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February 10, 2014

Reply To: Thomas Brett
Direct Dial: 416.941.8861
E-mail: tbrett@foglers.com
Our File No. 133787

VIA RESS, EMAIL AND REGULAR MAIL

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4

Attention: Kirsten Walli,
Board Secretary

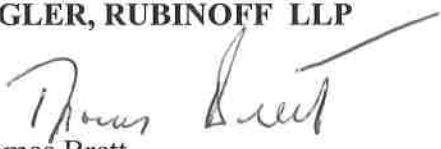
Dear Ms. Walli:

Re: EB-2013-0046; Cost Claim of BOMA

Please find attached cost claim of BOMA.

Yours truly,

FOGLER, RUBINOFF LLP


Thomas Brett
TB/dd
Encls.

cc: Lorraine Chiasson, EGDI (*via email*)
Fred Cass, Aird & Berlis (*via email*)
Marion Fraser (*via email*)
Chris Conway, BOMA (*via email*)

Ontario Energy Board COST CLAIM FOR HEARINGS



Affidavit and Summary of Fees and Disbursements

This form should be used by a party to a hearing before the Board to identify the fees and disbursements that form the party's cost claim. Paper and electronic copies of this form and itemized receipts must be filed with the Board and served on one or more other parties as directed by the Board in the applicable Board order. Please ensure all required fields are filled in and the Affidavit portion is signed and sworn or affirmed.

Instructions

- Required data input is indicated by yellow-shaded fields. Formulas are present in the document to assist with the calculation of the cost claim.

- All claims must be in Canadian dollars. If applicable, state exchange rate and country of initial currency.

Rate: _____

Country: _____

- A separate "Detail of Fees and Disbursements Being Claimed" (comprising a "Statement of Fees Being Claimed" and a "Statement of Disbursements Being Claimed") is required for each consultant or lawyer/articling student/paralegal. However, only one "Summary of Fees and Disbursements" covering the whole of the party's cost claim should be provided.

- The cost claim must be supported by a completed Affidavit signed by a representative of the party.

- A CV for each consultant must be attached unless, for a given consultant, a CV has been provided to the Board in another process within the last 24 months.

- Except as provided in section 7.03 of the Practice Direction on Cost Awards, itemized receipts must be provided.

File # EB- 2013-0046

Process: Enbridge 2012 ESM

Party: BOMA

Affiant's Name: Tom Brett

HST Number: R119420859

HST Rate Ontario: 13.00%

Full Registrant ☒

Qualifying Non-Profit ☐

Unregistered ☐

Tax Exempt ☐

Other ☐

Affidavit

I, Tom Brett, 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.

Tom Brett
Signature of Affiant

Sworn or affirmed before me at the City/Town of Toronto,
in the Province/State of Ontario, on Feb. 10, 2014,
(date)

ALBERT ENGEL
Commissioner for taking Affidavits

Ontario Energy Board
COST CLAIM FOR HEARINGS
Affidavit and Summary of Fees and Disbursements



File # EB- 2013-0046

Process: Enbridge 2012 ESM

Party: BOMA

Summary of Fees and Disbursements Being Claimed

Legal/consultant fees	\$16,830.00
Disbursements	\$0.00
HST	\$2,187.90
Total Cost Claim	\$19,017.90

Ontario Energy Board COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2013-0046</u>		Process: <u>Enbridge 2012 ESM</u>	
Party: <u>BOMA</u>		Name: <u>Tom Brett</u>	
		Completed Years Practising/Years of relevant experience	
Counsel/Articling Student/Paralegal:	<input checked="" type="checkbox"/>	<u>35</u>	
Consultant:	<input type="checkbox"/>		
CV attached:	<input type="checkbox"/>	CV not required:	<input checked="" type="checkbox"/>

Statement of Fees Being Claimed

	Hours	Hourly rate	Subtotal	HST	Total
Preparation	46.00	\$330.00	\$15,180.00	\$1,973.40	\$17,153.40
Attendance - Technical Conference			\$0.00	\$0.00	\$0.00
Attendance - Settlement Conference	5.00	\$330.00	\$1,650.00	\$214.50	\$1,864.50
Attendance - Oral Hearing			\$0.00	\$0.00	\$0.00
Argument			\$0.00	\$0.00	\$0.00
Case Management		\$170.00	\$0.00	\$0.00	\$0.00
TOTAL LEGAL/CONSULTANT FEES					
			\$16,830.00	\$2,187.90	\$19,017.90

