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March 17, 2014

Reply To: Thomas Brett  
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Our File No. 126403, 126604, 132702

**VIA RESS, EMAIL AND COURIER**

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

Attention: Kirsten Walli,  
Board Secretary

Dear Ms. Walli:

**Re: BOMA's Response to Enbridge and Union Comments on Intervenor Cost Claims  
EB-2012-0433, EB-2012-0451 & EB-2013-0074**

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Dear Ms. Walli,

We have reviewed the comments of Enbridge and Union on our cost claim. We would like to make some brief comments by way of clarification.

First, BOMA incorrectly lumped its hours for preparation and argument together under the heading "Preparation". BOMA spend 119.2 hours on argument, reducing the preparation hours to 508.9, as opposed to 628 hours, quoted in Union's letter. The details of the hours for "hearing" time and "argument" are attached as Appendix A. BOMA's "preparation" hours would, therefore, have been approximately 2% higher than the next highest claim for preparation (COC). The Argument was long, substantial and integrated, and addressed all of the issues in the case in considerable depth.

Second, we have prepared a breakdown of BOMA's time spent in preparation, which shows the amount of time spent with respect to Enbridge, Union and/or Joint, attached as Appendix B.

Finally, while BOMA's title includes the phrase "Greater Toronto", BOMA has repeatedly made it clear that its mandate includes all of Ontario, except the Regional Municipality of Ottawa.

I trust you will find these comments helpful.

Yours truly,

**FOGLER, RUBINOFF LLP**



Thomas Brett

TB/dd

Encls.

cc: All Parties

**APPENDIX A**  
**TOTAL ATTENDANCES**

| <b><u>Date</u></b>                | <b><u>Type of Attendance</u></b>  | <b><u>Hours</u></b> |
|-----------------------------------|---|---------------------|
| November 14, 2012                 | Hearing   | 3.0                 |
| April 26, 2013                    | Issues and Process Day Hearing  | 3.5                 |
| April 30, 2013                    | Issues and Process Day Hearing  | 4.3                 |
| June 12, 2013                     | Technical Conference  | 4.2                 |
| June 13, 2013                     | Technical Conference  | 7.5                 |
| July 11, 2013                     | Motion Hearing  | 2.0                 |
| August 28, 2013                   | Settlement Conference   | 8.0                 |
| August 29, 2013                   | Settlement Conference   | 5.0                 |
| September 5, 2013                 | Pre-Hearing Conference<br>( <i>This was counted towards<br/>"Preparation"</i> ) | 3.3                 |
| September 5, 2013                 | Hearing on Hearing Plan   | 2.1                 |
| September 16, 2013                | Hearing   | 8.5                 |
| September 17, 2013                | Hearing   | 4.5                 |
| September 19, 2013                | Hearing   | 4.5                 |
| September 24, 2013                | Oral Hearing  | 4.5                 |
| September 26, 2013                | Hearing   | 4.5                 |
| September 27, 2013                | Hearing   | 4.0                 |
| October 9, 2013                   | Hearing   | 3.5                 |
| October 10, 2013                  | Hearing   | 6.5                 |
| <b>TOTAL HOURS IN ATTENDANCES</b> |   | <b>83.4</b>         |

**TOTAL TIME EXPENDED ON DRAFTING ARGUMENT**

| <b><u>Date</u></b>                      | <b><u>Hours</u></b> |
|---|---------------------|
| September 24, 2013 (MF)                 | 4.0                 |
| September 27, 2013 (MF)                 | 4.0                 |
| October 20, 2013                        | 3.0                 |
| October 28, 2013                        | 3.0                 |
| October 29, 2013                        | 3.0                 |
| October 30, 2013                        | 5.1                 |
| October 31, 2013                        | 6.0                 |
| November 1, 2013                        | 3.0                 |
| November 3, 2013                        | 4.5                 |
| November 4, 2013                        | 7.5                 |
| November 5, 2013                        | 6.9                 |
| November 5, 2013 (MF)                   | 5.0                 |
| November 6, 2013                        | 9.3                 |
| November 6, 2013 (MF)                   | 3.0                 |
| November 7, 2013                        | 9.0                 |
| November 8, 2013                        | 6.9                 |
| November 11, 2013                       | 7.8                 |
| November 12, 2013                       | 6.9                 |
| November 13, 2013                       | 6.0                 |
| November 14, 2013                       | 9.0                 |
| November 15, 2013                       | 6.3                 |
| <b>TOTAL HOURS EXPENDED ON ARGUMENT</b> | <b>119.2</b>        |

