

April 27, 2020

VIA RESS

Ms. Christine E. Long
Registrar & Board Secretary
ONTARIO ENERGY BOARD
P.O. Box 2319, 27th Floor
2300 Yonge Street
Toronto, Ontario
M4P 1E4

Ian A. Mondrow
Direct: 416-369-4670
ian.mondrow@gowlingwlg.com

Assistant: Cathy Galler
Direct: 416-369-4570
cathy.galler@gowlingwlg.com

File No. T1017556

Dear Ms. Long:

Re: EB-2018-0319 – Enbridge Gas Inc. – Open Bill Access Services.

Industrial Gas Users Association (IGUA) Statement of Costs.

Further to the Decision and Order dated April 16, 2020 for the captioned proceeding, attached, on behalf of IGUA, please find a Statement of Costs.

Scope of IGUA's Participation

IGUA requested intervenor status in this proceeding by way of our letter dated January 23, 2019. In that letter we described the intended nature and scope of IGUA's participation as follows;

IGUA's interest in this matter is with respect to the basis upon which costs and revenues related to the program are allocated. In particular, Enbridge Gas (EG) proposes that costs used to determine net revenues from the program and in turn, for input into earnings sharing calculations, will be the costs applicable to the program at the end of 2018, escalated for inflation. [See Exhibit B, Tab 1, Schedule 1, page 2.] Subject to further review of the filed material, the history of this activity, and any further information provided by way of interrogatory responses, it is not clear to us why earnings sharing under the new 5 year EG rate plan which commences in 2019 should be determined, in respect of this revenue stream, by deemed rather than actual costs.

On behalf of IGUA, and as reflected in the attached Statement of Costs, we proceeded to review the filed material, ask a focussed set of interrogatories regarding the costs of the Open Bill Access (OBA) program and the regulatory treatment of those costs, and participate in the one day settlement conference which resulted in the Partial Settlement accepted by the Board through its April 4th Decision and Procedural Order No. 4.

Following the conclusion of the settlement process, we wrote to the Board on April 10th to advise that through the interrogatories posed and the ensuing settlement conference discussions we had determined that, given the basis upon which costs and revenues related to the OBA program are

allocated, it is unlikely that the rate classes relevant to IGUA's members would be impacted. Accordingly, we advised the Board that subject to submission of this Statement of Costs for costs incurred to that date IGUA did not anticipate the need to continue active participation in the proceeding. No costs are being claimed by IGUA in respect of this proceeding following filing of our April 10th letter.

We submit that IGUA's approach to this proceeding, focussed on the particular interests of its members, was responsible and thus its costs of intervention were reasonably incurred.

Categorization of Costs Incurred

By way of further explanation in respect of the attached Statement of Costs:

1. As there is no activity category on the Board's form of *COST CLAIM FOR HEARINGS Detail of Fees and Disbursements Being Claimed* for general review and preparation for participation in a proceeding, our up-front preparation time (dockets for January 22, 23 and 25) has been categorized as "settlement conference preparation" on the Board's form. (In this case there was no "hearing" to prepare for, so "hearing preparation" would be less apt.) We have also allocated to this category time spent on the intervention submission and review of the Board's decision thereon and updating our client in that respect.
2. We also spent a small amount of time drafting and filing our letter to the Board of April 10th addressing the discontinuance of IGUA's active participation in the proceeding, and absent another suitable category for this time it has been allocated to "*Settlement Conference Proposal Preparation*", as has time spent reviewing Staff's submission as filed on the Partial Settlement Agreement and updating IGUA on that settlement, Staff's submission thereon and the Board's determination thereof. (While this time could be considered "case management" it is not clear to us whether that category applies to case managers in particular, or can also be used for time legitimately spent by counsel on the matter corresponding with the Board and/or the client but that does not fit neatly into one of the other pre-specified categories of activity on the Board's form.)

