

**FALLIS
FALLIS &
McMILLAN**

BARRISTERS, SOLICITORS & NOTARIES

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CLAUDE E. FALLIS, LL.B., Q.C. (1910 - 1996)
PETER T. FALLIS, B.A., LL.B..
ERNEST J. McMILLAN, B.A., LL.B

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

September 4th , 2007

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

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

Dear Sirs & Madam

Re: Application EB-2007-0051
Access to Land, & the Costs
Submissions of the Fallis Group.

Please find enclosed at this time the written *Costs Submissions* of the 'Fallis Group', and a list of whose names are attached as Schedule 'A' to the Costs Submissions. Further attached to the Costs Submissions is a copy of the Legal Account of Fallis Fallis & McMillan as rendered to the 'Fallis Group' on August 31, 2007, and to which is attached a detailed Docket Sheet summary (9 pages) outlining the work that has been done both for the *Leave to Construct Application* EB-200700050 and for *Access to Land Application* EB-200700051. T

Thee enclosed legal account relates only to that part of the work which has been apportioned to Application EB-2007-0051 (Access to Land), except for disbursements which are all now added as part of this account.

In support of the Costs Submissions we have fully completed and now also enclose the following:

1. Appendix "B" - *Form 1 - Summary Statement of Hours - Consultants and Legal Counsel*
2. Appendix "B" - *Form 2 - Summary of Disbursements*
3. Appendix "B" - *Form 3 - Affidavit in Support of Cost Claim, sworn by Peter T. Fallis, as a representative of the Solicitors for the 'Fallis Group'*

We trust that this submission is the completed information package that you have required to be submitted to the OEB which will be presented to Hydro One Networks for consideration as to payment.

We remain

Yours truly,

FALLIS FALLIS & McMILLAN



Peter T. Fallis

PTF:

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 98 of the Act, for an interim Order granting access to land in connection with the Applicant's request for leave to construct a new transmission line between the Bruce Power Facility and the Milton Switching Station

COSTS SUBMISSIONS OF "FALLIS GROUP"

1. The 'Fallis Group' consist of those Land Owner Interveners in OEB Applications EB-27-0050 and EB 2007 who retained the law firm of Fallis Fallis & McMillan, of Durham, ON, (the 'Solicitors'), to act for each individual Intervener, w ho originally consisted 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*"
3. The OEB has advised the Solicitors that each of the listed members in Schedule 'A', and on whose behalf the Solicitors recognition of Intervention, 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 are apportioned equally among each of those individual Interveners so represented by the Solicitors.

Entitlement to an Award of Costs

5. The Solicitors have set out as Schedule "B" hereto a copy of the 9 page *Docket Sheet* maintained by the Solicitors for the Fallis Group which accurately details the time spent and the expenses incurred in respect to both the *Leave to Construct Application* (No. EB-2007-0050) and the *Application for Access to Land*, (No. EB-2007-0051). Time only has been apportioned between the two OEB Files, as noted on the *Docket Sheets*. The costs incurred have not, however, been apportioned between the two Applications, and in fact have been now included with *Billing Invoice* associated with the Fallis Group for the *Access to Land Application*

6. The contribution of the Solicitors and the Fallis Group to the *Access to Land* proceedings (EB-2007-0051), as well as the *Leave to Construct* proceedings (EB 2007-0050) have been most valuable and of assistance to all parties and landowners. The specific achievements of the Fallis Group include the following at the Motion hearings heard in Toronto on June 25th, 2007:
 - i. Achieving from the OEB a postponement of the Leave to Construct hearings from October 22nd, 2007 to January 14th, 2008
 - ii. Achieving an Order from the OEB requiring *HONI* to provide each Landowner with a scaled photobase map showing the line location on the photos and allowing any owner, on special written request to obtain a copy of the entire set of over 400 photo base maps covering the Bruce to Milton Proposed 500 KV Transmission Line.
 - iii. Achieving a recognition from the OEB that it will permit the proposed 500 KV transmission line route through the Town of Hanover to be explored through the interrogatory phase of the Hearing
 - iv. Achieving a statement from the OEB that it expected *HONI* to provide a list of their witnesses and their qualifications in advance of the Access to Land hearings
 - v. Achieving a delay in the Issues Conference from July 17th, 2007 to September 10th and the issues day from August 2nd to September 17th, 2007, the last day for filing Interrogatories from August 13th, 2007 to October 30th, 2007, and the last day for filing intervener evidence from September 18th, 2007 to November 27th, 2007.