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**APPENDIX B**

**BREAKDOWN OF BOMA'S TIME SPENT**

| <b>DATE</b> | <b>DOCKET ENTRY</b>   | <b>TIME<br/>SPENT</b> | <b>SPECIFIC UTILITY<br/>OR JOINT</b> |
|-------------|---|-----------------------|--------------------------------------|
| Oct 29/12   | Attending Presentation                                      | 3.5                   | Enbridge                             |
| Nov 14/12   | Attending Hearing   | 3.0                   | Union                                |
| Mar 5/13    | Reviewing evidence  | 3.0                   | JOINT - ½ each                       |
| Mar 6/13    | Reviewing evidence  | 4.1                   | Enbridge                             |
| Mar 7/13    | Reviewing evidence  | 2.2                   | Enbridge                             |
| Mar 11/13   | Preparation of intervention letter                          | 0.3                   | Enbridge                             |
| Mar 11/13   | Reviewing evidence  | 2.0                   | Union                                |
| Mar 12/13   | Reviewing evidence  | 1.7                   | Union                                |
| Mar 12/13   | Reviewing evidence  | 1.30                  | Union                                |
| Mar 13/13   | Reviewing evidence  | 1.5                   | Enbridge                             |
| Mar 14/13   | Reviewing evidence  | 1.5                   | Union                                |
| Mar 15/13   | Reviewing evidence  | 3.0                   | Enbridge                             |
| Mar 18/13   | Reviewing evidence  | 5.0                   | Union                                |
| Mar 19/13   | Reviewing evidence  | 5.4                   | JOINT - ½ each                       |
| Mar 20/13   | Reviewing evidence  | 4.7                   | Enbridge                             |
| Mar 21/13   | Reviewing evidence  | 4.5                   | JOINT - ½ each                       |
| Mar 22/13   | Reviewing evidence  | 2.5                   | JOINT - ½ each                       |
| Mar 25/13   | Reviewing new evidence                                      | 4.0                   | Union                                |
| Mar 26/13   | Reviewing evidence  | 6.7                   | JOINT - ½ each                       |
| Mar 27/13   | Preparation for and attending meeting on<br>Parkway Project | 2.0                   | Union                                |

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|-----------|---|-----|----------------|
| Mar 27/13 | Reviewing evidence  | 1.0 | Enbridge       |
| Mar 28/13 | Reviewing evidence; Meeting with potential consultants                  | 6.0 | Enbridge       |
| Apr 1/13  | Reviewing evidence  | 5.0 | JOINT - ½ each |
| Apr 2/13  | Reviewing evidence  | 3.5 | JOINT - ½ each |
| Apr 3/13  | Reviewing evidence; Preparing Interrogatories                           | 4.0 | Enbridge       |
| Apr 4/13  | Preparing Interrogatories   | 4.0 | Enbridge       |
| Apr 5/13  | Preparing Interrogatories; Reviewing evidence                           | 4.0 | Enbridge       |
| Apr 5/13  | Reviewing evidence  | 2.0 | Union (0074)   |
| Apr 7/13  | Reviewing evidence  | 5.0 | Union (0074)   |
| Apr 8/13  | Reviewing evidence  | 7.2 | Union (0074)   |
| Apr 9/13  | Reviewing evidence  | 5.5 | Union (0074)   |
| Apr 10/13 | Reviewing evidence  | 2.7 | Union (0074)   |
| Apr 11/13 | Reviewing evidence  | 1.0 | Union          |
| Apr 25/13 | Reviewing updated evidence  | 7.0 | JOINT - ½ each |
| Apr 26/13 | Preparing for Issues and Process Conference; Reviewing updated evidence | 3.0 | JOINT - ½ each |
| Apr 26/13 | Attending Issues and Process Conference                                 | 3.5 | JOINT - ½ each |
| Apr 30/13 | Preparation for Issues and Process Day Hearing                          | 2.0 | JOINT - ½ each |
| Apr 30/13 | Attending Issues and Process Day Hearing                                | 4.3 | JOINT - ½ each |
| Apr 30/13 | Preparing for Parkway Obligation Working Group                          | 1.0 | Union          |
| May 1/13  | Reviewing Transcripts; Preparing for DSM issue re: hearing              | 1.0 | JOINT - ½ each |