While the time noted above may not fit neatly into the pre-defined categories on the Board's form, it was nonetheless all time properly and reasonably incurred in support of IGUA's intervention in the instant proceeding and thus properly included in IGUA's claim for cost recovery.

Conclusion

We invite staff reviewing this Statement of Costs to contact us directly should any of the foregoing or any of the other information included therein be unclear.

Yours truly,



Ian A. Mondrow

IAM:cag

Encl.

c: K. Culbert (EG)
L. Chiasson (EG)
D. Stevens (Aird & Berlis)
S. Rahbar (IGUA)
D. Lau (OEB Staff)
K. Viraney (OEB Staff)

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Ontario Energy Board COST CLAIM FOR HEARINGS



Affidavit and Summary of Fees and Disbursements

This form should be used by a party to a hearing before the Board to identify the fees and disbursements that form the party's cost claim. Paper and electronic copies of this form and itemized receipts must be filed with the Board and served on one or more other parties as directed by the Board in the applicable Board order. Please ensure all required (yellow-shaded) fields are filled in and the Affidavit portion is signed and sworn or affirmed.

Instructions

- Required data input is indicated by yellow-shaded fields. Formulas are embedded in the form to assist with calculations.
- All claims must be in Canadian dollars. If applicable, state exchange rate and country of initial currency.
Rate: _____ Country: _____
- A separate "Detail of Fees and Disbursements Being Claimed" (comprising a "Statement of Fees Being Claimed" and a "Statement of Disbursements Being Claimed") is required for each lawyer, analyst/consultant and articling student/paralegal. However, only one "Summary of Fees and Disbursements" covering the whole of the party's cost claim should be provided.
- The cost claim must be supported by a completed Affidavit signed by a representative of the party.
- A CV for each consultant/analyst must be attached unless provided to the Board as prescribed on the Cost Award Tariff.

Except as provided in section 7.03 of the Practice Direction on Cost Awards, itemized receipts must be provided.

File # EB-	2018-0319	Process:	EGI Open Bill Access Services
Party:	Industrial Gas Users Association	Affiant's Name:	Ian Mondrow (Gowling WLG)
HST Number:	89659 3323 RT0001	HST Rate Ontario:	13.00%
Full Registrant	<input checked="" type="checkbox"/>	Qualifying Non-Profit	<input type="checkbox"/>
Unregistered	<input type="checkbox"/>	Tax Exempt	<input type="checkbox"/>
Other	<input type="checkbox"/>		

Affidavit

I, Ian Mondrow, of the City/Town of Thornhill
in the Province/State of Ontario, swear or affirm that:

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 all of the documentation in support of this cost claim, including the attached "Summary of Fees and Disbursements Being Claimed", "Statement(s) of Fees Being Claimed" and "Statement(s) of Disbursements Being Claimed".
3. The attached "Summary of Fees and Disbursements Being Claimed", "Statement(s) of Fees Being Claimed" and "Statement(s) of Disbursements Being Claimed" include only costs incurred and time spent directly for the purposes of the Party's participation in the Ontario Energy Board process referred to above.
4. This cost claim does not include any costs for work done, or time spent, by a person that is an employee or officer of the Party as described in sections 6.05 and 6.09 of the Board's Practice Direction on Cost Awards.

Signature of Affiant

SWORN BEFORE ME over video conference this 27th day of April, 2020. The Affiant was located in Thornhill, Ontario, while the Commissioner, Laura Van Soelen, was located in Oshawa, Ontario.

