

November 12, 2014

Reply To: Thomas Brett
Direct Dial: 416.941.8861
E-mail: tbrett@foglers.com
Our File No. 145144

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: EB-2014-0195: Enbridge Gas Distribution Inc.,
2013 Deferral and Variance Account Clearance Application**

Please find attached BOMA's Amended Cost Claim. BOMA apologizes for the confusion.

Yours truly,

FOGLER, RUBINOFF LLP



Thomas Brett
TB/dd

cc: Andrew Mandyam (by e-mail)
David Stevens (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>2014-0195</u>	Process: <u>EGDI 2013 Deferral & Variance Account Clearance</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 checked="" type="checkbox"/>	Qualifying Non-Profit <input type="checkbox"/>
Unregistered <input type="checkbox"/>	Tax Exempt <input type="checkbox"/>
Other <input type="checkbox"/>	

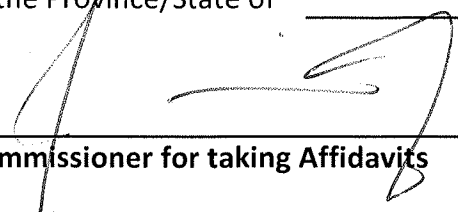
Affidavit

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.


Signature of Affiant

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


Commissioner for taking Affidavits

Ontario Energy Board
COST CLAIM FOR HEARINGS



Affidavit and Summary of Fees and Disbursements

File # EB- 2014-0195 Process: EGDI 2013 Deferral & Variance Account Clearance

Party: BOMA

Summary of Fees and Disbursements Being Claimed

Legal/consultant/other fees	\$	5,841.00
Disbursements	\$	29.96
HST	\$	763.22
Total Cost Claim	\$	6,634.18

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, TD Centre North Tower

Toronto, ON M5K 1G8

Ontario Energy Board

COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2014-0195</u>	Process: <u>EGDI 2013 Deferral & Variance Account Clearance</u>
Party: <u>BOMA</u>	Service Provider Name: <u>Tom Brett</u>
<div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <p>SERVICE PROVIDER TYPE (check one)</p> <p>Legal Counsel <input checked="" type="checkbox"/></p> <p>Articling Student/Paralegal <input type="checkbox"/></p> <p>Consultant <input type="checkbox"/></p> <p>Analyst <input type="checkbox"/></p> </div> <div style="width: 20%;"> <p>Year Called to Bar</p> <p style="border: 1px solid black; text-align: center;">1971</p> </div> <div style="width: 30%;"> <p>Completed Years Practising/Years of Relevant Experience</p> <p style="border: 1px solid black; text-align: center;">35</p> </div> </div>	
<div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <p>For Consultant/Analyst: <input type="checkbox"/> CV attached</p> <p><input checked="" type="checkbox"/> CV provided within previous 24 months</p> </div> <div style="width: 60%;"> <p>Hourly Rate: \$330</p> <p>HST Rate Charged (enter %): 13.0%</p> </div> </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	4.00	\$ 330.00	\$ 1,320.00	\$ 171.60	\$ 1,491.60
Responses		\$ 330.00	\$ -	\$ -	\$ -
Issues Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation	2.50	\$ 330.00	\$ 825.00	\$ 107.25	\$ 932.25
Attendance	2.70	\$ 330.00	\$ 891.00	\$ 115.83	\$ 1,006.83
Proposal Preparation	1.50	\$ 330.00	\$ 495.00	\$ 64.35	\$ 559.35
Argument					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Oral Hearing					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Other Conferences					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Case Management		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 3,531.00	\$ 459.03	\$ 3,990.03

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



File # EB- 2014-0195

Process: EGDI 2013 Deferral & Variance Account Clearance

Party: BOMA

Service Provider Name: Tom Brett

Statement of Disbursements Being Claimed			
	Net Cost	HST	Total
Scanning/Photocopy			\$ -
Printing			\$ -
Courier	\$ 29.96	\$ 3.89	\$ 33.85
Telephone/Fax			\$ -
Transcripts			\$ -
Travel: Air			\$ -
Travel: Car			\$ -
Travel: Rail			\$ -
Travel (Other):			\$ -
Parking			\$ -
Taxi			\$ -
Accommodation			\$ -
Meals			\$ -
Other:			\$ -
Other:			\$ -
Other:			\$ -
TOTAL DISBURSEMENTS:	\$ 29.96	\$ 3.89	\$ 33.85

Ontario Energy Board

COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- 2014-0195 Process: EGDI 2013 Deferral & Variance Account Clearance

