



Fogler, Rubinoff LLP  
Lawyers

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February 24, 2016

Reply To: Thomas Brett  
Direct Dial: 416.941.8861  
E-mail: tbrett@foglers.com  
Our File No. 155418

**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: EB-2015-0233: Enbridge Gas Distribution Inc., Application for Exemption from the  
Affiliate Relationships Code for Gas Utilities - BOMA's Cost Claim**

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Please find enclosed BOMA's Cost Claim.

Yours truly,

**FOGLER, RUBINOFF LLP**

Thomas Brett  
TB/dd  
Encls.

cc: Ronak Mozayyan, OEB (by email)  
Stephanie Allman, EGD (by email)  
Andrew Mandyam, EGD (by email)  
Guri Pannu, EGD (by email)  
Dennis O'Leary, Aird & Berlis (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.**

<b>File # EB-</b> <u>2015-0233</u>	<b>Process:</b> <u>EGD Exemption from ARC for Gas Utilities</u>
<b>Party:</b> <u>BOMA</u>	<b>Affiant's Name:</b> <u>Tom Brett</u>
<b>HST Number:</b> <u>R119420859</u>	<b>HST Rate Ontario:</b> <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"/>	

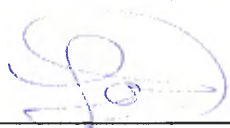
**Affidavit**

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 Feb. 24, 2016.  
(date)

  
\_\_\_\_\_  
**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- 2015-0233 Process: EGD Exemption from ARC for Gas Utilities

Party: BOMA

**Summary of Fees and Disbursements Being Claimed**

Legal/consultant/other fees	\$	3,465.00
Disbursements	\$	11.99
HST	\$	452.01
<b>Total Cost Claim</b>	<b>\$</b>	<b>3,929.00</b>

**Payment Information**

Make cheque payable to: Fogler, Rubinoff LLP

Send payment to this address: Attn: Debbie Dey  
77 King Street West, Suite 3000  
P.O. Box 95, TD Centre North Tower  
Toronto, ON M5K 1G8

# Ontario Energy Board

## COST CLAIM FOR HEARINGS



### Detail of Fees and Disbursements Being Claimed

<b>File # EB-</b> <u>2015-0233</u>	<b>Process:</b> <u>EGD Exemption from ARC for Gas Utilities</u>
<b>Party:</b> <u>BOMA</u>	<b>Service Provider Name:</b> <u>Tom Brett</u>

<b>SERVICE PROVIDER TYPE</b> (check one)	<b>Year Called to Bar</b>	<b>Completed Years Practising/Years of Relevant Experience</b>
<b>Legal Counsel</b> <input checked="" type="checkbox"/>	1971	35
<b>Articling Student/Paralegal</b> <input type="checkbox"/>		
<b>Consultant</b> <input type="checkbox"/>		
<b>Analyst</b> <input type="checkbox"/>		

<b>Hourly Rate:</b> <span style="border: 1px solid black; padding: 2px 20px;">\$330</span>
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<b>For Consultant/Analyst:</b> <input type="checkbox"/> CV attached	<b>HST Rate Charged (enter %):</b> <span style="border: 1px solid black; padding: 2px 20px;">13.0%</span>
<input checked="" type="checkbox"/> CV provided within previous 24 months	

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
<b>Pre-hearing Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Technical Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Interrogatories</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Responses		\$ 330.00	\$ -	\$ -	\$ -
<b>Issues Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>ADR - Settlement Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 330.00	\$ -	\$ -	\$ -
<b>Argument</b>					
Preparation	10.50	\$ 330.00	\$ 3,465.00	\$ 450.45	\$ 3,915.45
<b>Oral Hearing</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Other Conferences</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Case Management</b>		\$ 170.00	\$ -	\$ -	\$ -
<b>TOTAL SERVICE PROVIDER FEES</b>			\$ 3,465.00	\$ 450.45	\$ 3,915.45