Commissioner for taking Affidavits

Ontario Energy Board
COST CLAIM FOR HEARINGS



Affidavit and Summary of Fees and Disbursements

File # EB- 2018-0319 Process: EGI Open Bill Access Services

Party: Industrial Gas Users Association

Summary of Fees and Disbursements Being Claimed

Legal/consultant/other fees	\$	4,000.00
Disbursements	\$	55.92
HST	\$	527.27
Total Cost Claim	\$	4,583.19

Payment Information

Make cheque payable to: Industrial Gas Users Association

Send payment to this address: Dr. Shahrzad Rahbar, President
Industrial Gas Users Association
260 Centrum Boulevard, Suite 202
Orleans, Ontario K1E 3P4

Ontario Energy Board

COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2018-0319</u>	Process: <u>EGI Open Bill Access Services</u>
Party: <u>Industrial Gas Users Association</u>	Service Provider Name: <u>Ian Mondrow (Gowling WLG)</u>

SERVICE PROVIDER TYPE (check one)	Year Called to Bar	Completed Years Practising/Years of Relevant Experience
Legal Counsel <input checked="" type="checkbox"/>	<div style="border: 1px solid black; padding: 2px;">1991</div>	<div style="border: 1px solid black; padding: 2px;">29</div>
Articling Student/Paralegal <input type="checkbox"/>		
Consultant <input type="checkbox"/>		Hourly Rate: <div style="border: 1px solid black; padding: 2px;">\$330</div>
Analyst <input type="checkbox"/>		
For Consultant/Analyst: <input type="checkbox"/> CV attached		HST Rate Charged (enter %): <div style="border: 1px solid black; padding: 2px;">13.0%</div>
<input type="checkbox"/> CV provided within previous 24 months		

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
Pre-hearing Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Technical Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Interrogatories					
Preparation	1.50	\$ 330.00	\$ 495.00	\$ 64.35	\$ 559.35
Responses		\$ 330.00	\$ -	\$ -	\$ -
Issues Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation	2.30	\$ 330.00	\$ 759.00	\$ 98.67	\$ 857.67
Attendance	6.00	\$ 330.00	\$ 1,980.00	\$ 257.40	\$ 2,237.40
Proposal Preparation	2.20	\$ 330.00	\$ 726.00	\$ 94.38	\$ 820.38
Argument					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Oral Hearing					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Other Conferences					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Case Management		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 3,960.00	\$ 514.80	\$ 4,474.80

Ontario Energy Board
COST CLAIM FOR HEARINGS
Detail of Fees and Disbursements Being Claimed



File # EB- 2018-0319

Process: EGI Open Bill Access Services

Party: Industrial Gas Users Association

Service Provider Name: Ian Mondrow (Gowling WLG)

Statement of Disbursements Being Claimed			
	Net Cost	HST	Total
Scanning/Photocopy			\$ -
Printing			\$ -
Courier	\$ 36.45	\$ 4.74	\$ 41.19
Telephone/Fax			\$ -
Transcripts			\$ -
Travel: Air			\$ -
Travel: Car			\$ -
Travel: Rail			\$ -
Travel (Other): Parking	\$ 19.47	\$ 2.53	\$ 22.00
			\$ -
Taxi			\$ -
Accommodation			\$ -
Meals			\$ -
Other:			\$ -
Other:			\$ -
Other:			\$ -
TOTAL DISBURSEMENTS:			
	\$ 55.92	\$ 7.27	\$ 63.19

Ontario Energy Board

COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2018-0319</u>	Process: <u>EGI Open Bill Access Services</u>
Party: <u>Industrial Gas Users Association</u>	Service Provider Name: <u>Cathy Galler (Gowling WLG)</u>

SERVICE PROVIDER TYPE (check one)	Year Called to Bar	Completed Years Practising/Years of Relevant Experience
Legal Counsel <input type="checkbox"/>		10
Articling Student/Paralegal <input checked="" type="checkbox"/>		
Consultant <input type="checkbox"/>		Hourly Rate: \$100
Analyst <input type="checkbox"/>		
For Consultant/Analyst: <input type="checkbox"/> CV attached		HST Rate Charged (enter %): 13.0%
<input type="checkbox"/> CV provided within previous 24 months		

