

October 28, 2013

Norton Rose Fulbright Canada LLP
Royal Bank Plaza, South Tower, Suite 3800
200 Bay Street, P.O. Box 84
Toronto, Ontario M5J 2Z4 Canada

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

F: +1 416.216.3930
nortonrosefulbright.com

Elisabeth L. DeMarco
+1 416.203.4431
elisabeth.demarco@nortonrosefulbright.com

Dear Ms. Walli:

**EB-2013-0192 - Proposed Amendments to the Ontario Power Authority's ("OPA's")
license in relation to Regional Planning**

We are counsel to the Ontario Electricity Storage Alliance ("OESA") in the above-mentioned matter. In accordance with the Ontario Energy Board's (the "Board's") decision, (the "Decision"), please find attached the cost claim of the OESA.

The OESA submits that full recovery of its costs claimed should be awarded by the Board in that:

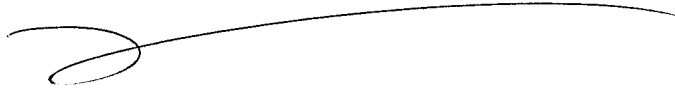
- a) all costs are supported by and in accordance with the Practice Direction (including Sections 3 through 9);
- b) the OESA represents the voice of a collective of new energy storage interests in the Province that are critical to the optimization and efficiency of existing renewable energy and conservation initiatives and current interests in the Province;
- c) the efficiency and asset optimization principles that the OESA reflects serve the public interests and may benefit many stakeholders in the Ontario energy sector;
- d) the OESA members are part of a fledgling and growing industry, where many members may not have been able to participate of their own accord;
- e) the OESA participated very responsibly in the hearing process, and its views and submissions were both considered and incorporated into the Decision (Practice Decision s.5.01 (a), (i), (j));
- f) the OESA made reasonable efforts to assist the Board by reflecting its unique views and avoiding any undue repetition of the submissions of other parties (Practice Decision s.5.01(c), (d));
- g) the OESA trusts that its submissions contributed to the Board's better understanding of unique energy storage considerations in the definition of the "IRRP" and Sections x.2.2 (b) and (c) (Practice Direction s.5.01 (f));
- h) the OESA addressed only issues that were within the scope of the proceeding as identified in Procedural Order No. 1 and thereby complied with the directions of the Board (Practice Direction s.5.01 (g) and Decision, p. 16) and did not address irrelevant matters (Practice Direction s.5.01 (h)).

Mr. Kirsten Walli
October 28, 2013

 NORTON ROSE FULBRIGHT

Thank-you for your consideration of this cost claim. Should you have any further questions, please do not hesitate to contact the undersigned.

Sincerely,



Lisa (Elisabeth) DeMarco

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

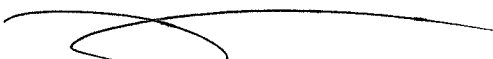
- Required data input is indicated by yellow-shaded fields. Formulas are present in the document to assist with the calculation of the cost claim.
- All claims must be in Canadian dollars. If applicable, state exchange rate and country of initial currency.
Rate: N/A Country: N/A
- A separate "Detail of Fees and Disbursements Being Claimed" (comprising a "Statement of Fees Being Claimed" and a "Statement of Disbursements Being Claimed") is required for each consultant or lawyer/articling student/paralegal. However, only one "Summary of Fees and Disbursements" covering the whole of the party's cost claim should be provided.
- The cost claim must be supported by a completed Affidavit signed by a representative of the party.
- A CV for each consultant must be attached unless, for a given consultant, a CV has been provided to the Board in another process within the last 24 months.
- Except as provided in section 7.03 of the Practice Direction on Cost Awards, itemized receipts must be provided.

