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May 30, 2014

BY EMAIL & COURIER

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge St, Suite 2701  
Toronto ON M4P 1E4

Dear Ms. Walli:

**Board File No. EB-2013-0234 – Toronto Hydro-Electric System Limited**  
**Application under section 29 of the *Ontario Energy Board Act, 1998***  
**Energy Probe – Costs Submission**

Pursuant to Directions issued by the Board Panel on May 16, 2014, attached please find the Costs Submission of Energy Probe Research Foundation (Energy Probe) in respect of Toronto Hydro-Electric System in the EB-2013-0234 proceeding for consideration of the Board.

Should you require additional information, please do not hesitate to contact me.

Yours truly,

David S. MacIntosh  
Case Manager

cc: Rob Barrass, Toronto Hydro-Electric System Limited (By email)  
Amanda Klein, Toronto Hydro-Electric System Limited (By email)  
Robert Warren, WeirFoulds LLP (By email)  
Lawrence Schwartz, Consultant to Energy Probe (By email)  
Roger Higgin, Consultant to Energy Probe (By email)

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Energy Probe Research Foundation 225 BRUNSWICK AVE., TORONTO, ONTARIO M5S 2M6

Phone: (416) 964-9223 Fax: (416) 964-8239 E-mail: [EnergyProbe@nextcity.com](mailto:EnergyProbe@nextcity.com) Internet: [www.EnergyProbe.org](http://www.EnergyProbe.org)

**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- 2013-0234

Process: Toronto Hydro-Electric System s.29 Application

Party: Energy Probe Research Foundation

Affiant's Name: Annetta Turner

HST Number: 10730 5146 RT0001

HST Rate Ontario: 6.50%

Full Registrant ☐

Qualifying Non-Profit ☒

Unregistered ☐

Tax Exempt ☐

Other ☐

**Affidavit**

I, Annetta Turner, of the City/Town of Toronto  
in the Province/State of Ontario, Canada, 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.

Annetta Turner  
Signature of Affiant

Sworn or affirmed before me at the City/Town of TORONTO  
in the Province/State of ONTARIO, on

June 2nd, 2014.  
(date)

J.R.A. Turner  
Commissioner for taking Affidavits

File # EB- 2013-0234

Process: Toronto Hydro-Electric System s.29 Application

Party: Energy Probe Research Foundation

Summary of Fees and Disbursements Being Claimed	
Legal/consultant fees	\$52,060.00
Disbursements	\$91.40
HST	\$3,383.90
<b>Total Cost Claim</b>	<b>\$55,535.30</b>

# Ontario Energy Board

## COST CLAIM FOR HEARINGS



### Detail of Fees and Disbursements Being Claimed

File # EB- <u>2013-0234</u>	Process: <u>Toronto Hydro-Electric System s.29 Application</u>
Party: <u>Energy Probe Research Foundation</u>	Name: <u>Dr. Larry Schwartz</u>
Completed Years Practising/Years of relevant experience <hr/>	
Counsel/Articling Student/Paralegal: <input type="checkbox"/>	<hr/>
Consultant: <input checked="" type="checkbox"/>	30+
CV attached: <input type="checkbox"/>	CV not required: <input checked="" type="checkbox"/>

#### Statement of Fees Being Claimed

	Hours	Hourly rate	Subtotal	HST	Total
Preparation	94.00	\$330.00	\$31,020.00	\$2,016.30	\$33,036.30
Attendance - Technical Conference	4.50	\$330.00	\$1,485.00	\$96.53	\$1,581.53
Attendance - Settlement Conference	11.00	\$330.00	\$3,630.00	\$235.95	\$3,865.95
Attendance - Oral Hearing	2.00	\$330.00	\$660.00	\$42.90	\$702.90
Argument		\$330.00	\$0.00	\$0.00	\$0.00
Case Management		\$170.00	\$0.00	\$0.00	\$0.00
<b>TOTAL LEGAL/CONSULTANT FEES</b>					
			\$36,795.00	\$2,391.68	\$39,186.68

