



Cohen Highley

LAWYERS

www.cohenhighley.com

Reply to London

One London Place
255 Queens Ave., 11th Floor
London, ON N6A 5R8

T (519) 672-9330
F (519) 672-5960

Kitchener

55 King St. West
Suite 1002
Kitchener, ON N2G 4W1

T (226) 476-4444
F (519) 576-2830

Sarnia

1350 L'Heritage Dr.
Sarnia, ON N7S 6H8

T (519) 344-2020
F (519) 672-5960

Chatham

101 Keil Dr. South, Unit 2
P.O. Box 420
Chatham, ON N7M 5K6

T (226) 494-1034
F (519) 672-5960

Harris W. Cohen
(1946 - 2000)

Paul G. Vogel **

J. Brian Phillips

Paul R. Steacy

Bradley W. Stone

Joseph J. M. Hoffer

Vicki J. Edgar

Iain D. D. Sneddon

Lucy Lee

Kimberly L. Doucett

R. Tyler Hortie

Christian A. Jannetta

Kristin A. Ley

Alexandra Rosu

Kim Newman

Ken B. Fraser

Laura M. McKeen

Erin M. O'Leary

Gene P. Chiarello

Jaime K. Bell

Benjamin G. Blay

Landon Hang

Erin K. Burns

Mark W. Melchers

Alexandra
Papaiconomou

Matthew D. Reid

Maria Mavrikou

Counsel

Gerald H. L.
Fridman
Q.C., F.R.S.C.

Gordon B.
Carmichael

John W. Makins

Frank A. Highley

** Certified by the
Law Society as a
specialist in Civil
Litigation.

November 18, 2013

Via email (boardsec@ontarioenergyboard.ca)

Ontario Energy Board

PO Box 2319

2300 Yonge St.

Toronto, ON M4P 1E4

Attn: Ms. Kirsten Walli, Board Secretary

Dear Madam Secretary:

**RE: EB-2012-0442 - Application by Varna Wind Inc. for an order granting
Leave to construct transmission facilities
Ritzema Dairy Ltd. – Costs Claim**

Further to the decision of the Board in this matter, please find enclosed the costs application of Ritzema Dairy Ltd., in accordance with the Board's Practice Direction on Costs.

Yours very truly,

COHEN HIGHLEY LLP

Gene Chiarello

email: chiarello@cohenhighley.com

Enclosure

c.c. : Mr. George Vegh – McCarthy Tetrault (*via email : gvegh@mccarthy.ca*)

ONTARIO ENERGY BOARD

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

AND IN THE MATTER OF an application by Varna Wind Inc. for an order or orders pursuant to section 92 of the *Ontario Energy Board Act, 1998* granting leave to construct transmission facilities in the Municipalities of Bluewater and Huron East.

Costs Claim of Ritzema Dairy Ltd. November 18, 2013

COHEN HIGHLEY LLP
Lawyers
One London Place
255 Queens Avenue, 11th Floor
London, Ontario N6A 5R8
Tel: (519) 672-9330
Fax: (519) 672-5960

Paul G. Vogel
Gene P. Chiarello

Solicitors for Ritzema Dairy Ltd.

APPENDIX "B"

FORM 1

SUMMARY STATEMENT OF HOURS -CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

<u>EB-2012-0442</u> Board File Number		<u>Ritzema Dairy Ltd.</u> Party Name	
<u>Paul G. Vogel</u> Legal Counsel Name	<u>1976</u> Year of Call	<u>Cohen Highley LLP</u> Law Firm	
Consultant Name	Years of Relevant Experience (curriculum vitae must be attached)	Consultant Firm	
	Hours	Hourly Rate	Sub-total
Preparation			
Attendance -Technical Conference			
Attendance -Settlement Conference			
Attendance -Oral Hearing			
Argument			
Case Management	4.4	330	1452.00
TOTALS	4.4	330	1452.00
			188.76
			1,640.76
Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____.			

