



# BATCHEWANA FIRST NATION OF OJIBWAYS

RANKIN RESERVE 15D  
GOULAIS BAY RESERVE 15A  
OBADJIWAN RESERVE 15E  
WHITEFISH ISLAND 15

Administration Office 236 Frontenac Street  
Rankin Reserve 15D  
Batchewana First Nation, Ontario P6A 6Z1  
Ph. (705) 759-0914 / C&C Fax (705) 759-8213  
[www.batchewana.ca](http://www.batchewana.ca)

2019 03 07

*Via email: boardsec@oeb.ca*  
Ms. Kristen Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, ON M4P 1E4

Dear Ms. Walli

**Subject: EB-2017-0182 /EB-2017-0194 /E-2017-0364**

Please find attached the cost claim for the Intervenor Batchewana First Nation ("BFN") filed pursuant to the Board's decision dated March 1, 2019.

BFN respectfully requests an award of 100% of its eligible costs which reflect measured, proportionate, efficient and effective participation in the Combined Hearing. We trust our participation has been consistent with the Board's mandate, reconciliation with Indigenous Peoples and statutory objectives. For these reasons a full award of costs is in our submission, appropriate and justified.

This submission and supporting forms and documents are being filed electronically, hard copies to follow by courier.

Yours very truly

A handwritten signature in blue ink, appearing to read 'Dean Sayers', with a horizontal line extending to the right.

Chief Dean Sayers

CDS:sk

Attachments

c.c.

Registrar

HONI

Nextbridge

**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-	2017-0182/EB-2017-0194/EB-2017-0364	Process:	East-West Tie
Party:	Batchewana First Nation	Affiant's Name:	William B Henderson
HST Number:	127458347	HST Rate Ontario:	0.00%
	Full Registrant <input checked="" type="checkbox"/>	Qualifying Non-Profit	<input type="checkbox"/>
	Unregistered <input type="checkbox"/>	Tax Exempt	<input checked="" type="checkbox"/>
	Other <input type="checkbox"/>		

**Affidavit**

I, William B. Henderson, 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 Sault Ste. Marie,  
in the Province/State of Ontario, on March 7/2019,  
(date)

  
Commissioner for taking Affidavits

# Ontario Energy Board COST CLAIM FOR HEARINGS



## Detail of Fees and Disbursements Being Claimed

File # EB- 2017-0182/EB-2017-0194/EB-2017-0364

Process: East-West Tie

Party: Batchewana First Nation

Service Provider Name: William B. Henderson

<b>SERVICE PROVIDER TYPE</b> (check one)	Year Called to Bar	Completed Years Practising/Years of Relevant Experience
Legal Counsel <input checked="" type="checkbox"/>	1982	37
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="0.0%"/>
<input 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		\$ 330.00	\$ -	\$ -	\$ -
<b>Oral Hearing</b>					
Preparation	10.20	\$ 330.00	\$ 3,366.00	\$ -	\$ 3,366.00
Attendance	32.80	\$ 330.00	\$ 10,824.00	\$ -	\$ 10,824.00
<b>Other Conferences</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance	0.80	\$ 330.00	\$ 264.00	\$ -	\$ 264.00
<b>Case Management</b>	17.80	\$ 170.00	\$ 3,026.00	\$ -	\$ 3,026.00
<b>TOTAL SERVICE PROVIDER FEES</b>			\$ 17,480.00	\$ -	\$ 17,480.00

**Ontario Energy Board  
COST CLAIM FOR HEARINGS**



**Detail of Fees and Disbursements Being Claimed**

<b>File # EB-</b> <u>2017-0182/EB-2017-0194/EB-2017-0364</u>	<b>Process:</b> <u>East-West Tie</u>
<b>Party:</b> <u>Batchewana First Nation</u>	<b>Service Provider Name:</b> <u>William B. Henderson</u>
<b>SERVICE PROVIDER TYPE</b> (check one)	<b>Year Called to Bar</b>
Legal Counsel <input checked="" type="checkbox"/>	1982
Articling Student/Paralegal <input type="checkbox"/>	
Consultant <input type="checkbox"/>	
Analyst <input type="checkbox"/>	
Completed Years Practising/Years of Relevant Experience	37
Hourly Rate:	\$330
For Consultant/Analyst: <input type="checkbox"/> CV attached	<b>HST Rate Charged (enter %):</b> 0.0%
<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		\$ 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		\$ 330.00	\$ -	\$ -	\$ -
<b>Oral Hearing</b>					
Preparation	10.20	\$ 330.00	\$ 3,366.00	\$ -	\$ 3,366.00
Attendance	32.80	\$ 330.00	\$ 10,824.00	\$ -	\$ 10,824.00
<b>Other Conferences</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance	0.80	\$ 330.00	\$ 264.00	\$ -	\$ 264.00
<b>Case Management</b>	17.80	\$ 170.00	\$ 3,026.00	\$ -	\$ 3,026.00
<b>TOTAL SERVICE PROVIDER FEES</b>			\$ 17,480.00	\$ -	\$ 17,480.00

