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June 12, 2014

Reply To: Thomas Brett
Direct Dial: 416.941.8861
E-mail: tbrett@foglers.com
Our File No. 137258

VIA RESS, EMAIL AND COURIER

Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, Ontario
M4P 1E4

Attention: Kirsten Walli
Board Secretary

Dear Ms. Walli:

**Re: Cost Claim of Building Owners and Managers Association, Greater Toronto (BOMA)
Board File No. EB-2013-0352**

Please find enclosed BOMA's Cost Claim.

Yours truly,

FOGLER, RUBINOFF LLP

Thomas Brett
TB/dd
Encls.

cc: Stephanie Allman, EGDI (*by e-mail*)
Dennis O'Leary, Aird & Berlis LLP (*by e-mail*)
Marion Fraser, Fraser & Company (*by e-mail*)
Chris Conway, BOMA (*by e-mail*)

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 (yellow-shaded) 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 embedded in the form to assist with calculations.
- 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 lawyer, analyst/consultant and 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/analyst must be attached unless provided to the Board as prescribed on the Cost Award Tariff.

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

File # EB- <u>2013-0352</u>	Process: <u>EGDI Clearance of DSM Accounts Application</u>
Party: <u>BOMA</u>	Affiant's Name: <u>Tom Brett</u>
HST Number: <u>R119420859</u>	HST Rate Ontario: <u>13.00%</u>
Full Registrant <input type="checkbox"/>	Qualifying Non-Profit <input type="checkbox"/>
Unregistered <input type="checkbox"/>	Tax Exempt <input type="checkbox"/>
Other <input type="checkbox"/>	

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 June 11/14,
(date)

J. Schwartz
Commissioner for taking Affidavits

Ontario Energy Board
COST CLAIM FOR HEARINGS



Affidavit and Summary of Fees and Disbursements

File # EB- 2013-0352

Process: EGDI Clearance of DSM Accounts Application

Party: BOMA

Summary of Fees and Disbursements Being Claimed

Legal/consultant/other fees	\$	7,161.00
Disbursements	\$	23.98
HST	\$	934.05
Total Cost Claim	\$	8,119.03

Payment Information

Make cheque payable to: Fogler, Rubinoff LLP

Send payment to this address: c/o Debbie Dey
77 King Street West
Suite 3000, PO Box 95
Toronto, On M5K 1G8

Ontario Energy Board

COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- 2013-0352 Process: EGDI Clearance of DSM Accounts Application

Party: BOMA Service Provider Name: Tom Brett

SERVICE PROVIDER TYPE (check one)	Year Called to Bar	Completed Years Practising/Years of Relevant Experience
Legal Counsel <input checked="" type="checkbox"/>	1971	35
Articling Student/Paralegal <input type="checkbox"/>		
Consultant <input type="checkbox"/>		Hourly Rate: \$330
Analyst <input type="checkbox"/>		
For Consultant/Analyst: <input type="checkbox"/> CV attached	HST Rate Charged (enter %): 13.0%	
<input type="checkbox"/> CV provided within previous 24 months		

Statement of Fees Being Claimed

	Hours	Hourly Rate	Subtotal	HST	Total
Pre-hearing Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Technical Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Interrogatories					
Preparation	3.5	\$ 330.00	\$ 1,155.00	\$ 150.15	\$ 1,305.15
Responses		\$ 330.00	\$ -	\$ -	\$ -
Issues Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 330.00	\$ -	\$ -	\$ -
Argument					
Preparation	0.2	\$ 330.00	\$ 66.00	\$ 8.58	\$ 74.58
Oral Hearing					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Other Conferences					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Case Management		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 1,221.00	\$ 158.73	\$ 1,379.73

Ontario Energy Board
COST CLAIM FOR HEARINGS
Detail of Fees and Disbursements Being Claimed