#### 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
<b>TOTAL DISBURSEMENTS:</b>			
	\$0.00	\$0.00	\$0.00

# Time Sheet for L. Schwartz

## Board File: EB-2013-0234 Toronto Hydro s29 Proceeding

### Summary: Hours

Preparation	94.00
Attend. Tech.	4.50
Attend. ADR	11.00
Attend. Hearing	2.00
Argument Prep.	0.00
Case Mngt. (CM)	0.00
<b>Total</b>	<b>111.50</b>

### Date Hours Note

15-Oct-13	0.50	Telephone discussion of Issues Conference with case manager
16-Oct-13	1.00	Review THESL application and Church expert report
16-Oct-13	1.00	Draft suggested issues for Issues Conference
17-Oct-13	1.00	Review, revise issues list to coordinate submissions with other intervenors
26-Dec-13	1.50	Review Hariton-VECC draft legal opinion and draft memo
27-Dec-13	0.50	Review Hariton-VECC draft legal opinion and draft memo
29-Dec-13	1.50	Review case materials and draft issues list
30-Dec-13	0.50	Review case materials and draft issues list
22-Jan-14	0.50	Review draft issues list, prepare note for case manager
02-Feb-14	2.00	Review expert report;draft interrogatories
09-Feb-14	3.00	Review expert report;draft interrogatories
10-Feb-14	4.00	Review expert report;draft interrogatories
12-Feb-14	5.00	Review expert report;draft interrogatories
13-Feb-14	8.00	Review expert report;draft interrogatories
14-Feb-14	1.00	Review expert report;draft interrogatories
17-Feb-14	1.00	Review interrogatories from Board Staff & intervenors
06-Mar-14	1.00	Meeting/discussion with case manager
17-Mar-14	3.00	Review Church (THESL) expert report
19-Mar-14	2.00	Review Church (THESL) expert report
20-Mar-14	1.00	Review Hariton (VECC) expert report & draft interrogatories
20-Mar-14	3.00	Review Van Audenrode (Board Staff) expert report & draft interrogatories
20-Mar-14	2.00	Review Nordicity (Board staff) expert report & draft interrogatories
21-Mar-14	1.00	Discuss and finalize interrogatories with case manager
27-Mar-14	0.25	Review intervenor/THESL interrogatories on Board Staff expert reports
27-Mar-14	0.25	Review intervenor/THESL interrogatories on VECC expert reports
27-Mar-14	1.00	Review intervenor/Board Staff IRs on THESL pre-filed evidence & expert reports
27-Mar-14	2.00	Review THESL replies to interrogatories
27-Mar-14	2.00	Review THESL replies to interrogatories
30-Mar-14	1.00	Review THESL replies to interrogatories
30-Mar-14	2.00	Review THESL replies to interrogatories
06-Apr-14	1.00	Draft questions for Technical Conference
16-Apr-14	1.00	Review transcript of Technical Conference
25-Apr-14	1.00	Search for and review of relevant economic studies
27-Apr-14	1.00	Review of relevant economic studies
27-Apr-14	0.75	Review of Nordicity Group responses to THESL interrrogatories
27-Apr-14	0.25	Prepared advice for case manager
05-May-14	0.50	meeting with case manager

06-May-14	5.00	research & drafting questions for oral hearing
07-May-14	5.00	research & drafting questions for oral hearing
08-May-14	4.00	research & drafting questions for oral hearing
09-May-14	5.00	research & drafting questions for oral hearing
10-May-14	7.50	research & drafting questions for oral hearing
11-May-14	5.50	research & drafting questions for oral hearing
11-May-14	0.50	review and advise re: intervenor queries re: settlement
13-May-14	2.00	(am only) review and advise re: intervenor queries re: settlement
14-May-14	0.50	Review draft settlement proposal & advise case manager

<b>Total</b>	<b>94.00</b>	<b>Preparation</b>
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<b>Date</b>	<b>Hours</b>	<b>Note</b>
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12-May-14	7.50	Attend Settlement Conference
13-May-14	3.50	Attend Settlement Conference

