

May 30, 2008

**BY COURIER (2 COPIES) AND EMAIL**

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, Suite 2700  
Toronto, Ontario M4P 1E4  
Fax: (416) 440-7656  
Email: boardsec@oeb.gov.on.ca

Dear Ms. Walli:

**Re: Pollution Probe – Cost Claim  
EB-2007-0791 – Ontario Power Authority – Fiscal 2008**

Pursuant to the Board's decision in this matter dated May 15, 2008, please find enclosed Pollution Probe's cost claim for this matter.

We note that the hourly rates on the copies of Form 1 reflect the average rate over the entire period in light of the change to the Cost Award Tariff (and thus hourly rates) effective November 16, 2007. We further submit that Pollution Probe participated responsibly in this proceeding by assisting the Board in determining the scope of the proceeding, and then taking no position when the issues Pollution Probe wished to pursue were determined by the Board to be outside the scope of this proceeding.

Yours truly,




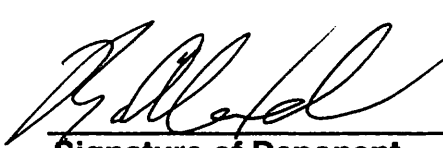
Basil Alexander

BA/ba

cc: Applicant per Procedural Order No. 1

# FORM 3

## AFFIDAVIT IN SUPPORT OF COST CLAIM

<b>EB-2007-0791 - OPA - 2008 Rates</b>		<b>Pollution Probe</b>											
Board File Number		Party Name											
<b>Items Claimed Net of GST</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 35%;">Legal/Consultant Fees</td> <td style="width: 5%; text-align: center;">+</td> <td style="width: 35%;">Disbursements</td> <td style="width: 5%; text-align: center;">=</td> <td style="width: 20%;">Net Sub-Total</td> </tr> <tr> <td>\$ 7,628.01</td> <td></td> <td>\$ 600.23</td> <td></td> <td>\$ 8,228.24</td> </tr> </table>				Legal/Consultant Fees	+	Disbursements	=	Net Sub-Total	\$ 7,628.01		\$ 600.23		\$ 8,228.24
Legal/Consultant Fees	+	Disbursements	=	Net Sub-Total									
\$ 7,628.01		\$ 600.23		\$ 8,228.24									
<b>Goods and Services Tax</b> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Full Registrant  <input type="checkbox"/> Unregistered (GST at 5%)  <input type="checkbox"/> Other _____ GST at _____ %         </div> <div> <input checked="" type="checkbox"/> Qualifying Non-Profit (GST at 2.5%)  <input type="checkbox"/> Tax Exempt (no GST)         </div> </div>													
<b>Total Cost Claim</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 35%;">Net Sub-Total</td> <td style="width: 5%; text-align: center;">+</td> <td style="width: 35%;">Total GST Claimed *</td> <td style="width: 5%; text-align: center;">=</td> <td style="width: 20%;">Total Cost Claim</td> </tr> <tr> <td>\$ 8,228.24</td> <td></td> <td>\$ 205.71</td> <td></td> <td>\$ 8,433.95</td> </tr> </table>				Net Sub-Total	+	Total GST Claimed *	=	Total Cost Claim	\$ 8,228.24		\$ 205.71		\$ 8,433.95
Net Sub-Total	+	Total GST Claimed *	=	Total Cost Claim									
\$ 8,228.24		\$ 205.71		\$ 8,433.95									
I, (name) <u>Basil Alexandre</u> of the City of Toronto in the Province of Ontario <b>MAKE OATH AND SAY (or AFFIRM):</b> 1. I am a representative of the above noted intervenor (the "intervenor") and as such have knowledge of the matters attested to herein. 2. I have examined the above Cost Claim and all of the documentation in support of it. 3. The above Cost Claim represents only costs incurred directly and necessarily by the intervenor for the purpose of the intervention in the Ontario Energy Board process (the file number of which is set out above). <b>SWORN (or AFFIRMED) BEFORE ME</b> at the City of Toronto in the Province of Ontario on (date) <u>May 30, 2008</u> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%; text-align: center;">   <b>COMMISSIONER for taking Affidavits, etc.</b> </div> <div style="width: 45%; text-align: center;">   <b>Signature of Deponent</b> </div> </div>													

