

**FALLIS
FALLIS &
McMILLAN**

BARRISTERS, SOLICITORS & NOTARIES

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PETER T. FALLIS, B.A., LL.B.
ERNEST J. McMILLAN, B.A., LL.B.

195 LAMBTON STREET EAST
DURHAM, ONTARIO
CANADA, N0G 1R0

May 26th, 2008

Via E-Mail: Natasha.Sookmangal@oeb.gov.on.ca

Ontario Energy Board
2300 Yonge Street, Suite 2700
Toronto, Ontario
M4P 1E4

Attention: Board Secretary

Dear Madam Secretary

**RE: (INTERIM) Costs Submission,
the 'Fallis Group' of Intervenors
File EB 2007-0050**

EB-2007-0050

OEB BOARD SECRETARY	
File No:	Sub File: 26
Panel	PN, KA, CC, MM
Licensing	NM, NM, DL
Other	7c.
00/04	NS

Please find enclosed the following:

1. The *(Interim) Costs Submission of the Fallis Group of Intervenors* who seek the immediate Order of this Board to direct HONI to immediately pay the reimbursement sum of \$7,311.22 to *Fallis Fallis & McMillan in trust*, by Friday May 30th, 2008, in order to enable these Intervenors to secure the re-attendance from Florida of Edward Brill to testify in these proceedings

Attached thereto is *Schedule "A"* being the list of the "Fallis Group of individual Intervenors who have retained this Counsel to represent each such Intervenor in these proceedings.

Further attached thereto is *Form "B"* duly completed as well as the Invoice of SEA Ltd. for \$7,311.22, in respect of which full reimbursement is now sought.

Any delay in the settlement of this Costs submission beyond Friday May 30th will frustrate any possible opportunity for these Intervenors to secure the re-attendance of Mr. Brill in testifying during the direct evidentiary presentation of these Intervenors

A copy of this letter is forwarded to HONI and its Counsel.

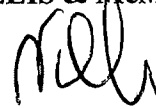
Board Secretary

2

We await your earliest reply

Yours truly,

FALLIS FALLIS & McMILLAN



Peter T. Fallis

PTF:mh
Encls.

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IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, (Schedule B), (the "Act")

AND IN THE MATTER an Application by Hydro One Networks Inc. Pursuant to section 92 of the Act, for an Order granting leave to construct a new transmission line between the Bruce Power Facility and the Milton Switching Station

**(INTERIM) COSTS SUBMISSIONS OF THE
"FALLIS GROUP" OF INTERVENORS**

1. The 'Fallis Group' consist of those Land Owner Interveners in OEB Applications EB-2007-0050 who retained the law firm of Fallis Fallis & McMillan, of Durham, ON, (the 'Solicitors'), to act for each individual Intervener, who now consist of those Interveners listed in Schedule 'A' to these Costs Submissions as attached hereto.
2. The Original Interveners who are marked with an (* & **), are land owners who subsequently advised Fallis Fallis & McMillan on or about June 15th , 2006 that they were changing solicitors and would be retaining other solicitors who represented members of an ad hoc organization called "*Powerline Connections*" (herein called "PowerLine")
3. The OEB has advised the Solicitors that each of the other listed land owners in Schedule 'A', and on whose behalf the Solicitors have intervened, "the "Fallis Group" of Interveners, would be eligible for costs entitlement in due course.
4. Each of the individual Interveners, now known as the 'Fallis Group, and on whose behalf the solicitors continue to act, have not incurred any additional recoverable expense other than the legal expenses of the Solicitors, which Solicitors costs will be apportioned equally among each of those individual Interveners so represented by the Solicitor in a later Costs Submission, other than a past contribution by certain of these Interveners towards the cost of retaining an expert from SEA Limited, of Fort Lauderdale Florida which Company assigned Mr. Edward Brill to the task of studying the electrical transmission issues raised

in this Proceeding and who prepared an informed, relevant and responsive Report on the deficiencies in this Application made by Hydro One Networks Inc. ("HONI"), and other than a further paid cost contribution of bringing that expert to Toronto to testify before the OEB, to which testimony this Board ought to have full and meaningful regard, and which witness, Mr. Brill, prepared himself for testimony between May 13 and May 15th to attend before the Board at Toronto On May 15th, 2008

Entitlement to an Award of Interim Costs

5. This Submission is made on an expedited basis to this Board to allow for the immediate reimbursement by **Friday May 30th, 2008** of the sum of **U.S.\$ 7,311.22** payable to "*Fallis Fallis & McMillan in trust*", and delivered by courier or by prearranged direct electronic deposit, to *Fallis Fallis & McMillan, 195 Lambton Street East, Durham, ON, N0G 1R0*, as previously advanced and paid to SEA Ltd for the attendance at Toronto of the expert witness Mr. Edward Brill, to testify on May 15th, 2008 before the Board, a date that all parties and the Board had previously agreed to hear such expert testimony by Mr. Brill on behalf of these Intervenors.
6. Mr. Edward Brill prepared himself to testify, flew from Florida to Toronto on May 14th fully anticipating that he would testify and support his Report, but HONI chose to request the Board to re-open and permit continued direct evidence by HONI, (closed off previously by HONI on May 13th), and to have the Board receive fresh evidence through a hastily assembled panel of a witness from the IESO and a witness from the NPCC, which the OEB subsequently allowed, and which resulted in the foreclosure of any time allocated for the testimony of Mr. Brill, and resulted in the frustration of any ability of Mr. Brill to testify before the Board on May 15th, 2008
7. These Intervenors budgeted to cover his costs and spent almost all of their reserve monies to bring Mr. Brill to Toronto to testify, and unless they are immediately reimbursed in full in the sum of **U.S.\$ 7,311.22** to allow those funds to be re-used to again bring Mr. Brill to