**Ontario Energy Board**  
**COST CLAIM FOR HEARINGS**



**Detail of Fees and Disbursements Being Claimed**

File # EB- 2015-0233

Process: EGD Exemption from ARC for Gas Utilities

Party: BOMA

Service Provider Name: Tom Brett

Statement of Disbursements Being Claimed			
	Net Cost	HST	Total
Scanning/Photocopy			\$ -
Printing			\$ -
Courier	\$ 11.99	\$ 1.56	\$ 13.55
Telephone/Fax			\$ -
Transcripts			\$ -
Travel: Air			\$ -
Travel: Car			\$ -
Travel: Rail			\$ -
Travel (Other):			\$ -
Parking			\$ -
Taxi			\$ -
Accommodation			\$ -
Meals			\$ -
Other:			\$ -
Other:			\$ -
Other:			\$ -
<b>TOTAL DISBURSEMENTS:</b>	<b>\$ 11.99</b>	<b>\$ 1.56</b>	<b>\$ 13.55</b>

Prebill # 845545 Session: 476243 Bill to: 19/Feb/16

**Client: F1588**  
Fraser & Company

CLIENT LAWYER: Brett, Thomas  
MATTER\_LAWYER: Brett, Thomas  
LAWYER ON BILL: Brett, Thomas  
LAST BILL DATE: NONE

**Matter: 155418**  
BOMA – Enbridge Gas  
Distribution Inc., Application for  
Exemption from the Affiliate  
Relationships Code for Gas  
Utilities; Board File No. EB-2015-  
0233

**FOGLER, RUBINOFF LLP**

PAYOR NAME & ADDRESS  
Fraser & Company  
1005 - 65 Harbour Square  
Toronto, ON  
M5J 2L4  
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>
07/Dec/15	Thomas Brett	10.50	3,465.00	[ ] AS DOCKETED	415	TB
TOTAL UNBILLED FEES		10.50	3,465.00	[ ] 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>
07/Dec/15	7	Courier & Delivery	Y	11.99			
TOTAL UNBILLED DISB				11.99	[ ] WRITE OFF		
TOTAL ADJUSTMENTS							
TOTAL DISB THIS BILL							

TRUST SUMMARY – A Trust was not opened on this Matter

Payor/Matter: F1588/**155418**  
 Fraser & Company  
 BOMA – Enbridge Gas Distribution Inc.,  
 Application for Exemption from the  
 Affiliate Relationships Code for Gas  
 Utilities; Board File No. EB-2015-0233  
 Prebill No.: 845545  
 Session ID: 476243

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

BILL ADDRESS  
 Fraser & Company  
 1005 - 65 Harbour Square  
 Toronto, ON M5J 2L4  
 CANADA

PAYOR DEFAULT ADDRESS  
 1005 - 65 Harbour Square  
 Toronto, ON  
 M5J 2L4  
 Fraser, Marion

## 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>
05/Dec/15	2709844	415 TB	5.00	330.00	1,650.00	Reviewing evidence and preparing Submission
06/Dec/15	2709849	415 TB	4.00	330.00	1,320.00	Reviewing evidence and preparing Submission
07/Dec/15	2710515	415 TB	1.50	330.00	495.00	Drafting, revising and filing Submission
TOTAL TIME			10.50		3,465.00	

## DETAIL OF UNBILLED DISBURSEMENTS

<u>DATE</u>	<u>DISB ID</u>	<u>CODE</u>	<u>QUAN</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
07/Dec/15	6448073	7		11.99	14:12 TB Courier: Blizzard# 7384073 ontario energy board- 2300 Yonge St-Fatima
TOTAL DISB				11.99	

Filters

Client	Disb Code 7	Session
Matter 155418	Office	Tran Type
Tkpr	Dept	Prebill #
Disb ID	Prof Ctr	Bill #
Date	Period	Bill Date
		Project

Disbursement Details

Base Amt	\$10.89	Tobill Amt	\$11.99	Billed Amt
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Date	T	Client	Matter	at n	Cost Code	/nt nt	Tobill Amt	Narrative
12/7/2015		F1588	155418	.	7		\$11.99	14:12 TB Courier: Blizzard# 7384073 ontario energy board-2300 Yonge St-Fatima