- vi. Obtaining an Order of the OEB to move the hearings out of Toronto to be held in Orangeville Ontario
 - vii. Obtaining an Order permitting Interveners to recover costs at various milestone stages in Application EB-2007-0050, namely November 2007, February 2008 and after arguments are complete.
 - viii. The Solicitors obtained the elimination of the 10 day Limitation period for filing a *Letter of Intervention*, following the delivery of *Notice*, in late April 2007, in respect of each of the two Applications, *Leave to Construct Application* (No. EB- 2007-0050) and the *Application for Access to Land*, (No. EB-2007-0051).
 - vi. Additionally the Solicitors were successful in receiving OEB clarification as to three important issues:
 - 1. The OEB denied Interveners a right to, lead evidence about 'alternate routes' on the '*Leave to Construct*' Application
 - 2. The OEB denied a request to provide a list of the names and addresses of landowners adjacent to but outside of the proposed 175-200 foot easement taking.
 - 3. The OEB refuses to consider any lands outside the proposed *HONI* Easement as candidate lands for the '*Leave to Construct*' Application'
7. The Solicitors undertook a comprehensive cross examination of the witnesses introduced at the hearing of the *Access to Land Application*, (No. EB-2007-0051) heard at Orangeville on July 30th and 31st, 2007, and made significant detailed and informed argument to the Board, particularly as it related to compensation entitlements otherwise owed to the Landowners, including the Fallis Group, in the event of an Order made by the OEB permitting *HONI* to access the over 400 parcels of lands as owned by various Landowners
8. Success resulting from the Hearing on July 30th and 31st, 2007 was limited, but the evidence introduced through the cross-examination was most insightful and success included the following:
- i. A realization by the OEB and *HONI* that any Order granted by the OEB for access to the land of any landowner was limited in its exercise to the 175 foot or 200 foot strip only for which Leave to Construct was sought, and had no effect or authority beyond the strip, and did not permit *HONI* to obtain access to the Strip through the

adjacent easement lands now utilized by *HONI* nor across the other lands of any Landowner, except with the express permission of such Landowner given on such terms of consideration that *HONI* and such Landowner may otherwise agree.

- ii. A refusal by the OEB to pay the landowner for the limited access right removed from the Landowner by the OEB and given by the OEB to *HONI* on a determination by legal reasoning adopted by the OEB that such access did not constitute a “taking” of a partial interest in land within the meaning of the “*Expropriations Act*”. (The Fallis Group does not agree with the legal rationale of the OEB on this point).
- iii. The OEB learned of the “deemed- generation” clause in the Contract between Bruce Power and the OPA dated October 17th, 2007 which was reviewed by the Auditor General of Ontario who exposed that the Consumers of Ontario may suffer a cost penalty of \$.063 per Kilowatt/hour of \$63.00 per Megawatt/hour for each hour of deemed generation that Bruce Power can produce but cannot transmit after December 31st, 2011 without an additional 500KV of transmission capacity being constructed by *HONI* from the Bruce to Milton by that date, a cost which if delayed will represent over \$96,850 an Hour, over \$2,325 million a day, over \$16.25 million a week, over \$70 million a month, and over \$ 845 million a year.
- iv. The OEB also learned that the OPA and/or *HONI*, on the direction of the Minister of Energy, delayed 1 year, 5 months, 12 days before initiating an Application for Leave to Construct to the OEB from October 17th 2005 when the OPA signed a contract with Bruce Power to construct the 500 KV Line from the Bruce to Milton, until it formally made its application to the OEB on March 29th, 2007. That delay, expressed in deemed-generation dollars represents over \$1.225 Billion
- v. although other interveners were present and made submissions, some in person and

some through counsel, only the Ross Firm and the Solicitors took major active roles for their respective client interveners in the conduct of the hearing on behalf of their Respondent Intervenors.

Costs Sought to Be Recovered

1. The Fallis Group seeks payment for its incurred legal expenses as follows:

FORM '1" The sum of **\$22,070.29** for incurred legal fees, including GST.
(Attached)


FORM '2" The sum of **\$912.46** for incurred legal disbursements,
(Attached) including GST.

2. In support of payment in total of the combined sum of **\$22,832.50** including Legal Fees, Incurred Disbursements and GST thereon, attached is a copy of the Affidavit in Support of Cost Claim, as sworn by Peter T. Fallis on August 31st, 2007

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated at Durham, ON, this 31st day of August, 2007

FALLIS FALLIS & McMILLAN



Per: Peter T. Fallis

Solicitors for the "Fallis Group" of Intervenors.