File # EB- 2013-0352

Process: EGDI Clearance of DSM Accounts Application

Party: BOMA

Service Provider Name: Tom Brett

Statement of Disbursements Being Claimed			
	Net Cost	HST	Total
Scanning/Photocopy			\$ -
Printing			\$ -
Courier	\$ 23.98	\$ 3.12	\$ 27.10
Telephone/Fax			\$ -
Transcripts			\$ -
Travel: Air			\$ -
Travel: Car			\$ -
Travel: Rail			\$ -
Travel (Other):			\$ -
Parking			\$ -
Taxi			\$ -
Accommodation			\$ -
Meals			\$ -
Other:			\$ -
Other:			\$ -
Other:			\$ -
TOTAL DISBURSEMENTS:			
	\$ 23.98	\$ 3.12	\$ 27.10

Ontario Energy Board

COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2013-0352</u>	Process: <u>EGDI Clearance of DSM Accounts Application</u>
Party: <u>BOMA</u>	Service Provider Name: <u>Marion Fraser</u>

SERVICE PROVIDER TYPE (check one) <input type="checkbox"/> Legal Counsel <input type="checkbox"/> Articling Student/Paralegal <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Analyst	Year Called to Bar <div style="border: 1px solid black; width: 100px; height: 20px; margin: 5px 0;"></div>	Completed Years Practising/Years of Relevant Experience <div style="border: 1px solid black; width: 150px; text-align: center; margin: 5px 0;">35</div>	Hourly Rate: <div style="border: 1px solid black; width: 100px; text-align: center; margin: 5px 0;">\$330</div>
For Consultant/Analyst: <input type="checkbox"/> CV attached <input checked="" type="checkbox"/> CV provided within previous 24 months		HST Rate Charged (enter %): <div style="border: 1px solid black; width: 100px; text-align: center; margin: 5px 0;">13.0%</div>	

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
Pre-hearing Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Technical Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Interrogatories					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Responses		\$ 330.00	\$ -	\$ -	\$ -
Issues Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 330.00	\$ -	\$ -	\$ -
Argument					
Preparation	18.0	\$ 330.00	\$ 5,940.00	\$ 772.20	\$ 6,712.20
Oral Hearing					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Other Conferences					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Case Management		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 5,940.00	\$ 772.20	\$ 6,712.20

Ontario Energy Board
COST CLAIM FOR HEARINGS
Detail of Fees and Disbursements Being Claimed



File # EB- 2013-0352

Process: EGDI Clearance of DSM Accounts Application

Party: BOMA

Service Provider Name: Marion Fraser

Statement of Disbursements Being Claimed			
	Net Cost	HST	Total
Scanning/Photocopy			\$ -
Printing			\$ -
Courier			\$ -
Telephone/Fax			\$ -
Transcripts			\$ -
Travel: Air			\$ -
Travel: Car			\$ -
Travel: Rail			\$ -
Travel (Other):			\$ -
Parking			\$ -
Taxi			\$ -
Accommodation			\$ -
Meals			\$ -
Other:			\$ -
Other:			\$ -
Other:			\$ -
TOTAL DISBURSEMENTS:	\$ -	\$ -	\$ -

Prebill # 753014 Session: 419805 Bill to: 09/Jun/14

F1588
Fraser & Company

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

137258
BOMA – Enbridge Gas
Distribution Inc., Clearance of
DSM Variance Accounts
Application; Board File No. EB-
2013-0352

FOGLER, RUBINOFF LLP

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

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PAYOR: F1588 MAIN
BILL: F1588 MAIN

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>
21/May/14	Thomas Brett	3.70	1,221.00	[] AS DOCKETED	415	TB
TOTAL UNBILLED FEES		3.70	1,221.00	[] WRITE OFF		
PREMIUM (WRITE DOWN)						
TOTAL FEES THIS BILL						

UNBILLED DISBURSEMENTS

<u>LAST ENTRY</u>	<u>CODE</u>	<u>DISB. TYPE</u>	<u>GST</u>	<u>AMOUNT</u>	<u>UNBILLED W/O</u>	<u>ANTICIPATED</u>	<u>TOTAL THIS BILL</u>
22/May/14	7	Courier & Delivery	Y	23.98			
TOTAL UNBILLED DISB				23.98	[] WRITE OFF		
TOTAL ADJUSTMENTS							
TOTAL DISB THIS BILL							

