

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.

COST SUBMISSIONS OF THE ROSS FIRM GROUP

ORDER SOUGHT:

1. The Ross Firm Group respectfully requests an Order of Costs in the amount of \$25,607.77 for costs incurred solely as a result of preparation for and participation in the Interim Access Application process.

BACKGROUND:

2. On July 11, 2007 a letter was sent to the Board Secretary requesting intervenor status on behalf of a group of affected landowners in the above-noted proceeding. Attached hereto and marked as Schedule 'A' is a copy of the aforementioned intervention letter.

3. On July 18, 2007 a letter was sent to this office confirming intervention subject to the Applicants right of objection. Attached hereto and marked as Schedule 'B' is a copy of the July 18, 2007 letter

4. No objection was filed by the Applicant within 10 days of receipt of the intervention request pursuant to Rule 23.07 of the *Ontario Energy Board Rules of Practice and Procedure*. Rule 23.07 states:

23.07 A party may object to a person applying for intervenor status by filing and serving written submissions within 10 calendar days of being served with a letter of intervention.

5. On July 30, 2007 at the commencement of the section 98(1.1) hearing, an additional 2 individuals were added as a part of the Ross Firm Group pursuant to the Order of the

Chair of the hearing panel, Ms. Nowina. This Order can be found at page 13 line 4 of the July 30, 2007 transcript of proceedings.

6. Based on the foregoing the Ross Firm Group has standing as intervenors in accordance with to Rule 23.09 of the *Ontario Energy Board Rules of Practice and Procedure*. Rule 23.09 states:

23.09 The Board may grant intervenor status on conditions it considers appropriate.

COST ELIGIBILITY:

7. The Ross Firm Group relies on its letter of intervention, dated, July 11, 2007 wherein it complied with Rule 23.03(d) of the *Ontario Energy Board Rules of Practice and Procedure*. Rule 23.03(d) states:

23.03 Every letter of intervention shall be in the form directed by the *Practice Directions* and contain the following information:

(d) an indication as to whether the intervenor intends to seek an award of costs;

8. The Ross Firm Group further relies on Sections 30(1) & (2) of the *Ontario Energy Board Act*. Sections 30(1) & (2) state:

Costs:

30. (1) The Board may order a person to pay all or part of a person's costs of participating in a proceeding before the Board, a notice and comment process under section 45 or 70.2 or any other consultation process initiated by the Board. 2004, c. 23, Sched. B, s. 8.

Same:

(2) The Board may make an interim or final order that provides,

- (a) by whom and to whom any costs are to be paid;
- (b) the amount of any costs to be paid or by whom any costs are to be assessed and allowed; and
- (c) when any costs are to be paid. 2003, c. 3, s. 25 (1).

9. The Ross Firm Group further relies upon Rule 41 of the *Ontario Energy Board Rules of Practice and Procedure*. Rule 41 states:

PART VI – COSTS

41. Cost Eligibility and Awards

41.01 Any person may apply to the Board for eligibility to receive cost awards in Board proceedings in accordance with the *Practice Directions*.

41.02 Any person in a proceeding whom the Board has determined to be eligible for cost awards under Rule 41.01 may apply for costs in the proceeding in accordance with the *Practice Directions*.

10. Further The Ross Firm Group relies Rule 3.03(c) and 8.01 of the *Ontario Energy Board - Practice Direction on Cost Awards* in claiming eligibility for a cost award. Rule 3.03(c) and Rule 8.01 state respectively:

3.03 A party in a Board process is eligible to apply for a cost award where the party:

- (a) primarily represents the direct interests of consumers (e.g. ratepayers) in relation to regulated services;
- (b) primarily represents a public interest relevant to the Board's mandate;
- (c) is a person with an interest in land that is affected by the process.

8. GROUP INTERVENTIONS

8.01 In a case where a number of eligible parties have joined together for the purpose of a combined intervention, the Board will normally allow reasonable expenses necessary for the establishment and conduct of such a group intervention.

PRINCIPLES IN AWARDING COSTS:

11. It is the submission of the Ross Firm Group that throughout this highly technical and rapid proceeding, the group participated responsibly. This is evidenced by their strict adherence to the Rules, timelines where possible and communication with the Board, Board staff as well as counsel for the Applicant.

12. During the hearing process The Ross Firm Group engaged in important and probing cross-examination of the panel of witnesses put forward by the Applicant. This included but was not limited to:

a. Clarification on the types of works to be carried out if interim access was granted.

b. The types of notice to be effected by agents for the Applicant when engaging in interim access.

c. The types of dispute resolution processes to be utilized if damage occurs as a result of the interim access activities.

d. The type and level of landowner supervision of the interim access activities.

e. What compensation, if any, would be paid for the landowner supervision of the interim access activities.

f. Indemnification for third-party occupier's liability.

g. The limits on the rights of the Applicant's access to the lands under an interim access order.

h. The limits on the rights of the affected land owners when the Applicant's agents engaged in interim access activities.

i. Clarification on the training and credentials of agents to be employed by the Applicant in carrying out the interim access activities.

j. The order in which the interim access activities will take place in relation to completing the necessary tests and measures to complete the Environmental Assessment.

k. The overall objective of the interim access activities.

l. Consideration of alternative routes during the interim access phase of the proposed project.

m. Reasoning behind the expedited process in relation to the proposed in service date.

n. The extent of the Applicant's rights with regard to the existing easements.

o. Any existing, or contemplated compensation agreements with landowners securing consent to interim access to the lands.

p. The methods of compensation for damage incurred as a result of the interim access activities.