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

Prebill # 728200 Session: 405073 Bill to: 13/Dec/13

FOGLER, RUBINOFF LLP

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F1588
Fraser & Company

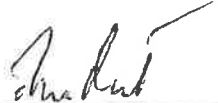
CLIENT LAWYER: Brett, Thomas
MATTER_LAWYER: Brett, Thomas
LAWYER ON BILL: Brett, Thomas
LAST BILL DATE: NONE

PAYOR NAME & ADDRESS
Fraser & Company
502-33 Harbour Square
Toronto, ON
M5J 2G2
Canada
Attn: Marion Fraser

PAYOR: F1588 MAIN
BILL: F1588 MAIN

133787
BOMA – Enbridge Gas
Distribution Inc., 2012 Earnings
Sharing Mechanism and Other
Deferral and Variance Accounts
Clearance Review; Board File No.
EB-2013-0046

ACCOUNT APPROVAL


Thomas Brett

☐ FINAL BILL: MATTER WILL BE MADE INACTIVE

UNBILLED TIME

<u>LAST ENTRY</u>	<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>AMOUNT</u>	<u>FEE CREDIT ALLOCATION</u>	<u>CODE</u>	<u>INIT</u>
16/Oct/13	Thomas Brett	51.00	16,830.00	<input checked="" type="checkbox"/> AS DOCKETED	415	TB
TOTAL UNBILLED FEES		51.00	16,830.00	<input type="checkbox"/> WRITE OFF		
PREMIUM (WRITE DOWN)						
TOTAL FEES THIS BILL			16,830.00			

TRUST SUMMARY – A Trust was not opened on this Matter

FOGLER, RUBINOFF
BILLING STATEMENT TO 13/Dec/13

F1588 **133787**

Fraser & Company
 BOMA – Enbridge Gas Distribution Inc.,
 2012 Earnings Sharing Mechanism and
 Other Deferral and Variance Accounts
 Clearance Review; Board File No. EB-
 2013-0046

Prebill No.: 728200

Session ID: 405073

LAST BILL DATE: NONE

LAST BILLED TO DATE: NONE

FILE LAWYER: Brett, Thomas

ASSIGNED LAWYER: Brett, Thomas

CLIENT ADDRESS

Fraser & Company
 502-33 Harbour Square
 Toronto, ON M5J 2G2
 CANADA

BILLING ADDRESS

502-33 Harbour Square
 Toronto, ON
 M5J 2G2

Fraser, Marion

DETAIL OF UNBILLED TIME

<u>DATE</u>	<u>TIME ID</u>	<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>RATE</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
30/Jun/13	2253558	415 TB	5.00	330.00	1,650.00	Reviewing evidence
01/Jul/13	2253560	415 TB	5.00	330.00	1,650.00	Reviewing evidence; Preparing IRs
02/Jul/13	2254023	415 TB	5.00	330.00	1,650.00	Reviewing evidence; Preparing Interrogatories
03/Jul/13	2254770	415 TB	3.80	330.00	1,254.00	Reviewing evidence; Preparing IRs; Reviewing IRs and submitting to OEB
23/Jul/13	2269235	415 TB	8.00	330.00	2,640.00	Reviewing Interrogatories
24/Jul/13	2269236	415 TB	5.00	330.00	1,650.00	Attending Settlement Conference (teleconference)
24/Jul/13	2269238	415 TB	3.00	330.00	990.00	Reviewing Agreement
29/Jul/13	2269244	415 TB	3.00	330.00	990.00	Reviewing Settlement Agreement
15/Oct/13	2303950	415 TB	7.00	330.00	2,310.00	Preparation of Argument
16/Oct/13	2303959	415 TB	6.20	330.00	2,046.00	Reviewing material; Preparing Submissions
TOTAL TIME			51.00		16,830.00	