

12 March 2014

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

Attn: Ms Kirsten Walli, Board Secretary

Dear Ms Walli:

**Re: GEC Costs Claim in EB-2012-0451/0433/0074 "GTA pipeline cases"**

We are in receipt of the comments of Enbridge and Union in regard to cost claims received in the above-noted matter. We note that Union has raised a specific concern with BOMA's claim but has no specific comments about GEC's claim. Enbridge has not raised any specific concern in regard to GEC's claim. However, both Union and Enbridge have asked the Board to consider the wide range of claims made and Enbridge has suggested that "the Board should take a potential normalizing view of the number of hours claimed into consideration in determining eventual cost claims."

While the utilities have not specifically challenged GEC's claim, we are concerned that the manner in which the cost claim data has been presented could lead to a misconception about GEC's claim. In short, both Enbridge's tabulation of total hours and Union's tabulation of total dollars ignore the fact that GEC was one of the few intervenors presenting expert evidence, it brought forward two expert groups covering distinct matters, and both GEC's evidence and argument addressed a wide range of the issues before the Board.

Despite being one of only three intervenors that offered expert witness evidence and being one of the few parties that raised concerns about the entire Enbridge project in both cross and argument, GEC's counsel hours totalled only 284.25 which is comparable or lower (in some cases significantly lower) than the total hours of other intervenors that offered no evidence, such as IGUA (280.8), CCC (274.5), FRPO(285.0), Energy Probe(339.1), SEC(457.7), CME(518.5) etc..

GEC presented two expert witness reports covering both the DSM aspects of the case and addressing the need for the Enbridge pipeline components (and to a lesser extent the Union components) including a review of the pressure issues, the electricity generation gas demand aspects etc.. COC's experts' reports addressed the contextual issues of fracking gas availability and impact, which did not require them to deal with the breadth and details of the utilities' applications. ED's experts dealt with a subset of the DSM issue (and worked with GEC's expert that provide avoided costs). GEC's total hours, including witness hours, are proportionately in line with these other parties that brought evidence before the Board, given that GEC filed

evidence in two distinct areas and particularly in light of the fact that the evidence of Resource Insight Inc. required our experts to digest virtually the entire case of the utilities.

Accordingly, while we agree that a comparison of claimed hours or dollars is a reasonable consideration for the Board, we submit that Enbridge's suggestion that the Board consider a "normalizing view of the number of hours claimed" if taken without regard to the breadth, complexity and intensity of interventions, would not result in a fair consideration of the claims of intervenors generally, or of GEC's claim specifically, and it would not lead to a decision based on the facts. We hope that the added comparisons discussed above will assist the Board in its consideration of the claims.

Please feel free to contact the writer if further clarification is required.

Sincerely,

A handwritten signature in black ink, appearing to read "David Poch". The signature is fluid and cursive, with the first name "David" written in a larger, more prominent script than the last name "Poch".

David Poch  
Cc: Enbridge and Union