13. It is submitted that a review of the interrogatories and the Interim Access hearing transcript will show that these questions were novel. It is further submitted that these questions were required in order to provide a fulsome view of the proposed interim access and potential effects on the subject lands and their owners.

14. The Ross Firm Group did not repeat or overlap any evidence entered by any party to the proceeding.

15. The Ross Firm Group worked with Board Staff as well as several other Respondents in order to reduce the duplication of evidence and questions on cross-examination.

16. Specifically, the Ross Firm Group consulted with Mr. P. Fallis regarding lines of questioning, argument and evidence to be submitted. The Ross Firm Group also communicated openly and in a transparent manner with counsel for other landowners about its position in the hopes of combining argument and saving the Board and other parties time.

17. The Ross Firm Group actively engaged in communication with other interested landowners in similarly situated parcels of land. This was done by word of mouth as well as several announcements on the local radio station.

18. Through thorough cross-examination and submissions, the Ross Firm Group clearly contributed to a better understanding by the Board of the issues raised in the Interim Access Application.

19. Throughout the process, The Ross Firm Group has complied with any and all Board directions with regard to the pre-filing of written evidence.

20. At no time did counsel for the Ross Firm Group address issues that were not relevant to the issues determined by the Board in the process.

21. During the examination and cross-examination of witnesses, counsel for The Ross Firm Group confined itself to the three issues articulated by the Board at the commencement of proceedings. This is evidenced by the total lack of objections by counsel for the Applicant or the necessity of direction by the Board itself.

22. As this was the first use of Section 98(1.1) of the *Ontario Energy Board Act* it was of the utmost importance and in the public interest to address all of the potential legal consequences of an Order under that section in the closing argument. The submissions of counsel for the Ross Firm Group were made in a cogent and concise manner.

23. This proceeding and the order resulting from it will affect subsequent applications under this section. As a result the future effect on the energy industry and private landowners in Ontario is a matter which needed focused and probing review. The public interest was served by The Ross Firm Group participation in this process

24. The Ross Firm Group did nothing to lengthen unnecessarily the duration of the process, nor did it or its counsel engage in any conduct which the Board would find inappropriate or irresponsible.

REIMBURSEMENT FOR COSTS CLAIMED:

25. The Ross Firm Group seeks reimbursement for disbursements as set on the Board approved Form 2 - Summary of Disbursements. Attached hereto and marked as Schedule 'C' is the above-mentioned form.

26. Included with the Summary of Disbursements are all available receipts and statements pertaining to the disbursements. Attached hereto and marked as Schedule 'D' are the above-mentioned receipts and statements.

27. The Ross Firm Group seeks reimbursement for Counsel fees as set out on the Board approved Form 1 - Summary Statement of Hours - Consultants and Legal Counsel. Attached hereto and marked as Schedule 'E' is the above-mentioned form.

28. Included with the Summary Statement of Hours - Consultants and Legal Counsel is The Ross Firm Group Client

docket showing all fees incurred up to and including the dates of the Interim Access hearing and review of the resulting Decision and Order. Attached hereto and marked as Schedule 'F' is the above-mentioned docket.

GOODS AND SERVICE TAX:


29. The Ross Firm relies on the Board approved Form 3 - Affidavit in Support of Cost Claim, with regards to reimbursement for GST. Attached hereto and marked as Schedule 'G' is the above-mentioned Affidavit.

CONCLUSION:

30. The Ross Firm Group respectfully submits that costs in the amount of \$25,607.77 incurred solely as a result of preparation for and attendance at the Interim Access Application hearing are fair and reasonable and should be awarded to the Ross Firm Group as submitted.

31. All of which is respectfully submitted.

August 31, 2007



Quinn M. Ross
Solicitor for
The Ross Firm Group

TO:

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

AND TO:

Michael Millar
Counsel
Ontario Energy Board
P.O. Box 2319
2300 Young Street, 27th Floor
Toronto, Ontario
M4P 1E4
Fax: 416.440.7656

AND TO:

Mr. James H. Smellie
Osler, Hoskin and Harcourt LLP
Suite 2500
TransCanada Tower
450 First Street W.
Calgary, Alberta
Fax: 403.260.7024
Solicitor 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

A

July 11, 2007

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

VIA FACSIMILE: 416.440.7656 (4 Pages)

ATTN: Ms. Kristen Walli

Dear Ms. Walli,

RE: Ontario Energy Board Applications EB 2007-0050 & EB 2007-0051

We represent the owners of 9 agricultural properties directly affected by the proposed access to and expropriation of land by Hydro One Networks Inc. We write to request intervenor status in both of the above-mentioned applications pursuant to Rule 23.01 of the *Ontario Energy Board Rules of Practice and Procedure*.

