

THE ONTARIO ENERGY BOARD

B E T W E E N:

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.

---

REPLY COST SUBMISSIONS OF THE ROSS FIRM GROUP

---

Amount of Hours Claimed

1. As the board is aware, this matter involves a 600 million dollar project which directly affects our client's private property interests over a minimum two year period.
2. The section 98 Interim Access Application process is novel and has never been before the Board for determination.
3. Sophisticated property law issues had to be researched, understood and eventually arbitrated.
4. The time claimed, as clearly shown in the dockets were necessary for the competent representation of our groups position, as is our obligation under the *Rules of Professional Conduct*.

Number of Land Owners as Relates to the Costs Sought.

5. Hydro One claims that because we represent the owners of 9 properties, our costs sought are too great. This compared to Mr. Fallis who represented 34 owners, having 22 properties for lower cost.
6. The work done by the Ross Firm would have been done for 1 or 100 properties. The work was necessary in order to fully understand and process the voluminous materials involved in this stage of the proceeding, as well as to prepare the reasoned submissions eventually made before the Board.

Counsel in Attendance at the Interim Access Hearing.

7. Hydro One submits that having two lawyers at the hearing was "not commensurate with the nature of the proceedings and the issues explored." With all due respect, the Ross Firm submits that this is clearly not the case. The Ross Firm considers, as do our clients, the issues explored to be new territory, never before adjudicated. Further, the issues and what was at stake is of the utmost gravity. To find otherwise would be to minimize the clear impact on all of the affected landowners.
8. Further, The Ross Firm Group did not send any members to the hearing in order to spare those costs in favour of second counsel.

Overlap of Issues/Failure to Work Collaboratively:

9. Hydro One claims that the issues raised by the Fallis Group and The Ross Firm Group "to some degree overlapped." Yet, nowhere do they state to what degree, or which issues. The Ross Firm maintains that there was a clear separation of issues covered and that The Ross Firm Group and the Fallis Group communicated in order to ensure this end. This is borne out in the dockets provided by The Ross Firm as well as the Transcript of proceedings on the 30<sup>th</sup> and 31<sup>st</sup> of July, 2007. In short, the submissions of Hydro One on this point are not founded in fact or in law.

Conclusion:

10. It is of note that nowhere in the Hydro One submissions do they point out any weakness in The Ross Firm costs submissions. They do not take issue with any argument raised or conclusion drawn therein. Their comment on the costs submissions are glancing at best and tend towards scant. Despite the general concerns raised in the Hydro One submissions there is nothing upon which the Board can rely to point to any actual problem with the Ross Firm costs submissions.

11. The Ross Firm Group respectfully submits that all costs incurred as a result of participation in the Interim Access Application are fair and reasonable and should be awarded to the Ross Firm Group as submitted.

**TO:**

Ms. Kristen Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Young Street  
27<sup>th</sup> Floor  
Toronto, Ontario  
M4P 1E4  
**Fax: 416.440.7656**

**AND TO:**

Mr. Gordon Neddleton  
Osler, Hoskin and Harcourt LLP  
Suite 2500  
TransCanada Tower  
450 First Street W.  
Calgary, Alberta  
**Fax: 403.260.7024**  
Solicitor for the Applicant

**AND TO:**

Ms. Susan Frank  
Vice President  
Chief Regulatory Officer  
8<sup>th</sup> Floor  
483 Bay Street  
Toronto, ON  
M5G 2P5  
**Fax: 416.345.5870**  
for the Applicant

**FROM:**

Mr. Quinn M. Ross  
The Ross Firm  
138 Courthouse Sq.  
Goderich, ON  
N7A 1M9  
**Fax: 519.524.8438**  
Solicitor for  
The Ross Firm Group