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
Pre-hearing Conference					
Preparation		\$ 100.00	\$ -	\$ -	\$ -
Attendance		\$ 100.00	\$ -	\$ -	\$ -
Technical Conference					
Preparation		\$ 100.00	\$ -	\$ -	\$ -
Attendance		\$ 100.00	\$ -	\$ -	\$ -
Interrogatories					
Preparation	0.20	\$ 100.00	\$ 20.00	\$ 2.60	\$ 22.60
Responses		\$ 100.00	\$ -	\$ -	\$ -
Issues Conference					
Preparation		\$ 100.00	\$ -	\$ -	\$ -
Attendance		\$ 100.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation	0.20	\$ 100.00	\$ 20.00	\$ 2.60	\$ 22.60
Attendance		\$ 100.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 100.00	\$ -	\$ -	\$ -
Argument					
Preparation		\$ 100.00	\$ -	\$ -	\$ -
Oral Hearing					
Preparation		\$ 100.00	\$ -	\$ -	\$ -
Attendance		\$ 100.00	\$ -	\$ -	\$ -
Other Conferences					
Preparation		\$ 100.00	\$ -	\$ -	\$ -
Attendance		\$ 100.00	\$ -	\$ -	\$ -
Case Management		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 40.00	\$ 5.20	\$ 45.20

February 27, 2019
INVOICE: 19103986

Industrial Gas Users Association
Our Matter: T1017556
EGD Open Bill Access Services (EB-2018-0319)
(IGUA19-ON-EGD-2)

PROFESSIONAL SERVICES

	Date	Hours	Timekeeper	Description
SCP	2019-01-22	0.60	Ian Mondrow	Review status of proceeding and instruction and complete late intervention request;
SCP	2019-01-23	0.20	Cathy Galler	Formatting and filing request for late intervention;
SCP	2019-01-25	0.10	Ian Mondrow	Review OEB reply to late intervention request; organize materials;
IRP	2019-01-28	0.20	Cathy Galler	Formatting and filing interrogatories;
IRP	2019-01-28	1.50	Ian Mondrow	Review materials and draft interrogatories;

Total Fees for Professional Services

SUMMARY OF FEES

TK Name	Hours
Galler, Cathy	0.40
Mondrow, Ian	2.20
Total	2.60

DISBURSEMENTS

Taxable Costs

2019-01-23	Courier BLIZZARD 1 Piece(s) 100 King St West --> 2300 Yonge St	\$12.15
2019-01-28	Courier BLIZZARD 1 Piece(s) 100 King St West --> 2300 Yonge St	\$12.15
	Total Taxable Disbursements	<u>\$24.30</u>

Blizzard Courier Orders										
Date Range: 2019-01-20 to 2019-01-26 inclusive										
Customer:										
Gowling WLG (Canada) LLP										
100 King St West Toronto M5X 1G5										
Created: Thursday 31st of January 2019 01:30:37 PM										
#	Waybill	ST	Order Time	Pick Up Address	Drop Off Address	Received By	Reference #	Price	HST	Total
37	7839294	2 ND	19-01-23 13:16	Gowling WLG (Canada) LLP 100 King St West Toronto M5X 1G5	ontario energy board 2300 Yonge St Toronto M4P 1E4		t1017556 i.mondrow 1760	12.15	1.58	13.73

Blizzard Courier Orders										
Date Range: 2019-01-27 to 2019-01-31 inclusive										
Customer:										
Gowling WLG (Canada) LLP(Office)										
100 King St West Toronto M5X 1G5										
Created: Monday 4th of February 2019 02:37:42 PM										
#	Waybill	ST	Order Time	Pick Up Address	Drop Off Address	Received By	Reference #	Price	HST	Total
7	7840955	2 ND	19-01-28 16:34	Gowling WLG (Canada) LLP 100 King St West Toronto M5X 1G5	ONTARIO ENERGY BOARD 2300 Yonge St Toronto M4P 1E4	Charlie 19-01-29 10:48	t1017556 i.mondrow 1760	12.15	1.58	13.73

March 20, 2019
INVOICE: 19117464

Industrial Gas Users Association
Our Matter: T1017556
EGD Open Bill Access Services (EB-2018-0319)
(IGUA19-ON-EGD-2)

