT	14.00	4060.00		Unbilled
1354332	prepare written submission; conference call with client; instructions to Joanna Vince;					
May 7/2013	Lawyer: 49 2.80 Hrs X 290.00	49 - CHERIE BRANT	2.80	812.00		Unbilled
1391073	revise submission; instructions to Joanna Vince;					
May 7/2013	Lawyer: 48 10.10 Hrs X 170.00	48 - JOANNA VINCE	10.10	1717.00		Unbilled
1391150	review Carrier Sekani Court of Appeal decision; review Rio Tinto Supreme Court of Canada decision re jurisdiction					
May 8/2013	Lawyer: 49 13.00 Hrs X 290.00	49 - CHERIE BRANT	13.00	3770.00		Unbilled
1354331	prepare and revise written submission; conference call with client; instructions to Joanna Vince;					
May 8/2013	Lawyer: 48 11.00 Hrs X 170.00	48 - JOANNA VINCE	11.00	1870.00		Unbilled
1354436	review case law on reciprocal duty of Aboriginal communities to engage in consultation; prepare write up on same					
May 9/2013	Lawyer: 48 8.00 Hrs X 170.00	48 - JOANNA VINCE	8.00	1360.00		Unbilled
1354666	review revise and finalize written arguments; receipt of comments from client on written submission; telephone ca					
May 9/2013	Lawyer: 49 4.00 Hrs X 290.00	49 - CHERIE BRANT	4.00	1160.00		Unbilled
1391074	revise submission; lengthy conference calls with client; instructions to Joanna Vince;					
May 10/2013	Lawyer: 48 1.80 Hrs X 170.00	48 - JOANNA VINCE	1.80	306.00		Unbilled
1354916	review submissions from intervenors and highlight positions on Aboriginal Participation and Aboriginal Consultati					
May 26/2013	Lawyer: 48 6.10 Hrs X 170.00	48 - JOANNA VINCE	6.10	1037.00		Unbilled
1391102	summarize MNO arguments re Aboriginal participation and Aboriginal consultation and compare to Pic River's positi					
May 29/2013	Lawyer: 49 3.00 Hrs X 290.00	49 - CHERIE BRANT	3.00	870.00		Unbilled
1362887	review memo;					
May 30/2013	Lawyer: 49 0.50 Hrs X 290.00	49 - CHERIE BRANT	0.50	145.00		Unbilled
1362888	meeting with Joanna Vince;					
May 31/2013	Lawyer: 48 5.00 Hrs X 170.00	48 - JOANNA VINCE	5.00	850.00		Unbilled
1391108	review submissions from all intervenors for points of agreement with Pic River; summarized consultation and parti					
Jun 4/2013	Lawyer: 48 0.40 Hrs X 170.00	48 - JOANNA VINCE	0.40	68.00		Unbilled
1365849	receipt and initial review of reply submissions from applicants;					
Jun 11/2013	Lawyer: 49 1.20 Hrs X 290.00	49 - CHERIE BRANT	1.20	348.00		Unbilled
1368337	revise memo to client to seek instructions;					
Jun 12/2013	Lawyer: 49 2.60 Hrs X 290.00	49 - CHERIE BRANT	2.60	754.00		Unbilled
1368450	revise memo to client;					
Jun 12/2013	Lawyer: 48 2.40 Hrs X 170.00	48 - JOANNA VINCE	2.40	408.00		Unbilled
1368508	review reply arguments from applicants, focusing on aboriginal participation and aboriginal consultation; prepare					
Jun 14/2013	Lawyer: 48 1.50 Hrs X 170.00	48 - JOANNA VINCE	1.50	255.00		Unbilled
1369675	review submission from UCT and send brief summary to client; MOVE TO NEW FILE: prepare intervenor request for Ont					
Jun 17/2013	Lawyer: 48 1.60 Hrs X 170.00	48 - JOANNA VINCE	1.60	272.00		Unbilled
1369863	review applicant reply arguments and summarize for client;					
Jun 18/2013	Lawyer: 49 1.90 Hrs X 290.00	49 - CHERIE BRANT	1.90	551.00		Unbilled
1391112	review applicant responses; receive instructions to prepare response; revise memo;					
Jun 18/2013	Lawyer: 48 1.40 Hrs X 170.00	48 - JOANNA VINCE	1.40	238.00		Unbilled
1391116	review and finalize summary of Applicants' reply arguments;					
Jun 25/2013	Lawyer: 49 0.30 Hrs X 290.00	49 - CHERIE BRANT	0.30	87.00		Unbilled
1373121	instructions to Joanna Vince;					
Jun 25/2013	Lawyer: 48 0.80 Hrs X 170.00	48 - JOANNA VINCE	0.80	136.00		Unbilled
1383584	discuss preparation of letter to the Energy Board to correct the record based on NextBridge's reply and misstater					
Jun 26/2013	Lawyer: 49 0.80 Hrs X 290.00	49 - CHERIE BRANT	0.80	232.00		Unbilled
1373113	revise clarification of record letter;					
Jun 26/2013	Lawyer: 48 1.00 Hrs X 170.00	48 - JOANNA VINCE	1.00	170.00		Unbilled
1373195	prepare draft letter to correct the record based on NextBridge's reply submission;					
Jun 27/2013	Lawyer: 48 0.40 Hrs X 170.00	48 - JOANNA VINCE	0.40	68.00		Unbilled
1373899	revise letter to the Board correcting the record based on NextBridges assertions about Pic River;					
Jun 28/2013	Lawyer: 49 0.40 Hrs X 290.00	49 - CHERIE BRANT	0.40	116.00		Unbilled
1374035	revise letter;					
Jun 28/2013	Lawyer: 48 0.40 Hrs X 170.00	48 - JOANNA VINCE	0.40	68.00		Unbilled
1374701	review letter to Board to clarify concerns with NextBridge's submission;					
Aug 7/2013	Lawyer: 49 1.00 Hrs X 290.00	49 - CHERIE BRANT	1.00	290.00		Unbilled
1391119	review decision;					

