

File 26

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BORDEN
LADNER
GERVAIS

October 23, 2007

Via Facsimile and Email

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

Dear Ms. Walli

Re: **Bruce-Milton Transmission Reinforcement Project**
Board File No. EB-2007-0050 and EB-2007-0051
Powerline Connections Group

Please find enclosed the Cost Submissions of Powerline Connections with respect to the Early Access Hearing.

Yours very truly,
BORDEN LADNER GERVAIS LLP

Borden Ladner Gervais LLP

Frank J. Spurduti
FJS:srm
Enclosure

cc: Gordon Nettleton

::ODMA\PCDOCS\TOR01\3665999\I

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LADNER
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Date: October 23, 2007

Pages (Inclusive): 17

To: Ms. Kirsten Walli

Company: Ontario Energy Board

Client No: 021073

Matter No: 000002

Fax: (416) 440-7656

Tel: (416) 481-1967

From: Frank J. Sperduti

Lawyer No: 20072

Fax.: (416) 361-7333

Tel.: (416) 367-6243

Original will...

Follow by mail.

Follow by courier.

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If you did not receive all the pages, please call the undersigned operator as soon as possible.

Sean Malcher at (416) 367-6534

Message:

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EB-2007-0051

OEB BOARD SECRETARY	
File No:	Sub File: 26
Panel	PN, BR, CC, mm
Licensing	Nm, Nm, DR
Other	KG, ZC.
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October 23, 2007

Via Facsimile and Email

blg, Oct 23/07
Ms. Kirsten Walli
Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto, Ontario
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Dear Ms. Walli

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Board File No. EB-2007-0050 and EB-2007-0051
Powerline Connections Group**

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Yours very truly,
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Frank J. Spurduti
FJS:srm
Enclosure

cc: Gordon Nettleton

\\ODMA\PCDOCS\TOR01\3665999\1

File No.: EB2007-051

THE ONTARIO ENERGY BOARD

BETWEEN:

Hydro One Networks Inc.

APPLICANT

-and-

**Ross Firm Group, PowerLine Connections Group, Heinrich and Theresia
Eschlboeck, Power Workers' Union, Energy Probe Research Foundation, Cedarwell
Excavating Limited and Herman and Berta Weller, Fallis, Fallis & McMillan
Group of Landowners, Toad Hill Farms**

RESPONDENTS

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

AND IN THE MATTER OF 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, all in
the Province of Ontario.

COST SUBMISSIONS OF POWERLINE CONNECTIONS

BACKGROUND:

1. Powerline Connections comprises a group of 188 property owners directly affected by the Applicant's proposal. Powerline Connections has intervenor standing in this matter.
2. On the basis of the foregoing, and pursuant to sections 3.03(c) and 8.01 of the *Ontario Energy Board – Practice Direction on Cost Awards*, it is respectfully submitted that Powerline Connections is eligible for an award of costs in respect of the section 98 (1.1) proceedings (the "Early Access Proceedings").

PRINCIPLES IN AWARDING COSTS:

3. Powerline Connections respectfully submits that its participation in the Early Access Proceedings was not only reasonable, but served to shape and focus the entire hearing.
4. Through intensive discussions with the Applicant prior to the commencement of the hearing, Powerline Connections laid the framework for the series of conditions that were incorporated into the Board's order granting early access. In doing so, Powerline Connections:
 - a. worked cooperatively with the Applicant to establish a base set of conditions applicable to all affected landowners;
 - b. narrowed the issues for the hearing,
 - c. focussed the evidence and the cross examinations to only a few matters not specifically addressed in the comprehensive set of negotiated conditions;
 - d. allowed the balance of the Intervenors and other interested parties to make specific submissions intended to build upon the conditions negotiated by Powerline Connections;
 - e. saved time, costs and Board resources;

- f. limited the need for its own involvement at the hearing, thereby maximizing the efficiency of the Board's process, avoiding duplication of effort, scoping cross-examinations, and ensuring timely completion of the hearing;
 - g. avoided the time and expense of preparing for the hearing;
 - h. participated responsibly in the Board's process;
 - i. contributed to a better understanding by the Board of the key landowner issues by developing a comprehensive set of conditions acceptable to the Applicant and the other parties; and
 - j. achieved a high degree of success in resolving its owners' concerns in a cost effective and efficient manner.
5. Powerline Connections submits that its contribution to the Early Access Proceedings conclusively supports the costs claimed herein as reasonable and justifiable in the circumstances.