Party: BOMA Service Provider Name: Marion Fraser

<p>SERVICE PROVIDER TYPE (check one)</p> <p>Legal Counsel <input type="checkbox"/></p> <p>Articling Student/Paralegal <input type="checkbox"/></p> <p>Consultant <input checked="" type="checkbox"/></p> <p>Analyst <input type="checkbox"/></p> <p>For Consultant/Analyst: <input type="checkbox"/> CV attached <input checked="" type="checkbox"/> CV provided within previous 24 months</p>	<p>Year Called to Bar</p> <p><input style="width: 100px;" type="text"/></p>	<p>Completed Years Practising/Years of Relevant Experience</p> <p><input style="width: 100px;" type="text" value="33"/></p> <p>Hourly Rate: <input style="width: 100px;" type="text" value="\$330"/></p> <p>HST Rate Charged (enter %): <input style="width: 100px;" type="text" value="13.0%"/></p>
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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	7.00	\$ 330.00	\$ 2,310.00	\$ 300.30	\$ 2,610.30
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		\$ 330.00	\$ -	\$ -	\$ -
Oral Hearing					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Other Conferences					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Case Management		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 2,310.00	\$ 300.30	\$ 2,610.30

Ontario Energy Board

COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- 2014-0195

Process: EGDI 2013 Deferral & Variance Account Clearance

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 # 776608 Session: 431679 Bill to: 27/Oct/14

Client: F1588

Fraser & Company

Matter: 145144

BOMA – Enbridge Gas
Distribution Inc., 2013 Deferral
and Variance Account Clearance
Application; Board File No. EB-
2014-0195

CLIENT LAWYER: Brett, Thomas

MATTER_LAWYER: Brett, Thomas

LAWYER ON BILL: Brett, Thomas

LAST BILL DATE: NONE

FOGLER, RUBINOFF LLP

PAYOR NAME & ADDRESS

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

Attn: Marion Fraser

Page 1

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>
09/Oct/14	Thomas Brett	10.70	3,531.00	[] AS DOCKETED	415	TB
TOTAL UNBILLED FEES		10.70	3,531.00	[] 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/Jul/14	7	Courier & Delivery	Y	29.96			
TOTAL UNBILLED DISB				29.96	[] WRITE OFF		
TOTAL ADJUSTMENTS							
TOTAL DISB THIS BILL							

TRUST SUMMARY – A Trust was not opened on this Matter

Payor/Matter: F1588/**145144**
 Fraser & Company
 BOMA – Enbridge Gas Distribution Inc.,
 2013 Deferral and Variance Account
 Clearance Application; Board File No.
 EB-2014-0195
 Prebill No.: 776608
 Session ID: 431679

LAST BILL DATE: NONE
 LAST BILLED TO DATE: NONE
 FILE LAWYER: Brett, Thomas
 ASSIGNED LAWYER: Brett, Thomas

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

PAYOR DEFAULT ADDRESS
 33 Harbour Square, Suite 502
 Toronto, ON
 M5J 2G2

Fraser, Marion

DETAIL OF UNBILLED TIME

DATE	TIME ID	TIMEKEEPER	HOURS	RATE	AMOUNT	DESCRIPTION
25/Sep/14	2484392	415 TB	2.00	330.00	660.00	Reviewing evidence and IRs
01/Oct/14	2491251	415 TB	2.00	330.00	660.00	Reviewing evidence and preparing IRs
02/Oct/14	2491252	415 TB	2.50	330.00	825.00	Reviewing evidence and IRs; Preparing for Settlement Conference
02/Oct/14	2491253	415 TB	2.70	330.00	891.00	Attending Settlement Conference
09/Oct/14	2491288	415 TB	1.50	330.00	495.00	Reviewing Settlement Agreement
		TOTAL TIME	10.70		3,531.00	

DETAIL OF UNBILLED DISBURSEMENTS

DATE	DISB ID	CODE	QUAN	AMOUNT	DESCRIPTION
22/Jul/14	5770253	7		29.96	14:07 TB Courier: Blizzard# 7196213 Ontario Energy Board-2300 Yonge St-fatima
		TOTAL DISB		29.96	

Filters

Client	Disb Code 7	Session
Matter 145144	Office	Tran Type
Tkpr	Dept	Prebill #
Disb ID	Prof Ctr	Bill #
Date	Period	Bill Date
		Project

Disbursement Details

Base Amt	\$27.23	Tobill Amt	\$29.96	Billed Amt
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Date	Tkpr	TKPR Name	Client	Matter	Status	Bill Num	Cost Code	H/S	Base Amt	Billed Amt	Tobill Amt	Narrative
7/22/2014			F1588	145144	W	0	7	S	\$27.23	\$0.00	\$29.96	14:07 TB Courier: B

Appendix B

DOCKET

Board File Number			EB-2014-0195 Enbridge		Party Name			BOMA Toronto	
Fraser & Company									
Date	Explanation	Consultant	Preparation	Attendance TC	Attendance SC	Attendance OH	Argument	Total	
27-Aug-14	Review of Enbridge DSM Audit	MEF	4					4	
28-Aug-14	Review of Enbridge DSM Audit	MEF	3					3	
12-Oct-14	Review of Enbridge Submission	MEF	0					0	
Total			7	0	0	0	0	7	