We further request that the requirement to serve and file a notice of motion pursuant to Rule 23.05 of the *Ontario Energy Board Rules of Practice and Procedure* be dispensed with and an extension of time for this request be granted pursuant to Rules 7.01 and 7.02 of the *Ontario Energy Board Rules of Practice and Procedure*.

Barristers & Solicitors

138 Courthouse Square ~ Goderich, Ontario ~ N7A 1M9
Phone: (519) 524.5532 Fax: (519) 524.8438 ~ www.rossfirm.com

We make our request for intervenor status on the following grounds pursuant to Rule 23.03 of the *Ontario Energy Board Rules of Practice and Procedure*:

1. Each of our client's property will be the subject of access and expropriation.
2. The owners intend on participating in all aspects of the application process as it proceeds, including but not limited to; submitting evidence, participating in arguments and/or interrogatories, cross-examining witnesses or acting as witnesses at an oral hearing. As mentioned above, our clients are agricultural land owners subject to the proposed access to and expropriation of their lands. The scope of their participation will be related to those issues directly affecting their land.

As we have just recently been retained, we are not in a position to advise as to whether Motions will be filed regarding either application, but request the status in order to be able to do so, should the need arise. To this end we rely upon Rule 23.04 of the *Ontario Energy Board Rules of Practice and Procedure*, if the above statement does not satisfy Rule 23.03(b) of the *Ontario Energy Board Rules of Practice and Procedure*, regarding the nature and scope of the intervenors' intended participation.

4. Our clients will be seeking compensation for the expropriation of, and a voice regarding the interim access to their lands.

5. Our clients will be seeking to recapture their reasonably incurred costs arising as a result of their participation in these proceedings.
6. Our clients will not be participating in the French language at the hearing.
7. The representative of the group shall be:

Quinn M. Ross
The Ross Firm
Barristers & Solicitors
138 Courthouse Square
Goderich, ON
N7A 1M9
PH: 519.524.5532/FX: 51.524.8438

Attached hereto and marked as Schedule 'A' to this letter is a list of the affected property owners and their civic address. We are currently obtaining their legal address.

We would request that should intervenor status be granted all correspondence and proposed contact with our clients, be directed to this office.

Yours very truly,

The Ross Firm

Per:

Quinn M. Ross
QMR/tbm

- c. James H. Smellie - Hydro One Networks Inc. Counsel
Kristi Sebalj - OEB Counsel.

Schedule 'A'

Dave & Martha Barrett (519) 353-7128 R. R. # 2 Paisley Ontario N0G 2N0	Jack & Hildreth Clark (519) 353-5678 R.R.#2 Paisley Ontario N0G 2N0
Lloyd Hutton (519) 353-6455 R.R.#1 Cargill Ontario N0G 1J0	Tom Fritz (519) 366-2295 R.R.# 1 Chepstow Ontario N0G 1K0
Doug Hackett (519) 529-7453 R.R.# 3 Lucknow Ontario N0G 2H0	Bob & Betty Mills (519) 353-5895 Box 363 Paisley Ontario N0G 2N0
Jim & Jairus Maus (519) 366-9916 R.R.#1 Cargill Ontario N0G 1J0	Dave & Pat Woelfle (519) 353-7146 R.R.# 2 Paisley Ontario N0G 2N0
Glenn & Sandra Sawyer (519) 353-5529 R.R. # 2 Paisley Ontario N0G 2N0	

B

Hydro One Networks Inc.
8th Floor, South Tower
483 Bay Street
Toronto, Ontario M5G 2P5
www.HydroOne.com

Tel: (416) 345-5913
Fax: (416) 345-5866
Glen.MacDonald@HydroOne.com

Glen MacDonald
Senior Advisor – Regulatory Research and Administration
Regulatory Affairs



BY OVERNIGHT COURIER

July 18, 2007

Mr. Quinn Ross
Ross – The Firm
138 Courthouse Square
Goderich, ON.
N7A 1M9

Dear Mr. Ross:

EB-2007-0050 – Hydro One Networks' Section 92 Bruce to Milton Transmission Reinforcement Application – Application and Evidence Filing

EB-2007-0051 – Hydro One Networks' Section 98 Early Access Application re: Bruce to Milton Transmission Reinforcement project – Application

In response to the July 12, 2007 intervention from the group of property owners (Barrett et al) whom you represent, I am attaching a paper copy of the Hydro One Networks' EB-2007-0050 Application which was filed with the Ontario Energy Board on March 29, 2007. The binder includes the update filing made on April 23, 2007 (map for the municipality of Wellington North was inserted after the last Southgate and before the first East Luther Grand Valley map in Exhibit B, Tab 6, Schedule 11).