Unbilled: 332.80 80804.00

Billed: 0.00 0.00

Total: 332.80 80804.00

Percent Billed: 0.00 0.00

This is Exhibit "D" referred to in the Affidavit of Byron Leclair  
sworn October 21, 2013



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*Commissioner for Taking Affidavits (or as may be)*

539180

## Client Fees Listing

To Aug 7/2013

Working Lawyer

Date	Entry #	Fee / Time Explanation	Hours	Amount	Inv#	Billing Status
	1684	Ojibways of Pic River First Nation				
	6176	Re: EB2011-0140 East West Tie Transmissi				
Mar 22/2013		Lawyer: 49 4.20 Hrs X 290.00	4.20	1218.00		Unbilled
1343283		instructions from client; lengthy conference call and briefing from client and Carole Godby former legal counsel;				
Mar 31/2013		Lawyer: 49 5.00 Hrs X 290.00	5.00	1450.00		Unbilled
1343284		consider background materials;				
Apr 1/2013		Lawyer: 48 2.20 Hrs X 170.00	2.20	374.00		Unbilled
1344814		instructions to obtain interrogatories and responses to interrogatories for review; meet with C. Brant to review				
Apr 1/2013		Lawyer: 49 4.40 Hrs X 290.00	4.40	1276.00		Unbilled
1352464		consider proceedings materials; lengthy meeting with Joanna Vince to distribute tasks to maximize efficiencies; p				
Apr 1/2013		Lawyer: 49 2.00 Hrs X 290.00	2.00	580.00		Unbilled
1391066		consider materials;				
Apr 2/2013		Lawyer: 49 0.80 Hrs X 290.00	0.80	232.00		Unbilled
1345176		meet with Joanna Vince;				
Apr 2/2013		Lawyer: 48 6.60 Hrs X 170.00	6.60	1122.00		Unbilled
1345187		review responses to interrogatories by all intervenors to assess how client's concerns will be addressed; research				
Apr 3/2013		Lawyer: 49 6.60 Hrs X 290.00	6.60	1914.00		Unbilled
1391067		prepare outline; conference call with client on oral hearing and written submission;				
Apr 4/2013		Lawyer: 49 3.00 Hrs X 290.00	3.00	870.00		Unbilled
1391068		outline preparation; telephone call with Jennifer Lea; draft lengthy memo to client;				
Apr 4/2013		Lawyer: 48 4.80 Hrs X 170.00	4.80	816.00		Unbilled
1391088		review whether policy frameworks are binding on the Board or if there is flexibility; review Pic River's interrog				
Apr 5/2013		Lawyer: 49 11.00 Hrs X 290.00	11.00	3190.00		Unbilled
1345872		consider submissions; prepare outline; follow up with client;				
Apr 8/2013		Lawyer: 49 0.60 Hrs X 290.00	0.60	174.00		Unbilled
1345923		revise outline; memo to client;				
Apr 10/2013		Lawyer: 48 1.00 Hrs X 170.00	1.00	170.00		Unbilled
1346274		review Haida case on aboriginal consultation;				
Apr 12/2013		Lawyer: 49 4.50 Hrs X 290.00	4.50	1305.00		Unbilled
1346509		prepare submission;				
Apr 12/2013		Lawyer: 48 1.80 Hrs X 170.00	1.80	306.00		Unbilled
1346616		review outline for oral argument and discuss approach and content;				
Apr 13/2013		Lawyer: 48 3.40 Hrs X 170.00	3.40	578.00		Unbilled
1346606		prepare oral argument on duty to consult background;				
Apr 15/2013		Lawyer: 49 3.00 Hrs X 290.00	3.00	870.00		Unbilled
1346714		conference call with client; consider materials;				
Apr 15/2013		Lawyer: 48 2.80 Hrs X 170.00	2.80	476.00		Unbilled
1391091		prepare oral arguments for Chief Michano re duty to consult and aboriginal participation; review application by I				
Apr 16/2013		Lawyer: 49 1.80 Hrs X 290.00	1.80	522.00		Unbilled
1346994		revise outline;				
