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Our File No. 183736

VIA RESS, EMAIL AND COURIER

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
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Attention: Kirsten Walli,
Board Secretary

Dear Ms. Walli:

Re: EB-2018-0016: Alectra Utilities, 2019 EDR Application

BOMA writes this letter in response to Alectra's objections to BOMA's cost claim. BOMA objects to Alectra's comments on its cost claim, for several reasons. First, there are some misstatements in Alectra's letter. For example, Alectra questioned whether BOMA was entitled to claim accommodation expenses during the Settlement Conference. BOMA is entitled to claim accommodation expenses, as its counsel now resides in London, Ontario. It billed for three nights in a Toronto hotel to attend the Settlement Conference. The claim for accommodation was not \$904.07, as Alectra stated, but \$653.42 plus \$84.94 for HST, for a total of \$738.36. Second, Alectra stated that BOMA claimed significantly more hours for attendance at the Settlement Conference than other intervenors. That was not true. BOMA claimed fifteen hours; some other intervenors claimed twelve hours, a difference of three hours.

More important, Alectra cherry-picked its data to challenge BOMA's claim, comparing different parts of its claim to different intervenors. A fairer comparison is to compare BOMA's overall claim to the overall claims of other active intervenors. BOMA claimed \$44,757.11, while SEC claimed \$40,273.20. The two intervenors concentrated on differed parts of Alectra's proposal. As it had in Alectra's most recent case EB-2017-0024, BOMA concentrated on the five substantial ICM projects. It had lower costs than SEC for the Hearing preparation and attendance because it had elicited most of the facts necessary for argument on the five ICM projects earlier in the proceeding by way of forty-one interrogatories, and substantial discussion

at the Settlement Conference. By the end of the Settlement Conference, there were sufficient facts on the five ICM projects to allow argument to be prepared. BOMA did not get into the accounting issues raised by SEC, in order not to duplicate that work. However, while accepting SEC's relatively large claim for Hearing preparation (several times higher than BOMA's claim in that category), it criticized BOMA for spending more time on argument and Settlement Conference preparation than SEC, which was unfair, in BOMA's view.

Moreover, as noted above, BOMA asked forty-one interrogatories in this case, the answers to which often provided factual material which facilitated discussions at the Settlement Conference, as they have in many previous cases. In part, that was because BOMA carefully analyzed the forty-one interrogatory responses prior to the Settlement Conference, which increased the number of hours for Settlement Conference preparation.

BOMA, therefore, respectfully suggests that the Board not make the very substantial reduction Alectra has proposed.

Yours truly,

FOGLER, RUBINOFF LLP



Thomas Brett

TB/dd

cc: All Parties (*via email*)