Electronic copy of this material is also available for download at –

http://www.hydroonenetworks.com/en/regulatory/oeb_applications/

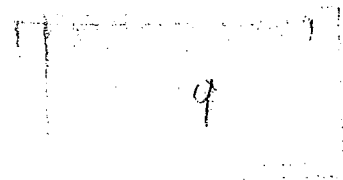
I have also attached a copy of the EB-2007-0051 Hydro One Networks' application filed March 30, 2007 and the May 3, 2007 update letter regarding this application.

Sincerely,

A handwritten signature in dark ink, appearing to read "Glen MacDonald", written in a cursive style.

Glen MacDonald

Attach.



C

FORM 2

SUMMARY OF DISBURSEMENTS

<u>EB2007-051</u> Board File Number		<u>The Ross Firm Group</u> Party Name	
<u>The Ross Firm</u> Party or Group that made the disbursement			
	Net Cost	GST	
Photocopies	\$355.00	\$21.30	
Printing	\$495.20	\$29.71	
Fax	\$1.80	\$0.11	
Courier			
Telephone			
Postage	\$18.27	\$1.10	
Transcripts			
Travel: Air			
Travel: Car 1796 km	\$718.00 ✓	\$43.08	
Travel: Rail			
Travel; Other()			
Taxi or Airport Limo			
Accommodation	\$156.45 ✓	\$9.39	
Meals	\$57.55 ✓	\$3.45	
Other()			
Sub-totals	\$1,802.27	\$108.14	\$1910.41
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.			

D



BEST WESTERN ORANGEVILLE INN & SUITES

7 Buena Vista Dr.

Jul 31, 2007
8:58 am

Orangeville, On L9W 0A2
Phone: (519)941-3311 Fax: (519)941-3211

Quinn Ross
138 Court House Square
Goderich, ON N7A 1M9

Account #: 7602
Room Number: 306
Rate: \$149.00
Pay Method: XXXXXXXXXXXXX3101 MC

Arrival Date: Monday, July 30, 2007
Departure Date: Tuesday, July 31, 2007

Member #:

Date	Department	Reference	Voucher	Room	Debit	Credit
07/30/07	Room postings	Auto Posted		306	\$149.00	
07/30/07	Room PST	Auto Posted		306	\$7.45	
07/30/07	Room GST	Auto Posted		306	\$8.94	
07/31/07	Mastercard	CHECKED-OUT		306		\$165.39

Balance:

I agree that my liability for all charges is not waived in the event that the person, company or association to whom this bill is to be charged refuses to pay. GST#852488832RT0001

Thank you for staying with us, we appreciate your business.

Signature _____

0029

Server: LINDSAY B
07/30/07 13:48, Swiped

Rec: 16
Terminal: 4

BP #524 Orangeville
5 Buena Vista Drive
Orangeville, ON, L9W 1J5
(519) -
MERCHANT #:

Duplicate Copy

Recu de Transaction

Tran #: 28762
MasterCard
Pre-Auth et Pris
xxxxxxxxxxx3101 S

Montant: \$47.01

Pourboire: 6.00

Totale: 53.01

APPROUVEE 043462
00-001 043462
BP052404/BP524C01
357001001027
2007/07/30-13:46:55

X _____
Signature de Detenteur
de Carte

 **Boston Pizza**

**BOSTON PIZZA
ORANGEVILLE #524**

0029a Table 33 #Party 3
LINDSAY B SvrCk: 4 13:16 07/30/07

I-METEOR	10.79
I-TUSCAN	10.79
COFFEE	2.25
N.S. POP	2.59
N.S. POP	2.59
1/2 CAESAR	4.99
1/2 CAESAR	4.99
COFFEE	2.25

Sub Total: 41.24
GST: 2.47
PST: 3.30

07/30 13:45 TOTAL: 47.01

THANK YOU FOR JOINING US AT BOSTON PIZZA
GST #833142078RT0001

PLEASE PAY SERVER

SIGN UP FOR OUR EMAIL CLUB TO
RECEIVE BP REWARDS
KARAOKE EVERY MONDAY 9PM

WIN \$1000.00 in a WEEKLY DRAW!!!
and/or \$10,000 in a YEARLY DRAW!!!

To enter complete our
GUEST SATISFACTION SURVEY.

Receive TEN CHANCES of winning by
visiting www.bostonpizzasurvey.com
OR receive one chance of winning by
calling 1-888-649-0825

Please respond within 3 DAYS
of receiving this invitation.
Keep this receipt for reference
while answering the survey.
Full Rules & Regulations can be found at
www.bostonpizzasurvey.com

GODFATHERS

137 Garafraxa
Durham, ON, N0G 1R0
GST#:135613271RT0001

7/25/2007 6:52:02 PM
Lobby

DUR0030531

N/A

1 x Slice	2.59
1 x Slice	2.59
1 x Water	1.31

SubTotal:	6.49
GST:	0.39
PST:	0.52
Total:	7.40

Tendered by Debit: 7.40

Thank You, Please Come Again.