Apr 17/2013		Lawyer: 48 2.80 Hrs X 170.00	2.80	476.00		Unbilled
1347132		review consultation plans and participation plans for each application to evaluate and compare;				
Apr 17/2013		Lawyer: 49 3.00 Hrs X 290.00	3.00	870.00		Unbilled
1391069		consider MNO submissions; consider Board Staff Submissions on Phase I; instructions to Joanna Vince;				
Apr 18/2013		Lawyer: 48 4.20 Hrs X 170.00	4.20	714.00		Unbilled
1350644		review transmitter applications for Aboriginal consultation and participation plans; compare relevant provisions				
Apr 19/2013		Lawyer: 48 6.00 Hrs X 170.00	6.00	1020.00		Unbilled
1350767		locate letter from MNO to the Ministry and review MNO's argument re participation in projects by MNO; summarize p				
Apr 19/2013		Lawyer: 49 4.60 Hrs X 290.00	4.60	1334.00		Unbilled
1350856		consider arguments in chief; prepare submission;				
Apr 22/2013		Lawyer: 49 6.00 Hrs X 290.00	6.00	1740.00		Unbilled
1353644		prepare submission;				
Apr 23/2013		Lawyer: 48 1.20 Hrs X 170.00	1.20	204.00		Unbilled
1352042		locate and review Board Staff submissions on consideration of and weighting of Aboriginal participation; locate a				
Apr 23/2013		Lawyer: 49 8.00 Hrs X 290.00	8.00	2320.00		Unbilled
1352100		review arguments in chief; prepare submission;				
Apr 24/2013		Lawyer: 48 2.00 Hrs X 170.00	2.00	340.00		Unbilled
1352333		prepare first draft of written argument focusing on the Board's mandate and required content to designate a trans				
Apr 24/2013		Lawyer: 49 10.00 Hrs X 290.00	10.00	2900.00		Unbilled
1352338		prepare submissions;				
Apr 25/2013		Lawyer: 48 1.40 Hrs X 170.00	1.40	238.00		Unbilled
1352560		review and revise written arguments on Board's mandate and jurisdiction; review and insert examples and compariso				
Apr 25/2013		Lawyer: 49 10.00 Hrs X 290.00	10.00	2900.00		Unbilled
1352747		draft submission;				
Apr 26/2013		Lawyer: 48 1.80 Hrs X 170.00	1.80	306.00		Unbilled
1352895		meet with C. Brant to discuss draft oral argument and additional thoughts and arguments;				
Apr 26/2013		Lawyer: 49 5.50 Hrs X 290.00	5.50	1595.00		Unbilled
1391101		prepare submission;				
Apr 27/2013		Lawyer: 49 8.00 Hrs X 290.00	8.00	2320.00		Unbilled
1352752		prepare submission;				
Apr 27/2013		Lawyer: 48 3.20 Hrs X 170.00	3.20	544.00		Unbilled
1352892		review RES and AltaLink arguments in chief for arguments about Aboriginal participation and comments on discrimin				
Apr 28/2013		Lawyer: 49 13.00 Hrs X 290.00	13.00	3770.00		Unbilled
1352759		prepare written submission;				
Apr 28/2013		Lawyer: 48 2.80 Hrs X 170.00	2.80	476.00		Unbilled
1352762		review draft oral argument and provide additional arguments re distinction between Aboriginal Participation and a				
Apr 29/2013		Lawyer: 48 2.00 Hrs X 170.00	2.00	340.00		Unbilled
1352884		research and review case law on Aboriginal Participation and decisions distinguishing Aboriginal participation fr				
Apr 29/2013		Lawyer: 49 8.00 Hrs X 290.00	8.00	2320.00		Unbilled
1352901		prepare written submission;				
Apr 30/2013		Lawyer: 48 2.80 Hrs X 170.00	2.80	476.00		Unbilled
1353137		research on Aboriginal Participation; prepare table comparing Aboriginal Participation and Aboriginal Consultat				
Apr 30/2013		Lawyer: 49 6.00 Hrs X 290.00	6.00	1740.00		Unbilled
1353646		prepare submission;				

