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**ONTARIO ENERGY BOARD**

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**By Courier**

November 27, 2006

Ontario Energy Board  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, ON M4P 1E4

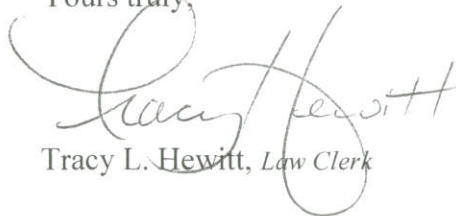
Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

**Re: Low-Income Energy Network Motion Record  
Motion to Review Decision on Cost Awards issued November 6, 2006**

We enclose herein, 10 hard copies of the Motion Record of the Low-Income Energy Network for a Motion to Review the Board's Decision on Cost Awards issued November 6, 2006.

Yours truly,

  
Tracy L. Hewitt, Law Clerk

Encl.

Document #: 111393

EB-2006-0302

OEB BOARD SECRETARY	
File No:	Sub File: 11
Panel	GK./C-S/P.N.
Licensing	
Other	Michael B.
00/04	Motion - Costs.

**ONTARIO ENERGY BOARD**

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*,  
S.O. 1998, c.15, (Schedule B);

**AND IN THE MATTER OF** a generic proceeding initiated  
by the Ontario Energy Board to address a number of  
current and common issues related to demand side  
management activities for natural gas utilities.

**MOTION RECORD  
OF THE LOW-INCOME ENERGY NETWORK**  
(Motion to Review Decision on Cost Awards, issued November 6, 2006)

November 27, 2006

**WILLMS & SHIER  
ENVIRONMENTAL LAWYERS LLP**  
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**Paul Manning/Juli Abouchar**  
LSUC # AO50059P/35343K

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Solicitors for the Intervenor,  
Low-Income Energy Network

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Counsel for Union Gas Limited

AND TO: **ALL REGISTERED PARTICIPANTS**



**ONTARIO ENERGY BOARD**

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*,  
S.O. 1998, c.15, (Schedule B);

**AND IN THE MATTER OF** a generic proceeding initiated  
by the Ontario Energy Board to address a number of  
current and common issues related to demand side  
management activities for natural gas utilities.

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## ONTARIO ENERGY BOARD

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*,  
S.O. 1998, c.15, (Schedule B);

**AND IN THE MATTER OF** a generic proceeding initiated  
by the Ontario Energy Board to address a number of  
current and common issues related to demand side  
management activities for natural gas utilities.

### NOTICE OF MOTION

(Motion to Review Decision on Cost Awards, issued November 6, 2006)

THE INTERVENOR, the Low-Income Energy Network (LIEN), will make a motion to the Ontario Energy Board (Board) requesting a review of the Decision on Cost Awards (Cost Decision) issued November 6, 2006.

PROPOSED METHOD OF HEARING: LIEN proposes that the motion be heard in writing in accordance with Rule 8.02 of the Board's *Rules of Practice and Procedure*.

THE MOTION IS FOR:

- 1 An Order:
  - (a) awarding LIEN 100% of its legal and consultant/witness costs submitted for recovery for Phase I of this proceeding, and
  - (b) such further and other orders as Counsel may request and this Board deem just.



THE GROUNDS FOR THE MOTION ARE:

- 1 The Board erred in its Cost Decision by awarding LIEN only two thirds of the amount of its fee costs submitted for recovery.
- 2 The Board made errors of fact in its Cost Decision by stating that:
  - (a) LIEN's evidence and participation was limited to a few issues pertaining to its constituency, and
  - (b) LIEN's cost claim does not reasonably correlate to what would be expected for such focused intervention relative to other intervenor claims whose participation covered either all issues or was much broader.

The factual evidence is contrary to each of these points.

***LIEN's evidence and participation was not limited to a few issues pertaining to its constituency***

- 3 LIEN was represented across a broad range of issues, but in accordance with Cost Practice Direction section 5, LIEN co-operated with other intervenors with similar interests to avoid duplication. Neither of the utilities objected to LIEN's cost application. In so far as the Panel did not see that LIEN's participation in the proceeding was both broad and focused, means that LIEN was compliant with the Board's Practice Direction on Cost Awards, #5.
- 4 That LIEN's participation and intervention was not of a limited scope, is evidenced by its letter of intervention, interrogatories, participation in the settlement discussions, and participation at the hearing.

