

October 19, 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 lan 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 - CORRECTED.

On October 5th we filed IGUA's Statement of Costs in the captioned matter. We have since received notification from OEB Staff of some errors in that filing. Filed herewith is a corrected Statement of Costs, which is filed with a new affidavit sworn today in support of the corrected claim. We are also refiling our initial (October 5th) transmittal letter, which contains additional information regarding the costs claimed.

Please note that none of the errors identified by OEB Staff relate to the amounts claimed, and there has been no change in that respect. Staff did ask a question about some of the docket entries provided in the support of the claim, which we address below.

The corrections on the version of the Statement of Costs filed herewith are:

- 1. The docket number for the proceeding, appearing on the Board's forms at the upper, left of the various pages, has been corrected (to EB-2020-0156).
- 2. The "Process" identifier which we used on the forms has also been corrected. Previously, and in error, we referred to the Enbridge Gas Inc. (EGI) 2020 rate case which gave rise to the motion to review by the wrong docket number. That docket number has been corrected (to EB-2019-0194).
- The Detail of Fees and Disbursements Being Claimed form for Laura Van Soelen has been modified to add the year that Ms. Van Soelen was called to the Ontario bar (2008), which had been previously left blank.

In addition to these corrections, Staff asked about supporting time entries for 3 hours spent in May 2020, prior to filing of the Motion to Review on June 3, 2020, noting that these time entries seemed to relate to the EGI 2020 rate case (EB-2019-0194) from which the motion to review arose. In



reviewing our June, 2020 invoice as submitted in support of the Statement of Costs the Board will observe that the first 5 time entries on that invoice have been crossed out. These crossed out entries were not included in the calculation of the costs claimed in respect of the motion to review. The 3 remaining dockets from that invoice (totalling the 3 hours of time noted by Staff) reflect time spent assessing, and advising IGUA regarding, the prospects and rationale for review of the decision and seeking instructions to proceed with the motion for review. Like the next 3 docket entries from early June, 2020 (included on our July 15, 2020 invoice to IGUA) which reflect preparation of the Notice of Motion and filing of that with the Board, the 3 hours of time spent in late May, 2020 (included in our June 12, 2020 invoice issued under our matter number for the EGI 2020 Rates Application; EB-2019-0194) were spent prior to filing of, but necessarily in support of, responsible prosecution of the motion to review. This time is thus properly included in IGUA's claim for recovery of costs reasonably, and responsibly, incurred in support of its motion.

We appreciate the notification from OEB Staff, trust that this corrected filing addresses the Board's concerns, and apologize for our errors.

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\ 10497086\1



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:

EB-2020-0156: Industrial Gas Users Association (IGUA) Motion for Review and Re: 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)

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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.

Affidavit port	tion is	signed and sworn or affirmed.							
			Instructions						
- All claims m - A separate ' Disbursemen However, on - The cost cla - A CV for each	"Detail "Detail its Beir ly one im mu ch cons	ut is indicated by yellow-shaded fields. For in Canadian dollars. If applicable, state Rate of Fees and Disbursements Being Claimed (and Claimed) is required for each lawyer, (and Claimed) is required by a completed Affidavisual tant/analyst must be attached unless (and Claimed) in section 7.03 of the Practice (and Claimed) is required in section 7.03 of the Practice (and Claimed) is required in section 7.03 of the Practice (and Claimed) is required in section 7.03 of the Practice (and Claimed) is required in section 7.03 of the Practice (and Claimed) is required in section 7.03 of the Practice (and Claimed) is required for each lawyer, (and Claimed) is required	exchange rate and country of e: ed" (comprising a "Statemen analyst/consultant and artice covering the whole of the part is igned by a representative provided to the Board as presented as presented to the sound as presented t	of initial currency. Country: t of Fees Being Claimed" and a "Statement of ling student/paralegal. rty's cost claim should be provided. of the party. scribed on the Cost Award Tariff.					
File # EB- 2020-0156			Process: Motion to R	eview and Vary - EB-2019-0194					
Party:	Indus	strial Gas Users Association	Affiant's Name:	lan Mondrow (Gowling WLG)					
HST Number: 89659 3323 RT0001			нѕт	HST Rate Ontario: 13.00%					
		Full Registrant Unregistered Other □	Qualify	ing Non-Profit Tax Exempt					
			Affidavit						
l,		lan Mondrow	, of the City/Town of	Thornhill					
in the Prov	ince/	State of Ontario		, swear or affirm that:					
2. I have example of the state	mined ts Beir ed "Su ts Beir gy Boa laim do sectior	ng Claimed" include only costs incurred a rd process referred to above.	nis cost claim, including the a Claimed" and "Statement(s) g Claimed", "Statement(s) of and time spent directly for th or time spent, by a person th	ttached "Summary of Fees and					

SWORN BEFORE ME over video conference this 19th day of October, 2020. The Affiant was located in Thornhill, Ontario,

Commissioner for taking Affidavits

Laur Vant

while the Commissioner, Laura Van Soelen, was located in Oshawa, Ontario.