Date	Entry #	Fee / Time Explanation	Working Lawyer	Hours	Amount	Inv#	Billing Status
May	1/2013	Lawyer: 48 1.80 Hrs X 170.00	48 - JOANNA VINCE	1.80	306.00		Unbilled
	1353319	review articles on aboriginal participation, aboriginal title and land claims;					
May	1/2013	Lawyer: 49 12.00 Hrs X 290.00	49 - CHERIE BRANT	12.00	3480.00		Unbilled
	1353786	hearing preparation; meeting with client; revise submission; travel to Thunder Bay					
May	2/2013	Lawyer: 48 2.80 Hrs X 170.00	48 - JOANNA VINCE	2.80	476.00		Unbilled
	1353430	review and revise oral argument; expand on points about aboriginal participation and add information about Daniel					
May	2/2013	Lawyer: 49 10.00 Hrs X 290.00	49 - CHERIE BRANT	10.00	2900.00		Unbilled
	1353787	hearing preparation; meeting with client; attend hearing; revise submission; debrief meeting;					
May	3/2013	Lawyer: 49 4.00 Hrs X 290.00	49 - CHERIE BRANT	4.00	1160.00		Unbilled
	1353788	meeting with client; attend hearing; debrief meeting;					
May	3/2013	Lawyer: 48 6.40 Hrs X 170.00	48 - JOANNA VINCE	6.40	1088.00		Unbilled
	1391070	review transcripts from Thursday May 2, 2013 and highlight relevant arguments for expansion and/or counter argume					
May	4/2013	Lawyer: 48 2.00 Hrs X 170.00	48 - JOANNA VINCE	2.00	340.00		Unbilled
	1391071	review oral submissions from May 3, 2013 and highlight sections that require counter arguments or that support Pi					
May	5/2013	Lawyer: 48 2.40 Hrs X 170.00	48 - JOANNA VINCE	2.40	408.00		Unbilled
	1391072	begin to prepare counter arguments to MNO oral submission, including characterization of consultation, accommodat					
May	6/2013	Lawyer: 49 1.40 Hrs X 290.00	49 - CHERIE BRANT	1.40	406.00		Unbilled
	1353792	prepare written submission; meeting with Joanna Vince on case law matters; emails to client;					
May	6/2013	Lawyer: 48 10.80 Hrs X 170.00	48 - JOANNA VINCE	10.80	1836.00		Unbilled
	1353949	discuss arguments made during oral hearings in Thunder Bay; identify those intervenors that had a common approach					
May	7/2013	Lawyer: 49 14.00 Hrs X 290.00	49 - CHERIE BRANT	14.00	4060.00		Unbilled
	1354332	prepare written submission; conference call with client; instructions to Joanna Vince;					
May	7/2013	Lawyer: 49 2.80 Hrs X 290.00	49 - CHERIE BRANT	2.80	812.00		Unbilled
	1391073	revise submission; instructions to Joanna Vince;					
May	7/2013	Lawyer: 48 10.10 Hrs X 170.00	48 - JOANNA VINCE	10.10	1717.00		Unbilled
	1391150	review Carrier Sekani Court of Appeal decision; review Rio Tinto Supreme Court of Canada decision re jurisdiction					
May	8/2013	Lawyer: 49 13.00 Hrs X 290.00	49 - CHERIE BRANT	13.00	3770.00		Unbilled
	1354331	prepare and revise written submission; conference call with client; instructions to Joanna Vince;					
May	8/2013	Lawyer: 48 11.00 Hrs X 170.00	48 - JOANNA VINCE	11.00	1870.00		Unbilled
	1354436	review case law on reciprocal duty of Aboriginal communities to engage in consultation; prepare write up on same					
May	9/2013	Lawyer: 48 8.00 Hrs X 170.00	48 - JOANNA VINCE	8.00	1360.00		Unbilled
	1354666	review revise and finalize written arguments; receipt of comments from client on written submission; telephone ca					
May	9/2013	Lawyer: 49 4.00 Hrs X 290.00	49 - CHERIE BRANT	4.00	1160.00		Unbilled
	1391074	revise submission; lengthy conference calls with client; instructions to Joanna Vince;					
May	10/2013	Lawyer: 48 1.80 Hrs X 170.00	48 - JOANNA VINCE	1.80	306.00		Unbilled