Paul Vogel

Up to and including November 15, 2013

Date	Professional Name	Description	Units
Case Management			
01/14/2013	Paul Vogel	Review application/easement options/easement agreement	2
01/14/2013	Paul Vogel	Office conference with Heather/Gerhard Ritzema re NextEra application	0.5
02/05/2013	Paul Vogel	Office conference with Gene Chiarello re landowner participation	0.3
02/05/2013	Paul Vogel	Office conference with Gene Chiarello re hearing/order/retainer requirements	0.3
02/13/2013	Paul Vogel	Office conference with Gene Chiarello re retainer requirements/intervention/interrogatories	0.2
02/14/2013	Paul Vogel	Office conference with Gene Chiarello re OEB intervention/costs/interrogatories	0.3
03/21/2013	Paul Vogel	Determining method of proceeding - pre-filed evidence	0.3
03/21/2013	Paul Vogel	Office conference with Gene Chiarello re pre-filed evidence	0.3
05/15/2013	Paul Vogel	Office conference with Gene Chiarello re road allowance resolution	0.2
Grand Total			4.4

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A separate form is required for each consultant or legal counsel

<u>EB-2012-0442</u> Board File Number		<u>Ritzema Dairy Ltd</u> Party Name			
<u>Gene P. Chiarello</u> Legal Counsel Name		<u>2011</u> Year of Call			
<u>Cohen Highley LLP</u> Law Firm		Consultant Firm			
Consultant Name		Years of Relevant Experience (curriculum vitae must be attached)		Consultant Firm	
	Hours	Hourly Rate	Sub-total	GST	Total
Preparation	39.80	170	6,766	879.58	7,645.58
Attendance -Technical Conference					
Attendance -Settlement Conference					
Attendance -Oral Hearing					
Argument					
Case Management	1.70	170	289	37.57	326.57
TOTALS	41.50		7055	917.15	7972.15
Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____.					

Gene Chiarello

Up to and including November 15, 2013

Date	Professional Name	Description	Units
Case Management			
01/04/2013	Gene P. Chiarello	To telephone attendance with H. Ritzema re: Nextera Energy affecting land and request for intervenor status.	0.5
01/14/2013	Gene P. Chiarello	To meeting with P. Vogel and Ritzema Farm to discuss pending NextEra wind energy project and potential implications for their property.	1
05/15/2013	Gene P. Chiarello	To meeting with P. Vogel to discuss pole placement options on Ritzema Farm deviation road allowance.	0.2
TOTAL			1.7
Preparation			
01/07/2013	Gene P. Chiarello	To telephone attendance with H. Ritzema re: location of property, number of affected owners and to review of documents filed by Nextera.	0.5
01/11/2013	Gene P. Chiarello	To review of application and memo to P. Vogel re: NextEra windfarm and affect on potential client Ritzema's farm for upcoming consult.	1.2
01/31/2013	Gene P. Chiarello	To telephone attendance with client H. Ritzema, review of notes from consult meeting and begin draft of letter inquiring into whether construction will affect client's property.	0.7
02/04/2013	Gene P. Chiarello	To completion of letter to Varna and to office conference with P. Vogel discussing strategy on how to proceed on individual basis.	0.6
02/04/2013	Gene P. Chiarello	To review of OEB website for procedural order including dates, review of procedural order and review of Varna's Intervenor Request Objection.	0.6
02/11/2013	Gene P. Chiarello	To email correspondence and telephone attendance with H. Ritzema re: retainer and interrogatories.	0.3
02/11/2013	Gene P. Chiarello	To begin review of application for draft of interrogatories.	1
02/13/2013	Gene P. Chiarello	To email correspondence with client re: retainer and steps moving forward.	0.2
02/13/2013	Gene P. Chiarello	To review of application in preparation for drafting interrogatories,	1.6
02/19/2013	Gene P. Chiarello	To preparation of documents to send to OEB and draft of Interrogatory and cover letter.	1.1
03/04/2013	Gene P. Chiarello	To review of responses to interrogatories. (not directly affected)	0.5
03/08/2013	Gene P.	To review of correspondence from OEB enclosing	0.6