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| May 1/13  | Reviewing evidence   | 1.2 | Union (0074)   |
| May 2/13  | Reviewing evidence   | 1.3 | JOINT - ½ each |
| May 3/13  | Reviewing energy demand issue  | 1.5 | Enbridge       |
| May 9/13  | Preparing Interrogatories  | 1.5 | JOINT - ½ each |
| May 10/13 | Reviewing expert's terms of reference;<br>Reviewing evidence; Preparing<br>Interrogatories | 5.0 | JOINT - ½ each |
| May 12/13 | Reviewing material for interrogatories   | 3.0 | JOINT - ½ each |
| May 13/13 | Preparing Interrogatories; Reviewing<br>evidence   | 6.3 | JOINT - ½ each |
| May 14/13 | Preparing Interrogatories  | 6.0 | JOINT - ½ each |
| May 16/13 | Reviewing evidence; Preparing<br>Interrogatories   | 6.0 | JOINT - ½ each |
| May 17/13 | Reviewing evidence; Preparing<br>Interrogatories   | 6.6 | JOINT - ½ each |
| May 20/13 | Reviewing evidence; Preparing<br>Interrogatories   | 7.0 | JOINT - ½ each |
| May 21/13 | Reviewing evidence; Preparing<br>Interrogatories   | 7.5 | JOINT - ½ each |
| May 23/13 | Reviewing evidence and Interrogatories of<br>various parties                               | 6.0 | JOINT - ½ each |
| May 23/13 | Reviewing responses to Interrogatories   | 1.0 | JOINT - ½ each |
| May 27/13 | Reviewing Interrogatories of other parties<br>and evidence                                 | 2.5 | JOINT - ½ each |
| May 28/13 | Reviewing evidence   | 2.0 | JOINT - ½ each |
| May 30/13 | Reviewing evidence   | 1.5 | JOINT - ½ each |
| Jun 4/13  | Reviewing evidence   | 0.6 | JOINT - ½ each |
| Jun 5/13  | Reviewing evidence and Interrogatory<br>Responses  | 6.0 | JOINT - ½ each |