File # EB- <u>2013-0192</u>	Process: <u>OPA Regional Planning License Amendments</u>
Party: <u>Ontario Energy Storage Alliance</u>	Affiant's Name: <u>Elisabeth (Lisa) DeMarco</u>
HST Number: <u>R111340006</u>	HST Rate Ontario: <u>13.00%</u>
Full Registrant <input type="checkbox"/>	Qualifying Non-Profit <input type="checkbox"/>
Unregistered <input type="checkbox"/>	Tax Exempt <input type="checkbox"/>
Other <input checked="" type="checkbox"/>	

Affidavit

I, Elisabeth (Lisa) DeMarco, of the City/Town of Toronto
in the Province/State of Ontario, swear or affirm that:

1. I am a representative of the above-noted party (the "Party") and as such have knowledge of the matters attested to herein.
2. I have examined all of the documentation in support of this cost claim, including the attached "Summary of Fees and Disbursements Being Claimed", "Statement(s) of Fees Being Claimed" and "Statement(s) of Disbursements Being Claimed".
3. The attached "Summary of Fees and Disbursements Being Claimed", "Statement(s) of Fees Being Claimed" and "Statement(s) of Disbursements Being Claimed" include only costs incurred and time spent directly for the purposes of the Party's participation in the Ontario Energy Board process referred to above.
4. This cost claim does not include any costs for work done, or time spent, by a person that is an employee or officer of the Party as described in sections 6.05 and 6.09 of the Board's Practice Direction on Cost Awards.



Signature of Affiant

Sworn or affirmed before me at the City/Town of Toronto,
in the Province/State of Ontario, on October-28-13.
(date)

Ontario Energy Board
COST CLAIM FOR HEARINGS



Paula Stent

Affidavit and Summary of Fees and Disbursements

Commissioner for taking Affidavits

File # EB- 2013-0192

Process: OPA Regional Planning License Amendments

Party: Ontario Energy Storage Alliance

Summary of Fees and Disbursements Being Claimed

Legal/consultant fees	\$3,451.00
Disbursements	\$0.00
HST	\$448.63
Total Cost Claim	\$3,899.63

Ontario Energy Board

COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2013-0192</u>		Process: <u>OPA Regional Planning License Amendments</u>	
Party: <u>Ontario Energy Storage Alliance</u>		Name: <u>Elisabeth (Lisa) DeMarco</u>	
		Completed Years Practising/Years of relevant experience	
Counsel/Articling Student/Paralegal:	<input checked="" type="checkbox"/>	<u>17 (1997 year of call)</u>	
Consultant:	<input type="checkbox"/>	<u>2 (1995-1997 Articling Student)</u>	
CV attached:	<input checked="" type="checkbox"/>	CV not required:	<input type="checkbox"/>

Statement of Fees Being Claimed

	Hours	Hourly rate	Subtotal	HST	Total
Preparation	5.60	\$290.00	\$1,624.00	\$211.12	\$1,835.12
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	6.30	\$290.00	\$1,827.00	\$237.51	\$2,064.51
Case Management	0.00	\$170.00	\$0.00	\$0.00	\$0.00
TOTAL LEGAL/CONSULTANT FEES			\$3,451.00	\$448.63	\$3,899.63

Statement of Disbursements Being Claimed

	Net Cost	HST	Total
Photocopies		\$0.00	\$0.00
Printing		\$0.00	\$0.00
Fax		\$0.00	\$0.00
Courier		\$0.00	\$0.00
Telephone		\$0.00	\$0.00
Postage		\$0.00	\$0.00
Transcripts		\$0.00	\$0.00
Travel: Air		\$0.00	\$0.00
Travel: Car		\$0.00	\$0.00
Travel: Rail		\$0.00	\$0.00
Travel (Other):		\$0.00	\$0.00
Parking		included	\$0.00
Taxi or Airport Limo		\$0.00	\$0.00
Accommodation		\$0.00	\$0.00
Meals		\$0.00	\$0.00
Other:		\$0.00	\$0.00
TOTAL DISBURSEMENTS:	\$0.00	\$0.00	\$0.00

APPENDIX "B"