	Chiarello	map, correspondence from G. Andrews re: evidence, telephone attendance with H. Ritzema discussing affected tenancy and office conference with P. Vogel re: same.	
03/15/2013	Gene P. Chiarello	To telephone attendance with H. Ritzema and to review of OEB website for recently filed documentation on project. Also to review of Varna (Bluewater) site.	0.4
03/21/2013	Gene P. Chiarello	To telephone attendance with H. Ritzema re: changes to project and location of poles onto private property, review of maps, and to office conference with P. Vogel discussing same. Also to continued preparation of evidence to be filed.	1.6
03/22/2013	Gene P. Chiarello	To begin compiling evidence and drafting letter to be submitted by March 27.	0.6
03/25/2013	Gene P. Chiarello	To research on properties owned, PIN's, descriptions and examining maps of the area to decipher if small parcel across Centennial is recognized as belonging to Ritzema.	1
03/26/2013	Gene P. Chiarello	To various telephone attendances with client. To office conference with T. Profenna examining property PIN's and related maps and to preparation of evidence.	2
03/27/2013	Gene P. Chiarello	To finalizing of evidence and accompanying letter. To various telephone attendances with client discussing pole placement and reviewing letter and evidence prior to sending.	2.6
03/27/2013	Gene P. Chiarello	To review of received email from representatives for the Applicant re: responses to interrogatories and evidence filed by Municipality of Bluewater.	0.4
03/28/2013	Gene P. Chiarello	To email correspondence with client re: mailing of documents and ongoing review of incoming intervenor evidence.	0.6
04/02/2013	Gene P. Chiarello	To review of recently posted intervenor evidence by Oldfield, Municipality of Bluewater and Centennial Rd Group.	0.8
04/10/2013	Gene P. Chiarello	To review of incoming documents from OEB re: inconsistent map data tendered by applicant. To review of Varna Wind's motion to strike evidence. To review of Varna Wind interrogatories for Ritzema re: property south of Centennial.	1.7
04/12/2013	Gene P. Chiarello	To review of incoming documentation from OEB re: procedural order 3, telephone attendance with clients re: documentation and further requests for evidence from Varna, and to memo for P. Vogel outlining issues for instruction on how to proceed.	0.8
04/15/2013	Gene P.	To draft response to interrogatories.	0.6

	Chiarello		
04/16/2013	Gene P. Chiarello	To draft of responses to interrogatories.	0.5
04/19/2013	Gene P. Chiarello	To review of filed documents re: motion to strike evidence filed by Bluewater.	0.3
04/23/2013	Gene P. Chiarello	To telephone attendance with clients reviewing notes for letter, to telephone attendance and email correspondence with Municipality and to completing submission for client review.	1.8
04/23/2013	Gene P. Chiarello	To review of written correspondence from Municipality re: questions posed by Applicant.	0.3
04/24/2013	Gene P. Chiarello	To review of newly posted items on OEB site re: motion to strike evidence and to review and edit of Ritzema submission before sending.	0.4
05/02/2013	Gene P. Chiarello	To review of procedural order issued by Board re: motion to strike.	0.3
05/03/2013	Gene P. Chiarello	To review of reply to interrogatories by applicant.	0.2
05/08/2013	Gene P. Chiarello	To review of materials filed by applicant re: routing of line from original road allowance to travelled road.	0.6
05/10/2013	Gene P. Chiarello	To telephone attendance with H. Ritzema re: applicant's decision to re-route wires/poles.	0.2
05/13/2013	Gene P. Chiarello	To email correspondence with H. Ritzema re: position on applicant's offer to re-route lines.	0.2
05/14/2013	Gene P. Chiarello	To updated review of recent correspondence posted on OEB website.	0.8
05/15/2013	Gene P. Chiarello	To telephone correspondence re: submission due May 17.	0.4
05/15/2013	Gene P. Chiarello	To start draft response to Applicant offer to accommodate.	0.4
05/16/2013	Gene P. Chiarello	To updated review of recent OEB submissions.	0.5
05/16/2013	Gene P. Chiarello	To draft of response to Varna accommodation to be filed with OEB May 17.	0.8
05/17/2013	Gene P. Chiarello	To email correspondence with H. Ritzema re: liability for poles.	0.2
05/27/2013	Gene P. Chiarello	To review of correspondence from applicant re: pole placement and reference to maps for clarification of same.	0.6
05/29/2013	Gene P. Chiarello	To review of maps and review of issues re: pole placement.	0.5
05/30/2013	Gene P. Chiarello	To telephone attendance with clients reviewing submission of applicant and reviewing pole placement and related issues.	0.3
06/03/2013	Gene P.	To review of Applicant argument in chief.	0.9