	1354916	review submissions from intervenors and highlight positions on Aboriginal Participation and Aboriginal Consultati					
May	26/2013	Lawyer: 48 6.10 Hrs X 170.00	48 - JOANNA VINCE	6.10	1037.00		Unbilled
	1391102	summarize MNO arguments re Aboriginal participation and Aboriginal consultation and compare to Pic River's positi					
May	29/2013	Lawyer: 49 3.00 Hrs X 290.00	49 - CHERIE BRANT	3.00	870.00		Unbilled
	1362887	review memo;					
May	30/2013	Lawyer: 49 0.50 Hrs X 290.00	49 - CHERIE BRANT	0.50	145.00		Unbilled
	1362888	meeting with Joanna Vince;					
May	31/2013	Lawyer: 48 5.00 Hrs X 170.00	48 - JOANNA VINCE	5.00	850.00		Unbilled
	1391108	review submissions from all intervenors for points of agreement with Pic River; summarized consultation and parti					
Jun	4/2013	Lawyer: 48 0.40 Hrs X 170.00	48 - JOANNA VINCE	0.40	68.00		Unbilled
	1365849	receipt and initial review of reply submissions from applicants;					
Jun	11/2013	Lawyer: 49 1.20 Hrs X 290.00	49 - CHERIE BRANT	1.20	348.00		Unbilled
	1368337	revise memo to client to seek instructions;					
Jun	12/2013	Lawyer: 49 2.60 Hrs X 290.00	49 - CHERIE BRANT	2.60	754.00		Unbilled
	1368450	revise memo to client;					
Jun	12/2013	Lawyer: 48 2.40 Hrs X 170.00	48 - JOANNA VINCE	2.40	408.00		Unbilled
	1368508	review reply arguments from applicants, focusing on aboriginal participation and aboriginal consultation; prepare					
Jun	14/2013	Lawyer: 48 1.50 Hrs X 170.00	48 - JOANNA VINCE	1.50	255.00		Unbilled
	1369675	review submission from UCT and send brief summary to client; MOVE TO NEW FILE: prepare intervenor request for Ont					
Jun	17/2013	Lawyer: 48 1.60 Hrs X 170.00	48 - JOANNA VINCE	1.60	272.00		Unbilled
	1369863	review applicant reply arguments and summarize for client;					
Jun	18/2013	Lawyer: 49 1.90 Hrs X 290.00	49 - CHERIE BRANT	1.90	551.00		Unbilled
	1391112	review applicant responses; receive instructions to prepare response; revise memo;					
Jun	18/2013	Lawyer: 48 1.40 Hrs X 170.00	48 - JOANNA VINCE	1.40	238.00		Unbilled
	1391116	review and finalize summary of Applicants' reply arguments;					
Jun	25/2013	Lawyer: 49 0.30 Hrs X 290.00	49 - CHERIE BRANT	0.30	87.00		Unbilled
	1373121	instructions to Joanna Vince;					
Jun	25/2013	Lawyer: 48 0.80 Hrs X 170.00	48 - JOANNA VINCE	0.80	136.00		Unbilled
	1383584	discuss preparation of letter to the Energy Board to correct the record based on NextBridge's reply and misstatem					
Jun	26/2013	Lawyer: 49 0.80 Hrs X 290.00	49 - CHERIE BRANT	0.80	232.00		Unbilled
	1373113	revise clarification of record letter;					
Jun	26/2013	Lawyer: 48 1.00 Hrs X 170.00	48 - JOANNA VINCE	1.00	170.00		Unbilled
	1373195	prepare draft letter to correct the record based on NextBridge's reply submission;					
Jun	27/2013	Lawyer: 48 0.40 Hrs X 170.00	48 - JOANNA VINCE	0.40	68.00		Unbilled
	1373899	revise letter to the Board correcting the record based on NextBridges assertions about Pic River;					
Jun	28/2013	Lawyer: 49 0.40 Hrs X 290.00	49 - CHERIE BRANT	0.40	116.00		Unbilled
	1374035	revise letter;					
Jun	28/2013	Lawyer: 48 0.40 Hrs X 170.00	48 - JOANNA VINCE	0.40	68.00		Unbilled
	1374701	review letter to Board to clarify concerns with NextBridge's submission;					
Aug	7/2013	Lawyer: 49 1.00 Hrs X 290.00	49 - CHERIE BRANT	1.00	290.00		Unbilled
	1391119	review decision;					

Unbilled: 332.80 80804.00

Billed: 0.00 0.00

Total: 332.80 80804.00

Percent Billed: 0.00 0.00