**IN ACCOUNT WITH:**

**WILLIAM B. HENDERSON**  
Barrister & Solicitor  
3014 - 88 Bloor Street East  
Toronto, Ontario M4W 3G9  
Phone: (416) 413-9878 Fax: (416) 960-1421

**BATCHEWANA FIRST NATION**  
236 Frontenac Street  
Rankin Reserve, ON P6A 5K9

March 06 , 2019

Attention: Chief and Council

Invoice No. **2007**

RE: **OEB: BFN INTERVENTION IN COMBINED HEARINGS**  
**OEB File Nos. EB-2017-0182/EB-2017-0194/EB2017-0364**  
(To Professional Services: July 20, 2018 - March 01, 2019)

<b>TOTAL FEES</b>	61.6 hrs @ \$330/hr*	\$	20,328.00
	GST on fees	Nil**	
<b>DISBURSED</b>	Nil		
<b>THIS ACCOUNT</b>		\$	<b>20,328.00</b>



**William B. Henderson**  
\* (Called to Ontario Bar in 1982)

**E & O.E.**

Total Tax: \$0.00

GST #: 127458347

\*\* tax-exempt

BFN Invoice – OEB INTERVENTION  
 March 06, 2019

DATE	ITEM	HRS
2018 Jul 30	Receive and share information that Panel will be issuing a new Practice Order re future proceedings, interventions, etc.	0.3
Aug 09	OEB Notice of Combined Hearings; review and advise client, etc.	0.5
Aug 14	Receive and review OEB staff interrogatories on NextBridge undertaking responses	0.4
Aug 15	Combined Hearings: receive and review <b>PO 1</b> , BFN intervention continued; note important dates and advise client, etc.	0.7
Aug 27	<b>PO 2</b> , time for limited interrogatories up to Aug 31; consult client and advisor whether client has any (no); review NB responses to staff interrogatories	1.2
Aug 31	Review interrogatories submitted by parties and intervenors to date; <b>PO 3</b> , intervenors to file written submissions re NextBridge by September 19, 2018; communicate to clients and advisors, etc.	3.0
Sep 12	E-mails client, etc. re filings and documents	0.4
Sep 14	Review evidence and fwd. comments to client and advisors; e-mails, etc.	0.9
Sep 21	Review submissions to date on NB development costs	1.9

Sep 26	<b>PO 7</b> , one intervention granted, ruling on confidentiality requests, dates for hearing; query from Board staff whether BFN will have questions on cross when combined hearings commence on October 2 (will advise); e-mail client, etc.	0.7
Sep 27	<b>PO 4</b> , three interventions granted; advise client; fwd. OEB Consultation Policy; conference call w/client and advisor; e-mail OEB staff requesting 10 minutes be set aside for BFN cross	1.1
Sep 28	Receive and review OEB Hearing Plan; fwd. to client; participate in conference call of counsel for Indigenous parties	0.8
Oct 01	<b>PO 8</b> , HONI challenged by SEC re SNC-Lavalin contract, ruling re confidential filing and access (BFN did <u>not</u> file a declaration and undertaking); procedural orders re hearing next week; fwd. NB Reply; e-mails client, etc.	0.8
Oct 02	Participate in Combined Hearing by conference line; prep, e-mails and updates, etc.	4.5
Oct 03	Participate in Combined Hearing by conference line (line down for part of morning); advise client, etc., of evidence and consult re potential questions on cross; prep, e-mails, etc.	5.0
Oct 04	Participate in Combined Hearing by conference line (line down for part of morning); prep; e-mail colleague for updates; e-mails re potential questions, etc.	4.0
Oct 08	E-mails re potential questions	0.4
Oct 09	Participate in Combined Hearing by conference line (delay to get new line #); prep, e-mails and updates, etc.	4.0