*LIEN's Intervention Letter*

5 LIEN's intervention letter filed with the Board on April 18, 2006, identified LIEN's both broad and focused interests in the generic demand side management hearing. As set out in its letter, LIEN broadly supports demand side management and energy conservation and specifically supports low-income programs. LIEN's constituents believe that these are linked; that energy conservation and demand side management generally benefit low income consumers because they lead to lower heating bills, and low income programs permit greater low-income consumer participation in DSM:

*LIEN seeks to ensure universal access to adequate levels of affordable energy – for all, not only for those who can afford it. In doing so, LIEN also seeks to minimize impacts on health and the environment that result from all Ontarians seeking to meet energy needs. LIEN advocates and supports programs and policies that address poverty and homelessness, that reduce environmental degradation and climate change, and that promote a healthy economy through energy efficiency, through transition to renewable sources of energy, through education and through consumer protection. A major thrust of LIEN's mission is to promote demand management and conservation of energy.*

*LIEN's Interrogatories*

6 LIEN raised interrogatories at the technical conference on broad DSM issues including credit for DSM savings, length of DSM plans, societal and energy benefits of DSM plans, and proportionality across rate classes in addition to questions about the utilities' low-income programs.

*LIEN's Participation in the Settlement Conference*

7 LIEN participated in the settlement agreement on all the issues and without having turned its focus to all the issues, LIEN could not have agreed on a partial settlement.

8 As discussions during the settlement conference are confidential, the Board may not realise the extent that issues of interest to any intervenor are argued, but the Board can take from the outcome of the settlement discussions that LIEN's preparation for, and participation in, the settlement discussions was necessarily broad.

*LIEN's Participation in the Hearing*

9 LIEN's cross examination and participation at the hearing, while focused, was broader than low income DSM programs. LIEN also cross examined and made argument on total DSM budget and proportionality across rate classes. The fact that LIEN did not cross examine on other issues is evidence of complying with the Board's practice directions, rather than a lack of interest, participation or representation.

10 Non-duplication in the hearing room does not mean lack of interest or lack of necessary preparation by an intervenor. The Board cannot assume that by not cross-examining on an issue an intervenor lacks interest, or that it has not prepared in respect of the issue.

11 The primary focus of non-duplication is on achieving a shorter, more focused hearing, not on limiting intervenor's preparation required to participate appropriately in the case. To represent LIEN properly at the DSM hearing required fully reviewing the evidence and full participation in the hearing, even if cross examinations and argument were focused. Non-duplication of preparation is impossible and would lead to a reduced quality of submissions.

12 LIEN presented witness Roger Colton, who the Board accepted as an expert on low-income DSM programs. His evidence was used by both VECC and LIEN in their submissions, and comments in the report were used to support the partial settlement put forward by the utilities and the majority of consumer groups, a proposal that was accepted by the Board.

13 His evidence was focused on the total DSM budget and proportionality across rate classes in addition to the low income programs. These issues are interrelated and required a full review of all of the evidence, and research on only focused areas.

***LIEN's cost claim reasonably correlates to what would be expected for comparable intervenors***

14 The proper correlation is to compare LIEN's fees with other intervenors whose experts testified at the hearing. This activity increases the amount of preparatory work for counsel and also adds expert fees to the costs of hearing.

15 As set out in the chart attached as Exhibit "D" to the Affidavit of Tracy Hewitt, only four intervenors involved experts; GEC, CME, SEC and LIEN. Witnesses of the GEC, LIEN and the CME testified at the hearing. The SEC involved an expert who did not testify at the hearing. LIEN and VECC co-ordinated their approach to the evidence so that there would be only one witness at the hearing on low-income DSM programs.

16 The chart shows that LIEN's fee costs compare favourably with comparable intervenors. The fees for LIEN to participate were significantly lower than the GEC, whose witness spent more hours on the witness stand which would have required more time for counsel to prepare, and whose counsel's questions permitted LIEN to take a more focused approach. LIEN's fees were equal to the third intervenor that presented a witness (CME), and comparable to the SEC, taking into account that the SEC's expert did not testify.