E

FORM 1

SUMMARY STATEMENT OF HOURS – CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

<u>EB2007-051</u> Board File Number		<u>The Ross Firm Group</u> Party Name			
<u>Quinn M. Ross</u> Legal Counsel Name	<u>2005</u> Year of Call		<u>The Ross Firm</u> Law Firm		
_____ Consultant Name	_____ Years of Relevant Experience		_____ Consultant Firm		
	Hours	Hourly Rate	Sub-total	GST	Total
Preparation	58	\$130.00	\$7,540.00	\$452.40	\$7,992.40
Attendance – Technical Conference					
Attendance – Settlement Conference					
Attendance – Oral Hearing	11.75	\$130.00	\$1,527.50	\$91.65	\$1,619.15
Argument	1	\$130.00	\$130.00	\$7.80	\$137.80
Case Management					
TOTALS	70.75	\$130.00	\$9,197.50	\$551.85	\$9,749.35
Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____.					

FORM 1

SUMMARY STATEMENT OF HOURS – CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

<u>EB2007-051</u> Board File Number		<u>The Ross Firm Group</u> Party Name			
<u>Heather J. Ross</u> Legal Counsel Name		<u>1984</u> Year of Call		<u>The Ross Firm</u> Law Firm	
_____ Consultant Name		_____ Years of Relevant Experience		_____ Consultant Firm	
	Hours	Hourly Rate	Sub-total	GST	Total
Preparation	20.75	\$210.00	\$4,357.50	\$261.45	\$4,618.95
Attendance – Technical Conference					
Attendance – Settlement Conference					
Attendance – Oral Hearing	11.25	\$210.00	\$2,362.50	\$141.75	\$2,504.25
Argument	0.5	\$210.00	\$105.00	\$6.30	\$111.30
Case Management					
TOTALS	32.5	\$210.00	\$6,825.00	\$409.50	\$7,234.50
Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____.					

FORM 1

SUMMARY STATEMENT OF HOURS – CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

<u>EB2007-051</u> Board File Number		<u>The Ross Firm Group</u> Party Name			
<u>Paul Ross</u> Legal Counsel Name	<u>1967</u> Year of Call		<u>The Ross Firm</u> Law Firm		
_____ Consultant Name	_____ Years of Relevant Experience		_____ Consultant Firm		
	Hours	Hourly Rate	Sub-total	GST	Total
Preparation	17.55	\$210.00	\$3,685.50	\$221.13	\$3,906.63
Attendance – Technical Conference					
Attendance – Settlement Conference					
Attendance – Oral Hearing					
Argument					
Case Management					
TOTALS	17.55	\$210.00	\$3,685.50	\$221.13	\$3,906.63
Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____.					

FORM 1

SUMMARY STATEMENT OF HOURS – CONSULTANTS AND LEGAL COUNSEL

A separate form is required for each consultant or legal counsel

EB2007-051 Board File Number		The Ross Firm Group Party Name			
Michelle Dekens Legal Counsel Name	Paralegal Year of Call		The Ross Firm Law Firm		
_____ Consultant Name	_____ Years of Relevant Experience		_____ Consultant Firm		
	Hours	Hourly Rate	Sub-total	GST	Total
Preparation	32	\$80.00	\$2,560.00	\$153.60	\$2,713.60
Attendance – Technical Conference					
Attendance – Settlement Conference					
Attendance – Oral Hearing					
Argument					
Case Management					
TOTALS	32	\$80.00	\$2,560.00	\$153.60	\$2,713.60
Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____.					

FORM 1**SUMMARY STATEMENT OF HOURS – CONSULTANTS AND LEGAL COUNSEL**

A separate form is required for each consultant or legal counsel

<u>EB2007-051</u> Board File Number		<u>The Ross Firm Group</u> Party Name			
<u>Jamill Cook</u> Legal Counsel Name	<u>Paralegal</u> Year of Call		<u>The Ross Firm</u> Law Firm		
_____ Consultant Name	_____ Years of Relevant Experience		_____ Consultant Firm		
	Hours	Hourly Rate	Sub-total	GST	Total
Preparation	1	\$80.00	\$80.00	\$4.80	\$84.80
Attendance – Technical Conference					
Attendance – Settlement Conference					
Attendance – Oral Hearing					
Argument					
Case Management					
TOTALS	1	\$80.00	\$80.00	\$4.80	\$84.80
Note: All claims must be in Canadian dollars. If applicable, state exchange rate _____, and country of initial currency _____.					

F

The Ross Firm
Barristers & Solicitors
138 Court House Square
Goderich, Ontario N7A 1M9

Phone: (519) 524-5532

Fax: (519) 524-8438

OEB Litigation Group
c/o Glenn Sawyer
RR 2
Paisley, ON N0G 2N0

Date: August 30, 2007

File #: 2007-1977

Invoice #: Sample

Attention:

Due: Upon Receipt

RE: EXPROPRIATION OF LAND - HYDRO ONE

Interest at 2% per month will be charged
on overdue accounts

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
May-28-07	To initial meeting with client and instructions to review material.	0.50	105.00	PR
Jun-15-07	To sending letter to OEB requesting observer status.	0.10	13.00	QMR
Jun-18-07	To copying correspondence from OEB to client via email.	0.10	13.00	QMR
	To receiving correspondence from OEB via email.	0.10	13.00	QMR
	To receiving correspondence from OEB via email.	0.10	13.00	QMR
Jun-19-07	To copying correspondence from OEB to client via email.	0.10	13.00	QMR
	To receiving correspondence from OEB via email.	0.10	13.00	QMR
	To receiving correspondence from OEB via email.	0.10	13.00	QMR
Jun-22-07	To review of application provided by client and initial review of law of expropriation.	1.10	143.00	QMR
Jun-25-07	To meeting with client at client's residence and reviewing land issue.	2.25	472.50	HJR
	To meeting with client at client's residence and reviewing land issue.	2.25	472.50	PR
	To meeting with client at client's residence and reviewing land issue.	2.25	292.50	QMR
Jul-02-07	To commencing review of Ontario Power Authority materials.	1.50	195.00	QMR

Jul-03-07	To continuing review of Hydro One application materials. To continuing review of Injurious Affection determination standards. To review of rights of owners of expropriated land regarding nuisance at common law.	1.80	234.00	QMR
Jul-04-07	To attending at group meeting and providing general information about process, rights and interests to the group. To discussing retainer agreement. To outlining steps going forward as a group.	2.00	420.00	PR
	To continuing review of common law treatment of injurious affection and nuisance pursuant to s.21(a)&(b) Expropriations Act R.S.O.	2.75	357.50	QMR
	To attending at group meeting and providing general information about process, rights and interests to the group. To discussing retainer agreement. To outlining steps going forward as a group.	2.00	260.00	QMR
Jul-05-07	To receiving email from Glenn & Sandy Sawyer re: July 10th power lines meeting	0.10	13.00	QMR
	To sending email to Glenn & Sandy Sawyer re: contact list for group	0.10	13.00	QMR
Jul-09-07	To receiving email re: contact list	0.10	13.00	QMR
Jul-10-07	To attending Grey-Bruce Landowners meeting in Durham..	2.00	420.00	HJR
	To organizing and setting up files.	3.50	735.00	HJR
	To meeting with Glen Sawyer and attending at Durham "Hydro Connection" meeting with H.J. Ross	2.00	420.00	PR
	To telephone conversation with Marian Aldridge, General Counsel for the Ontario Energy Board re: process of group being added as intervenors.	0.10	13.00	QMR
	To receiving telephone message from Kristi Sebalj, Counsel for Ontario Energy Board re: OEB Process	0.10	13.00	QMR
	To returning telephone message and leaving same with Kristi Sebalj re: letter of intervention and consents required	0.10	13.00	QMR
	To preparation of Property Information Form	0.10	13.00	QMR
	To drafting letter to Lloyd Hutton	0.10	13.00	QMR
	To preparing reporting letter re: July 4, 2007 meeting	0.40	52.00	QMR
	To organizing and setting up files.	3.00	240.00	MLD

Jul-11-07	To organizing and setting up files.	1.00	210.00	HJR
	To preparation of intervenor letter and to leaving telephone message with OEB re: practice direction regarding rule 23.03 of the Ontario Energy Board Rules of Practice and Procedure.	1.20	156.00	QMR
	To organizing and setting up files.	5.00	400.00	MLD
	To telephone conversation with Sandra Glen re: setting up group meeting for July 19th	0.10	8.00	MLD
Jul-12-07	To review of all new material obtained at Tuesday July 10 meeting at Hanover, to drafting memorandum to QMR, and reporting on results of meeting.	0.50	105.00	HJR
	To organizing and setting up files.	1.50	120.00	MLD
Jul-16-07	To telephone conversation with Natasha Sookmangal of the OEB re: Issues Conference for Leave to Construct.	0.10	8.00	MLD
Jul-19-07	To attending at office of Ontario Energy Board. To review and photocopy file material.	1.80	378.00	PR
	To telephone call with Office to obtain information for meeting at Ontario Energy Board from Toronto.	0.35	73.50	PR
	To meeting with P. Fallis and reviewing law re: Hydro One Expropriation	2.00	420.00	PR
	To meeting with clients at Glenn and Sandra Sawyer's farm	2.00	420.00	PR
	To telephone call with P. Fallis.	0.40	84.00	PR
	To organizing documents and binders.	3.00	240.00	MLD
	To meeting with P. Fallis in Durham re: Hydro One	2.00	160.00	MLD
	To meeting with clients at Glenn and Sandra Sawyer's Farm.	2.00	160.00	MLD
Jul-23-07	To receiving fax from P. Fallis re: Landowners Proposal	0.10	21.00	PR
Jul-24-07	To meeting with Dave & Pat Woelfle re: Individual Property Concerns.	1.50	315.00	HJR
	To meeting with Dave & Martha Barrett re: Individual Property Concerns.	1.00	210.00	HJR
	To Legal Team meeting re: Planned Submissions at Oral Hearing.	1.00	210.00	HJR