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

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

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)
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)
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)

The Fallis Group
c/o John Flanagan
R.R. # 2
Holstein, ON
N0G 1A0

IN ACCOUNT WITH

FALLIS FALLIS & McMILLAN
Barristers & Solicitors
195 Lambton Street E.
DURHAM, Ontario, N0G 1R0
GST #R109 745 992

August 31, 2007

////////////////////////////////////

DISB. FEE GST

TO PROFESSIONAL SERVICES :

(Re: HONI Applications to OEB)

To all services acting as your solicitors from April 26th, 2007 up to August 20th, 2007 in respect to **Application EB-2007-0051** made by Hydro One Networks Inc. to the Ontario Energy, Board for Access to Land, ancillary to Application for Leave to Construct No. # EB-2007-0051, details as to services performed are set out on the attached Docket Sheets:

ENGAGED (Access to Land Services Only):

April, 2007	1.65	Hours
May, 2007	3.75	Hours
June, 2007	12.95	Hours
July, 2007	70.75	Hours
August, 2007	10.05	Hours

Total 99.15 Hours

99.15 hours a @ \$210.00

OUR FEE IN ALL

GST	\$20,821.50	1,249.29
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DISBURSEMENTS

Subject to GST

Paid Photocopies 1,512 @ 4.25	378.00
Paid Faxes 222 @ \$.35	77.00
Paid Registered Mail (3)- General mail (2)	51.60
Paid Travel - 580KM @ \$.40	232.00
Paid Accommodation (Toronto)	75.00
Paid Presbyterian Hall Rental - July 25/07	50.00

GST	48.86
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	<u>\$863.60</u>	<u>\$20,821.50</u>	<u>\$1,298.15</u>
DISB.		<u>863.60</u>	
SUBTOTAL		21,685.10	
GST		<u>1,298.15</u>	
TOTAL		<u>\$22,983.25</u>	

THIS IS OUR ACCOUNT

FALLIS, FALLIS & McMILLAN

Per: Peter T. Fallis

Client: LANDOWNER CLIENTS - RE: 500 KV LINE
Address:

Page 1 LITIGATION DOCKET

DATE	WORK DESCRIPTION	Fax	Photo	Time Leave	Time Access	Paid
2007	(\\Peter\\storage (d)\\A.COMMERCIAL\\07 COMM HYDRO ONE TRANSMISSION LINES 07\\DOCKET, 500 KV\\Docket.wpd)					
Apr 26	Call from Mervyn Lewis to discuss Notices received from Hydro One. -request review - engaged 30 minutes > Review Hydro One Website for regulatory filings 15 minutes			.35 .15	.15 .10	
Apr 26	Call from John Mulhall to discuss Notices received & advised that I would be receiving similar Notices from another Land Owner and would be in touch with him after review - engaged 15 minutes			.20	.10	
Apr 26	Call from Penny Lewis to discuss Notices received advised that I would be receiving similar Notices from another Land Owner and would be in touch with her after review - engaged 20 minutes			.20	.15	
Apr 27	Mervyn Lewis dropped off his package - read it in its entirety engaged 35 minutes			.35	.20	
Apr 27	Reviewed provisions of <i>Ontario Energy Board Act, 1998</i> and made copy of relevant sections - definitions and Part VI - engaged 25 minutes > Did Web Search for OEB and made a complete copy of O.E.B Rules of Practice and Procedure and made cursory review of the contents and Rules Engaged in review of Rules 1.0 hours		6 64	.30 .65	.15 .35	
Apr 27	Call from Calvin Hughes to discuss Notices received - advised that I had reviewed the Material and that I could file a Letter of Intervention on his behalf and participate in Access hearings in due course - instructed to proceed - engaged 20 minutes			.20	.15	
Apr 27	> Called to Mervyn Lewis and received instructions to proceed To draw Letter of Intervention > Called to Penny Lewis and received instructions to File Letter of Intervention			.10 .10		
Apr 30	Call from Karyn Foster to discuss Notices. Advised I had been called by several landowners. She requested we file Letter of Intervention on their behalf. Discussed steps involved and tight time lines. - engaged 20 minutes > Call from John Flanagan wanting to set up a meeting to discuss steps involved in organizing a Letter of Intervention - we had a longer than normal call and still Wants meeting with he and his son - engaged 30 min.			.20 .35	.15 .15	
	<i>April Services Leave 3.15 hours Access 1.65 hours</i>					
May 1	Meeting with Jim and Orland Magwood to discuss Hanover Concerns and received special instructions to intervene > evening draft of Intervention Letter of Intervention > Evening start at General Draft of Letter of Intervention, including researching material from Hydro One. drafting 7 page			1.40 2.00		

