



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. 153783

VIA EMAIL, RESS AND COURIER

Ontario Energy Board
2300 Yonge Street
Suite 2701
Toronto Ontario
M4P 1E4

Attention: Kirsten Walli,
Board Secretary

Dear Ms. Walli:

Re: Board File Nos. EB-2015-0166 and EB-2015-0175 - BOMA Cost Claim

Please find enclosed BOMA's Cost Claim.

Yours truly,

FOGLER, RUBINOFF LLP

Thomas Brett

TB/dd

Encls.

cc: Colin Schuch, OEB (*via email*)
Michael Millar, OEB (*via email*)
Ian Richler, OEB (*via email*)
Andrew Mandyam, EGD (*via email*)
Bonnie Adams, EGD (*via email*)
David Stevens, Aird & Berlis (*via email*)
Tania Persad, EGD (*via email*)
Karen Hockin, Union Gas (*via email*)
Marion Fraser, Fraser & Company (*via email*)
Bala Gnanam, BOMA (*via 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- 2015-0166/0175 Process: Union and EGD NEXUS Long Term Contracts
Party: BOMA Affiant's Name: Debbie Dey on behalf of Tom Brett
HST Number: R119420859 HST Rate Ontario: 13.00%
Full Registrant Qualifying Non-Profit
Unregistered Tax Exempt
Other

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.

Debbie Dey
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)

[Signature]

Commissioner for taking Affidavits

Lea Ann Jukes, a Commissioner, etc.,
Province of Ontario, for Fogler, Rubinoff LLP,
Barristers and Solicitors.
Expires May 31, 2016

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Affidavit and Summary of Fees and Disbursements

File # EB- 2015-0166/0175 Process: Union and EGD NEXUS Long Term Contracts

Party: BOMA

Summary of Fees and Disbursements Being Claimed

Legal/consultant/other fees	\$	33,627.00
Disbursements	\$	45.13
HST	\$	4,377.38
Total Cost Claim	\$	38,049.51

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>2015-0166/0175</u>	Process: <u>Union and EGD NEXUS Long Term Contracts</u>
Party: <u>BOMA</u>	Service Provider Name: <u>Tom Brett</u>
SERVICE PROVIDER TYPE (check one)	Year Called to Bar
Legal Counsel <input checked="" type="checkbox"/>	<input type="text" value="1971"/>
Articling Student/Paralegal <input type="checkbox"/>	
Consultant <input type="checkbox"/>	
Analyst <input type="checkbox"/>	
Completed Years Practising/Years of Relevant Experience	<input type="text" value="35"/>
Hourly Rate:	<input type="text" value="\$330"/>
For Consultant/Analyst: <input type="checkbox"/> CV attached	HST Rate Charged (enter %): <input type="text" value="13.0%"/>
<input checked="" 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	8.40	\$ 330.00	\$ 2,772.00	\$ 360.36	\$ 3,132.36	
Attendance	8.50	\$ 330.00	\$ 2,805.00	\$ 364.65	\$ 3,169.65	
Interrogatories						
Preparation	32.50	\$ 330.00	\$ 10,725.00	\$ 1,394.25	\$ 12,119.25	
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	20.20	\$ 330.00	\$ 6,666.00	\$ 866.58	\$ 7,532.58	
Oral Hearing						
Preparation	19.50	\$ 330.00	\$ 6,435.00	\$ 836.55	\$ 7,271.55	
Attendance	12.80	\$ 330.00	\$ 4,224.00	\$ 549.12	\$ 4,773.12	
Other Conferences						
Preparation		\$ 330.00	\$ -	\$ -	\$ -	
Attendance		\$ 330.00	\$ -	\$ -	\$ -	
Case Management						
		\$ 170.00	\$ -	\$ -	\$ -	
TOTAL SERVICE PROVIDER FEES			\$ 33,627.00	\$ 4,371.51	\$ 37,998.51	

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



File # EB- 2015-0166/0175

Process: Union and EGD NEXUS Long Term Contracts

Party: BOMA

Service Provider Name: Tom Brett

Statement of Disbursements Being Claimed			
	Net Cost	HST	Total
Scanning/Photocopy			\$ -
Printing	\$ 18.00	\$ 2.34	\$ 20.34
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:	\$ 45.13	\$ 5.87	\$ 51.00