Jul-25-07	To Legal Team meeting re: Planned Submissions at Oral Hearing.	1.00	210.00	PR
	To correspondence to Kristen Walli board secretary for OEB re: participation in oral hearing.	0.10	13.00	QMR
	To correspondence to James H. Smellie Counsel for Hydro One re: communication with clients and participation in oral hearing.	0.10	13.00	QMR
	To correspondence to clients re: intervenor status, and copies of letters sent to OEB and Hydro One.	0.10	13.00	QMR
	To meeting with Dave & Pat Woelfle re: Individual Property Concerns.	1.50	195.00	QMR
	To meeting with Dave & Martha Barrett re: Individual Property Concerns.	1.00	130.00	QMR
	To Legal Team meeting re: Planned Submissions at Oral Hearing.	1.00	130.00	QMR
	To telephone conversation with P. Fallis re: triggering Expropriations Act at Early Access Stage.	0.75	97.50	QMR
	To correspondence to Kristen Walli confirming attendance at the Oral Hearing in Orangeville.	0.10	13.00	QMR
	To organizing information for clients meetings, to organizing binders, to calling clients and to scheduling meetings.	3.00	240.00	MLD
	To meeting in Durham with P. Fallis and landowners re Early Access Oral Hearing.	2.00	420.00	PR
	To discussing meeting and moving forward with P. Fallis after meeting in Durham.	1.00	210.00	PR
	To receiving email from G. MacDonald re: Filing of Interrogatory Responses.	0.10	13.00	QMR
	To receiving email from G. MacDonald re: Filing of Hydro One Networks' witness CVs and updated response to Interrogatory B-1-5.	0.10	13.00	QMR
	To receiving email from G. MacDonald re: Filing of Letter clarifying updated response to Interrogatory B-1-5.	0.10	13.00	QMR
	To receiving correspondence from Dave Barrett re: Measurements of Property	0.10	13.00	QMR
	To preparation for meeting in Durham with landowners and P. Fallis re: Early Access Oral Hearing.	2.00	260.00	QMR
	To meeting in Durham with landowners and P. Fallis re: Early Access Oral Hearing.	2.00	260.00	QMR
	To discussing meeting and moving forward with P. Fallis after meeting in Durham.	1.00	130.00	QMR

	To receiving facsimile from Fallis, Fallis & McMillan re: attending hearing in Orangeville.	0.10	13.00	QMR
	To receiving "Bruce to Milton Connection" newsletter from Hydro One.	0.10	13.00	QMR
Jul-26-07	To receiving letter and ortho maps for the Brockton Properties from Hydro One.	0.10	13.00	QMR
	To receiving photo-based maps from Hydro One Networks.	0.10	13.00	QMR
	To drafting memo re: proposed arguments and cross-examinations at Oral Hearing - July 30-31	0.50	65.00	QMR
	To telephone conversation with P. Fallis re: Breaking-up cross-examination of Thompson and Girard and Oral Submissions.	0.40	52.00	QMR
	To review of aerial maps of client's property.	0.40	52.00	QMR
	To review of interrogatories received.	1.50	195.00	QMR
	To discussion of organization of file for upcoming hearing with mld.	0.20	26.00	QMR
	To telephone conversation with P. Fallis re: Cost of power running down proposed line.	0.40	52.00	QMR
	To receiving correspondence from G. MacDonald re: updates for Exhibit A-1-1 and correction to Exhibit B-1-3.	0.10	13.00	QMR
	To receiving correspondence from P. Fallis re: costs of installation of various 2cct 500 kV structures.	0.10	13.00	QMR
	To calling clients and informing them of July 30 and July 31 Oral Hearing in Orangeville, to organizing information received from OEB, to setting up individual client property meetings.	5.00	400.00	MLD
Jul-27-07	To review of material in anticipation of hearings.	1.75	367.50	HJR
	To discussion of arguments and list of conditions for early access.			
	To review, revise and add to Oral Hearing Memo.	0.80	104.00	QMR
	To retrieval and preparation of authorities			
	To review of Special Review for Minister of Energy, "The Bruce Power Refurbishment Agreement" and to preparation of memo regarding same.	2.70	351.00	QMR
	To review of responses to Interrogatories and initial preparation of submissions for Early Access Hearing.	1.65	214.50	QMR
	To review of material in anticipation of hearings.	1.75	227.50	QMR
	To discussion of arguments and list of conditions for early access.			
	To correspondence to P. Fallis re: notes on the Auditor's Report.	0.10	13.00	QMR