FORM 3

AFFIDAVIT IN SUPPORT OF COST CLAIM

EB-2013-0192
Board File Number

ONTARIO ENERGY STORAGE ALLIANCE
Party Name

Items Claimed excluding GST

Legal/Consultant Fees	+	Disbursements	=	Net Sub-Total
\$ <u>3,451.00</u>		\$ <u>0</u>		\$ <u>3,451.00</u>

Goods and Services Tax

..... Full Registrant Qualifying Non-Profit (GST at 2.5%)
..... Unregistered (GST at 5%) Tax Exempt (no GST).....
Other _____ GST at <u>13</u> %	

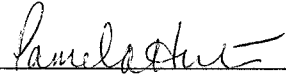
Total Cost Claim

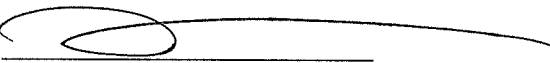
Net Sub-Total	+	Total GST Claimed	=	Total Cost Claim
\$ <u>3,451.00</u>		\$ <u>448.63</u>		\$ <u>3,899.63</u>

I, (name) ELISABETH (LISA) DEMARCO, of the (City, Town, etc.) TORONTO in the
(County, Regional Municipality, etc.) of ONTARIO, **MAKE OATH AND SAY:**

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 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 party for the purpose of its intervention in the Ontario Energy Board process (the file number of which is set out above).
4. The above Cost Claim does not include any costs incurred for work done, or time spent, by employees or officers of the party as described in section 6.05 of the Board's Practice Direction on Cost Awards.

SWORN (OR AFFIRMED) BEFORE ME at the (City, Town, etc.) of TORONTO, in the (County, Regional Municipality, etc.) of ONTARIO on (date) OCT. 28, 2013.


COMMISSIONER for taking Affidavits


Signature of Deponent

INVOICE

Invoice Number: 1314233
Date: October 28, 2013

Barristers & Solicitors / Patent & Trade-mark Agents

Norton Rose Fulbright Canada LLP
Royal Bank Plaza, South Tower, Suite 3800
200 Bay Street, P.O. Box 84
Toronto, Ontario M5J 2Z4 CANADA

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toronto@nortonrosefulbright.com
nortonrosefulbright.com

c/o TEMPORAL POWER LTD.
3750A Laird Road, Unit 2
Mississauga, ON L5L 0A6

GST: R111340006

Attention: Cam Carver, on behalf of OESA

For professional services rendered and disbursements incurred for the period ending October 25, 2013.

FEES	3,451.00
DISBURSEMENTS (Taxable)	0.00
DISBURSEMENTS (Non Taxable)	0.00
NET	3,451.00
HST	448.63
TOTAL FOR THIS INVOICE IN CANADIAN DOLLARS	\$3,899.63

Please note that interest at the rate of 1.3% per annum may be charged on any invoice that is not paid in full within 30 days from the date on which it was issued.

Payable upon receipt

Banking information for wire transfer
RBC Financial Group, Main Branch, Royal Bank Plaza
Toronto, Ontario, CANADA
Bank 003, Transit 00002, Acc. No. 106-030-0
Swift Code # ROYCCAT2
Include invoice number on transfer order