	Chiarello		
06/04/2013	Gene P. Chiarello	To review of email correspondence from intervenor Van Miltenburg.	0.2
06/14/2013	Gene P. Chiarello	To review of Applicant's renewable energy approval.	1.1
06/17/2013	Gene P. Chiarello	To telephone attendance with G. Ritzema re: Centennial Rd and placement of pole on southeast corner of property.	0.3
06/17/2013	Gene P. Chiarello	To begin draft of letter to board re: 'Centennial Rd'.	0.3
06/18/2013	Gene P. Chiarello	To telephone attendance with H. Ritzema discussing contents of letter and finishing letter to be sent re: pole placement and name of 'Centennial Road'.	0.5
06/24/2013	Gene P. Chiarello	To review of reply submissions of the Applicant.	0.6
06/28/2013	Gene P. Chiarello	To review of Board correspondence re: negotiations.	0.2
07/02/2013	Gene P. Chiarello	To review of response from applicant re: proper naming of Centennial and request to have pole moved to South side of Centennial. Also to examination of attached maps re: same.	0.3
08/15/2013	Gene P. Chiarello	To telephone attendance with H. Ritzema re: acquiring piece of land in question which has no registered owner on title.	0.4
08/28/2013	Gene P. Chiarello	To brief research re: gaining title to property that has no owner (ie piece of land at issue from road deviation).	0.5
10/11/2013	Gene P. Chiarello	To review of correspondence received from OEB and to telephone attendance with OEB re: pole on eastern corner of Ritzema property.	0.6
11/04/2013	Gene P. Chiarello	To review of decision and order from OEB.	0.9
11/04/2013	Gene P. Chiarello	To start cost submissions to the Board.	0.7
11/15/2013	Gene P. Chiarello	To final preparation of cost claim documentation.	1
Grand Total			39.8

APPENDIX "B"

FORM 2

SUMMARY OF DISBURSEMENTS

<u>EB-2012-0442</u> Board File Number	<u>Ritzema Dairy Ltd.</u> Party Name		
<u>Cohen Highley LLP</u> Party or Group that made the disbursement			
	Net Cost	GST	
Photocopies			
Printing			
Fax			
Courier			
Telephone			
Postage			
Transcripts			
Travel: Air			
Travel: Car			
Travel: Rail			
Travel: Other ()			
Taxi or Airport Limo			
Accommodation			
Meals			
Other () <i>Sub-search</i>	<i>18.00</i>	<i>2.34</i>	Grand Total
Sub-totals	<i>18.00</i>	<i>2.34</i>	
Notes 1. All claims for disbursements must include receipts where practicable. 2. All claims must be in Canadian dollars. If applicable state exchange rate _____ and country of initial currency.			

APPENDIX "B"

FORM 3

AFFIDAVIT IN SUPPORT OF COST CLAIM

EB-2012-0442

Board File Number

Ritzema Dairy

Party Name

Items Claimed excluding GST

Legal/Consultant Fees	+	Disbursements	=	Net Sub-Total
\$ <u>8,507</u>		\$ <u>18.00</u>		\$ <u>8,525.00</u>

Goods and Services Tax

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

Total Cost Claim

Net Sub-Total	+	Total GST Claimed	=	Total Cost Claim
\$ <u>8,525.00</u>		\$ <u>108.25</u>		\$ <u>8,633.25</u>

I, (name) Gene Chiarello, of the (City, Town, etc.) London in the
(County, Regional Municipality, etc.) of Middlesex, 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
London, in the (County, Regional Municipality, etc.) of
Middlesex on (date) Nov 18, 2013.

[Signature]
COMMISSIONER for taking Affidavits

[Signature]
Signature of Deponent