\* - includes only 1/2 of GST from all Forms 1 and 2

**FORM 1****SUMMARY STATEMENT OF HOURS - CONSULTANTS AND LEGAL COUNSEL**

A separate form is required for each consultant or legal counsel

<b>EB-2007-0791 - OPA - 2008 Rates</b>			<b>Pollution Probe</b>		
Board File Number			Party Name		
<b>Murray Klippenstein</b>			<b>Klippensteins</b>		
Legal Counsel Name			Law Firm		
Consultant Name			Years of Relevant Experience (curriculum vitae must be attached)		Consultant's Firm

	Hours	Hourly Rate	Sub-total	GST *	Total
<b>Preparation</b>	3.05	229.43	699.76	34.99	734.75
<b>Attendance - Technical Conference</b>	0.00	229.43	0.00	0.00	0.00
<b>Attendance - Settlement Conference</b>	0.00	229.43	0.00	0.00	0.00
<b>Attendance - Oral Hearing</b>	0.00	229.43	0.00	0.00	0.00
<b>Argument</b>	0.00	229.43	0.00	0.00	0.00
<b>Case Management</b>	0.00	229.43	0.00	0.00	0.00
<b>TOTALS</b>	<b>3.05</b>	<b>229.43</b>	<b>699.76</b>	<b>34.99</b>	<b>734.75</b>

**Note:** All claims must be in Canadian dollars. If applicable, state exchange rate \_\_\_\_\_, and country of initial currency \_\_\_\_\_.

\* - only 1/2 of GST is claimed on Form 3

**FORM 1****SUMMARY STATEMENT OF HOURS - CONSULTANTS AND LEGAL COUNSEL**

A separate form is required for each consultant or legal counsel

<b>EB-2007-0791 - OPA - 2008 Rates</b>			<b>Pollution Probe</b>		
Board File Number			Party Name		
<b>Basil Alexander</b>			<b>Klippensteins</b>		
Legal Counsel Name			Law Firm		
Consultant Name			Years of Relevant Experience (curriculum vitae must be attached)		Consultant's Firm
	<b>Hours</b>	<b>Hourly Rate</b>	<b>Sub-total</b>	<b>GST *</b>	<b>Total</b>
<b>Preparation</b>	38.50	143.32	5517.97	275.90	5793.87
<b>Attendance - Technical Conference</b>	0.00	143.32	0.00	0.00	0.00
<b>Attendance - Settlement Conference</b>	0.00	143.32	0.00	0.00	0.00
<b>Attendance - Oral Hearing</b>	5.35	143.32	766.78	38.34	805.12
<b>Argument</b>	0.00	143.32	0.00	0.00	0.00
<b>Case Management</b>	0.00	143.32	0.00	0.00	0.00
<b>TOTALS</b>	<b>43.85</b>	<b>143.32</b>	<b>6284.75</b>	<b>314.24</b>	<b>6598.99</b>
<b>Note:</b> All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____.					