01023596-0007

RE: Ontario Energy Storage Alliance Advocacy Council ("OESAAC")
FEE DETAIL

Date	Timekeeper	Description	Hours	Rate	Amount
17/6/13	Elisabeth L Demarco	Notice on OPA license amendment.	1.10	290.00	319.00
18/6/13	Elisabeth L Demarco	Communications with OEB regarding timing of submissions.	0.40	290.00	116.00
19/6/13	Elisabeth L Demarco	Review of OPA license amendment and review of OEB letter, Procedural Order No. 1 and email to C. Carver regarding granted intervenor status and cost eligibility. Discussion regarding next steps.	1.40	290.00	406.00
5/7/13	Elisabeth L Demarco	Review and consider OPA proposal to amend license re IRRP/Regional Planning.	1.70	290.00	493.00
12/7/13	Elisabeth L Demarco	Call with C. Carver regarding follow up from meeting and next steps.	1.00	290.00	290.00
16/7/13	Elisabeth L Demarco	Initial draft of OESA submissions.	0.50	290.00	145.00
16/7/13	Elisabeth L Demarco	Finalize draft of OESA submissions. Call with C. Carver regarding group instructions. File revised submission.	4.20	290.00	1,218.00
19/7/13	Elisabeth L Demarco	Review of emails from C. Carver re OESA Intervention and Cost Awards - banking information. Instructions to M. Zambri.	0.30	290.00	87.00
21/10/13	Elisabeth L Demarco	Review and report on OEB decision to OESA.	1.30	290.00	377.00
25/10/13	Elisabeth L Demarco	Preparation of cost claim (2.5 hrs. non-billable).	0.00	290.00	0.00
TOTAL FEES				CAD \$3,451.00	

INVOICE: 1314233

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Partner

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- [Supreme Court of Canada and appellate advocacy](#)

Lisa DeMarco is recognized as a Canadian lawyer with over 15 years of experience in the law relating to climate change, clean energy and clean technology. She represents several leading energy clients in a wide variety of natural gas, electricity and energy storage matters before regulatory agencies, the Ontario Energy Board and the National Energy Board. She has been an adjunct professor at Osgoode Hall Law School and lectures regularly.

She also assists leading Canadian energy companies on domestic and overseas power project development, renewable power projects, alternative fuel projects, clean tech development and finance, energy storage, carbon capture and storage, corporate social responsibility, environmental disclosure, clean energy finance and business strategy.

Ms. DeMarco is one of the leading carbon transaction lawyers in the international market, having worked for investment banks and energy companies on deals and projects in India, Brazil, Sri Lanka, Thailand, Argentina, Chile, Ireland, Africa, Mexico, China, Russia, California, Alberta, Ontario and Quebec. She plays an ongoing and active role in the development and drafting of energy and GHG emissions policy, regulation and law throughout Canada and in various countries around the world.

She was appointed to the Premier's now completed Climate Change Advisory Panel and continues to serve as an appointed member of Ontario's Clean Energy Task Force.

- **Year of call**

Solicitor, England and Wales 2012

Ontario 1997

- **Law school**

LL.B., Osgoode Hall Law School, 1995

MSEL, Vermont Law School, 1995

- **Education**

M.Sc., Environmental Toxicology, University of Toronto, 1992

B.Sc.(Hons.), Human and Environmental Biology, Western University, 1990

- **Speaking engagements**

- "Can Renewables Provide Affordable Electricity?" (panellist), *11th Annual Ontario Power Summit*, Toronto, May 2012.
- "Assessing and Managing Social and Environmental Risk in Project Finance," *A Road Map for Corporate Social Responsibility in the Extractive Sector*, Norton Rose Canada corporate social responsibility seminar, Toronto, April 2012.
- "Careers in International Law" (panellist), *Canadian International Law Students Conference*, Toronto, January 2012.
- "CDM - From Concept to Operation - Setting Benchmark Levels in Standardized Baseline" (panellist), IETA Side Event, COP17/CMP7, *Durban Climate Change Conference*, Durban, South Africa, November-December 2011.
- "Update on renewables procurement from the OPA: Are we looking at FIT 2.0 or something else?" (moderator), APPRO 2011, Toronto, November 15-16, 2011.
- "ISO 26000 2011 Guidance on Social Responsibility: Setting a New Global Standard?" *Risk Mitigation and Corporate Social Responsibility in Africa and Emerging Markets*, 6th Risk Mitigation and CSR Seminar, Canada-Southern Africa Chamber of Business, Toronto, November 8, 2011.
- "Beyond Carbon: Innovative Ways to Finance REDD+" (presenter) and "REDD - Innovative ways to finance REDD+ initiatives at sub national and community levels" (panellist), *Africa Carbon Forum*, Marrakech, Morocco, July 4-6, 2011.
- "Leadership for Women in Law," Career Women Interaction conference series, Toronto, April 2011.
- "Technology Developments that will Support Managing Pipeline Integrity" (panellist), *National Operations Conference*, Canadian Gas Association, Toronto, March 27-29, 2011.
- Session D5/Climate International (co-presenter), *EUEC 2011: 14th Annual Energy & Environment Conference*, Phoenix, Arizona, January-February 2011.