Client:
Address:

LANDOWNER CLIENTS - RE: 500 KV LINE

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LITIGATION DOCKET

DATE	WORK DESCRIPTION	Fax	Photo	Time		Paid
				Leave	Access	
2007	(\\Peter\\storage (d)\\A.COMMERCIAL\\07 COM\\HYDRO ONE TRANSMISSION LINES 07\\DOCKET, 500 KV\\DocketLwjd)					
	Letter of Intervention on behalf of 12 parties and on behalf of a class of landowners who may yet to have filed					
May 1	A letter of intervention (to protect those that had inadvertently not filed) - evening draft from 7:40 Pm until 10:05 PM - engaged 2 hours and 25 minutes - allocate part to "Leave" and Part to "Access" applications			1.60	.90	
May 2	called to each of Mervyn Lewis & Jennifer Lewis for telephone review of Notice summary and approval - engaged 15 minutes > Called to John Mulhall for telephone review of L of I summary and approval- engaged 15 minutes > Called to Calvin Hughes for telephone review of L of I summary and approval- engaged 15 minutes > Called to Karyn Foster for telephone review of L of I summary and approval- engaged 15 minutes > Met with John Flanagan and son Dean to review Letter Of Intervention - Office meeting - 1 half hour > Called to Penny Lewis for telephone review of L of I summary and approval- engaged 15 minutes			.15 .15 .15 .15 .30 .15	.10 .10 .10 .10 .20 .10	
May 3 rd	Letter To OEB with Letter of Intervention for 12 parties via Fax - Draft letter and fine tune Letter of Intervention and send by Registered Mail x 2 - engaged 30 minutes Copy of letter and Letter of Intervention in each of 6 files (6 x 9) > Letter of Intervention special and meeting with Jim and Orland Magwood to finalize and submit > Registered Mail and fax	18 18	36 54	.35 .60	.15	17.07 8.53
May 4	Receive Call from lawyer for Tom Visser, (Mike McGarry) asking us to represent Vissers and he advised that they would be in touch with me - engaged 15 minutes > Call from tom Visser and had long conversation About Serious dollar impact on their ability to Sell their house - diminishment - 25 minutes > draft letter to OEB with Letter of Intervention Fax Only to OEB and Hydro One Engaged . 30 minutes	18	18	.15 .30 .35	.10 .15 .15	
May 8	Receive call from Mary Milne requesting that we act on their behalf in OEB proceedings. Discussed what we had done for others and received instructions to act on their behalf. Engaged in call 20 minutes > Draft letter to OEB and Hydro One with amended Letter of Intervention - engaged 30 minutes	18	18	.20 .35	.15 .15	
May 10	Receive call from Steve Hodges requesting that we act on their behalf in OEB proceedings. Discussed what we had done for others and received instructions to act on their behalf. Engaged in call 20 minutes			.20	.15	

Client: LANDOWNER CLIENTS - RE: 500 KV LINE
Address:

Page 3

LITIGATION DOCKET

DATE	WORK DESCRIPTION	Fax	Photo	Time	Time	Paid
				Leave	Access	
2007	(\\Peterf\storage (d)\A.COMMERCIAL\07 COM\HYDRO ONE TRANSMISSION LINES 07\DOCKET, 500 KVDocket.wpd)					
	> Draft letter to OEB and Hydro One with amended Letter of Intervention - engaged 30 minutes	18	18	.35	.15	
May 17	Receive call from David Ran requesting that we act on their behalf in OEB proceedings. Discussed what we had done for others and received instructions to act on their behalf. Engaged in call 20 minutes			.20	.15	
May 17	> Draft letter to OEB and Hydro One with amended Letter of Intervention - engaged 30 minutes > Receive call from Keith Chessman requesting that we act on their behalf in OEB proceedings. Discussed what we had done for others and received instructions to act on their behalf. Engaged in call 20 minutes > Draft letter to OEB and Hydro One with amended Letter of Intervention - engaged 30 minutes	18	18	.35	.15	
May 24	Receive call from Bob Younger requesting that we act on their behalf in OEB proceedings. Discussed what we had done for others and received instructions to act on their behalf. Engaged in call 20 minutes > Draft letter to OEB and Hydro One with amended Letter of Intervention - engaged 30 minutes	18	18	.35	.15	
May 25	Review 3 page letter from OEB on process			.10	.10	
	<i>May Services Leave 10.10 hours Access 3.75 hours</i>					
Jun 6	Review Procedural Order # 1 - Leave to construct 19 pp and e-Mail > Review Procedural Order # 1 - Access 7 pp And E-Mail > E-Mail from OEB recognizing Interventions > letter to e-mail listed members re access and leave. Composition and listing - 30 minutes			.30	.15	
Jun 7	Evening start at drafting Notice of Motion for June 25/26 return before OEB, engaged from 7:35PM until 10:10PM - engaged 2 hours and 35 minutes Review of Expropriations Act and Consolidated Hearings Act and OEB Act - copies - allocate		54	1.60	1.00	
Jun 9	Drafting at Cottage of Lap Top - engaged morning (Sat) from 6:55Am until 11:00 AM, again from 1.10PM until 4.25 PM & from 5:35 Pm until 6:10 PM - engaged 8:05 hours - allocate			5.00	3.05	
June 10	Fine tune and finish Notice of Motion - morning from 10:45 Am until 12:05 AM - engaged 1 hour - 20 minutes - allocate			.90	.45	