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| Jun 6/13  | Reviewing evidence and IR responses                       | 7.5  | JOINT - ½ each |
| Jun 12/13 | Preparing for Technical Conference                        | 3.0  | JOINT - ½ each |
| Jun 12/13 | Attending Technical Conference                            | 4.2  | JOINT - ½ each |
| Jun 13/13 | Preparing for Technical Conference                        | 1.5  | JOINT - ½ each |
| Jun 13/13 | Attending Technical Conference                            | 7.5  | JOINT - ½ each |
| Jun 14/13 | Reviewing IRs   | 3.75 | JOINT - ½ each |
| Jun 16/13 | Reviewing IR responses                                    | 1.5  | JOINT - ½ each |
| Jun 18/13 | Reviewing IR responses                                    | 4.8  | JOINT - ½ each |
| Jun 19/13 | Reviewing IR responses                                    | 4.5  | JOINT - ½ each |
| Jun 20/13 | Reviewing IR responses                                    | 4.2  | JOINT - ½ each |
| Jun 21/13 | Reviewing evidence  | 2.1  | JOINT - ½ each |
| Jun 28/13 | Reviewing IR responses                                    | 3.0  | JOINT - ½ each |
| Jun 29/13 | Reviewing Union Motion re STAR and Board Procedural Order | 1.5  | Union          |
| Jul 3/13  | Reviewing IR responses                                    | 1.5  | JOINT - ½ each |
| Jul 4/13  | Reviewing IR Responses                                    | 5.0  | JOINT - ½ each |
| July 4/13 | Reviewing Union Motion Record; Preparing Comments         | 2.5  | Union          |
| July 5/13 | Reviewing motion materials                                | 4.2  | Union          |
| Jul 7/13  | Reviewing Interrogatory Responses and TCPL evidence       | 4.2  | JOINT - ½ each |
| Jul 8/13  | Preparing motion submissions                              | 9.3  | Union          |
| Jul 9/13  | Preparing submission on motion                            | 5.1  | Union          |
| Jul 10/13 | Reviewing material from LDCs                              | 1.5  | JOINT - ½ each |
| Jul 10/13 | Reviewing material from TCPL Interrogatories              | 1.5  | JOINT - ½ each |



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|------------|---|-----|----------------|
| Jul 11/13  | Preparing for Motion  | 2.0 | Union          |
| July 11/13 | Attending Motion Hearing  | 2.0 | Union          |
| Jul 12/13  | Preparing Interrogatories on TCPL's evidence                          | 2.7 | JOINT - ½ each |
| Jul 14/13  | Reviewing evidence; IR responses                                      | 2.1 | JOINT - ½ each |
| Jul 16/13  | Reviewing evidence  | 2.1 | JOINT - ½ each |
| Jul 27/13  | Reviewing TCPL Interrogatory Responses                                | 2.1 | JOINT - ½ each |
| Aug 2/13   | Reviewing intervenor evidence and Interrogatory Responses             | 4.2 | JOINT - ½ each |
| Aug 3/13   | Reviewing evidence  | 6.0 | JOINT - ½ each |
| Aug 4/13   | Reviewing evidence  | 3.0 | JOINT - ½ each |
| Aug 5/13   | Reviewing evidence and Interrogatory Responses                        | 5.1 | JOINT - ½ each |
| Aug 6/13   | Reviewing evidence; Reviewing TCPL Interrogatory Responses            | 2.7 | JOINT - ½ each |
| Aug 7/13   | Reviewing evidence and Interrogatory Responses                        | 3.3 | JOINT - ½ each |
| Aug 8/13   | Reviewing Interrogatory Responses                                     | 5.1 | JOINT - ½ each |
| Aug 9/13   | Reviewing evidence  | 4.5 | JOINT - ½ each |
| Aug 10/13  | Reviewing Interrogatory Responses                                     | 3.0 | JOINT - ½ each |
| Aug 12/13  | Reviewing Interrogatory Responses from intervenors                    | 4.5 | JOINT - ½ each |
| Aug 14/13  | Reviewing evidence  | 4.6 | JOINT - ½ each |
| Aug 14/13  | Reviewing Enbridge Interrogatory Responses                            | 0.5 | Enbridge       |
| Aug 14/13  | Meeting with Union senior executive and discussing regulatory context | 1.5 | Union          |

