



Fogler, Rubinoff LLP
Lawyers

77 King Street West
Suite 3000, PO Box 95
TD Centre North Tower
Toronto, ON M5K 1G8
t: 416.864.9700 | f: 416.941.8852
foglers.com

January 6, 2016

Reply To: Thomas Brett
Direct Dial: 416.941.8861
E-mail: tbrett@foglers.com
Our File No. 155905

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-2015-0075 - BOMA Cost Claim

Please find attached BOMA's Cost Claim.

Yours truly,

FOGLER, RUBINOFF LLP

Thomas Brett
TB/dd
Encls.

cc: Jane Scott, OEB (*by email*)
Maureen Helt, OEB (*by email*)
Indy Butany-DeSouza, Horizon (*by email*)
Marion Fraser, Fraser & Company (*by email*)
Bala Gnanam, BOMA (*by email*)

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>2015-0075</u>	Process: <u>Horizon 2016 Rate Application</u>
Party: <u>BOMA</u>	Affiant's Name: <u>Debbie Dey on behalf of 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, Debbie Dey on behalf of 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 Jan. 6, 2016.
(date)



Commissioner for taking Affidavits

Ontario Energy Board
COST CLAIM FOR HEARINGS



Affidavit and Summary of Fees and Disbursements

File # EB- 2015-0075 Process: Horizon 2016 Rate Application

Party: BOMA

Summary of Fees and Disbursements Being Claimed

Legal/consultant/other fees	\$	8,415.00
Disbursements	\$	27.13
HST	\$	1,097.48
Total Cost Claim	\$	9,539.61

Payment Information

Make cheque payable to: Fogler, Rubinoff LLP

Send payment to this address: Attn: 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>2015-0075</u>		Process: <u>Horizon 2016 Rate Application</u>	
Party: <u>BOMA</u>		Service Provider Name: <u>Tom Brett</u>	
SERVICE PROVIDER TYPE (check one) <input checked="" type="checkbox"/> Legal Counsel <input type="checkbox"/> Articling Student/Paralegal <input type="checkbox"/> Consultant <input type="checkbox"/> Analyst		Year Called to Bar <div style="border: 1px solid black; padding: 2px; display: inline-block;">1971</div>	Completed Years Practising/Years of Relevant Experience <div style="border: 1px solid black; padding: 2px; display: inline-block;">35</div>
For Consultant/Analyst: <input type="checkbox"/> CV attached <input checked="" type="checkbox"/> CV provided within previous 24 months		Hourly Rate: <div style="border: 1px solid black; padding: 2px; display: inline-block;">\$330</div>	HST Rate Charged (enter %): <div style="border: 1px solid black; padding: 2px; display: inline-block;">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	9.00	\$ 330.00	\$ 2,970.00	\$ 386.10	\$ 3,356.10
Attendance	6.00	\$ 330.00	\$ 1,980.00	\$ 257.40	\$ 2,237.40
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	10.50	\$ 330.00	\$ 3,465.00	\$ 450.45	\$ 3,915.45
Oral Hearing					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Other Conferences					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Case Management		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 8,415.00	\$ 1,093.95	\$ 9,508.95

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



File # EB- 2015-0075

Process: Horizon 2016 Rate Application

Party: BOMA

Service Provider Name: Tom Brett

Statement of Disbursements Being Claimed			
	Net Cost	HST	Total
Scanning/Photocopy			\$ -
Printing			\$ -
Courier	\$ 27.13	\$ 3.53	\$ 30.66
Telephone/Fax			\$ -
Transcripts			\$ -
Travel: Air			\$ -
Travel: Car			\$ -
Travel: Rail			\$ -
Travel (Other):			\$ -
Parking			\$ -
Taxi			\$ -
Accommodation			\$ -
Meals			\$ -
Other:			\$ -
Other:			\$ -
Other:			\$ -
TOTAL DISBURSEMENTS:	\$ 27.13	\$ 3.53	\$ 30.66