17 A proper application of the Cost Practice Direction Section 5 to the correct facts as stated in this motion should result in a full award of costs to LIEN.

18 Rules 1.01, 2.01, 4.01, 8, 42 and 44 of the Board's *Rules of Practice and Procedure*.

19 Such further and other grounds as Counsel may request and this Board deem just.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- 1 Affidavit and Exhibits of Tracy Hewitt, sworn November 27, 2006.
- 2 Such further and other evidence as Counsel may request and this Board deem just.

Dated this 27<sup>th</sup> day of November 2006.

**WILLMS & SHIER  
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Solicitors for the Intervenor,  
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Counsel for Union Gas Limited

AND TO: **ALL REGISTERED PARTICIPANTS**

**ONTARIO ENERGY BOARD**

**IN THE MATTER OF** the Ontario Energy Board Act, 1998, S.O. 1998, c.15, (Schedule B);

**AND IN THE MATTER OF** a generic proceeding initiated by the Ontario Energy Board to address a number of current and common issues related to demand side management activities for natural gas utilities.

**NOTICE OF MOTION**

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Low-Income Energy Network





**ONTARIO ENERGY BOARD**

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*,  
S.O. 1998, c.15, (Schedule B);

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management activities for natural gas utilities.

**AFFIDAVIT OF TRACY HEWITT**

(Sworn November 27, 2006)

I, TRACY HEWITT, of the Town of Ajax, in the Regional Municipality of Durham,  
in the Province of Ontario, MAKE OATH AND SAY:

1 I am a Law Clerk at Willms & Shier Environmental Lawyers LLP (W+SEL),  
solicitors for the Intervenor, the Low-Income Energy Network (LIEN), and I have  
assisted the lawyers who have carriage of this matter since W+SEL was  
retained. As such, I have personal knowledge of the facts herein deposed to  
except where otherwise to be by way of information and belief in which case I  
verily believe the same to be true.

2 On April 18, 2006, LIEN submitted a letter to the Ontario Energy Board  
(Board) seeking intervenor status in this proceeding. LIEN was granted  
intervenor status by the Board based on the interests set out in its letter of  
intervention. Accordingly, to date, LIEN has participated in all aspects of the  
hearing process. Attached hereto and marked as Exhibit "A" to my affidavit is a  
true copy of LIEN's intervention letter dated April 18, 2006.

3 On August 10, 2006, LIEN submitted its costs claim for its legal counsel, W+SEL, and its expert witness, Dr. Roger Colton, seeking an amount of \$98,042.95, including GST and disbursements. On September 15, 2006, LIEN's consultant, Malcolm Jackson, submitted his costs claim in the amount of \$11,027.37 including disbursements. Based on these two figures, the total costs claimed for LIEN's intervention was \$109,070.32.

4 On September 22, 2006, Counsel for Enbridge Gas Distribution Inc. (EGD) filed a letter with the Board stating that,

*"The Company found the claims to be consistent with the allowances of prescribed rates within the cost assessment guidelines and has no objection to these claims."*

Attached hereto and marked as Exhibit "B" to my affidavit is a true copy of EGD's letter.

5 In its Decision on Cost Awards, issued November 6, 2006 (Cost Decision) at page 2, the Board acknowledged that EGD had no objection to the amounts claimed by the parties and that Union did not comment on the claims. Attached hereto and marked as Exhibit "C" to my affidavit is a true copy of the Cost Decision.

6 The Board awarded LIEN two thirds of the amount submitted for recovery for its legal and consultants/witnesses.

7 Attached as Exhibit "D" to my affidavit is a chart prepared by LIEN showing a comparison of the intervenor costs claimed for Phase I of the DSM hearing.

8 I make this affidavit in support of a motion by LIEN requesting a review of the Cost Decision.

Sworn before me at the City of Toronto, in the Province of Ontario, on the 27<sup>th</sup> day of November, 2006.

  
A Commissioner for takings affidavits, etc.