<b>Total</b>	<b>11.00</b>	<b>Attendance - ADR</b>
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<b>Date</b>	<b>Hours</b>	<b>Note</b>
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09-Apr-14	4.50	Attend Technical Conference
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<b>Total</b>	<b>4.50</b>	<b>Attendance - Technical Conference</b>
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<b>Date</b>	<b>Hours</b>	<b>Note</b>
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23-Jan-14	2.00	Attend Issues Day
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<b>Total</b>	<b>2.00</b>	<b>Attendance -Hearings</b>
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# Ontario Energy Board

## COST CLAIM FOR HEARINGS



### Detail of Fees and Disbursements Being Claimed

File # EB- <u>2013-0234</u>	Process: <u>Toronto Hydro-Electric System s.29 Application</u>
Party: <u>Energy Probe Research Foundation</u>	Name: <u>Dr. Roger Higgin</u>
Completed Years Practising/Years of relevant experience <hr/> <hr/>	
Counsel/Articling Student/Paralegal: <input type="checkbox"/>	
Consultant: <input checked="" type="checkbox"/>	30+
CV attached: <input type="checkbox"/>	CV not required: <input checked="" type="checkbox"/>

#### Statement of Fees Being Claimed

	Hours	Hourly rate	Subtotal	HST	Total
Preparation	7.00	\$330.00	\$2,310.00	\$150.15	\$2,460.15
Attendance - Technical Conference		\$330.00	\$0.00	\$0.00	\$0.00
Attendance - Settlement Conference		\$330.00	\$0.00	\$0.00	\$0.00
Attendance - Oral Hearing		\$330.00	\$0.00	\$0.00	\$0.00
Argument		\$330.00	\$0.00	\$0.00	\$0.00
Case Management		\$170.00	\$0.00	\$0.00	\$0.00
<b>TOTAL LEGAL/CONSULTANT FEES</b>					
			\$2,310.00	\$150.15	\$2,460.15

#### 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
<b>TOTAL DISBURSEMENTS:</b>			
	\$0.00	\$0.00	\$0.00





# Ontario Energy Board

## COST CLAIM FOR HEARINGS



### Detail of Fees and Disbursements Being Claimed

File # EB- <u>2013-0234</u>	Process: <u>Toronto Hydro-Electric System s.29 Application</u>
Party: <u>Energy Probe Research Foundation</u>	Name: <u>David MacIntosh</u>
Completed Years Practising/Years of relevant experience	
Counsel/Articling Student/Paralegal: <input type="checkbox"/>	<u>14</u>
Consultant: <input checked="" 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	28.50	\$290.00	\$8,265.00	\$537.23	\$8,802.23
Attendance - Technical Conference	9.25	\$290.00	\$2,682.50	\$174.36	\$2,856.86
Attendance - Settlement Conference	3.25	\$290.00	\$942.50	\$61.26	\$1,003.76
Attendance - Oral Hearing	2.50	\$290.00	\$725.00	\$47.13	\$772.13
Argument		\$290.00	\$0.00	\$0.00	\$0.00
Case Management	2.00	\$170.00	\$340.00	\$22.10	\$362.10
<b>TOTAL LEGAL/CONSULTANT FEES</b>					
			\$12,955.00	\$842.08	<b>\$13,797.08</b>

#### 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	\$91.40	included	\$91.40
Taxi or Airport Limo		\$0.00	\$0.00
Accommodation		\$0.00	\$0.00
Meals		\$0.00	\$0.00
Other:		\$0.00	\$0.00
<b>TOTAL DISBURSEMENTS:</b>			
	\$91.40	\$0.00	<b>\$91.40</b>

# Time Sheet for D. MacIntosh

## Board File: EB-2013-0234 Toronto Hydro-Electric System s29 Application

### Summary: Hours

Preparation	28.50
Attend. Tech.	9.25
Attend. ADR	3.25
Attend. Hearing	2.50
Argument Prep.	0.00
Case Mngt. (CM)	2.00