	To correspondence to P. Fallis attaching memorandum re: the meeting on Wednesday July 25 and things going forward.	0.10	13.00	QMR
	To receiving correspondence from D. Barrett re: aerial photos of properties.	0.10	13.00	QMR
	To organizing, indexing, and labelling Pleadings and Motions binder, Individual Client Property Information binder, and Hearings Binders. To updating Legislation and Law binder. To printing and organizing written interrogatories.	7.00	560.00	MLD
Jul-29-07	To meeting to discuss organization of file. To outlining legal argument.	2.50	525.00	HJR
	To meeting to discuss organization of file. To outlining argument. To commencing preparation of cross-examination of Thompson & Girard.	4.00	520.00	QMR
	To preparation of pre-hearing letter to client group. To preparation of mailing packages.	1.00	80.00	JCX
Jul-30-07	To attending at Hearing	7.00	1,470.00	HJR
	To negotiating conditions to be included in any interim order with Gord Neddleton, Counsel for Hydro One.	1.50	315.00	HJR
	To meeting with Hydro One employee Matt Fanyeck from Milton field office.	0.15	31.50	PR
	To correspondence to Kristen Walli re: advising that Doug Hackett is no longer a member of our litigation group.	0.10	13.00	QMR
	To attending at Hearing and cross-examining witnesses.	7.00	910.00	QMR
	To negotiating conditions to be included in any interim order with Gord Neddleton, Counsel for Hydro One.	1.50	195.00	QMR
	To review of the days transcript. To preparation of argument for closing submissions.	3.00	390.00	QMR
	To receiving correspondence via email from Hydro One Networks re: HydroOne Unregistered Easement on Plan 574, Colborne.	0.10	13.00	QMR
Jul-31-07	To attending at hearing. To review of Alberta Surface Rights Act. To review of definition of In Rem and In Personam.	7.00	1,470.00	HJR
	To attending at hearing and making closing arguments.	7.00	910.00	QMR
	To leaving telephone message re: rescheduling meeting at the Mill's property.	0.10	8.00	MLD
	To telephone conversation with Jack Clark re: rescheduling meeting to August 7.	0.10	8.00	MLD

	To telephone conversation with Kristina Maus scheduling meeting on August 16.	0.10	8.00	MLD
Aug-20-07	To review of OEB practice direction on cost awards.	1.25	162.50	QMR
	To telephone conversation with P. Fallis re: recent decision of OEB, contact with Reuben Rosenblatt, and isolating sections of transcript pertaining to PowerLine Connection's Deal.	0.50	65.00	QMR
Aug-21-07	To review of accounts in preparation for submissions on costs.	1.00	130.00	QMR
Aug-27-07	To preparation of Cost Submissions re: Interim Access Application.	5.00	650.00	QMR
	To review of caselaw re: Costs in OEB proceeding.	1.75	227.50	QMR
	To correspondence to Michael Millar requesting current government mileage rate.	0.10	13.00	QMR
Aug-28-07	To final review of cost submissions. To reviewing accounting. To completing tariff forms.	2.70	351.00	QMR
	Totals	153.80	\$22,348.00	
	GST on Fees		\$1,340.88	

DISBURSEMENTS**Disbursements****Receipts**

	Fax @ \$0.20	1.80
	Photocopies @ \$0.20	355.00
	Postage	18.27
Jun-25-07	Travel: Goderich - Paisley - Goderich 156.24 @ \$0.40	62.50
Jul-04-07	Travel: Goderich - Paisley - Goderich 156.24 @ \$0.40	62.50
Jul-10-07	Travel: Goderich - Durham -Goderich 204 @ \$0.40	81.60
Jul-16-07	Travel: Goderich - Toronto -Goderich 448 @ \$0.40	179.20
Jul-19-07	Travel: Goderich - Paisley - Durham - Goderich 166.24 @ \$0.40	66.50
Jul-24-07	2476 Printing @ 0.20	495.20
	Travel: Goderich - Paisley - Goderich 156.24 @ \$0.40	62.50

Jul-25-07	Travel: Goderich - Durham - Goderich 204 @ \$0.40	81.60	
Jul-30-07	Travel: Goderich - Orangeville 152 @ \$0.40	60.80	
Jul-31-07	Best Western - Orangeville Acct #7602 - Jul 30/31	156.45	
	Boston Pizza - Orangeville - Jul 30	50.54	
	Godfather Pizza - Durham - Jul 25	7.01	
	Travel: Orangeville - Goderich 152 @ \$0.40	60.80	
Totals		\$1,802.27	\$0.00
GST on Disbursements		\$108.14	
Total Fees, Disbursements & GST			\$25,599.29
Balance owing as of last billing			\$0.00
Payments, including retainer, applied since last billing			\$0.00
Balance Due Now			\$25,599.29

Total Tax: \$1,449.02

GST #: 12292 3691 RT0001

Lawyer's Initials: _____

* tax-exempt

If you have any questions regarding your invoice, please contact Carole Weber 519-524-5532 Ext. 214

G

APPENDIX "B"

FORM 3

AFFIDAVIT IN SUPPORT OF COST CLAIM

EB2007-051
Board File Number

The Ross Firm Group
Party Name

Items Claimed excluding GST

Legal/Consultant Fee	+	Disbursements	=	Net Sub-Total
<u>\$22,348.00</u>		<u>\$1,802.27</u>		<u>\$24,150.27</u>

Goods and Services Tax

☒ 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
\$24,150.27		\$1,449.50		<u>25,599.29</u> \$25,559.29


I, Carole Weber, of the Township of Ashfield-Colborne-Wawanosh in the County of Huron, 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 Town of Goderich, in the County of Huron on August 30, 2007.



COMMISSIONER for taking Affidavits



Signature of Deponent