Toronto to testify, these Intervenors will be unable to further fund a return trip to Toronto for Mr. Brill, and neither the Board nor these Intervenors will have the benefit of his testimony.

8. To delay in submitting the account of SEA Ltd until after this Hearing concludes or otherwise submitted under the current protocol of the Costs Order of this Board just made on May 23rd, would still mean that Mr. Brill could not attend as these individual non organized Intervenors would be without ability to raise monies to again fund his return to Toronto to testify, and the benefit of his testimony will be lost to the Board and to these Intervenors.
9. Attached hereto as a Schedule to **Form 'B'** hereto is a copy of the Account of SEA Ltd rendered May 23rd, 2008 showing the amount of U.S.\$7,311.22 paid for Mr Brill's services between May 13th, and May 15th, 2008 for which these Intervenors now seek immediate reimbursement. Any delay in reimbursement beyond May 30th, 2008 will frustrate the ability of these Intervenors to cause Mr. Brill to again re-attend at these hearings to testify as early as June 4th, 2008.

Interim Costs Sought to Be Recovered

1. The Fallis Group seeks reimbursement payment for its incurred legal expenses , but limited only to the following interim expense previously incurred:

FORM '2" The sum of U.S. \$7,311.22 for incurred legal disbursements, (attached) and to which the Invoice of SEA Ltd. is attached thereto.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated at Durham, ON, this 26th day of May, 2008

FALLIS FALLIS & McMIHLAN



Per: Peter T. Fallis

Solicitors for the "Fallis Group" of Interveners.

TO:

Ontario Energy Board
P.O. Box 2319, 27th Floor,
2300 Yonge Street,
Toronto, ON,
M4P 1E4

Via: E-Mail: natasha.sookmangal@oeb.gov.on.ca
boardsec@oeb.gov.on.ca

Via E-Mail: Michael.Millar@oeb.gov.on.ca

AND TO

Hydro One Networks Inc.
8th Floor, South Tower,
483 Bay Street,
Toronto, ON.
M5G 2P5

Via-E-Mail: glen.e.macdonald@HydroOne.com

AND TO

Osler Hoskin Harcourt LLP
Calgary, Alta

Attention: Gordon Nettleton, Counsel for HONI

Via E-Mail: gnettleton@osler.com

SCHEDULE 'A'

Names & Lots Descriptions of the 'Fallis Group'

Charlton, Gwendolyn J	Lot 27 Concession 2 (Former Twp of Normanby)
Cressman, Doris	Lot 7 Concession 5 (Former Twp of Egremont)
Cressman, Keith	Lot 7 Concession 5 (Former Twp of Egremont)
Elo, Ron	Lot 15, Con 13 & 14, West Luther, Twp of Wellington N
Flanagan, Dean	Lot 1 & Part Lot 2 Con 16 (Former Twp of Egremont)
Flanagan, John	Lot 3 & Part Lot 4 Con 16 (Former Twp of Egremont)
Flanagan, Phyllis D.	Lot 3 & Part Lot 4 Con 16 (Former Twp of Egremont)
Foster, Allan Eric	Lot 10 & 11 Concession 14 (Former Twp of Egremont)
Foster, Karyn	Lot 10 & 11 Concession 14 (Former Twp of Egremont)
Hughes, Calvin John	Lot 20, Concession 2 (Former Twp of Egremont)
Hodges, Steven Meredith**	Lot 20, Concession 12, (Former Township of Egremont)
Kennedy-Menaul, Sharon	Division 3 Lot 6 Concession 1 (Former Twp of Egremont)
Lewis, James Douglas	Lots 8 & 9 Concession 14 (Former Twp of Egremont)
Lewis, Jennifer Lynne	Lot 19 Con 2, Lot 25 Con 3 (Former Twp of Egremont)
Lewis, Mervin Wayne	Lot 19 Con 2, Lot 25 Con 3 (Former Twp of Egremont)
Lewis, Penny Joanne	Lot 7 Concession 14 (Former Twp of Egremont)
McAllister, Alvin	Lot 27 Concession 2 (Former Twp of Normanby)
McLean, Barbara	Part Lot 23 Concession 2 (Former Twp of Egremont)
Milne, David Douglas	Part Lot 6 Concession 3 (Former Twp of Normanby)
Milne, Mary Joan	Part Lot 6 Concession 3 (Former Twp of Normanby)
Magwood, Gloria *	Part Lot 11 & 12, Con 2, NDR, (Fmr Twp of Bentinck)
Magwood, James, in trust *	Part Lot 13, Con 2, NDR, (Fmr Twp of Bentinck)
Magwood, Andrew, in trust *	Part Lots 16 & 17, Con 2, NDR, (Fmr Twp of Bentinck)
Magwood Orland *	Part Lot 11 & 12, Con 2, NDR, (Fmr Twp of Bentinck)
1063755 Ontario Ltd *	Lots 14 & 15, Con 2, NDR, (Fmr Twp of Bentinck)
Mulhall, Catherine Blanche	Lot 14 Concession 14 (Former Twp of West Luther)
Mulhall, John	Lot 14 Concession 14 (Former Twp of West Luther)
Rawn, David	Lot 6 Concession 3 (Former Twp of Normanby)
Rawn, Karen	Lot 6 Concession 3 (Former Twp of Normanby)
Saugeen Maple Farms Ltd.	Lot 24 Concession 10 (Former Twp of Egremont)
Visser, Thomas William	Lot 6 Concession 2 (Former Twp of Normanby)
Visser, Laura Lee	Lot 6 Concession 2 (Former Twp of Normanby)
Walford, Philip	Part Lot 5, Concession 8, Township of Wellington, Erin
Walford, Philip	Part Lot 5, Concession 8, Township of Wellington, Erin
Watson, Robert	Lot 37 Concession A (Former Twp of Greenock)
Wilson, Thomas	Lot 21 Concession 3 (Former Twp of Egremont)
Younger, Robert George	Part Lot 26 & 27 Con 10 (Former Twp of Egremont)