PROFESSIONAL SERVICES

Date	Hours	Timekeeper	Description
2019-02-13	0.10	Ian Mondrow	Review Procedural Order and diarize settlement conference preparation;

Total Fees for Professional Services

SUMMARY OF FEES

TK Name	Hours
Mondrow, Ian	0.10
Total	0.10

April 15, 2019
INVOICE: 19133621

Industrial Gas Users Association
Our Matter: T1017556
EGD Open Bill Access Services (EB-2018-0319)
(IGUA19-ON-EGD-2)

PROFESSIONAL SERVICES

	Date	Hours	Timekeeper	Description
SCP	2019-03-06	1.50	Ian Mondrow	Preparation for settlement conference;
SCA	2019-03-06	6.00	Ian Mondrow	Attend settlement conference;
SCPP	2019-03-18	0.70	Ian Mondrow	Review draft settlement agreement and comments and provide IGUA comments;
SCPP	2019-03-21	0.20	Ian Mondrow	Review additional correspondence on settlement proposal and provide sign off;

Total Fees for Professional Services

SUMMARY OF FEES

TK Name	Hours
Mondrow, Ian	8.40
Total	8.40

DISBURSEMENTS

Taxable Costs

2019-03-06	Parking & Tolls - Local Travel VENDOR: Mondrow, Ian INVOICE#: 3159260803072208 DATE: 03/07/2019 Mondrow, Ian, Parking for attendance at settlement conference at the Ontario Energy Board. 03/06/19	\$19.47
	Total Taxable Disbursements	<u>\$19.47</u>

EG re OBA: Sept. Conference

----- RECEIPT -----
CAR PARK: Yonge & Eglinton Ctr
DEVICE: Faystation 3
PAID: 06/03/19 04:28P
SHORT TERM 011160
ENTRY: 06/03/19 07:35A
EXIT: 06/03/19 04:30P
PARKING DURATION: 000 08:52
CHARGED DURATION: 000 02:00
PAID: CAD22.00
NET CAD19.47
V.A.T. 13% : CAD2.53
CREDIT CARD CAD22.00
CREDIT CARD
DATE: 06/03/19 04:27P
****12101959****
03 20
PRICE: CAD22.00
TRANSACTION No: 2662079374
MERCHANT No: 0
AUTH CODE: 044215

T1017556

May 21, 2019
INVOICE: 19155337

Industrial Gas Users Association
Our Matter: T1017556
EGD Open Bill Access Services (EB-2018-0319)
(IGUA19-ON-EGD-2)

PROFESSIONAL SERVICES

	Date	Hours	Timekeeper	Description
SCPP	2019-04-01	1.00	Ian Mondrow	Review Staff submission on Settlement Agreement; briefing note to IGUA;
SCPP	2019-04-09	0.30	Ian Mondrow	Letter to OEB relating to discontinuance of active participation;

Total Fees for Professional Services

SUMMARY OF FEES

TK Name	Hours
Mondrow, Ian	1.30
Total	1.30

DISBURSEMENTS

Taxable Costs

2019-04-10	Courier BLIZZARD 1 Piece(s) 100 King St West --> 2300 Yonge St	\$12.15
	Total Taxable Disbursements	<u>\$12.15</u>

Blizzard Courier Orders										
Date Range: 2019-04-07 to 2019-04-13 inclusive										
Customer:										
Gowling WLG (Canada) LLP										
100 King St West Toronto M5X 1G5										
Created: Monday 15th of April 2019 12:30:51 PM										
#	Waybill	ST	Order Time	Pick Up Address	Drop Off Address	Received By	Reference #	Price	HST	Total
25	7869053	2	19-04-	Gowling WLG (Canada)	ONTARIO ENERGY BOARD	Pat	T1017556			
		ND	10 15:24	LLP 100 King St West Toronto M5X 1G5	2300 Yonge St Toronto M4P 1E4	19-04-10 17:04	I.MONDROW 1760	12.15	1.58	13.73