Affidavit and Summary of Fees and Disbursements

File # EB- 2020-0156 Process: Motion to Review and Vary - EB-2019-0194

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



Detail of Fees and Disbursements Being Claimed

File # EB-	2020-0156				Process:	Motion to Revi	iew and Vary - E	B-2019-0194	
Party:	Industrial Gas Users Association		Service Pi	rovider Name:	lan Mondrow (Gowling WLG				
					Year Called to		Completed Years	Practising/Years	
	SERVICE PROVIDER TYPE (check one)				Bar		of Relevant Experience		
	Legal Counsel 🗵				1991		29		
	Articling Student/Paralegal								
	Consultant						Hourly Rate:	\$330	
	Analyst						_		
	For Consultant/Analyst:		CV a	attac	ched	HST Rate Ch	harged (enter %):	13.0%	
			CV	orov	rided within previo	us 24 months	_		

Statement of Fees Being Claimed										
	Hours	Но	urly 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	



Detail of Fees and Disbursements Being Claimed

File # EB-	2020-0156				Process: M	otion to Revi	iew and Vary - L	EB-2019-0194	
Party:	Industrial Gas Users Association				Service Prov	vider Name:	Cathy Galler (Gowling WLG)		
					Year Called to		Completed Years	0.	
	SERVICE PROVIDER TYPE (check one)			e)	Bar	·	of Relevant Experience		
	Legal Counsel						10	0	
	Articling Student/Paralegal		√			!			
	Consultant						Hourly Rate:	\$100	
	Analyst						_		
	For Consultant/Analyst:				ched		narged (enter %):	13.0%	
		Ш	CV p	orov	ided within previous	24 months			

Statement of Fees Being Claimed										
	Hours		urly Rate		ubtotal		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	



Detail of Fees and Disbursements Being Claimed

File # EB-	2020-0156				Process:	Motion to Revi	ew and Vary - I	EB-2019-0194	
Party:	Industrial Gas Users Association		Service P	rovider Name:	Laura Van Soelen (Gowling V				
					Year Called to		Completed Years	Practising/Years	
	SERVICE PROVIDER TYPE (check or			ie)	Bar		of Relevant Experience		
	Legal Counsel		V		2008		1	2	
	Articling Student/Paralegal								
	Consultant						Hourly Rate:	\$290	
	Analyst						-		
	For Consultant/Analyst:		CV a	attac	ched	HST Rate Ch	narged (enter %):	13.0%	
			CV I	provi	ided within previo	us 24 months			

Statement of Fees Being Claimed										
	Hours		urly Rate	_	Subtotal	ototal 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	lan Mondrow	Review EGI Phase II reply argument and update note to IGUA;
2020-05-14	0.20	lan Mondrow	IGUA Board update;
2020-05-15	1.60	lan Mondrow	Review decision and report to IGUA;
2020-05-19	0.50	lan Mondrow	Discussion/debrief with S. Rahbar regarding decision;
2020-05-21	0.10	lan Mondrow	Review IGUA report to members on decision and review options;
2020-05-25	0.20	lan Mondrow	Review Draft Rate Order filing;
2020-05-26	0.70	lan Mondrow	Discussion with S. Rahbar regarding prospects for review of Panhandle Cost Allocation decision;
2020-05-28	1.20	lan Mondrow	Briefing note to IGUA regarding prospects for review of 2020 rates cost allocation decision;
2020-05-29	1.10	lan 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

TK Name		Hours
Mondrow, lan		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	⊤imekeeper	Description
2020-06-02	3.60	lan 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	lan 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	lan Mondrow	Call with S. Rahbar regarding status of work on review application;
2020-06-15	0.30	lan 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	lan 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 Vavillov 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	lan Mondrow	Continue work on motion submissions;
2020-06-28	1.20	lan 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

TK Name		Hours
Galler, Cathy		0.60
Mondrow, lan		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	lan Mondrow	Continue work on reply submission;

Total Fees for Professional Services

TK Name		Hours
Mondrow, lan		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

TK Name		Hours
Galler, Cathy		0.50
Mondrow, lan		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
Status
Open Open and Active
Open Date
Service Area of Work
Open Upen Open Active
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, lan 1760	Review decision and reporting note to IGUA;	1.4
Sep 29, 2020	Mondrow, lan 1760	IGUA caucus briefing note;	0.4
Oct 1, 2020	Mondrow, Ian 1760	IGUA Ontario caucus briefing and discussion;	0.3
Total			2.3

 $http://gowlinks.gowlings.corp/site/rex/matterDesc/wipdetail.asp?matteruno = 2045376 \mid Cathy \ Galler \ Galler$