Oct 10	Participate in Combined Hearing by conference line (part day; no questions for NextBridge); prep, e-mails and updates, etc.	2.5
Oct 11	Participate in Combined Hearing by conference line; prep, e-mails and updates, etc.	6.0
Oct 12	Participate in Combined Hearing by conference line; prep, e-mails and updates, etc.	3.8
Oct 30	Review transcripts, etc.; draft BFN Submissions; tels and e-mails, etc.	7.4
Oct 31	Finalize BFN Submissions; fwd to Board Secretary and Registrar (cc parties); mail hard copies; report to client; e-mails, etc.	3.0
Nov 01	Review other Submissions; comment to client, etc.	2.5
Nov 30	Letter from Board noting Record Closed	0.2
Dec 05	Review Registry page to update information and correspondence, etc.	1.0
Dec 18	Letter from Board advising of impending release of decision and opportunity for lock-up; fwd. to client	0.2
Dec 20	Receive and review decision of Board; summarize for client; e-mails, etc.	1.5



<b>2019</b> Jan 11	Discussion and information about appeals of Dec. Decision; tels and e-mails, etc.	0.8
Jan 30	Review Letter from Minister and Order-in-Council re direction for NextBridge to construct EW Tie; report to client re implications, etc.	1.5
Feb 11	Decision and Order re Cabinet Decision, matters to be continued, intervenor costs, etc.	0.3
Mar 01	<b>PO 9</b> , BFN an LL58FN granted extension to Mar 08 to file for costs; report to client, etc.	0.3
<b>TOTAL</b>		<b>61.6</b>

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- EB-2017-0364 Process: East-West Tie  
Party: Batchewana First Nation Affiant's Name: G. Wayne Greer  
HST Number: 875229098RT0001 HST Rate Ontario: 0.00%  
Full Registrant  Qualifying Non-Profit   
Unregistered  Tax Exempt   
Other

Affidavit

I, G Wayne Greer, of the City/Town of Carp  
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 Sault Ste. Marie,  
in the Province/State of Ontario, on March 7 2019,  
(date)

Commissioner for taking Affidavits

File # EB- EB-2017-0364 Process: East-West Tie  
Party: Batchewana First Nation

**Ontario Energy Board  
COST CLAIM FOR HEARINGS**



**Affidavit and Summary of Fees and Disbursements**

**Summary of Fees and Disbursements Being Claimed**

Legal/consultant/other fees	\$	1,419.00
Disbursements	\$	-
HST	\$	-
<b>Total Cost Claim</b>	<b>\$</b>	<b>1,419.00</b>

**Payment Information**

Make cheque payable to: Aboriginal Business Network

Send payment to this address: 1340 Terrace Ridge Drive

Carp, ON

K0A 1L0

# Ontario Energy Board COST CLAIM FOR HEARINGS



## Detail of Fees and Disbursements Being Claimed

File # EB- <u>EB-2017-0364</u>	Process: <u>East-West Tie</u>
Party: <u>Batchewana First Nation</u>	Service Provider Name: <u>G Wayne Greer</u>
<b>SERVICE PROVIDER TYPE</b> (check one) Legal Counsel <input type="checkbox"/> Articling Student/Paralegal <input type="checkbox"/> Consultant <input checked="" type="checkbox"/> Analyst <input type="checkbox"/>	Year Called to Bar <input style="width: 50px;" type="text"/> Completed Years Practising/Years of Relevant Experience <input style="width: 50px; text-align: center; value: 34;" type="text"/> Hourly Rate: <input style="width: 50px; text-align: center; value: \$330;" type="text"/> For Consultant/Analyst: <input type="checkbox"/> CV attached <input checked="" type="checkbox"/> CV provided within previous 24 months HST Rate Charged (enter %): <input style="width: 50px; text-align: center; value: 0.0%" type="text"/>

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		\$ 330.00	\$ -	\$ -	\$ -
<b>Oral Hearing</b>					
Preparation	4.30	\$ 330.00	\$ 1,419.00	\$ -	\$ 1,419.00
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>			\$ 1,419.00	\$ -	\$ 1,419.00

**Ontario Energy Board  
COST CLAIM FOR HEARINGS**



**Detail of Fees and Disbursements Being Claimed**

File # EB- EB-2017-0364

Process: East-West Tie

Party: Batchewana First Nation

Service Provider Name: G Wayne Greer

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



## Invoice

Date: March 7 2019

To: Kim Lambert, Chief Executive Officer  
Rhonda Mae Lasage, A/Finance Director  
Chief Dean Sayers

From: Wayne Greer, President

Subject: Invoice for Participation with OEB Hearing

---

Chief/Kim/Rhonda:

Here is our invoice for services rendered to Batchewana Chief and Council with respect to our advice and participation in the OEB Hearing related to the Nextbridge – HONI Leave to Construct application processes:

Professional Fees:

Review of Submission with Bill Henderson (Oct 30 2018)	4.3 hours	
Professional Fees (4.3 hours @ \$330/hr)		<u>\$1,419.00</u>
Total Invoice		<u>\$1,419.00</u>

Should you have any questions, please do not hesitate to contact me.

Regards, W.