Client: F1588
Fraser & Company

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

PAYOR NAME & ADDRESS
Enbridge Gas Distribution Inc.
500 Consumers Road
Toronto, ON
M2J 1P8
Canada
Attn: Andrew Mandyam

PAYOR: E0685 MT04
BILL: E0685 MT04

ACCOUNT APPROVAL

Matter: 153783

BOMA – Union EB-2015-0166 and Enbridge EB-2015-0175, Applications for pre-approval of the cost consequences of long-term natural gas transportation contracts with NEXUS Gas Transmission

Thomas Brett

FINAL BILL: MATTER WILL BE MADE INACTIVE

UNBILLED TIME

LAST ENTRY	TIMEKEEPER	HOURS	AMOUNT	FEE CREDIT ALLOCATION	CODE	INIT
27/Nov/15	Thomas Brett	101.90	33,627.00	<input type="checkbox"/> AS DOCKETED	415	TB
TOTAL UNBILLED FEES			101.90	33,627.00	<input type="checkbox"/> WRITE OFF	
PREMIUM (WRITE DOWN)						
TOTAL FEES THIS BILL						

UNBILLED DISBURSEMENTS

LAST ENTRY	CODE	DISB. TYPE	GST	AMOUNT	UNBILLED W/O	ANTICIPATED	TOTAL THIS BILL
25/Nov/15	1	Prints	Y	18.00			
27/Nov/15	7	Courier & Delivery	Y	27.13			
TOTAL UNBILLED DISB				45.13	<input type="checkbox"/> WRITE OFF		
TOTAL ADJUSTMENTS							
TOTAL DISB THIS BILL							

TRUST SUMMARY – A Trust was not opened on this Matter

Payor/Matter: E0685/**153783**
 Enbridge Gas Distribution Inc.
 BOMA – Union EB-2015-0166 and
 Enbridge EB-2015-0175, Applications for
 pre-approval of the cost consequences of
 long-term natural gas transportation
 contracts with NEXUS Gas Transmission
 Prebill No.: 839149
 Session ID: 472252

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

BILL ADDRESS
 Enbridge Gas Distribution Inc.
 500 Consumers Road
 Toronto, ON M2J 1P8
 CANADA