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| Aug 15/13 | Reviewing evidence and Interrogatory Responses  | 5.1 | JOINT - ½ each |
| Aug 19/13 | Reviewing evidence  | 4.2 | JOINT - ½ each |
| Aug 20/13 | Meeting with BOMA and Marion Fraser; Reviewing evidence, including TCPL evidence; Preparing Interrogatories for TCPL new evidence | 5.1 | JOINT - ½ each |
| Aug 21/13 | Preparing Interrogatories; Reviewing TCPL evidence  | 1.2 | JOINT - ½ each |
| Aug 22/13 | Reviewing evidence on Interrogatory Responses   | 0.7 | JOINT - ½ each |
| Aug 23/13 | Reviewing evidence  | 3.0 | JOINT - ½ each |
| Aug 25/13 | Reviewing Interrogatory Responses; Preparing for Settlement Conference  | 5.1 | JOINT - ½ each |
| Aug 26/13 | Reviewing Interrogatories   | 6.6 | JOINT - ½ each |
| Aug 27/13 | Preparation for Settlement Conference; Developing BOMA's position   | 7.2 | JOINT - ½ each |
| Aug 28/13 | Preparation for Settlement Conference   | 2.0 | JOINT - ½ each |
| Aug 28/13 | Attending Settlement Conference   | 8.0 | JOINT - ½ each |
| Aug 29/13 | Preparation for Settlement Conference   | 2.0 | JOINT - ½ each |
| Aug 29/13 | Attending Settlement Conference   | 5.0 | JOINT - ½ each |
| Aug 30/13 | Reviewing Hearing Plan  | 1.8 | JOINT - ½ each |
| Sept 4/13 | Reviewing Hearing Plan for Pre-Hearing Conference   | 1.5 | JOINT - ½ each |
| Sept 5/13 | Preparation for Pre-Hearing Conference  | 1.5 | JOINT - ½ each |
| Sept 5/13 | Attending Pre-Hearing Conference  | 3.3 | JOINT - ½ each |
| Sept 5/13 | Attending Hearing on Hearing Plan et al   | 2.1 | JOINT - ½ each |
| Sept 5/13 | Preparation for cross-examination   | 2.1 | JOINT - ½ each |

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| Sept 7/13  | Preparation for cross-examination from Union                                | 2.1 | Union          |
| Sept 9/13  | Preparation for cross-examination   | 1.5 | Union          |
| Sept 10/13 | Preparation for Hearing   | 0.9 | JOINT - ½ each |
| Sept 10/13 | Preparation for Hearing   | 8.1 | JOINT - ½ each |
| Sept 11/13 | Preparation for Hearing; Cross-examination; Reviewing Settlement Term Sheet | 9.6 | JOINT - ½ each |
| Sept 14/13 | Preparation for cross-examination   | 2.1 | JOINT - ½ each |
| Sept 15/13 | Preparation for cross-examination   | 6.0 | JOINT - ½ each |
| Sept 16/13 | Preparation for Hearing   | 1.2 | JOINT - ½ each |
| Sept 16/13 | Attending Hearing   | 8.5 | JOINT - ½ each |
| Sept 17/13 | Preparation for Hearing   | 2.1 | JOINT - ½ each |
| Sept 17/13 | Attending Hearing   | 4.5 | JOINT - ½ each |
| Sept 18/13 | Reviewing Transcripts; Preparing for cross-examinations                     | 6.9 | JOINT - ½ each |
| Sept 19/13 | Reviewing Transcripts; Preparing for cross-examinations                     | 3.0 | JOINT - ½ each |
| Sept 19/13 | Attending Hearing   | 4.5 | JOINT - ½ each |
| Sept 20/13 | Preparation for cross-examinations  | 6.0 | JOINT - ½ each |
| Sept 22/13 | Preparation for cross-examinations  | 3.0 | JOINT - ½ each |
| Sept 23/13 | Preparation for cross-examinations  | 6.0 | JOINT - ½ each |
| Sept 24/13 | Preparation for cross-examinations  | 2.7 | JOINT - ½ each |
| Sept 24/13 | Attending Oral Hearing  | 4.5 | JOINT - ½ each |
| Sept 25/13 | Preparation for Hearing   | 6.0 | JOINT - ½ each |
| Sept 26/13 | Preparation for Hearing   | 2.1 | JOINT - ½ each |