Client: LANDOWNER CLIENTS - RE: 500 KV LINE
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LITIGATION DOCKET

DATE	WORK DESCRIPTION	Fax	Photo	Time	Time	Paid
				Leave	Access	
2007	(\\Peter1\storage (d)\A.COMMERCIAL\07 COM\HYDRO ONE TRANSMISSION LINES 07\DOCKET, 500 KV\Docket.wjtd)					
June 11	Converting Notice of Motion to Access fil 2007-0051 and preparing letter for service including E-Mail circulations- for argument on June 26th for Leave to Construct Applications - including additional copies to Interveners who are not on E-Mail Circulation list - engaged 1 hour 20 minutes hours with assistance from my staff with me - allocate			.90	.45	
Jun 11	Review letter from Cedarwell Lawyer, McMeekin			.05	.05	
Jun 12	copy charges to other non-email interveners > mail charges to other interveners general copies 18 x 6		33 108			6.00
Jun 13	Office Meeting with Barbara McLean to review papers from Hydro, including photobase.map - and to discuss procedure and changes for 1976 expropriations etc. and					
Jun 13	Receiving instructions to request that we file Letter of Intervention - engaged 35 minutes > Draft letter to OEB and Hydro One with amended Letter of Intervention - engaged 30 minutes > Review of Powerline (BLG) Motion to OEB for Stay of Proceedings _ engage in review 30 minutes Allocate	18	18 47	.40 .35 .30	.20 .15 .20	
Jun 19	Call from Kristi Sebalj of OEB > Review response submissions from IESO and objections To Fallis Motion - engage in review 30 minutes Allocate > Review response submissions from APPrO and objections To Fallis Motion - engage in review 30 minutes Allocate > Review response submissions from Power Workers Union and objections To Fallis Motion - engage in review 30 minutes - Allocate > Review response submissions from OPA and objections To Fallis Motion - engage in review 30 minutes Allocate > Review response submissions from HONI and objections To Fallis Motion - engage in review 30 minutes Allocate > Review Pollution Probe Motion - engage in a review 15 minutes > Call to Basil Alexander for Pollution Probe - engaged 15 minutes and obtained case > Review Notice of Motion of OPA engage 10 minutes		9 8 5 11 12 35 4	.10 .30 .30 .30 .30 .15 .15 .10 .10	.20 .20 .20 .20 .20 .10 .10 .05	
June 20	Review Response from Board Staff to Powerline and Fallis Motions - strong objection and serious review engaged 40 minutes - Allocate		7	.40	.25	

Client: LANDOWNER CLIENTS - RE: 500 KV LINE
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LITIGATION DOCKET

