

October 5, 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. T1023167

Dear Ms. Long:

Re: EB-2020-0156: Industrial Gas Users Association (IGUA) Motion for Review and Variance of part of the Decision and Order dated May 14, 2020.

Industrial Gas Users Association (IGUA) Statement of Costs.

Further to the *Decision on Motion* dated September 24, 2020 for the captioned proceeding, enclosed, on behalf of IGUA, please find a Statement of Costs.

In respect of the *Details of Fees and Disbursements Being Claimed* forms provided in support of IGUA's cost claim, please note that while we have allocated all time recorded to "Argument – Preparation" on the Board's form, as reflected in the docket entry descriptions provided in support of the claim, the time submitted includes a range of activities such as;

1. detailed analysis of the decision as against the record of the proceeding on the topic review of which was ultimately sought, all in in order to properly brief IGUA (through its President as well as its' Ontario caucus committee of the Board of Directors) on the potential approach for, and arguments in support of, a review application;
2. legal research and application of the law to the facts of the matter at hand;
3. drafting of a comprehensive submission – legal and factual – in support of the review sought;
4. review of submissions in opposition to the review sought and formulation of detailed response to those submissions; and
5. careful review and analysis of the decision on the review sought, again in order to inform IGUA (through its President as well as its Ontario caucus of the Board of Directors) and to explain the outcome and discuss its legal robustness and reasonableness.

As reflected in IGUA's submissions in the matter, the issues engaged in the review application were of significant importance to IGUA, not only in respect of the rate impact on IGUA's members, and on those other Enbridge Gas Inc. ratepayers similarly situated, but also as a matter of regulatory policy

and practice before this Board. This importance led to IGUA's considered determination to pursue the review application, following the careful reviews and briefings outlined above. Those reviews and briefings informed what we submit was an appropriate and responsibly considered approach to the review application. We also note that, as in all other matters before this Board, even with cost recovery as requested being granted IGUA will still bear its own significant (unrecovered) costs in the matter.

Yours truly,



Ian A. Mondrow

IAM:cag
Encl.

cc: Dr. S. Rahbar (IGUA)
G. Carrière/L. Gervais (IGUA)
M. Kitchen (EGI)
K. Viraney (OEB Staff)

TOR_LAW\ 10477644\1

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- | 2019-0156 | Process: | Motion to Review and Vary - EB-2019-0294 |
| 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 6th day of October, 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- 2019-0156 **Process:** Motion to Review and Vary - EB-2019-0294

Party: Industrial Gas Users Association

Summary of Fees and Disbursements Being Claimed

| | | |
|-----------------------------|-----------|------------------|
| Legal/consultant/other fees | \$ | 19,682.00 |
| Disbursements | \$ | - |
| HST | \$ | 2,558.66 |
| Total Cost Claim | \$ | 22,240.66 |

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>2019-0156</u> | Process: <u>Motion to Review and Vary - EB-2019-0294</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"/> | 1991 | 29 |
| Articling Student/Paralegal <input type="checkbox"/> | | |
| Consultant <input type="checkbox"/> | | Hourly Rate: \$330 |
| 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 | | \$ 330.00 | \$ - | \$ - | \$ - |
| Attendance | | \$ 330.00 | \$ - | \$ - | \$ - |
| Technical Conference | | | | | |
| Preparation | | \$ 330.00 | \$ - | \$ - | \$ - |
| Attendance | | \$ 330.00 | \$ - | \$ - | \$ - |
| Interrogatories | | | | | |
| Preparation | | \$ 330.00 | \$ - | \$ - | \$ - |
| Responses | | \$ 330.00 | \$ - | \$ - | \$ - |
| Issues Conference | | | | | |
| Preparation | | \$ 330.00 | \$ - | \$ - | \$ - |
| Attendance | | \$ 330.00 | \$ - | \$ - | \$ - |
| ADR - Settlement Conference | | | | | |
| Preparation | | \$ 330.00 | \$ - | \$ - | \$ - |
| Attendance | | \$ 330.00 | \$ - | \$ - | \$ - |
| Proposal Preparation | | \$ 330.00 | \$ - | \$ - | \$ - |
| Argument | | | | | |
| Preparation | 54.30 | \$ 330.00 | \$ 17,919.00 | \$ 2,329.47 | \$ 20,248.47 |
| Oral Hearing | | | | | |
| Preparation | | \$ 330.00 | \$ - | \$ - | \$ - |
| Attendance | | \$ 330.00 | \$ - | \$ - | \$ - |
| Other Conferences | | | | | |
| Preparation | | \$ 330.00 | \$ - | \$ - | \$ - |
| Attendance | | \$ 330.00 | \$ - | \$ - | \$ - |
| Case Management | | \$ 170.00 | \$ - | \$ - | \$ - |
| TOTAL SERVICE PROVIDER FEES | | | \$ 17,919.00 | \$ 2,329.47 | \$ 20,248.47 |