REIMBURSEMENT FOR COSTS CLAIMED:

6. Powerline Connections seek reimbursement for Counsel Fees as outlined on Board Approved Form 1, which is attached hereto along with detailed time dockets as Schedule "A".
7. Powerline Connections also seek reimbursement for disbursements as set on the Board approved Form 2 – Summary of Disbursements, which is attached hereto as Schedule "B".

GOODS AND SERVICE TAX:

8. Powerline Connections relies on the Board approved Form 3 – Affidavit in Support of Cost Claim, with regards to reimbursement for GST.

APPENDIX "B"

FORM 1

SUMMARY STATEMENT OF HOURS -CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

<u>EB-2007-0051</u> Board File Number		<u>Powerline Connections</u> Party Name			
<u>Evan Cooke</u> Legal Counsel Name		<u>2006</u> Year of Call		<u>Borden Ladner Gervais LLP</u> Law Firm	
Consultant Name		Years of Relevant Experience (curriculum vitae must be attached)		Consultant Firm	
	Hours	Hourly Rate	Sub-total	GST	Total
Preparation	40.1	\$130.00	\$5,213.00	\$312.78	\$5,525.78
Attendance -Technical Conference					
Attendance -Settlement Conference					
Attendance -Oral Hearing					
Argument					
Case Management					
TOTALS	40.1	\$130.00	\$5,213.00	\$312.78	\$5,525.78
Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____.					

APPENDIX "B"

FORM 1

SUMMARY STATEMENT OF HOURS -CONSULTANTS AND LEGAL COUNSEL

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<u>EB-2007-0051</u> Board File Number		<u>Powerline Connections</u> Party Name			
<u>David Klacko</u> Legal Counsel Name		<u>2005</u> Year of Call		<u>Borden Ladner Gervais LLP</u> Law Firm	
Consultant Name		Years of Relevant Experience (curriculum vitae must be attached)		Consultant Firm	
	Hours	Hourly Rate	Sub-total	GST	Total
Preparation	3.9	\$130.00	\$507.00	\$30.42	\$537.42
Attendance -Technical Conference					
Attendance -Settlement Conference					
Attendance -Oral Hearing					
Argument					
Case Management					
TOTALS	7.9	\$130.00	\$507.00	\$30.42	\$537.42
Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____.					

APPENDIX "B"

FORM 1

SUMMARY STATEMENT OF HOURS -CONSULTANTS AND LEGAL COUNSEL

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<u>E13-2007-0015</u> Board File Number		<u>Powerline Connections</u> Party Name			
<u>Sarah Schmidt</u> Legal Counsel Name		<u> </u> Year of Call		<u>Borden Ladner Gervais LLP</u> Law Firm	
<u> </u> Consultant Name		<u> </u> Years of Relevant Experience (curriculum vitae must be attached)		<u> </u> Consultant Firm	
	Hours	Hourly Rate	Sub-total	GST	Total
Preparation	12.8	\$80.00	\$1,024.00	\$61.44	\$1,085.44
Attendance -Technical Conference					
Attendance -Settlement Conference					
Attendance -Oral Hearing					
Argument					
Case Management					
TOTALS	12.8	\$80.00	\$1,024.00	\$61.44	\$1,085.44
Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____.					

