



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

July 19, 2016

Reply To: Thomas Brett  
Direct Dial: 416.941.8861  
E-mail: tbrett@foglers.com  
Our File No. 163097

**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: Enbridge Gas Distribution Inc., Storage and Transportation Access Rule (STAR)  
Application; Board File No. EB-2016-0028**

---

Please find enclosed BOMA's Cost Claim.

Yours truly,

**FOGLER, RUBINOFF LLP**

Thomas Brett  
TB/dd  
Encls.

cc: Lawrie Gluck, OEB (*by email*)  
Michael Millar, OEB (*by email*)  
Andrew Mandyam, EGD (*by email*)  
Fred Cass, 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>2016-0028</u>                  | <b>Process:</b> <u>EGD STAR Application</u>                     |
| <b>Party:</b> <u>BOMA</u>                           | <b>Affiant's Name:</b> <u>Debbie Dey on behalf of 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"/>                      |   |

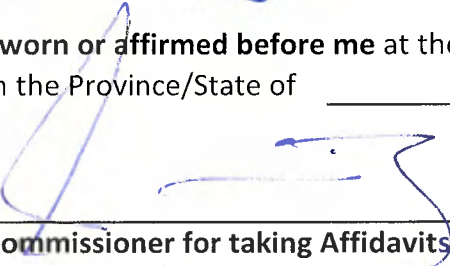
**Affidavit**

I, 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 July 19/16,  
(date)

  
**Commissioner for taking Affidavits**

49805E

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



**Affidavit and Summary of Fees and Disbursements**

File # EB- 2016-0028 Process: EGD STAR Application

Party: BOMA

**Summary of Fees and Disbursements Being Claimed**

|                             |           |                 |
|-----------------------------|-----------|-----------------|
| Legal/consultant/other fees | \$        | 3,564.00        |
| Disbursements               | \$        | 23.98           |
| HST                         | \$        | 466.44          |
| <b>Total Cost Claim</b>     | <b>\$</b> | <b>4,054.42</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

|   |   |
|---|---|
| File # EB- <u>2016-0028</u>   | Process: <u>EGD STAR Application</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><b>SERVICE PROVIDER TYPE</b> (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> |   |
| <p>For Consultant/Analyst: <input type="checkbox"/> CV attached      HST Rate Charged (enter %): <span style="border: 1px solid black; padding: 2px;">13.0%</span></p> <p><input checked="" type="checkbox"/> CV provided within previous 24 months</p>   |   |

| 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                        | 4.70  | \$ 330.00   | \$ 1,551.00 | \$ 201.63 | \$ 1,752.63 |
| 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                        | 6.10  | \$ 330.00   | \$ 2,013.00 | \$ 261.69 | \$ 2,274.69 |
| <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> |       |             | \$ 3,564.00 | \$ 463.32 | \$ 4,027.32 |

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



**Detail of Fees and Disbursements Being Claimed**

File # EB- 2016-0028

Process: EGD STAR Application

Party: BOMA

Service Provider Name: Tom Brett

| Statement of Disbursements Being Claimed |                 |                |                 |
|--|-----------------|----------------|-----------------|
|  | Net Cost        | HST            | Total           |
| Scanning/Photocopy                       |                 |                | \$ -            |
| Printing                                 |                 |                | \$ -            |
| Courier                                  | \$ 23.98        | \$ 3.12        | \$ 27.10        |
| Telephone/Fax                            |                 |                | \$ -            |
| Transcripts                              |                 |                | \$ -            |
| Travel: Air                              |                 |                | \$ -            |
| Travel: Car                              |                 |                | \$ -            |
| Travel: Rail                             |                 |                | \$ -            |
| Travel (Other):                          |                 |                | \$ -            |
| Parking                                  |                 |                | \$ -            |
| Taxi                                     |                 |                | \$ -            |
| Accommodation                            |                 |                | \$ -            |
| Meals                                    |                 |                | \$ -            |
| Other:                                   |                 |                | \$ -            |
| Other:                                   |                 |                | \$ -            |
| Other:                                   |                 |                | \$ -            |
|  |                 |                |                 |
| <b>TOTAL DISBURSEMENTS:</b>              | <b>\$ 23.98</b> | <b>\$ 3.12</b> | <b>\$ 27.10</b> |

Prebill # 870308 Session: 492518 Bill to: 18/Jul/16

**Client: F1588**  
Fraser & Company

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

**Matter: 163097**  
BOMA – Enbridge Gas  
Distribution Inc., Storage and  
Transportation Access Rule  
(STAR) Application; Board File  
No. EB-2016-0028