* (retained only until June 15th, 2007) - retained again April 15th, 2008 by Ross Law Firm Group after Powerline and Borden Ladner Gervais, their solicitors & Counsel withdrew from this Proceedings EB-2007-0050, on May 1, 2008

** (retained only until June 15th, 2007)

APPENDIX "B"

FORM 2

SUMMARY OF DISBURSEMENTS

Board File Number 2007-0051	Party Name FALLIS GROUP OF INTERVENERS		
Party or Group that made the disbursement FALLIS FALLIS & McMILLAN INTERVENERS			
	Net Cost	GST	
Services of SEA Ltd. Of Fort Lauderdale Florida to prepare assigned Expert, Edward Brill, to provide testimony in Canada on May 15 th , 2008 before the OEB in support of his Expert's Report on the evidentiary filings of HONI in support of their Sec. 92 Leave Application, including attendances from May 13- 15 th , travel to and from Florida and attendance at OEB May 15 th to testify, totally frustrated by the successful attempt by HONI p re-open direct evidence foreclsoure any ability of Mr. Brill to testify			
SEA Invoice (Detailed) #7207659 is attached in respect of project #703839			
U.S.\$ 7,311.22 (use exchange rate at par)	\$7,311.22		\$7,311.22
			<u>Grand Total</u>

Corporate Information
7349 Worthington-Galena Road
Columbus, Ohio 43085
614.888.4160 * 800.782.6851
www.SEAlimited.com

Please Remit Payment To:
SEA, Ltd.
P.O. Box 71-4671
Columbus, Ohio 43271-4671
*** Terms Net 30 ***

Fallis Fallis & McMillan
Peter T. Fallis, Esq.
195 Lambton St., East
Durham, Ontario N0G 1R0

Date: May 23, 2008
SEA Invoice No. 7207659
SEA Project No. 703839
Federal ID. No. 72-1569235

RE: File Reivew Proposed Construction -
Transmission Line - Testimony
Year 2012
The Fallis Group
Proposed Line From Bruce Nuclear Plant IN
Kincardine Ontario To Milton Ontario

Charges posted through May 15, 2008
Please reference SEA Invoice No. 7207659

Professional Services		Hours	Amount
Ed Brill, P.E.			
05/13/08	Review Documents & Photos	2.25	472.50
05/14/08	Travel Time	9.00	1,890.00
05/15/08	Review Client File	2.00	420.00
05/15/08	Travel Time	8.75	1,837.50
05/15/08	Trial or Deposition	8.50	1,785.00
Total		30.50	\$ 6,405.00
Total Professional Services		30.50	\$ 6,405.00

Expenses		Amount
Edward Brill		
05/13/08	Air Fare	561.93
05/14/08	Meals	9.76
05/14/08	Mileage	41.25
05/15/08	Hotel	177.52
05/15/08	Meals	9.76



Fallis Fallis & McMillan

Date: May 23, 2008
SEA Invoice No. 7207659
SEA Project No. 703839

05/15/08 Meals	8.75
05/15/08 Mileage	41.25
05/16/08 Parking	56.00
	<hr/>
Total	\$ 906.22
	<hr/>
Total Expenses	\$ 906.22

Total Amount Due This Period	Amount
Total Professional Services	\$ 6,405.00
Total Expenses	906.22
	<hr/>
Total Amount Due This Period	7,311.22
	<hr/>
Less: Previous Payments	(7,985.00)
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Please Pay This Amount	\$ (673.78)