APPENDIX "B"

FORM 1

SUMMARY STATEMENT OF HOURS -CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

<u>EB-2007-0015</u> Board File Number		<u>Powerline Connections</u> Party Name			
<u>Frank J. Sperduti</u> Legal Counsel Name		<u>1998</u> Year of Call		<u>Borden Hadner Gencus LLP</u> Law Firm	
Consultant Name		Years of Relevant Experience (curriculum vitae must be attached)		Consultant Firm	
	Hours	Hourly Rate	Sub-total	GST	Total
Preparation	42.20	\$165.00	\$6,963.00	\$417.78	\$7,380.78
Attendance -Technical Conference					
Attendance -Settlement Conference					
Attendance -Oral Hearing	15	\$165.00	\$2,475.00	\$148.50	\$2,623.50
Argument					
Case Management					
TOTALS	57.2	\$165.00	\$9,438.00	\$566.28	\$10,004.28
Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____.					

Back Up - Fees
Sorted by Individual
Powerline re Hydro One
Milton to Bruce

Early Access Application

Date	TKPR Name	Client	Matter	Base Amt	Bs Hrs	Narrative
4/18/2007	Cooke, Evan	020903	000001	\$963.50	4.1	Met with Stephen regarding Bruce Hydro file. Corresponded with OEB regarding file status. Attended at OEB library at Yonge and Eglinton to review file and obtain pertinent documents. Reviewed relevant provisions of the Ontario Energy Board Act. Commenced analysis of Application for Access position and drafted letter of Reply. Met with Stephen to discuss documents obtained at OEB and strategy going forward. Sat in on call to Bill Allison. Scanned and emailed documents to Bill.
4/19/2007	Cooke, Evan	020903	000001	\$47.00	0.2	Spoke with Nabih Mikhail at the OEB about service issues, time lines, the Application process, and the EA process and open houses. Reported to Pitman and Stephen. Reported to Bill Allison re same. Received further instructions from Pitman re attending back at OEB library.
5/1/2007	Cooke, Evan	020903	000001	\$1,504.00	6.4	Conducted case law research and policy research re timing of access where EA not complete. Reviewed MOE policy documents, related legislation, spoke with contact at MOE, discussed with Stephen. Researched other lines of argument against early access to private property and continued to amend letter requesting oral hearing.
5/4/2007	Cooke, Evan	020903	000001	\$188.00	0.8	Attended to amending notice of request for oral hearing for the Energy Board and copying same on all interested parties. Last minute letters required two amending emails.
5/6/2007	Cooke, Evan	020903	000001	\$1,574.50	6.7	Commenced review of OEB rules re: Intervenor Status Applications, Eligibility to Claim Costs Application, and Written Submissions formating. Drafted application re Costs. Drafted application for Intervenor Status. Drafted Written Submissions. Researched case law for written submissions.
5/7/2007	Cooke, Evan	020903	000001	\$1,104.50	4.7	Continued to draft and research written submissions for OEB.
6/5/2007	Cooke, Evan	020903	000001	\$235.00	1	Researched hydro transmission issues. Corresponded with Landowners. Reviewed Procedural Order as sent by Hydro One re: Application for Leave to Construct and reported to Stephen. Instructed Stephanie Lane re: research. Reviewed questions and comments from landowners.