DATE	WORK DESCRIPTION	Fax	Photo	Time Leave	Time Access	Paid
2007	(\\Peter1\storage (d)\A.COMMERCIAL\07 COMHYDRO ONE TRANSMISSION LINES 07\DOCKET, 500 KV\Docket.wpd)					
	> Call to OEB Office to complain about Response, as Evidencing bias on part of the OEB engaged 10 Minutes - Allocate			.10	.05	
Jun 21.	Receive procedural Order No # 2 with respect to Leave to Construct advancing hearing Date from June 26 th to June 25 th and review of terms . Engaged 10 minutes - Allocate		18	.10	.05	
	> Call to OEB to again complain. screamed at Board and Had a call back from Lawyer (I believe Michael Miller) to indicate date could be reset for June 26th Engaged 10 minutes - Allocate			.10	.05	
June 24	Preparing Arguments - case review for Notice of Motion engaged on Sunday afternoon 3.50 Hour - Allocate			2.20	1.30	
Jun 24	> Overnight in Toronto - Loft - Chocolate Factory Accommodation Travel to Toronto from Durham 190 KM @ \$.40					\$75.00 78.00
Jun 25	Engaged by Robert Watson as Intervener . 30 Hours Allocate > engaged from 8:30.AM in preparation and Until 6:05 PM before OEB in full day hearing engaged 9.5 hours - Allocate < Mileage return to Durham 190 KM @ \$.40 Allowance for time to and from Durham 2.0 hours Each way - total 4.00 hours - settle at 2.00 Allocate			.20 6.00 1.30	.10 3.05 .70	78.00
Jun 26	Receive and brief ½ hour review of Transcript of June 25			.30	.20	
Jun 27	Attend at Federation of Agriculture Meeting in Hanover to meet some of my clients and others. meeting at request of OFA engaged from 7.00PM until 9:15 PM, - total 2.25 hours - Allocate			1.50	.75	
	<i>June Services Leave 23.35 hours Access 12.95 hours</i>					
Jul 4	Receive and review Leave to Construct Decision and Order - close read of E-Mail 9 pp > Receive and review Access Decision and Order, close Read of E-Mail 8 pp			.50	.30	
Jul 5	Receive and Review OEB Procedural Order No # 2 Access				.10	
Jul 9	Receive and Review Procedural Order No. # 3 Access > Receive final transcript for June 25 hearing				.15 .10	
Jul 11.	Receive and review Procedural Order No. 3 - Leave Close read 25 pp			.40		

Client: LANDOWNER CLIENTS - RE: 500 KV LINE
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LITIGATION DOCKET

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2007	(\\Peter1\storage (d)\VA.COMMERCIAL\07 COMHYDRO ONE TRANSMISSION LINES 07\DOCKET, 500 KV\Docket.wpd)					
Jul 13	Meeting with Flanagans who requested the opportunity to meet with all fallis interveners to discuss strategies - decided a news letter would suffice in advance of Group meeting - engaged ½ hour - all access issues				.50	
Jul 14	(Saturday) starting to compose news letter to all interveners > engaged morning from 7:25 AM until 11: 20 AM > engaged in afternoon from 1:45 PM until 4.30Pm > late afternoon from 5: 25 until 6:50 PM				3.90 2.75 1.45	
Jul 15	(Sunday)Continuing composition of Newsletter to all interveners > engaged morning from 10:50 AM until 2:10 PM > evening from 7:20Pm until 10:15PM				3.30 2.90	
Jul 16	Fine tuning and proofing final newsletter - total 13 pp > Booking Durham Presbyterian Church for Meeting of Fallis Intervenors for Wednesday July 25 th > Call fro Bob Watson over access issues > Review Powerline Interrogatories - close review > Review E-Mail from OEB with Oral hearing Information 6 PP - close review				1.50 .15 .15 .25 .25	
Jul 17	Letter from Powerline to HONI requesting witness list				.05	
Jul 18	Circulating Newsletter with letter inviting all interveners to Meeting on July 25 th 13 X 30 Mailing 20 @ 1.00		390		.40	20.00
Jul 19	Meeting with Pay Ross of Goderich in Durham to discuss common issues with Bruce and Grey Landowners - established relationship - to share work-load and tasks in up-coming access hearings - both agreed to participate From 3:00PM until 5:00PM > Receive and Review HONI Newsletter sent by HONI By E-mail				2.00 .15	
Jul 20	E-Mail from Paul Ross > Receive and review OEB Procedural Order No. # 4 Setting out access issues Access Application 19 pp > Letter to OEB rewquesting Intervener Status for Watson > Letter to OEB requesting Intervener Stat for Charlton > Letter to OEB requesting Intervener Stat for Menaul			.05 .05 .05	.25 .05 .05	
Jul 23	E-Mail Letter from Pollution Probe on EA Issues 4 pp				.10	
Jul 24	Phone conversation with Ross Law Firm to discuss strategies and top confirm attendances at Durham Fallis Intervener first meeting > fax letter to each of HONI and OEB to advise that Fallis Group of Intervenors will Cross examine HONI witnesses cc/ Ross Law				.75	
		3			.15	

Client:
Address:

LANDOWNER CLIENTS - RE: 500 KV LINE

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LITIGATION DOCKET

DATE	WORK DESCRIPTION	Fax	Photo	Time Leave	Time Access	Paid
2007	(\\Peter1\\storage (d)\\A.COMMERCIAL\\07 COM\\HYDRO ONE TRANSMISSION LINES 07\\DOCKET, 500 KV\\Docket.wpd)					
Jul 25	PM Preparation for Evening meeting including organizing Presentation to Interveners > Review Board Staff Responses to Interrogatories 15 pp > Review HONI Responses to Interrogatories 44 PP > Review HONI Letter with Witness list > Phone discussions (2) with Vic Gerard & Rob Thompson of HONI re tower angled, tower costs & power loss > Review further HONI letter to OEB re Powerline Resolution of access issues > Review HONI Letter on Board Response to Interrog. > evening meeting at Presbyterian Church in Durham From 7:30 Pm until 9:30 PM (Ross Firm Present) Copies circulated				1.40 .25 .50 .10 .20 .10 .15 2.00	
Jul 26	E_Mail from Vic Gerard setting out tower angles and cost and review CC by fax to Ross Firm > Review E-Mail letter form HONI, close review with Amended Access Application 13 PP plus cover > Paid Durham Presbyterian Church for hall rental > 2 phone calls to/from Ross Firm to discuss cross-Examination Strategies - split line of questioning	1		.15 .40 .75		50.00
Jul 27	To effort to locate Auditors Report on "The Bruce Power Refurbishment Agreement: including calls to Queens Printer and to Auditor General. finally locating on line > to review in detail the entirety of Auditors Report > to discussions with Quinn Ross on Phone and bringing Him up to speed on Bruce "A" Units 1 & 2 and costs Quinn will review and do memo > evening review of Quinn Ross memo			.35 1.75 .30 .25		
Jul 28	(Saturday drafting cross examination questions for Thompson and starting to draft deemed generation questions for challenge of HONI on urgency issues. cross engaged for morning from 10:45AM until 12:05 > afternoon drafting from 1:50 PM until 5:10PM			1.35 3.30		
Jul 29	(Sunday) Engaged full day from 8:45 until noon > From 1:50 PM until 5:35 PM re-drafting cross after preparing tables, charts, estimates, acreages, compensation, etc > evening from 7:00pm until 9:45 PM Summaries, etc.			3.25 3.75 2.75		
Jul 30	Copies for Hearing (estimate) > Engaged from Durham to Orangeville from 8:30 AM Hearing Until End of day and return to Durham at 6:10 PM > evening preparation for Argument from 7:15 Pm until 12:25 Am > mileage 95 Km return @ .40		400		9.60 5.20	38.00

Client:
Address:

LANDOWNER CLIENTS - RE: 500 KV LINE

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LITIGATION DOCKET

DATE	WORK DESCRIPTION	Fax	Photo	Time Leave	Time Access	Paid
2007	(\\Peter\storage (d)\A.COMMERCIAL\07 COM\HYDRO ONE TRANSMISSION LINES 07\DOCKET, 500 KV\Docket.wpd)					
Jul 31	> Morning preparation from 5:40 AM until 8:00 AM Left Durham at 8:00Am for hearing argument a until End of hearing mid afternoon and returned to Durham At 4:45 PM > Travel 95 KM @ \$.40				2.30 8.75	38.00
	<i>July Services Leave 1.05 hours Access 70.75 hours</i>					
Aug 1	Receive via E-mail and review Notice of Submission for EA > Meeting with Thompson, MacDonald and Loftus of HONI at Durham Office at 1:00PM for pre-arranged meeting On access and leave issues (Heather and Quinn Ross present (from 1:00PM until 3:00PM Allocate one half to Leave and one half to Access > Meeting with David Ran and his Wife at 4:45 PM Over access and Leave - for 45 minute - even split > Meeting with Tom Visser and his wife - overlap With Ran for 15 minutes- ½ hour alone - even split			.20 1.00 .35 .25	1.00 1.00 .35 .25	
Aug 2	Review of Alberta Surface Rights Act and copy with Regulations > Letter to OEB to request opportunity to make full and complete submission to OEB in respect to Alberta Act Which was first raised in Reply by HONI Counsel After Fallis Submissions - also complained of HONI Contact with Visser and letter confirming access Agreements. cc HONI	4		.50	.40	
Aug 3	Letter from OEB granting right to submit by August 7 th	2		.10		
Aug 6	Drafting fill submission response and attached to it a full Copy of the Alberta Surface Rights Act and te Regulations thereunder - Copies allow Engaged during day drafting daytime 3. 5 hours in AM and 2.5 hours in PM		85		6.0	
Aug 7	scan and e-mail to HONI and OEB letter and vetting and Sending			.75		
Aug 8	Letter from and To OEB who had not received E-Mail > received Response submissions from HONI and review			.20 .40		
Aug 9	letter from OEB again advising response not received. And sending hard copy by Fax	50		.20		
Aug 20	Receive and review Access Decision and Order of OEB			.40		
	<i>August Services Leave 2.30 hours Access 10.05 hours</i>					