Ontario Energy Board

COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

| | |
|---|---|
| File # EB- <u>2019-0156</u> | Process: <u>Motion to Review and Vary - EB-2019-0294</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"/> | | |
| Analyst <input type="checkbox"/> | | |
| For Consultant/Analyst: <input type="checkbox"/> CV attached | | Hourly Rate: \$100 |
| <input type="checkbox"/> CV provided within previous 24 months | | HST Rate Charged (enter %): 13.0% |

| 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 | | \$ 100.00 | \$ - | \$ - | \$ - |
| Responses | | \$ 100.00 | \$ - | \$ - | \$ - |
| Issues Conference | | | | | |
| Preparation | | \$ 100.00 | \$ - | \$ - | \$ - |
| Attendance | | \$ 100.00 | \$ - | \$ - | \$ - |
| ADR - Settlement Conference | | | | | |
| Preparation | | \$ 100.00 | \$ - | \$ - | \$ - |
| Attendance | | \$ 100.00 | \$ - | \$ - | \$ - |
| Proposal Preparation | | \$ 100.00 | \$ - | \$ - | \$ - |
| Argument | | | | | |
| Preparation | 1.10 | \$ 100.00 | \$ 110.00 | \$ 14.30 | \$ 124.30 |
| Oral Hearing | | | | | |
| Preparation | | \$ 100.00 | \$ - | \$ - | \$ - |
| Attendance | | \$ 100.00 | \$ - | \$ - | \$ - |
| Other Conferences | | | | | |
| Preparation | | \$ 100.00 | \$ - | \$ - | \$ - |
| Attendance | | \$ 100.00 | \$ - | \$ - | \$ - |
| Case Management | | \$ 170.00 | \$ - | \$ - | \$ - |
| TOTAL SERVICE PROVIDER FEES | | | \$ 110.00 | \$ 14.30 | \$ 124.30 |

Ontario Energy Board

COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

| | |
|---|--|
| File # EB- <u>2019-0156</u> | Process: <u>Motion to Review and Vary - EB-2019-0294</u> |
| Party: <u>Industrial Gas Users Association</u> | Service Provider Name: <u>Laura Van Soelen (Gowling V</u> |

| | | |
|--|---------------------------|--|
| SERVICE PROVIDER TYPE (check one) | Year Called to Bar | Completed Years Practising/Years of Relevant Experience |
| Legal Counsel <input checked="" type="checkbox"/> | | 12 |
| Articling Student/Paralegal <input type="checkbox"/> | | |
| Consultant <input type="checkbox"/> | | Hourly Rate: \$290 |
| 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 | | \$ 290.00 | \$ - | \$ - | \$ - |
| Attendance | | \$ 290.00 | \$ - | \$ - | \$ - |
| Technical Conference | | | | | |
| Preparation | | \$ 290.00 | \$ - | \$ - | \$ - |
| Attendance | | \$ 290.00 | \$ - | \$ - | \$ - |
| Interrogatories | | | | | |
| Preparation | | \$ 290.00 | \$ - | \$ - | \$ - |
| Responses | | \$ 290.00 | \$ - | \$ - | \$ - |
| Issues Conference | | | | | |
| Preparation | | \$ 290.00 | \$ - | \$ - | \$ - |
| Attendance | | \$ 290.00 | \$ - | \$ - | \$ - |
| ADR - Settlement Conference | | | | | |
| Preparation | | \$ 290.00 | \$ - | \$ - | \$ - |
| Attendance | | \$ 290.00 | \$ - | \$ - | \$ - |
| Proposal Preparation | | \$ 290.00 | \$ - | \$ - | \$ - |
| Argument | | | | | |
| Preparation | 5.70 | \$ 290.00 | \$ 1,653.00 | \$ 214.89 | \$ 1,867.89 |
| Oral Hearing | | | | | |
| Preparation | | \$ 290.00 | \$ - | \$ - | \$ - |
| Attendance | | \$ 290.00 | \$ - | \$ - | \$ - |
| Other Conferences | | | | | |
| Preparation | | \$ 290.00 | \$ - | \$ - | \$ - |
| Attendance | | \$ 290.00 | \$ - | \$ - | \$ - |
| Case Management | | \$ 170.00 | \$ - | \$ - | \$ - |
| TOTAL SERVICE PROVIDER FEES | | | \$ 1,653.00 | \$ 214.89 | \$ 1,867.89 |