\* - only 1/2 of GST is claimed on Form 3

**FORM 1****SUMMARY STATEMENT OF HOURS - CONSULTANTS AND LEGAL COUNSEL**

A separate form is required for each consultant or legal counsel

<b>EB-2007-0791 - OPA - 2008 Rates</b>			<b>Pollution Probe</b>		
Board File Number			Party Name		
<b>Adriana Greenblatt</b>			<b>Articling Student</b>		<b>Klippensteins</b>
Legal Counsel Name			Year of Call		Law Firm
Consultant Name			Years of Relevant Experience (curriculum vitae must be attached)		Consultant's Firm
	<b>Hours</b>	<b>Hourly Rate</b>	<b>Sub-total</b>	<b>GST *</b>	<b>Total</b>
<b>Preparation</b>	3.85	90.00	346.50	17.33	363.83
<b>Attendance - Technical Conference</b>	0.00	90.00	0.00	0.00	0.00
<b>Attendance - Settlement Conference</b>	0.00	90.00	0.00	0.00	0.00
<b>Attendance - Oral Hearing</b>	3.30	90.00	297.00	14.85	311.85
<b>Argument</b>	0.00	90.00	0.00	0.00	0.00
<b>Case Management</b>	0.00	90.00	0.00	0.00	0.00
<b>TOTALS</b>	<b>7.15</b>	<b>90.00</b>	<b>643.50</b>	<b>32.18</b>	<b>675.68</b>
<b>Note:</b> All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____.					

\* - only 1/2 of GST is claimed on Form 3

## SUMMARY OF DISBURSEMENTS

\* - only 1/2 of GST is claimed on Form 3

**KLIPPENSTEINS**

Barristers &amp; Solicitors

160 John Street, Suite 300  
Toronto, Ontario M5V 2E5

Telephone: (416) 598-0288

Fax: (416) 598-9520

Pollution Probe

May 28, 2008

625 Church Street, Suite 402  
Toronto, ON M4Y 2G1File #: 1675  
Invoice #: 2071

RE: Ontario Power Authority - Fiscal 2008 - EB-2007-0791

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DATE	DESCRIPTION	HOURS	LAWYER
P Nov-05-07	Reviewing correspondence and materials from OPA re: 2008 application	0.20	BA
P Nov-06-07	Reviewing correspondence from JG re: intervention; reviewing materials for intervention; preparing response to JG re: intervention	0.15	BA
P Nov-07-07	Reviewing JG response re: intervention; telephone call from JG re: intervention; drafting intervention and request for oral hearing; reviewing OPA correspondence re: additional evidence; preparing correspondence to JG re: request for oral hearing and intervention	1.20	BA
P Nov-09-07	Reviewing response from JG re: comments on intervention	0.50	BA
P Nov-12-07	Review draft issues list letter	0.20	MK
P	Reviewing GEC comments re: OPA request for written hearing	0.05	BA
P Dec-11-07	Reviewing correspondence from OPA and Notice of Application; reviewing previous comments and interventions	0.15	BA
P Dec-21-07	Reviewing correspondence re: interim order; reviewing OPA correspondence re: written hearing; telephone call from JG re: potential response to OPA correspondence	0.15	BA
P Dec-27-07	Reviewing OPA response re: written hearing; research re: OPA and OEB legislation; drafting response to OPA re: written hearing; drafting correspondence to JG re: response	2.95	BA

P	Dec-28-07	Reviewing JG revisions to response re: written hearing	0.15	BA
P	Dec-31-07	Confer with BA re: response to OPA	0.20	MK
P		Confer with MK re: response to OPA re: written/oral hearing; revising, finalizing, and filing response to OPA re: written/oral hearing	0.95	BA
P	Jan-09-08	Reviewing correspondence from OPA re: evidence and preparing response; reviewing submissions re: oral vs. written hearing	0.25	BA
P	Jan-10-08	Reviewing response from OPA re: preference for evidence format	0.05	BA
P	Jan-14-08	Reviewing intervenor acknowledgment letter from Board	0.05	BA
P	Jan-21-08	Searching Board website for Procedural Order; preparing correspondence to Board Staff re: current status; reviewing Procedural Order No. 1	0.30	BA
P	Jan-22-08	Reviewing response from Board Staff re: current status; preparing correspondence to JG re: Procedural Order No. 1; reviewing Procedural Order No. 1	0.10	BA
P	Jan-25-08	Telephone call from JG re: Procedural Order No. 1	0.10	BA
P	Jan-28-08	Review strategy issues; discuss with BA; msges for JG	0.45	MK
P		Review potential issues arguments with JG	0.25	MK
P		Telephone call from JG re: additions to Issues List; reviewing and analyzing JG correspondence, Issues List, legislation, directives, and targets re: additions to Issues List; preparing materials for MK review and confer with MK re: proposed additions to Issues List; listening in on telephone msgs from MK to JG re: proposed additions to Issues List	1.45	BA
P	Jan-29-08	Confer with BA re: call with JG; update from BA re: research	0.20	MK
P		Confer with MK re: telephone call with JG; researching role and impact of directives and legislation; updating MK on results of research	0.60	BA
P	Jan-30-08	Reviewing various correspondence re: proposed Issues List and Issues Day	0.05	BA
P	Jan-31-08	Reviewing correspondence re: proposed Issues List	0.05	BA
P	Feb-01-08	Research for Issues Day; reviewing correspondence between OPA and Energy Probe	0.35	BA
P	Feb-04-08	Reviewing proposed Issues List for Issues Day; reviewing correspondence from GEC and preparing response re: scheduling; reviewing correspondence from Board re: scheduling	0.10	BA

