



Fogler, Rubinoff LLP  
Lawyers

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December 14, 2016

Reply To: Thomas Brett  
Direct Dial: 416.941.8861  
E-mail: [tbrett@foglers.com](mailto:tbrett@foglers.com)  
Our File No. 166301

**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-2016-0245: Union Gas Limited, 2017 Rates Application**

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Pursuant to the Board's Decision and Rate Order dated December 8, 2016, please find attached BOMA's Cost Claim.

Yours truly,

**FOGLER, RUBINOFF LLP**

Thomas Brett

TB/dd

Encls.

cc: Lawrie Gluck, OEB (*via email*)  
Michael Millar, OEB (*via email*)  
Chris Ripley, Union Gas (*via email*)  
Crawford Smith, Torys (*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- 2016-0245 Process: Union 2017 Rates
Party: BOMA Affiant's Name: Tom Brett
HST Number: R119420859 HST Rate Ontario: 13.00%
Full Registrant [checked]
Unregistered [ ]
Other [ ]
Qualifying Non-Profit [ ]
Tax Exempt [ ]

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]
Signature of Affiant

Sworn or affirmed before me at the City/Town of Toronto in the Province/State of Ontario, on December 14/16 (date)

[Signature]
Commissioner for taking Affidavits

**Ontario Energy Board  
COST CLAIM FOR HEARINGS**



**Affidavit and Summary of Fees and Disbursements**

File # EB- 2016-0245 Process: Union 2017 Rates

Party: BOMA

**Summary of Fees and Disbursements Being Claimed**

Legal/consultant/other fees	\$	7,392.00
Disbursements	\$	11.99
HST	\$	962.52
<b>Total Cost Claim</b>	<b>\$</b>	<b>8,366.51</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>2016-0245</u>	Process: <u>Union 2017 Rates</u>	
Party: <u>BOMA</u>	Service Provider Name: <u>Tom Brett</u>	
<b>SERVICE PROVIDER TYPE</b> (check one)	Year Called to Bar	Completed Years Practising/Years of Relevant Experience
Legal Counsel <input checked="" type="checkbox"/>	<input type="text" value="1971"/>	<input type="text" value="36"/>
Articling Student/Paralegal <input type="checkbox"/>		
Consultant <input type="checkbox"/>		Hourly Rate: <input type="text" value="\$330"/>
Analyst <input type="checkbox"/>		
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
<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	9.40	\$ 330.00	\$ 3,102.00	\$ 403.26	\$ 3,505.26
Responses		\$ 330.00	\$ -	\$ -	\$ -
<b>Issues Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>ADR - Settlement Conference</b>					
Preparation	6.00	\$ 330.00	\$ 1,980.00	\$ 257.40	\$ 2,237.40
Attendance	6.50	\$ 330.00	\$ 2,145.00	\$ 278.85	\$ 2,423.85
Proposal Preparation	0.50	\$ 330.00	\$ 165.00	\$ 21.45	\$ 186.45
<b>Argument</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
<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>			<b>\$ 7,392.00</b>	<b>\$ 960.96</b>	<b>\$ 8,352.96</b>

**Ontario Energy Board  
COST CLAIM FOR HEARINGS**



**Detail of Fees and Disbursements Being Claimed**

File # EB- 2016-0245

Process: Union 2017 Rates

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>	\$ 11.99	\$ 1.56	\$ 13.55

December 9, 2016

Union Gas Limited  
50 Keil Drive North  
Chatham ON  
N7M 5M1

Attention: Chris Ripley  
Manager

IN ACCOUNT WITH  
Fogler, Rubinoff LLP  
77 King Street West, Suite 3000  
TD Centre North Tower  
P.O. Box 95  
Toronto, ON  
M5K 1G8  
Telephone: 416-864-9700  
Fax: 416-941-8852  
www.foglers.com

**fogler**  
rubinoff

**Our File: F1588 / 166301**  
**BOMA – EB-2016-0245 – Union Gas Limited, 2017 Rates Application**

**TO OUR FEE** for professional services rendered with respect to the above-captioned matter, including:

<u>Date</u>	<u>Lawyer</u>	<u>Description</u>	<u>Hrs</u>	<u>Fees</u>
Oct-30-16	TB	Reviewing evidence; Preparing IRs.	1.50	495.00
Nov-02-16	TB	Reviewing evidence; Preparing IRs.	6.60	2,178.00
Nov-03-16	TB	Reviewing evidence; Preparing IRs.	1.30	429.00
Nov-10-16	TB	Reviewing evidence; Preparing for Settlement Conference.	1.00	330.00
Nov-15-16	TB	Reviewing Union material; Preparing for Settlement Conference.	3.00	990.00
Nov-16-16	TB	Preparation for Settlement Conference.	2.00	660.00
Nov-16-16	TB	Attending Settlement Conference.	6.50	2,145.00
Nov-21-16	TB	Reviewing Draft Settlement Agreement.	0.50	165.00
<b>TOTAL FEES:</b>				<b>\$7,392.00</b>
<b>OUR FEE HEREIN</b>				<b>\$7,392.00</b>

**Summary of Fees**

<u>Initials</u>	<u>Total Time</u>	<u>Hourly Rate</u>	<u>Value</u>
TB	22.40	330.00	7,392.00