June 12, 2020
INVOICE: 19409178

Industrial Gas Users Association
Our Matter: T1020395
EGI 2020 Rates Application (EB-2019-0194)
(IGUA19-ON-EGI-2)

PROFESSIONAL SERVICES

| Date | Hours | Timekeeper | Description |
|-----------------------|-----------------|------------------------|---|
| 2020-05-06 | 1.20 | Ian Mondrow | Review EGI Phase II reply argument and update note to IGUA; |
| 2020-05-14 | 0.20 | Ian Mondrow | IGUA Board update; |
| 2020-05-15 | 1.60 | Ian Mondrow | Review decision and report to IGUA; |
| 2020-05-19 | 0.50 | Ian Mondrow | Discussion/debrief with S. Rahbar regarding decision; |
| 2020-05-21 | 0.10 | Ian Mondrow | Review IGUA report to members on decision and review options; |
| 2020-05-25 | 0.20 | Ian Mondrow | Review Draft Rate Order filing; |
| 2020-05-26 | 0.70 | Ian Mondrow | Discussion with S. Rahbar regarding prospects for review of Panhandle Cost Allocation decision; |
| 2020-05-28 | 1.20 | Ian Mondrow | Briefing note to IGUA regarding prospects for review of 2020 rates cost allocation decision; |
| 2020-05-29 | 1.10 | Ian Mondrow | Call with IGUA caucus to discuss Panhandle Cost Allocation outcome and take instructions on application for review; follow-up discussion with S. Rahbar regarding timing and next steps; |

Total Fees for Professional Services

SUMMARY OF FEES

| TK Name | Hours |
|--------------|---------------------|
| Mondrow, Ian | 6.80 3.0 |
| Total | 6.80 3.0 |

July 15, 2020
INVOICE: 19426687

Industrial Gas Users Association
Our Matter: T1023167
Motion to Review and Vary Part of Decision and
Order dated May 14, 2020 in EB-2019-0194 (EB-
2020-0156) (IGUA20-ON-EGI-12)

PROFESSIONAL SERVICES

| Date | Hours | Timekeeper | Description |
|-------------|--------------|---------------------|--|
| 2020-06-02 | 3.60 | Ian Mondrow | Review materials for and draft Notice of Motion for review of Panhandle cost allocation determination; |
| 2020-06-03 | 0.20 | Cathy Galler | Formatting and filing Notice of Motion for Review of the Panhandle Cost Allocation Determination; |
| 2020-06-03 | 1.80 | Ian Mondrow | Review and revise draft Notice of Motion and draft transmittal letter; note to L. Van Soelen for assistance with motion materials; |
| 2020-06-08 | 0.20 | Ian Mondrow | Discussion with S. Rahbar regarding next steps approach to submissions; |
| 2020-06-11 | 0.30 | Ian Mondrow | Information for IGUA report on value at stake on Panhandle cost allocation issue; |
| 2020-06-15 | 0.20 | Ian Mondrow | Call with S. Rahbar regarding status of work on review application; |
| 2020-06-15 | 0.30 | Ian Mondrow | Initial discussion with L. Van Soelen regarding grounds for submissions on application for review; |
| 2020-06-15 | 1.30 | Laura V. Van Soelen | Review IGUA submissions and panel's decision; review decision in Vavilov and Nation Rise; discussion with I. Mondrow regarding legal position on review application; |
| 2020-06-17 | 0.20 | Ian Mondrow | Review Procedural Order No. 1 on review application and update to IGUA; |
| 2020-06-23 | 0.20 | Ian Mondrow | Update discussion with S. Rahbar regarding review argument approach; |
| 2020-06-24 | 1.60 | Laura V. Van Soelen | Review case law regarding duty to give reasons, including adequacy and note up of Vavilov case; |
| 2020-06-25 | 2.40 | Ian Mondrow | Work on review application materials; |
| 2020-06-25 | 2.10 | Laura V. Van Soelen | Review of case law relevant to motion; draft email memo to I. Mondrow regarding same; email correspondence with I. Mondrow regarding same; |
| 2020-06-26 | 4.00 | Ian Mondrow | Continue work on materials for motion for review; |
| 2020-06-27 | 3.00 | Ian Mondrow | Continue work on motion submissions; |
| 2020-06-27 | 0.70 | Ian Mondrow | Continue work on motion submissions; |
| 2020-06-28 | 0.60 | Ian Mondrow | Continue work on motion submissions; |
| 2020-06-28 | 1.20 | Ian Mondrow | Continue work on review submission; |
| 2020-06-29 | 7.70 | Ian Mondrow | Continue work on IGUA review application submissions; |