PAYOR DEFAULT ADDRESS
 500 Consumers Road
 Toronto, ON
 M2J 1P8
 Mandyam, Andrew

DETAIL OF UNBILLED TIME

DATE	TIME ID	TIMEKEEPER	HOURS	RATE	AMOUNT	DESCRIPTION
15/Jun/15	2622405	415 TB	1.50	330.00	495.00	Reviewing evidence
23/Jun/15	2625590	415 TB	1.00	330.00	330.00	Reviewing evidence
23/Jun/15	2625591	415 TB	1.00	330.00	330.00	Reviewing evidence
31/Jul/15	2646227	415 TB	3.00	330.00	990.00	Reviewing evidence
02/Aug/15	2646230	415 TB	4.00	330.00	1,320.00	Reviewing evidence
03/Aug/15	2644811	415 TB	2.00	330.00	660.00	Reviewing evidence
10/Aug/15	2649918	415 TB	3.00	330.00	990.00	Reviewing evidence; Preparing IRs (Enbridge)
10/Aug/15	2649919	415 TB	3.00	330.00	990.00	Reviewing evidence; Preparing IRs (Union)
11/Aug/15	2649922	415 TB	3.75	330.00	1,237.50	Reviewing evidence and preparing IRs (Enbridge)
11/Aug/15	2649923	415 TB	3.75	330.00	1,237.50	Reviewing evidence and preparing IRs (Union)
14/Aug/15	2649936	415 TB	2.00	330.00	660.00	Preparation of IRs on Reply Evidence (Enbridge)
14/Aug/15	2649937	415 TB	2.00	330.00	660.00	Preparation of IRs on Reply Evidence (Union)
02/Sep/15	2661055	415 TB	2.50	330.00	825.00	Reviewing Interrogatories
07/Sep/15	2661065	415 TB	5.00	330.00	1,650.00	Reviewing and revising Interrogatories and preparing for Technical Conference
08/Sep/15	2661067	415 TB	7.00	330.00	2,310.00	Attending Technical Conference
09/Sep/15	2663802	415 TB	3.40	330.00	1,122.00	Reviewing Interrogatories; Preparing for Technical Conference
09/Sep/15	2663803	415 TB	1.50	330.00	495.00	Attending Technical Conference
05/Oct/15	2676794	415 TB	0.50	330.00	165.00	Reviewing evidence
11/Nov/15	2696285	415 TB	4.00	330.00	1,320.00	Reviewing materials; Preparing for Hearing
12/Nov/15	2696287	415 TB	4.00	330.00	1,320.00	Preparation for Hearing; Reviewing material
13/Nov/15	2696297	415 TB	2.00	330.00	660.00	Preparation for cross-examinations
13/Nov/15	2696298	415 TB	2.50	330.00	825.00	Attending Hearing
14/Nov/15	2696300	415 TB	5.00	330.00	1,650.00	Preparation for cross-examinations
16/Nov/15	2701959	415 TB	2.00	330.00	660.00	Preparation for cross-examinations
16/Nov/15	2701960	415 TB	7.00	330.00	2,310.00	Attending Hearing
17/Nov/15	2701963	415 TB	2.00	330.00	660.00	Preparation for cross-examinations
17/Nov/15	2701965	415 TB	3.30	330.00	1,089.00	Attending Hearing
24/Nov/15	2705318	415 TB	8.00	330.00	2,640.00	Preparation of Argument
25/Nov/15	2705323	415 TB	8.70	330.00	2,871.00	Preparation of Argument
26/Nov/15	2705329	415 TB	1.00	330.00	330.00	Preparation of Argument
27/Nov/15	2705330	415 TB	2.50	330.00	825.00	Finalizing Argument
TOTAL TIME			101.90		33,627.00	

DETAIL OF UNBILLED DISBURSEMENTS

DATE	DISB ID	CODE	QUAN	AMOUNT	DESCRIPTION
11/Aug/15	6291442	7		11.99	16:08 TB Courier: Blizzard# 7338321 Ontario Energy Board-2300 Yonge St-stephanie
25/Nov/15	6435737	1	49.00	14.70	Blom Randall

FOGLER, RUBINOFF
BILLING STATEMENT TO 31/Dec/15

Payor/Matter: E0685/**153783**
Enbridge Gas Distribution Inc.
BOMA – Union EB-2015-0166 and
Enbridge EB-2015-0175, Applications for
pre-approval of the cost consequences of
long-term natural gas transportation
contracts with NEXUS Gas Transmission
Prebill No.: 839149
Session ID: 472252

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

BILL ADDRESS
Enbridge Gas Distribution Inc.
500 Consumers Road
Toronto, ON M2J 1P8
CANADA

PAYOR DEFAULT ADDRESS
500 Consumers Road
Toronto, ON
M2J 1P8

Mandyam, Andrew

<u>DATE</u>	<u>DISB ID</u>	<u>CODE</u>		<u>QUAN</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
25/Nov/15	6435841	1	Prints	11.00	3.30	Blom Randall
27/Nov/15	6435456	7	Courier & Delivery		15.14	10:11 tb Courier: Blizzard# 7379961 ontario energy-2300 Yonge St-fatima
			TOTAL DISB		45.13	

Filters

Client	Disb Code	Session
Matter 153783	Office	Tran Type
Tkpr	Dept	Prebill #
Disb ID	Prof Ctr	Bill #
Date	Period	Bill Date
		Project

Disbursement Details

Base Amt \$42.64 Tobill Amt \$45.13 Billed Amt

Date	TT	Client	Matter	atn	Cost Code	Unit	Billed Amt	Narrative
8/11/2015		F1588	153783	.	7	.	\$11.99	16:08 TB Courier: Blizzard# 7338321 Ontario Energy Board-2300 Yonge St-stephanie
11/27/2015		F1588	153783	.	7	.	\$15.14	10:11 tb Courier: Blizzard# 7379961 ontario energy-2300 Yonge St-fatima
11/25/2015		F1588	153783	.	1	.	\$14.70	Blom Randall
11/25/2015		F1588	153783	.	1	.	\$3.30	Blom Randall