Back Up - Fees
Sorted by Individual
Powerline re Hydro One
Milton to Bruce

Early Access Application

6/8/2007	Cooke, Evan	020903	000001	\$70.50	0.3	Received instructions from Stephen re: Motions to be filed with the Energy Board.
6/10/2007	Cooke, Evan	020903	000001	\$940.00	4	Commenced drafting motion materials regarding Application for Access timetable as provided by the OEB.
6/20/2007	Cooke, Evan	020903	000001	\$282.00	1.2	Reviewed correspondence from Rob and Trevor. Reviewed further motion materials received from intervenors. Modified Access Agreement per Frank's instructions. Spoke with Peter Fallis regarding OEB process and Board Staff Response to our Motions. Corresponded with Frank re: further changes or amendments to Access Agreement.
7/6/2007	Cooke, Evan	020903	000001	\$352.50	1.5	Contacted the OEB about motions and reviewed Access Application motion decision and Procedural Order. Sent update to Powerline Connections. Created issues list for Issues Day on Access Application set for July 9th.
7/16/2007	Cooke, Evan	020903	000001	\$752.00	3.2	Drafted interrogatories list for Application for Access. Discussed same with Frank, made revisions, and filed same with OEB and Hydro One. Copied on all parties.
7/17/2007	Cooke, Evan	020903	000001	\$164.50	0.7	Drafted a letter to Hydro One and OEB re: witness list, 'will say' statements and c.v.s of witnesses for Access hearing. Circulated document to intervenors and internally in advance of July 18th PC meeting. Spoke to counsel for other affected parties re: content of PC's interrogatories.
7/18/2007	Cooke, Evan	020903	000001	\$141.00	0.6	Reviewed memo re: hearing procedure received from OEB and drafted reply per Frank's instructions.
7/19/2007	Cooke, Evan	020903	000001	\$188.00	0.8	Collected documentation and materials re: access. Assisted with correspondence to Board and intervenors.
7/23/2007	Cooke, Evan	020903	000001	\$117.50	0.5	Assisted Frank with last minute changes to document before Access negotiation with HONI. Discussed pre-filed evidence issues.
7/24/2007	Cooke, Evan	020903	000001	\$564.00	2.4	Corresponded with OEB counsel re: pre-filed evidence and requirements thereof. Discussed and drafted a confidentiality agreement to assist settlement of Access Hearing. Reviewed Hydro One answers to interrogatories as provided for PC, Wellenreiter, and OEB staff interrogatories.
7/25/2007	Cooke, Evan	020903	000001	\$47.00	0.2	Spoke with Earl Lennox. Reported to Frank and Christina re: same.

Back Up - Fees
Sorted by Individual
Powerline re Hydro One
Milton to Bruce

Early Access Application

7/26/2007	Cooke, Evan	020903	000001	\$70.50	0.3	Reviewed correspondence re: Application for Access as it was received from Hydro One.
7/27/2007	Cooke, Evan	020903	000001	\$117.50	0.5	Assisted Frank assemble materials for hearing.
				\$5,213.00	40.1	
6/11/2007	Klacko, David M.	020903	000001	\$325.00	1.3	Review OEB Procedural Order re Access to Property. Review Hydro One Application for Access and consider response. Detailed review of Preliminary Motion Materials prepared by E. Cooke and propose modifications to Mr. Cooke.
7/17/2007	Klacko, David M.	021073	000002	\$625.00	2.5	Consult with S. Waque concerning Access Agreement. Substantially revise Access Agreement as per meeting with S. Waque. Review interrogatories and compare to Access Agreement.
7/19/2007	Klacko, David M.	021073	000002	\$25.00	0.1	E-mail F. Sperduti re access agreement.
				\$507.00	3.9	
8/10/2007	Schmidt, Sarah	21073	000002	\$409.50	2.1	Meet with Stephen Waque and receive instructions; work on Bill of Costs; work on 3rd binder of information received from Richard Johnson; telephone call from Frank Sperduti.
8/13/2007	Schmidt, Sarah	21073	000002	\$975.00	5	Work on Bill of Costs; receive clarification from Stephen Waque re Bill; review OEB website; file review.
8/15/2007	Schmidt, Sarah	21073	000002	\$721.50	3.7	Meet with Stephen Waque re Bill of Costs and meeting on Friday August 17; finalize Bill of Costs; file organization.
9/27/2007	Schmidt, Sarah	21073	000002	\$390.00	2	Forward Bill of Costs and back-up to Frank Sperduti; file organization; telephone call with Janna Imrie in response to her email; telephone call with Andy Brown re: aerial maps; telephone call from Diane Magowood and email to her; file organization.
				\$1,024.00	12.8	