- **Publications**

- "Climate Change Back on the Front Burner: Beyond Washington DC – A Tale of Two Cities".
- "The era of the Canadian Environmental Assessment Act, 2012 has begun," September 2012.

- “Federal Government Releases Coal Phase Out Regulations,” September 2011.
- “Ontario announces changes to renewable energy contracts,” August 2011.
- “Carbon capture and storage statutes amendment act,” November 2010.
- “New CSA environmental disclosure guidance,” November 2010.
- “Alberta carbon capture and storage legal and regulatory update,” August 2009.
- “Final Federal Regulatory Framework For Industrial Greenhouse Gas Emissions” (co-author), firm legal bulletin, March 2008.
- “Canadian Challenges in Implementing the Kyoto Protocol: A Cause for Harmonization,” *Alberta Law Review*, Petroleum Law Edition, Vol. 42, No. 1, July 2004.
- **Selected client work**

Ms. DeMarco has acted in the following matters in recent years:

 - SaskPower Boundary Dam Post Combustion Carbon Capture and Storage – provided strategic legal advice, legislative analysis (federal and provincial), legislative drafting and climate change policy advice
 - California Offset Contracts – drafted precedent route to market agreements for a large multinational energy company
 - Ontario Cap and Trade Proposal - provided strategic legal and policy advice to a group of power generators on all aspects of the matter
 - Green Municipal Corp. – various transactions for BC emission offsets
 - Environmental attributes and RGGI proposal to require allowance purchases by importing generators – provided legal, policy, strategy and stakeholder advice to a quasi-governmental agency
 - Quebec cap and trade legislation – provided legal analysis and advice to a large multinational energy company on registration and cross-border issues
 - Natural gas rate proceedings before the Ontario Energy Board, representing energy wholesalers and marketers and electricity generators
 - Emissions transactions and the Kyoto Protocol, representing large power producers
 - Gas and renewable power project development and proposals pursuant to government RFPs
 - Carbon finance and Kyoto emissions transactions, representing an international lender
- **Media highlights**
 - Featured in “Finding their Niche,” York U Magazine, Summer 2013.
 - Featured in “Canada’s Coal Plant Regulations to Cut CO2 Emissions 5.3 Million Tonnes,” Reuters News, September 2011.
 - Quoted in “Tory majority in Canada may not kill climate debate: observers,” Carbon Market North America, May 2011.
 - “Big bucks in carbon trade?” July 9, 2010.
 - “Copenhagen Accord provides no long-term climate change certainty,” January 11, 2010.
 - “Big value put on carbon market,” December 24, 2009.
 - “Ontario promotes green credentials to lure investors,” December 11, 2009.
 - “Company tries to cash in on carbon currency,” June 13, 2009.
- **Rankings and recognitions**
 - Chambers Global 2013: Global-wide – Climate Change – “a technically excellent transactional lawyer” who provides “creative, cross border thinking”; Canada - Environment - “a leading environmental lawyer in Canada
 - *The International Who’s Who of Environment Lawyers*, 2012, 2013

- *Canadian Legal Lexpert Directory*, 2012 - recommended in Energy (Oil & Gas)
- Expert Guide to the World's Leading Women in Business Law - Leading Practitioner
- *Lexpert*, Top 40 Under 40
- *Who's Who*, *Lexpert* and *LawDay* - leading climate change lawyer
- Memberships and activities
 - Law Society of Upper Canada
 - British Columbia's Pacific Carbon Trust Offset Purchase Agreement Review Committee
 - Appointed Member
 - Editorial board, *Carbon and Climate Law Review*
 - Adjunct Professor, climate change law, Osgoode Hall Law School, 2011