TRUST SUMMARY – A Trust was not opened on this Matter

F1588 **137258**Fraser & Company
BOMA – Enbridge Gas Distribution Inc.,
Clearance of DSM Variance Accounts
Application; Board File No. EB-2013-
0352

Prebill No.: 753014

Session ID: 419805

LAST BILL DATE: NONE

LAST BILLED TO DATE: NONE

FILE LAWYER: Brett, Thomas

ASSIGNED LAWYER: Brett, Thomas

CLIENT ADDRESS

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

BILLING ADDRESS

33 Harbour Square, Suite 502
Toronto, ON
M5J 2G2

Fraser, Marion

DETAIL OF UNBILLED TIME

DATE	TIME ID	TIMEKEEPER	HOURS	RATE	AMOUNT	DESCRIPTION
21/Nov/13	2326890	415 TB	3.50	330.00	1,155.00	Preparation of and filing Interrogatories
21/May/14	2415751	415 TB	0.20	330.00	66.00	Reviewing draft submission
TOTAL TIME			3.70		1,221.00	

DETAIL OF UNBILLED DISBURSEMENTS

DATE	DISB ID	CODE	QUAN	AMOUNT	DESCRIPTION
06/Mar/14	5569993	7		11.99	11:50 TB Courier: Blizzard# 6305271 ontario energy board 2300 Yonge St fatima
22/May/14	5685679	7		11.99	15:05 TB Courier: Blizzard# 7177317 Ontario Energy Board- 2300 Yonge St-Nicole
TOTAL DISB				23.98	

Filter

Disb ID

5569993

Disbursement Details

Client	F1588	Fraser Company
Matter	137258	BOMA – Enbridge Gas Distribution Inc., C
Entry Empl	AP	Parusis, Tony
Auth Empl		
Disb Empl		
Billed Empl		
Disb Office	FOGR	Fogler, Rubinoﬀ LLP
Office	FOGR	Fogler, Rubinoﬀ LLP
Dept	LITN	Litigation
Profit Center	GEN	General Profit Centre
Project		

Std Amt	\$10.89	Currency Code	CDN
Base Amt	\$10.89	Base Qty	0.000000
Tobill Amt	\$11.99		
Billed Amt	\$11.99	Bill Qty	0.000000

Narrative

B Courier: Blizzard# 6305271 ontario energy board 2300 Yonge St fatima

Filter

Disb ID

5685679

Disbursement Details

Client	F1588	Fraser Company
Matter	137258	BOMA – Enbridge Gas Distribution Inc., C
Entry Empl	AP	Parusis, Tony
Auth Empl		
Disb Empl		
Billed Empl		
Disb Office	FOGR	Fogler, Rubinoff LLP
Office	FOGR	Fogler, Rubinoff LLP
Dept	LITN	Litigation
Profit Center	GEN	General Profit Centre
Project		

Std Amt	\$10.89	Currency Code	CDN
Base Amt	\$10.89	Base Qty	0.000000
Tobill Amt	\$11.99		
Billed Amt	\$11.99	Bill Qty	0.000000

Narrative

15:05 TB Courier: Blizzard# 7177317 Ontario Energy Board-2300 Yonge St-Nicole

Appendix B

DOCKET

EB-2013-0352 Enbridge DSM Clearances				BOMA Toronto					
Board File Number			Party Name						
Date	Explanation	Consultant	Fraser & Company			Attendance SC	Attendance OH	Argument	Total
			Preparation	Attendance TC					
26-Oct-13	Review of Enbridge Application	MEF	1						1
19-Nov-13	BOMA Submission	MEF	6						6
27-Jan-14	Review of Revised Application	MEF	1						1
20-Feb-14	Review of Enbridge Submission	MEF	2						2
4-Mar-14	BOMA Submission	MEF	2						2
2-Apr-14	Review of SEC Submission	MEF	2						2
2-May-14	Review of Board Decision and Order	MEF	1						1
16-May-14	Review of SEC Documents	MEF	3						3
Total			18	0	0	0	0	0	18