P	Feb-05-08	Plan Issues Day	0.10	MK
P		Review results of Issues Day hearing	0.25	MK
P		Reviewing correspondence; reviewing JG briefing note for Issues Day	0.05	BA
P	Feb-06-08	Confer with BA re: Issues Day	0.10	MK
P		Telephone call with JG re: Issues Day; confer with MK re: Issues Day; reviewing materials and preparing for Issues Day	1.45	BA
P	Feb-07-08	Debriefing with BA re: Issues Day	0.20	MK
P		Preparing for Issues Day; debriefing from Issues Day with MK; debriefing with Issues Day with JG; reviewing correspondence re: transcripts	0.70	BA
A/ott		Attending Issues Day	2.10	BA
P	Feb-11-08	Reviewing Board decision on Issues Day and revision to decision	0.10	BA
P	Feb-12-08	Reviewing correspondence re: OPA evidence updates; reviewing JG correspondence re: interrogatories	0.05	BA
P	Feb-13-08	Reviewing and revising interrogatories; preparing correspondence to JG re: revised interrogatories and reviewing response; further revising interrogatories and correspondence to JG re: further revised interrogatories; reviewing JG responses; finalizing and filing interrogatories	3.00	BA
P	Feb-14-08	Reviewing other parties' interrogatories; reviewing correspondence from OPA re: interrogatories and preparing response	0.65	BA
P	Mar-01-08	Reviewing correspondence from past few days; reviewing interrogatory responses	0.20	BA
P	Mar-05-08	Reviewing correspondence and interrogatory responses	0.25	BA
P	Mar-06-08	Review OPA's interrogatory refusal with BA	0.20	MK
		Confer with JG re: potential motion; confer with MK re: OPA interrogatory refusal and next steps	1.25	BA
P	Mar-11-08	Confer with JG re: potential motion; reviewing/analyzing materials and rules for potential interrogatory motion	2.30	BA
P	Mar-12-08	Reviewing correspondence and additional material from the OPA	0.25	BA
P	Mar-13-08	Review draft motion for Int. info.	0.30	MK