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Back Up - Fees
Sorted by Individual
Powerline re Hydro One
Milton to Bruce

Early Access Application

6/19/2007	Sperduti, Frank J.	021073	000002	\$1,656.00	4.6	Re: Powerline - Preparing for meeting with landowners; review and summarize submissions; discussion with S. Waque; attend meeting and instruct E. Cooke re: updated access agreement; drafting specific provisions for access agreement.
6/20/2007	Sperduti, Frank J.	021073	000002	\$792.00	2.2	Re: Powerline - Review and further revise agreement; instruct E. Cooke; further revisions to agreement and instruct J. Rowe re: delivery; respond to email from T. Wilson; exchange emails with S. Waque; set outlist of talking points.
7/4/2007	Sperduti, Frank J.	021073	000002	\$2,412.00	6.7	Discussions with D. Klacko; review and consider amendment to the access agreement; exchange emails with S. Waque; prepare for meeting in Limehouse; meeting to review access agreement.
7/18/2007	Sperduti, Frank J.	021073	000002	\$1,332.00	3.7	Preparing for meeting with clients; reviewing OEB orders and correspondence; meeting with Powerline Connections members; discussion with S. Waque afterward; receive various emails re: access agreement; instruct E. Cooke to prepare a letter to the OEB; preparing for access hearing; email from Hydro One Council.
7/19/2007	Sperduti, Frank J.	021073	000002	\$252.00	0.7	Discussions with S. Waque re: hearing preparation for access hearing; exchange emails with S. Waque re: witnesses; discussion with S. Waque.
7/24/2007	Sperduti, Frank J.	020903	000001	\$6,264.00	17.4	Emails from R. Barlow; emails from B. Allison; instruct C. Manulak to arrange a conference call with C. Bancroft-Wilson; telephone attendances with B. Allison before meeting with Hydro One; prepare for 10:30 a.m. meeting with Mr. Nettleton and attend same; briefing B. Allison afterward re: Hydro One's proposal for resolution of access; various discussions throughout the day with B. Allison and others; conduct public meeting and in-camera session for clients only; briefing Messrs. Barlow and Allison on return trip back to Toronto; no time charge for travel.
7/25/2007	Sperduti, Frank J.	021073	000002	\$2,052.00	5.7	Emails from C. Manulak; telephone call to her re: meeting in Hanover; review email with revised conditions of access; various telephone attendances with Mr. Nettleton to work out settlement details re: access; emails with B. Allison and others; voice message from R. Barlow; instructing C. Manulak re: new clients.

Back Up - Fees
Sorted by Individual
Powerline re Hydro One
Milton to Bruce

Early Access Application

7/30/2007	Sperduti, Frank J.	021073	000002	\$3,240.00	9	Exchanging emails with new member B. Geer; instructing C. Manulak; preparing for attendance at OEB proceeding; no time charge for travel to Orangeville for OEB proceeding; meeting with Mr. Allison and others; participate in hearing throughout the day; working with clients over lunch.
7/31/2007	Sperduti, Frank J.	021073	000002	\$2,160.00	6	Continuation of hearing; hearing sitting through lunch; Meeting with clients afterward.
10/9/2007	Sperduti, Frank J.	021073	000002	\$72.00	0.2	Emails from SFW and R. Barlow; discussion with SFW re: strategy; email from SFW; lengthy discussion with G. Nettleton; instruct S. Malcher;
10/19/2007	Sperduti, Frank J.	021073	000002	\$360.00	1	Review Bill of Costs.
				\$9,438.00	57.2	
7/16/2007	Waqué, Stephen F	021073	000001	\$100.00	1.5	Review with David Klacko revisions to terms for access.
7/17/2007	Waqué, Stephen F	021073	000001	\$200.00	3.5	Assist and brief David Klacko re: preparation for Hydro meeting and redraft of access agreement.
8/10/2007	Waqué, Stephen F	021073	000002	\$500.00	1.4	Email F. Sperduti; outline S. Schmidt's tasks with respect to implementation of access agreement deal; outline approach to responding to questions from owners.
8/15/2007	Waqué, Stephen F	021073	000002	\$700.00	2.4	Meet Sarah Schmidt; draft agenda for conference call with client.
				\$1,848.00	8.8	