**FOGLER, RUBINOFF LLP**

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

Page 1

PAYOR: E0685 MT04  
BILL: E0685 MT04

ACCOUNT APPROVAL

Thomas Brett

[ ] FINAL BILL: MATTER WILL BE MADE INACTIVE

**UNBILLED TIME**

| LAST ENTRY | TIMEKEEPER           | HOURS | AMOUNT   | FEE CREDIT ALLOCATION | CODE | INIT |
|------------|----------------------|-------|----------|-----------------------|------|------|
|            |                      |       |          | [ ] AS DOCKETED       |      |      |
| 07/Jun/16  | Thomas Brett         | 10.80 | 3,564.00 |                       | 415  | TB   |
|            | TOTAL UNBILLED FEES  | 10.80 | 3,564.00 | [ ] 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 |
|------------|------|----------------------|-----|--------|---------------|-------------|-----------------|
| 04/May/16  | 7    | Courier & Delivery   | Y   | 23.98  |               |             |                 |
|            |      | TOTAL UNBILLED DISB  |     | 23.98  | [ ] WRITE OFF |             |                 |
|            |      | TOTAL ADJUSTMENTS    |     |        |               |             |                 |
|            |      | TOTAL DISB THIS BILL |     |        |               |             |                 |

TRUST SUMMARY – A Trust was not opened on this Matter

Payor/Matter: E0685/**163097**  
 Enbridge Gas Distribution Inc.  
 BOMA – Enbridge Gas Distribution Inc.,  
 Storage and Transportation Access Rule  
 (STAR) Application; Board File No. EB-  
 2016-0028  
 Prebill No.: 870308  
 Session ID: 492518

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

| <u>DATE</u> | <u>TIME ID</u> | <u>TIMEKEEPER</u> | <u>HOURS</u> | <u>RATE</u> | <u>AMOUNT</u> | <u>DESCRIPTION</u>                                 |
|-------------|----------------|-------------------|--------------|-------------|---------------|--|
| 02/May/16   | 2788288        | 415 TB            | 4.70         | 330.00      | 1,551.00      | Reviewing material; Preparing IRs                  |
| 31/May/16   | 2803518        | 415 TB            | 4.50         | 330.00      | 1,485.00      | Reviewing IRs and preparing Written Submissions    |
| 01/Jun/16   | 2803520        | 415 TB            | 1.30         | 330.00      | 429.00        | Reviewing evidence and filing Written Submissions  |
| 07/Jun/16   | 2807877        | 415 TB            | 0.30         | 330.00      | 99.00         | Drafting and finalizing BOMA's Written Submissions |
| TOTAL TIME  |                |                   | 10.80        |             | 3,564.00      |  |

## DETAIL OF UNBILLED DISBURSEMENTS

| <u>DATE</u> | <u>DISB ID</u> | <u>CODE</u>          | <u>QUAN</u> | <u>AMOUNT</u> | <u>DESCRIPTION</u>  |
|-------------|----------------|----------------------|-------------|---------------|---|
| 04/Apr/16   | 6625321        | 7 Courier & Delivery |             | 11.99         | 13:04 TB Courier: Blizzard# 7429856 ontario energy-2300 Yonge St-...../Fatima |
| 04/May/16   | 6671403        | 7 Courier & Delivery |             | 11.99         | 11:05 tb Courier: Blizzard# 7443747 ontario energy-2300 Yonge St-Fatima       |
| TOTAL DISB  |                |                      |             | 23.98         |   |

Filters

Client  
Matter 163097  
Tkpr  
Disb ID  
Date

Disb Code 7  
Office  
Dept  
Prof Ctr  
Period

Session  
Tran Type  
Prebill #  
Bill #  
Bill Date  
Project

Disbursement Details

\$23.98

| Date     | TT | Client | Matter | st n | Cost Code | /ut ut | Tobill Amt | Narrative   |
|----------|----|--------|--------|------|-----------|--------|------------|---|
| 4/4/2016 |    | F1588  | 163097 | .    | 7         | .      | \$11.99    | 13:04 TB Courier: Blizzard# 7429856 ontario energy-2300 Yonge St-...../Fatima |
| 5/4/2016 |    | F1588  | 163097 | .    | 7         | .      | \$11.99    | 11:05 tb Courier: Blizzard# 7443747 ontario energy-2300 Yonge St-Fatima       |