**Disbursements**

Taxable	Courier & Delivery	\$11.99	
Total Disbursements			\$11.99
Total Fees and Disbursements			\$7,403.99
HST @ 13% on Fees and Taxable Disbursements			\$962.52
<b>Total Fees, Disbursements and Taxes this Bill</b>			<b>\$8,366.51</b>



					123 Front St W				
37	749-4839	2	0913 08:15	Fogler Rubinoff 77 King St. West	KNIGHTSTONE CAPITAL 45 St Clair Ave W	DS - 153861	Una 0913 10:02	8.25	K
38	749-4911	0 Ret	0913 09:54	Fogler Rubinoff 77 King St. West	TD BANK 55 King St W	AYS - 165983	Kandy-parvin 0913 10:22	15.00	B
39	749-4914	0	0913 09:55	Fogler Rubinoff 77 King St. West	TorkIn Manes LLP 151 Yonge St	AYS - 165556	Jesse 0913 10:33	9.02	B
40	749-4917	0	0913 09:57	Fogler Rubinoff 77 King St. West	Mr Michael Fraleigh 484 Lytton Blvd (Nort)	MBF - 999999	M Fareleigh 0913 11:31	27.23	49
41	749-4962	1 Ret	0913 10:24	Fogler Rubinoff 77 King St. West	BAY BLOOR OPTOMETRY 77 Bloor St W	DSK - 052059	Leslie Barry 0913 12:54	12.10	K
42	749-4966	0	0913 10:26	Fogler Rubinoff 77 King St. West	Home Trust 145 King St W	AYS - 165983	Neusa 0913 10:49	9.02	B
43	749-4983	4	0913 10:32	Fogler Rubinoff 77 King St. West	MIZRAHI COMMERCIAL 189 Forest Hill Rd	CRD - 156158	msa 0914 12:25	10.89	69
44	749-4999	4	0913 10:40	Fogler Rubinoff 77 King St. West	CANADIAN IMPERIAL BANK OF COMM 305 Milner Ave (Scar)	DFH - 137243	Yogi 0913 14:02	10.89	35
45	749-5030	3	0913 11:01	Fogler Rubinoff 77 King St. West	osmlington inc 141 Adelaide St W	ACK - 163068	Dina 0913 11:58	3.52	B
46	749-5032	4	0913 11:02	Fogler Rubinoff 77 King St. West	tarion rranty corporation 5160 Yonge St (Nort)	RBM - 145177	Bernard 0914 09:10	10.89	E
47	749-5088	3	0913 11:46	Fogler Rubinoff 77 King St. West	Solomon Grosberg LLP 20 Toronto St	KJY - 161421	cilvia 0913 13:23	3.52	B
48	749-5114	4	0913 11:57	Fogler Rubinoff 77 King St. West	C/O TERRAPLAN LANDSCAPE ARCHIT 20 Champlain Blvd (Nort)	JDF - 134555 Pieces: 2	tyleor 0914 12:57	10.89	69
49	749-5132	1	0913 12:33	Fogler Rubinoff 77 King St. West	MINISTRY OF GOVERNMENT AND CON 222 Jarvis St	SMD - 134596	Cheung 0913 13:37	6.05	666
50	749-5205	1 (nd)	0913 14:24	Fogler Rubinoff 77 King St. West	Jason Cherniak 15 Wertheim Crt (Rich)	DKM - 165666	Julie 0914 09:19	58.58	22
51	749-5244	0 Ret	0913 15:06	Fogler Rubinoff 77 King St. West	TD BANK 55 King St W	RMR - 151932	parvin 0913 15:30	15.00	B
52	749-5252	4	0913 15:13	Fogler Rubinoff 77 King St. West	ONTARIO ENERGY 2300 Yonge St	TB - 166301	Elisabeth 0914 08:06	10.89	K
53	749-5254	0 Ret	0913 15:16	Fogler Rubinoff 77 King St. West	LAURENTIAN BANK OF CANADA 130 Adelaide St W	ACC - 999999	Teresa-parvin 0913 15:32	15.00	B
54	749-5258	0 Ret	0913 15:18	Fogler Rubinoff 77 King St. West	SCOTIA BANK 40 King St W	RMR - 165830	parya-Barry 0913 16:31	15.00	B
55	749-5259	0 Ret	0913 15:20	Fogler Rubinoff 77 King St. West	SCOTIA BANK 40 King St W	VW - 164236	parya-Barry 0913 16:32	15.00	B
56	749-5261	0	0913 15:21	Fogler Rubinoff 77 King St. West	college of physician & surgeon 80 College St	JBS - 164007	V Chandra 0913 15:49	9.02	I
57	749-5268	4	0913 15:33	Fogler Rubinoff 77 King St. West	CCH CANADIAN LIMITED 90 Sheppard Ave E (Nort)	IVM - 005026	Ingrid 0914 09:07	10.89	I
58	749-5270	0 Ret	0913 15:34	Fogler Rubinoff 77 King St. West	TD BANK 55 King St W	RMR - 151932	Rebecca-Barry 0913 16:33	15.00	B
59	749-5271	0 Ret	0913 15:35	Fogler Rubinoff 77 King St. West	TD BANK 55 King St W	ACC - 999999	Daniel-parvin 0913 17:07	15.00	B