P		Reviewing correspondence and materials; confer with JG re: potential interrogatory motion; confer with MK re: draft motion	0.20	BA
P	Mar-14-08	Reviewing correspondence and materials; reviewing materials for potential interrogatory motion	0.30	BA
P	Mar-17-08	Review draft motion record re interrogatories; confer JG	0.60	MK
P		Reviewing materials for potential interrogatory motion; drafting materials for interrogatory motion; preparing correspondence to JG re: motion and reviewing responses; finalizing and filing interrogatory motion	5.55	BA
P	Mar-18-08	Reviewing correspondence	0.30	BA
P	Mar-19-08	Reviewing correspondence from JG re: motion; reviewing correspondence and Procedural Order No. 2 from Board	0.30	BA
P	Mar-20-08	Reviewing correspondence after settlement conference	0.25	BA
P	Mar-24-08	Reviewing correspondence from David Poch and OPA	0.10	BA
P	Mar-25-08	Reviewing correspondence in preparation for motion; instructing AG re: research	0.55	BA
		Researching legislative debates on section 25.21 of the Ontario Electricity Act at the Great Library	1.60	AS2
P	Mar-26-08	Conference call with MK/BA/JG re: motion; reviewing correspondence and materials in preparation for motion; reviewing results of AG research	1.75	BA
P		Conferring with BA; assisting MK and BA with telephone call to JG	2.25	AS2
P	Mar-27-08	Preparing for hearing; reviewing materials; reviewing and preparing correspondence from/to JG re: motion; preparing, finalizing and filing supplementary reference book	3.65	BA
P	Mar-28-08	Preparing for motions hearing; reviewing correspondence; updating MK after motion	1.80	BA
A/OH		Attending motions hearing	3.25	BA
A/OH		Assisting BA at motion hearing	3.30	AS2
P	Mar-31-08	Confer with MK re: strategy; drafting letter to Board re: Pollution Probe's position; preparing and reviewing correspondence to/from JG re: letter	2.40	BA
P	Apr-01-08	Finalizing and filing correspondence to Board; telephone call from Energy Probe	0.50	BA
P	Apr-02-08	Reviewing correspondence	0.05	BA

P	Apr-08-08	Reviewing correspondence	0.05	BA
P	Apr-09-08	Reviewing correspondence	0.05	BA
P	Apr-14-08	Reviewing correspondence re: transcript; reviewing transcript	0.20	BA
P	Apr-17-08	Reviewing correspondence	0.10	BA
P	May-15-08	Reviewing correspondence re: decision; reviewing decision	0.25	BA

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Totals	54.05	\$7,628.00
GST on Fees		\$381.40

**FEE SUMMARY**

<b>Lawyer</b>	<b>Hours</b>	<b>Amount</b>
Murray Klippenstein	3.05	\$699.75
Basil Alexander	43.85	\$6,284.75
Articling Student 2	7.15	\$643.50

**DISBURSEMENTS**

Courier expenses	49.14
Outside photocopy expenses	381.42
Quicklaw online research expenses	16.17
Photocopies	153.50

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Totals	\$600.23
GST on Disbursements	\$30.01

**TOTAL FOR THIS INVOICE**

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**\$8,639.64**

Previous Balance

\$0.00

Previous Payments

\$0.00

Payment From Trust Towards This Invoice

\$0.00

**TOTAL DUE**

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**\$8,639.64**

Any disbursements not posted to your account on the date of this statement will be billed at a later date

THIS IS MY ACCOUNT HEREIN:



MURRAY KLIPPENSTEIN

E. &amp; O. E.

Total Tax: \$411.41

GST #: 87215 1923 RT0001

\* items are GST exempt

Accounts are due when rendered. Pursuant to the Solicitor's Act, interest at the rate of 5.00% per annum may be charged on amounts unpaid thirty days after the date of this account



MAR 13 2008

Invoice No. 041119594

Bill To: Basil Alexander  
Klippenstein, Barristers & Solicitors  
160 John St., 3rd Flr  
Toronto, ON, M5V 2E5

Account: 601994  
Date: March 18, 2008

Ordered By: Basil Alexander  
Phone: (416) 732-7010  
Customer PO: 1675

Ship To: SAME

Job Name:

Item	1-Sided	2-Sided	Quantity	Description	GST	PST	Job Price
A			119	12 Legal Copying	X	X	\$330.15
Type * B&W Copy / Type * Bindery origl & copies / Type * Other: insert tabs / Cerlox: white F & B							

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PST  
Sub Total  
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GST/HST  
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\$330.15  
\$26.41  
\$356.56  
\$0.00  
\$16.51  
\$373.07

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Interest of 1.5% per month (18% P.A.) will be charged on all overdue accounts.

