



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

August 16, 2016

Reply To: Thomas Brett
Direct Dial: 416.941.8861
E-mail: tbrett@foglers.com
Our File No. 163535

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-2016-0142: Enbridge Gas Distribution Inc., 2015 ESM Deferral and Variance Accounts

Pursuant to Decision and Order dated August 11, 2016, please find enclosed BOMA's Cost Claim.

Yours truly,

FOGLER, RUBINOFF LLP

Thomas Brett
TB/dd
Encls.

cc: Colin Schuch, OEB (*via email*)
Ian Richler, OEB (*via email*)
Andrew Mandyam, EGD (*via email*)
David Stevens, Aird & Berlis (*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.
- 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- 2016-0142 Process: EGD 2015 ESM
Party: BOMA Affiant's Name: Tom Brett
HST Number: R119420859 HST Rate Ontario: 13.00%
Full Registrant Qualifying Non-Profit
Unregistered Tax Exempt
Other

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 Aug. 16, 2016 (date)

Commissioner for taking Affidavits

Ontario Energy Board
COST CLAIM FOR HEARINGS



Affidavit and Summary of Fees and Disbursements

File # EB- 2016-0142 Process: EGD 2015 ESM

Party: BOMA

Summary of Fees and Disbursements Being Claimed

Legal/consultant/other fees	\$	7,359.00
Disbursements	\$	23.98
HST	\$	959.79
Total Cost Claim	\$	8,342.77

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>2016-0142</u>	Process: <u>EGD 2015 ESM</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"/>	Completed Years Practising/Years of Relevant Experience <input type="text" value="36"/>
Consultant <input type="checkbox"/>	Hourly Rate: <input type="text" value="\$330"/>
Analyst <input type="checkbox"/>	HST Rate Charged (enter %): <input type="text" value="13.0%"/>
For Consultant/Analyst: <input type="checkbox"/> CV attached <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		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Interrogatories					
Preparation	15.20	\$ 330.00	\$ 5,016.00	\$ 652.08	\$ 5,668.08
Responses		\$ 330.00	\$ -	\$ -	\$ -
Issues Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation	3.00	\$ 330.00	\$ 990.00	\$ 128.70	\$ 1,118.70
Attendance	2.60	\$ 330.00	\$ 858.00	\$ 111.54	\$ 969.54
Proposal Preparation	1.50	\$ 330.00	\$ 495.00	\$ 64.35	\$ 559.35
Argument					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Oral Hearing					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Other Conferences					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Case Management					
		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 7,359.00	\$ 956.67	\$ 8,315.67

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Detail of Fees and Disbursements Being Claimed

File # EB- 2016-0142

Process: EGD 2015 ESM

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:			\$ -
TOTAL DISBURSEMENTS:	\$ 23.98	\$ 3.12	\$ 27.10

Prebill # 874056 Session: 495084 Bill to: 15/Aug/16

FOGLER, RUBINOFF LLP

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

Matter: 163535
BOMA – Enbridge Gas
Distribution Inc., 2015 Earnings
Sharing Mechanism and Other
Deferral and Variance Accounts
Clearance Review; Board File No.
EB-2016-0142

ACCOUNT APPROVAL

Thomas Brett

FINAL BILL: MATTER WILL BE MADE INACTIVE

UNBILLED TIME

LAST ENTRY	TIMEKEEPER	HOURS	AMOUNT	FEE CREDIT ALLOCATION	CODE	INIT
28/Jul/16	Thomas Brett	22.30	7,359.00	<input type="checkbox"/> AS DOCKETED	415	TB
TOTAL UNBILLED FEES		22.30	7,359.00	<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
10/Jun/16	7	Courier & Delivery	Y	23.98			
TOTAL UNBILLED DISB				23.98	<input type="checkbox"/> WRITE OFF		
TOTAL ADJUSTMENTS							
TOTAL DISB THIS BILL							

TRUST SUMMARY – A Trust was not opened on this Matter

**FOGLER, RUBINOFF
BILLING STATEMENT TO 15/Aug/16**

Payor/Matter: E0685/**163535**
 Enbridge Gas Distribution Inc.
 BOMA – Enbridge Gas Distribution Inc.,
 2015 Earnings Sharing Mechanism and
 Other Deferral and Variance Accounts
 Clearance Review; Board File No. EB-
 2016-0142
 Prebill No.: 874056
 Session ID: 495084

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>
16/May/16	2798148	415 TB	0.30	330.00	99.00	Preparing and filing Intervention/Cost Eligibility Request
09/Jun/16	2807883	415 TB	7.00	330.00	2,310.00	Reviewing evidence and preparing IRs
10/Jun/16	2810899	415 TB	7.90	330.00	2,607.00	Reviewing evidence; Preparing IRs
02/Jul/16	2820858	415 TB	2.00	330.00	660.00	Preparation for Settlement Conference
03/Jul/16	2820860	415 TB	1.00	330.00	330.00	Preparation for Settlement Conference
06/Jul/16	2830947	415 TB	2.60	330.00	858.00	Attending Settlement Conference
06/Jul/16	2830950	415 TB	0.50	330.00	165.00	Reviewing material
28/Jul/16	2835190	415 TB	1.00	330.00	330.00	Reviewing final version of Settlement Agreement
TOTAL TIME			22.30		7,359.00	

DETAIL OF UNBILLED DISBURSEMENTS

<u>DATE</u>	<u>DISB ID</u>	<u>CODE</u>	<u>QUAN</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
17/May/16	6691846	7	Courier & Delivery	11.99	10:05 TB Courier: Blizzard# 7448713 Ontario Energy Board- 2300 Yonge St-Fatima
10/Jun/16	6723288	7	Courier & Delivery	11.99	15:06 TB Courier: Blizzard# 7458496 Ontario Energy Board- 2300 Yonge St-Dalia Longo
TOTAL DISB				23.98	

Filters

Client	Disb Code 7	Session
Matter 163535	Office	Tran Type
Tkpr	Dept	Prebill #
Disb ID	Prof Ctr	Bill #
Date	Period	Bill Date
		Project

Disbursement Details

\$23.98

Date	T	Client	Matter	at	Cost Code	Tit	Tobill Amt	Narrative
5/17/2016		F1588	163535	/	7	.	\$11.99	10:05 TB Courier: Blizzard# 7448713 Ontario Energy Board-2300 Yonge St-Fatima
6/10/2016		F1588	163535	/	7	.	\$11.99	15:06 TB Courier: Blizzard# 7458496 Ontario Energy Board-2300 Yonge St-Dalia Longo