July 15, 2020
INVOICE: 19426687

| | | | |
|------------|------|---------------------|---|
| 2020-06-30 | 0.40 | Cathy Galler | Formatting and filing submissions on motion; |
| 2020-06-30 | 3.10 | Ian Mondrow | Complete work on review application submissions and finalize for filing; |
| 2020-06-30 | 0.70 | Laura V. Van Soelen | Review draft submissions; comment on potential revisions or additions to same; email correspondence with I. Mondrow regarding same; |

Total Fees for Professional Services

SUMMARY OF FEES

| TK Name | Hours |
|----------------------|--------------|
| Galler, Cathy | 0.60 |
| Mondrow, Ian | 29.50 |
| Van Soelen, Laura V. | 5.70 |
| Total | 35.80 |

August 11, 2020
INVOICE: 19441081

Industrial Gas Users Association
Our Matter: T1023167
Motion to Review and Vary Part of Decision and
Order dated May 14, 2020 in EB-2019-0194 (EB-
2020-0156) (IGUA20-ON-EGI-12)

PROFESSIONAL SERVICES

| Date | Hours | Timekeeper | Description |
|-------------|--------------|-------------------|--|
| 2020-07-02 | 0.20 | Ian Mondrow | Notes for discussion and message left for M. Kitchen; |
| 2020-07-07 | 0.60 | Ian Mondrow | Call with EGI regarding motion; |
| 2020-07-19 | 0.20 | Ian Mondrow | Gather and sort responding submissions for review; |
| 2020-07-22 | 0.10 | Ian Mondrow | Comment on IGUA member update on Motion to Review; |
| 2020-07-27 | 1.30 | Ian Mondrow | Review submissions filed in response to motion; |
| 2020-07-28 | 1.30 | Ian Mondrow | Continue review of parties' submissions and notes for reply submission; |
| 2020-07-29 | 2.50 | Ian Mondrow | Complete review of submissions and continue formulation of IGUA reply submissions; |
| 2020-07-30 | 0.50 | Ian Mondrow | Continue work on reply submissions; |
| 2020-07-31 | 1.90 | Ian Mondrow | Continue work on reply submission; |

Total Fees for Professional Services

SUMMARY OF FEES

| TK Name | Hours |
|----------------|--------------|
| Mondrow, Ian | 8.60 |
| Total | 8.60 |

September 24, 2020

INVOICE: 19463603

Industrial Gas Users Association**Our Matter: T1023167****Motion to Review and Vary Part of Decision and
Order dated May 14, 2020 in EB-2019-0194 (EB-
2020-0156) (IGUA20-ON-EGI-12)****PROFESSIONAL SERVICES**

| Date | Hours | Timekeeper | Description |
|-------------|--------------|-------------------|--|
| 2020-08-02 | 6.50 | Ian Mondrow | Continue work on Reply Submissions; |
| 2020-08-03 | 0.50 | Cathy Galler | Formatting and filing Reply Submissions; |
| 2020-08-03 | 4.40 | Ian Mondrow | Complete work on Reply Submissions and approve for filing; |

Total Fees for Professional Services**SUMMARY OF FEES**

| TK Name | Hours |
|----------------|--------------|
| Galler, Cathy | 0.50 |
| Mondrow, Ian | 10.90 |
| Total | 11.40 |



October-05-20 8:37:25 AM

As of October-04-20 11:31:00 PM

Client Code 190123
Client Name Industrial Gas Users Association
Nature of Client Business Oil & Gas

Matter Code T1023167
Matter Name Motion to Review and Vary Part of Decision and Order dated May 14, 2020 in EB-2019-0194 (EB-2020-0156) (IGUA20-ON-EGI-12)
Client Reference Code
Practice Area of Work Energy (SA10)
Status Open Open and Active
Open Date Jul 15, 2020
Close Date
Billing Professional Mondrow, Ian (1760)
Nature of Work Assisting IGUA with its' Motion to Review and Vary.
Tax Jurisdiction Ontario HST (ONT)

WIP Fees Detail All Timekeepers

| Date | Timekeeper | Remarks | Hours |
|--------------|-------------------|--|------------|
| Sep 17, 2020 | Mondrow, Ian 1760 | IGUA Board update; | 0.2 |
| Sep 24, 2020 | Mondrow, Ian 1760 | Review decision and reporting note to IGUA; | 1.4 |
| Sep 29, 2020 | Mondrow, Ian 1760 | IGUA caucus briefing note; | 0.4 |
| Oct 1, 2020 | Mondrow, Ian 1760 | IGUA Ontario caucus briefing and discussion; | 0.3 |
| Total | | | 2.3 |

<http://gowlinks.gowlings.corp/site/rex/matterDesc/wipdetail.asp?matteruno=2045376> | Cathy Galler