**Total 45.50**

### Date Hours Note

16-Sep-13	2.25	prep - Prefiled Evidence of Toronto Hydro, Initial Review
16-Sep-13	0.50	prep - Draft Notice of Intervention
19-Sep-13	0.25	prep - Draft Correspondence to Applicant Solicitor
20-Sep-13	0.25	prep - Review Applicant's Ltr to Board Secretary re Intervention
27-Sep-13	0.25	prep - Review Applicant's Second Ltr to Board Secretary re Intervention
15-Oct-13	0.50	prep - Review Potential Issues With Economist Consultant
16-Oct-13	0.75	prep - Draft Issues List
17-Oct-13	0.50	prep - Many Emails on Draft Issues List of Intervenors
18-Oct-13	0.25	prep - Finalize Draft Issues List of Intervenors
21-Oct-13	0.25	prep - Emails on Proposed Meeting Between Intervenors & THESL
22-Oct-13	0.25	prep - Emails on Proposed Meeting Between Intervenors & THESL
25-Oct-13	0.50	prep - Many Emails, Contacts to Confirm Meeting With THESL
30-Oct-13	0.25	prep - Many Emails, Contacts to Confirm Meeting With THESL
31-Oct-13	0.50	prep - Many Emails, Contacts to Confirm Meeting With THESL
10-Nov-13	1.00	prep - Review Evidence, Prepare For Meeting With THESL
12-Nov-13	1.50	prep - Intervenor Meeting With THESL at THESL Board Office
15-Nov-13	1.00	prep - Correspondence Between Intervenors --- How to Proceed?
21-Nov-13	0.75	prep - Correspondence Between Intervenors --- Next Steps
23-Dec-13	0.75	prep - Review VECC Draft Opinion - Hariton Report
27-Dec-13	0.50	prep - Review Dr. Schwartz Comments on Hariton Draft Opinion
11-Jan-14	0.50	prep - Emails Between Intervenors Prior to Issues Conference
15-Jan-14	0.75	prep - Many Emails Between Intervenors Re Wording Disputed Issues
15-Jan-14	0.25	prep - Consult With Dr. Schwartz Re Hypothetical Monopolist Test
17-Jan-14	0.50	prep - Many Emails Between Intervenors Re Wording Contested Issues
22-Jan-14	0.50	prep - Review Dr. Schwartz Economic Notes For Issues Day
22-Jan-14	0.75	prep - Many Emails Re Proposed Positioning at Issues Day
02-Oct-14	0.75	prep - Review Issues Day Submissions & Issues List Decision
12-Feb-14	2.25	prep - Draft Interrogatories to Applicant
12-Feb-14	0.75	prep - Finalize Interrogatories to Applicant
06-Mar-14	1.00	prep - Meeting With Energy Probe Economic Consultant, Case Review
20-Mar-14	0.75	prep - Draft Interrogatories to Audenrode, Staff Expert
21-Mar-14	0.75	prep - Draft Interrogatories to Nordicity, Staff Expert
22-Mar-14	0.25	prep - Draft Interrogatories to Hariton, VECC Expert
26-Mar-14	0.50	prep - Emails to Intervenors & THESL Counsel re Technical Conference

04-Apr-14	0.50	prep - Emails to Intervenors & THESL Counsel re Technical Conference
07-Apr-14	0.75	prep - Prepare Questions for Technical Conference
08-Apr-14	0.50	prep - Emails to Parties & Board Counsel re Technical Conference
17-Apr-14	0.25	prep - Email Correspondence From THESL General Counsel, Settlement
23-Apr-14	0.25	prep - Email Correspondence From THESL General Counsel, Settlement
05-May-14	0.50	prep - Meeting With Energy Probe Economic Consultant, Case Review
11-May-14	0.50	prep - Email Correspondence With Intervenors Re Settlement Conference
12-May-14	1.00	prep - Review Filed Expert Evidence & Joint Written Statement
14-May-14	0.75	prep - Review Settlement Proposal Draft & Comments
15-May-14	0.50	prep - Review Settlement Proposal Draft & Comments, Sign Off