|            |   |     |                |
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| Sept 26/13 | Attending Hearing                                       | 4.5 | JOINT - ½ each |
| Sept 26/13 | Preparation for cross-examinations of Panel 2           | 1.5 | JOINT - ½ each |
| Sept 27/13 | Preparation for cross-examinations                      | 3.0 | JOINT - ½ each |
| Sept 27/13 | Attending Hearing                                       | 4.0 | JOINT - ½ each |
| Sept 29/13 | Preparation for cross-examinations                      | 4.2 | JOINT - ½ each |
| Sept 30/13 | Preparation for cross-examinations of Joint Panel       | 5.4 | JOINT - ½ each |
| Oct 1/13   | Reviewing evidence; Preparation of cross-examinations   | 0.6 | JOINT - ½ each |
| Oct 2/13   | Reviewing material on toll impacts                      | 0.3 | JOINT - ½ each |
| Oct 7/13   | Reviewing evidence                                      | 2.1 | JOINT - ½ each |
| Oct 8/13   | Preparing for cross-examinations                        | 5.1 | JOINT - ½ each |
| Oct 9/13   | Preparing for Hearing                                   | 2.1 | JOINT - ½ each |
| Oct 9/13   | Preparing for cross-examinations; Reviewing Transcripts | 2.4 | JOINT - ½ each |
| Oct 9/13   | Attending Hearing                                       | 3.5 | JOINT - ½ each |
| Oct 10/13  | Preparing for cross-examinations; Reviewing Transcripts | 2.1 | JOINT - ½ each |
| Oct 10/13  | Attending Hearing                                       | 6.5 | JOINT - ½ each |
| Oct 20/13  | Preparing Argument                                      | 3.0 | JOINT - ½ each |
| Oct 28/13  | Reviewing strategy for Argument; Drafting Argument      | 3.0 | JOINT - ½ each |
| Oct 29/13  | Drafting Argument                                       | 3.0 | JOINT - ½ each |
| Oct 30/13  | Preparing Argument                                      | 5.1 | JOINT - ½ each |
| Oct 31/13  | Drafting Argument                                       | 6.0 | JOINT - ½ each |
| Nov 1/13   | Preparing Argument                                      | 3.0 | JOINT - ½ each |

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|-----------|--|-----|----------------|
| Nov 3/13  | Preparing Argument   | 4.5 | JOINT - ½ each |
| Nov 4/13  | Drafting Argument  | 7.5 | JOINT - ½ each |
| Nov 5/13  | Drafting Argument; Preparing comments for Technical Conference | 6.9 | JOINT - ½ each |
| Nov 6/13  | Drafting Argument  | 9.3 | JOINT - ½ each |
| Nov 7/13  | Preparing Argument   | 9.0 | JOINT - ½ each |
| Nov 8/13  | Preparing Argument   | 6.9 | JOINT - ½ each |
| Nov 11/13 | Preparing Argument   | 7.8 | JOINT - ½ each |
| Nov 12/13 | Preparing Argument   | 6.9 | JOINT - ½ each |
| Nov 13/13 | Drafting Argument  | 6.0 | JOINT - ½ each |
| Nov 14/13 | Drafting Argument  | 9.0 | JOINT - ½ each |
| Nov 15/13 | Drafting and Submitting Argument                               | 6.3 | JOINT - ½ each |

TOTAL HOURS EXPENDED BY TOM BRETT 661.25

TOTAL ENBRIDGE 40.3  
TOTAL UNION 77.8  
TOTAL JOINT 543.15

TOTAL HOURS EXPENDED BY MARION FRASER 47.0

TOTAL ENBRIDGE SPECIFIC 0.0  
TOTAL UNION SPECIFIC 0.0  
TOTAL JOINT 47.0

TOTAL COMBINED HOURS EXPENDED BY  
TOM BRETT AND MARION FRASER 708.25

**TOTAL AMOUNT PAYABLE BY ENBRIDGE: 335.38 hours @ \$330/hour \$110,675.40**

**TOTAL AMOUNT PAYABLE BY UNION: 372.87 hours @ \$330/hour \$123,047.10**

**TOTAL AMOUNT DUE \$233,722.50**