\$18,030.00

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APPENDIX "B"

FORM 2

SUMMARY OF DISBURSEMENTS

<u>EB-2007-0015</u> Board File Number		<u>Powerline Connections</u> Party Name	
<u>Powerline Connections</u> Party or Group that made the disbursement			
	Net Cost	GST	
Photocopies	\$727.20	\$43.63	
Printing			
Fax	\$6.63	\$0.40	
Courier	\$55.61	\$3.34	
Telephone	\$102.20	\$6.13	
Postage			
Transcripts			
Travel: Air			
Travel: Car	\$371.29	\$22.28	
Travel: Rail			
Travel: Other ()			
Taxi or Airport Limo	\$17.14	\$1.03	
Accommodation			
Meals			
Other () binding and searches	\$177.08	\$10.62	
Sub-totals	\$1,452.15	\$82.43	Grand Total \$1,544.58
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

<u>EB-2007-0015</u> Board File Number	<u>Powertline Connections</u> Party Name
--	---

Items Claimed excluding GST

Legal/Consultant Fees	+	Disbursements	=	Net Sub-Total
\$ <u>18,030.00</u>		\$ <u>1,457.15</u>		\$ <u>19,487.15</u>

Goods and Services Tax

..... Full Registrant Unregistered (GST at 6%) Other _____ GST at <u>6</u> % Qualifying Non-Profit (GST at 3%) Tax Exempt (no GST).....
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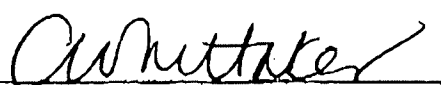
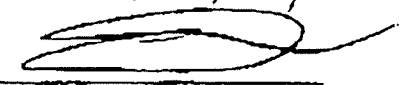
Total Cost Claim

Net Sub-Total	+	Total GST Claimed	=	Total Cost Claim
\$ <u>19,487.15</u>		\$ <u>1,169.23</u>		\$ <u>20,656.38</u>

I, (name) Frank Sperduti, of the City of Vaughan in the
 Regional Municipality of York, MAKE OATH AND
 SAY:

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 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 its intervention in the Ontario Energy Board process (the file number of which is set out above).

SWORN (OR AFFIRMED) BEFORE ME at the City of Toronto
 on October 23, 2007

 _____ COMMISSIONER for taking Affidavits	 _____ Signature of Deponent
--	--

Catherine Elizabeth Whittaker, a Commissioner, etc.,
 Province of Ontario, for Borden Ladner Gervais LLP,
 Barristers and Solicitors.
 Expires March 18, 2008.

APPENDIX "B"

FORM 1

SUMMARY STATEMENT OF HOURS -CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

<u>EB-2007-0015</u> Board File Number		<u>Powerline Connections</u> Party Name			
<u>Stephen F. Wagué</u> Legal Counsel Name		<u>1979</u> Year of Call		<u>Borden Ladner Gervais LLP</u> Law Firm	
Consultant Name		Years of Relevant Experience (curriculum vitae must be attached)		Consultant Firm	
	Hours	Hourly Rate	Sub-total	GST	Total
Preparation	8.8	\$210.00	\$1,848.00	\$110.88	\$1,958.00
Attendance -Technical Conference					
Attendance -Settlement Conference					
Attendance -Oral Hearing					
Argument					
Case Management					
TOTALS	8.8	\$210.00	\$1,848.00	\$110.88	\$1,958.00
Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____.					