**Total 28.50 Preparation**

**Date Hours Note**

13-Jan-14	5.25	Attend Issues Conference
09-Apr-14	4.00	Attend Technical Conference

**Total 9.25 Attendance - Issues & Technical Conferences**

**Date Hours Note**

23-Jan-14	2.00	Attend Issues Day
16-May-14	0.50	Attend Hearing

**Total 2.50 Attendance -Hearings**

**Date Hours Note**

12-May-14	3.25	Attend ADR Day 1
13-May-14	0.00	Attend ADR Day 2

**Total 3.25 Attendance - Settlement Conference**

**Date Hours Note**

16-Sep-13	0.50	CM - File Intervention ltr & Notice
04-Oct-13	0.25	CM - File Letter to Board Secretary re Intervention
17-Oct-13	0.25	CM - Circulate Energy Probe Draft Issues List to Intervenors
14-Feb-14	0.25	CM - Check and File Interrogatories to Applicant
21-Mar-14	0.25	CM - Check and File Interrogatories to VECC
21-Mar-14	0.25	CM - Check and File Interrogatories to Board Staff
07-Apr-14	0.25	CM - Check and File Technical Conference Questions, Interest Areas

**Total 2.00 Case Management**

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 RECEIPT  
 -----  
 CAR PARK: Yonge & Eglinton Ctr  
 DEVICE: Paystation 4  
 PAID: 13/01/14 03:40P  
 SHORT TERM 035233  
 ENTRY: 13/01/14 03:22A  
 EXIT: 13/01/14 03:42P  
 PARKING DURATION: 000 06:18  
 CHARGED DURATION: 000 02:40  
 PAID: CAD20.00  
 TAX FREE CAD17.70  
 V.A.T. 13% : CAD2.30  
 CASH PAYMENTS: CAD20.00  
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 RECEIPT  
 -----  
 CAR PARK: Yonge & Eglinton Ctr  
 DEVICE: Paystation 4  
 PAID: 23/01/14 01:18P  
 SHORT TERM 037657  
 ENTRY: 23/01/14 03:11A  
 EXIT: 23/01/14 01:21P  
 PARKING DURATION: 000 04:04  
 CHARGED DURATION: 000 02:40  
 PAID: CAD20.00  
 TAX FREE CAD17.70  
 V.A.T. 13% : CAD2.30  
 CASH PAYMENTS: CAD20.00  
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 RECEIPT  
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 CAR PARK: Yonge & Eglinton Ctr  
 DEVICE: Paystation 4  
 PAID: 09/04/14 02:55P  
 SHORT TERM 046576  
 ENTRY: 09/04/14 03:11A  
 EXIT: 09/04/14 02:56P  
 PARKING DURATION: 000 05:43  
 CHARGED DURATION: 000 02:40  
 PAID: CAD20.00  
 TAX FREE CAD17.70  
 V.A.T. 13% : CAD2.30  
 CASH PAYMENTS: CAD20.00  
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 RECEIPT  
 -----  
 CAR PARK: Yonge & Eglinton Ctr  
 DEVICE: Paystation 4  
 PAID: 16/05/14 10:40A  
 SHORT TERM 050971  
 ENTRY: 16/05/14 03:24A  
 EXIT: 16/05/14 10:44A  
 PARKING DURATION: 000 01:15  
 CHARGED DURATION: 000 01:20  
 PAID: CAD11.40  
 TAX FREE CAD10.09  
 V.A.T. 13% : CAD1.31  
 CASH PAYMENTS: CAD20.00  
 GIVEN CAD8.60  
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 RECEIPT  
 -----  
 CAR PARK: Yonge & Eglinton Ctr  
 DEVICE: Paystation 4  
 PAID: 12/05/14 04:17P  
 SHORT TERM 050449  
 ENTRY: 12/05/14 03:17A  
 EXIT: 12/05/14 04:17P  
 PARKING DURATION: 000 07:00  
 CHARGED DURATION: 000 02:40  
 PAID: CAD20.00  
 TAX FREE CAD17.70  
 V.A.T. 13% : CAD2.30  
 CASH PAYMENTS: CAD20.00  
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