Prebill # 839151 Session: 472254 Bill to: 31/Dec/15

Client: F1588
Fraser & Company

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

Matter: 155905
BOMA - Horizon Utilities
Corporation CIR Year 2 Rate
Application; Board File No. EB-
2015-0075

FOGLER, RUBINOFF LLP

PAYOR NAME & ADDRESS
Horizon Utilities Corporation
55 John Street North
P.O. Box 2249, STN LCD 1
Hamilton, ON
L8N 3E4
Canada
Attn: Indy Butany-DeSouza

Page 1

PAYOR: H2216 MAIN
BILL: H2216 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>
05/Nov/15	Thomas Brett	25.50	8,415.00	[] AS DOCKETED	415	TB
TOTAL UNBILLED FEES		25.50	8,415.00	[] 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>
17/Nov/15	7	Courier & Delivery	Y	27.13			
TOTAL UNBILLED DISB				27.13	[] WRITE OFF		
TOTAL ADJUSTMENTS							
TOTAL DISB THIS BILL							

TRUST SUMMARY – A Trust was not opened on this Matter

Payor/Matter: H2216/**155905**
 Horizon Utilities Corporation
 BOMA - Horizon Utilities Corporation CIR
 Year 2 Rate Application; Board File No.
 EB-2015-0075
 Prebill No.: 839151
 Session ID: 472254

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

BILL ADDRESS
 Horizon Utilities Corporation
 55 John Street North
 P.O. Box 2249, STN LCD 1
 Hamilton, ON L8N 3E4
 CANADA

PAYOR DEFAULT ADDRESS
 55 John Street North
 P.O. Box 2249, STN LCD 1
 Hamilton, ON
 L8N 3E4
 Butany-DeSouza, Indy

DETAIL OF UNBILLED TIME

<u>DATE</u>	<u>TIME ID</u>	<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>RATE</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
22/Oct/15	2686436	415 TB	7.00	330.00	2,310.00	Reviewing evidence; Preparing for Technical Conference
23/Oct/15	2686437	415 TB	2.00	330.00	660.00	Reviewing evidence; Preparing for Technical Conference
23/Oct/15	2686447	415 TB	6.00	330.00	1,980.00	Attending Technical Conference
04/Nov/15	2696241	415 TB	6.00	330.00	1,980.00	Drafting Submission
05/Nov/15	2696244	415 TB	4.50	330.00	1,485.00	Preparation of Submission
TOTAL TIME			25.50		8,415.00	

DETAIL OF UNBILLED DISBURSEMENTS

<u>DATE</u>	<u>DISB ID</u>	<u>CODE</u>	<u>QUAN</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
02/Oct/15	6356064	7 Courier & Delivery		11.99	12:10 TB Courier: Blizzard# 7358076 Ontario Energy Board-2300 Yonge St-Fatima
17/Nov/15	6435097	7 Courier & Delivery		15.14	11:11 TB Courier: Blizzard# 7375357 ONTARIO ENERGY BOARD-2300 Yonge St-melanie
TOTAL DISB				27.13	

Filters

Client	Disb Code 7	Session
Matter 155905	Office	Tran Type
Tkpr	Dept	Prebill #
Disb ID	Prof Ctr	Bill #
Date	Period	Bill Date
		Project

Disbursement Details

Base Amt	\$24.64	Tobill Amt	\$27.13	Billed Amt
----------	---------	------------	---------	------------

Date	T	Client	Matter	Disb	Cost Code	Rate	Billed Amt	Narrative
10/2/2015		F1588	155905	.	7	.	\$11.99	12:10 TB Courier: Blizzard# 7358076 Ontario Energy Board-2300 Yonge St-Fatima
11/17/2015		F1588	155905	.	7	.	\$15.14	11:11 TB Courier: Blizzard# 7375357 ONTARIO ENERGY BOARD-2300 Yonge St-melanie