Time Summary:**Leave to Construct****Access**

April, 2007. engaged

3.15 hours

1.65 hours

May, 2007 engaged

10.10 hours

3.75 hours

June, 2007 engaged

23.35 hours

12.95 hours

July, 2007 engaged

1.05 hours

70.75 hours

August, 2007 engaged

2.30 hours10.05 hours**TOTAL HOURS****39.95 hours****99.15 hours**

APPENDIX "B"

FORM 1

SUMMARY STATEMENT OF HOURS – CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

<u>2007-0051</u> Board File Number		<u>FALLIS FALLIS & McMILLAN INTERVENERS</u> Party Name			
<u>PETER T. FALLIS</u> Legal Counsel Name		1972 Year of Call		<u>FALLIS FALLIS & McMILLAN</u> Law Firm.	
_____ Consultant Name		_____ Years of Relevant Experience		_____ Consultant Firm	
	Hours	Hourly Rate	Sub-total	GST	Total
Preparation	89.10	210	18,711.00	1,122.66	\$19,833.66
Attendance – Technical Conference JUNE 25 TH - Access portion Motion	3.05	210	640.50	38.43	\$ 678.93
Attendance – Settlement Conference JULY 30-31 - Access Hearing	7.00	210	1,470.00	88.20	\$1,558.20
Argument (hours set out only - included in Attendance fees above) Access Motion – June 25 1 HR. Access Hearing – July 30-31	(1.00) (3.00)				
Case Management					
TOTALS	99.15	210	\$20,821.00	\$1,249.29	\$22,070.29

Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____.

APPENDIX "B"

FORM 2

SUMMARY OF DISBURSEMENTS

Board File Number 2006-0051		Party Name FALLIS FALLIS & McMILLAN INTERVENERS	
Party or Group that made the disbursement FALLIS FALLIS & McMILLAN INTERVENERS			
	Net Cost	GST	
Photocopies 1,512 @ \$.25	378.00	22.68	
Printing			
Fax 222 @ \$.35	77.00	4.66	
Courier			
Telephone			
Postage 3 Registered Mail – 26 General Mail	51.60	3.10	
Transcripts			
Travel: Air			
Travel: Car 580 km @ \$. 40	232.00	13.92	
Travel: Rail			
Travel; Other()			
Taxi or Airport Limo			
Accommodation 1 night June 24	75.00	4.50	
Meals			
Other (Church Hall Rental - July 25)	50.00	3.00	
Sub-totals	\$863.60	\$48.86	\$912.46
Notes 1. All claims for disbursements must include receipts where practicable 2. All claims must be in Canadian dollars. If applicable state exchange rate _____ and country of initial currency.			

APPENDIX "B"

FORM 3

AFFIDAVIT IN SUPPORT OF COST CLAIM

EB2007-051
Board File Number

Fallis Fallis & McMillan Intervenors
Party Name

Items Claimed excluding GST

Legal/Consultant Fee	+	Disbursements	=	Net Sub-Total
<u>\$20,821.50</u>		<u>\$863.60</u>		<u>\$21,685.10</u>

Goods and Services Tax

.X.. Full Registrant	Qualifying Non-Profit (GST @ 3%)
..... Unregistered (GST @ 6%)	Tax Exempt (not GST)
..... Other _____	GST at _____	%

Total Cost Claim

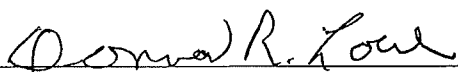
Net Sub-Total	+	Total GST Claimed	=	Total Cost Claim
<u>\$21,685.10</u>		<u>\$1,298.15</u>		<u>\$22,832.50</u>


I, **PETER T. FALLIS**, of the Municipality of West Grey, County of Grey, MAKE OATH AND SAY:

1. I am a representative of the above noted Fallis Fallis & McMillan Intervenors (the "party") and as such have knowledge of the matters attested to herein
2. I have examined the above Cost Claim and all of the documentation in support of it.
3. The above Cost Claim represents only costs incurred directly and necessarily by the party for the purpose of their intervention in the Ontario Energy Board process (the file number of which is set out above)

SWORN (OR AFFIRMED) BEFORE ME

at the Town of Durham,
in the County of Grey
on August 31st, 2007.


Commissioner for taking Affidavits


Signature of Deponent