)   
)  
)  
) Tracy Hewitt



**FINANCIAL & REGULATORY CONSULTANTS OF CANADA**

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Malcolm Jackson, President

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2006-04-18

Mr. John Zych  
Board Secretary  
Ontario Energy Board  
Suite 2700, 2300 Yonge Street,  
Toronto, ON M4P 1E4

This is Exhibit....."A".....referred to in the  
affidavit of.....TRACY HEWITT.....  
sworn before me, this.....27<sup>th</sup>.....  
day of.....NOVEMBER.....2006.....

*Julie Aboumel*  
A COMMISSIONER FOR TAKING AFFIDAVITS

Dear Mr. Zych:

Re: Board file EB-2006-0021, Natural Gas Demand Side Management Generic Issues Proceeding

FRC Canada represents the Low Income Energy Network ("LIEN") in matters before the Ontario Energy Board (the "OEB or the "Board"). Further to the Board's Notice of Hearing dated 2006-02-15 and on further review of the Board's Procedural Order, LIEN requests intervenor status in EB 2006-0021, and that it be effective on the deadline date for the filing of interventions so that LIEN's participation throughout the proceeding may be as an intervenor, particularly so that its representatives may prepare and attend any conferences or hearings in the proceeding. In accord with Section 23.05 of the Board's Rules of Practice and Procedure (the "Rules"), LIEN is filing by attachment to this letter a Notice of Motion. As a large organization with many members, which must rely on member organizations for personnel to advance its work, it was simply unable earlier to reach a consensus to intervene in this generic proceeding. LIEN also requests a finding of eligibility for costs.

*LIEN, its interest in the proceeding, and its grounds for its intervention (Rules 23.02 and 23.03(a))*

LIEN is an organization of more than 50 member organizations from across Ontario including: energy, public health, legal, tenant housing, education and social and community organizations. LIEN is managed by a Steering Committee, having as members: Advocacy Centre for Tenants Ontario, Canadian Environmental Law Association, Centre for Equal Rights in Accommodation, Income Security Advocacy Centre, Share the Warmth, Toronto Disaster Relief Committee, and Toronto Environmental Alliance. As an umbrella organization, LIEN offers the opportunity for one entity to represent the similar interests of many organizations that have come together under LIEN. A description of its organization in greater detail can be found on its web site ([www.lowincomeenergy.ca](http://www.lowincomeenergy.ca)) and in previous submissions to the Board. LIEN has been a recognized intervenor in other proceedings before the Board, in particular concerning the issue of DSM.

LIEN's written "mission statement" is itself a statement of its interest in DSM, whether for electricity or for gas:

"The Low-Income Energy Network aims to ensure universal access to adequate, affordable energy as a basic necessity, while minimizing the impacts on health and on the local and global environment of meeting the essential energy and conservation needs of all Ontarians. LIEN promotes programs and policies which tackle the problems of energy poverty and homelessness, reduce Ontario's contribution to smog and climate change, and promote a healthy economy through the more efficient use of energy, a transition to renewable sources of energy, education, and consumer protection."

LIEN seeks to ensure universal access to adequate levels of affordable energy -- for all, not only for those who can afford it. In doing so, LIEN also seeks to minimize impacts on health and the environment that result from all Ontarians seeking to meet energy needs. LIEN advocates and supports programs and policies that address poverty and homelessness, that reduce environmental degradation and climate change, and that promote a healthy economy through energy efficiency, through transition to renewable sources of energy, through education and through consumer protection. A major thrust of LIEN's mission is to promote demand management and conservation of energy.

Together with the interest of its numerous individual members and supporting organizations, in our submission, LIEN has a clear and significant interest in Demand Side Management ("DSM") for natural gas markets in Ontario and, hence, within the meaning of Rule 23.02, a substantial interest in the issues in EB-2006-0021. In LIEN's view, its grounds for participating, referenced in the same Rule, are to advance its views, to protect its interests and to bring knowledge and experience to the making of better decisions.

LIEN's interests and a description of its organization are set out above, in greater detail on its web site ([www.lowincomeenergy.ca](http://www.lowincomeenergy.ca)), and in previous submissions to the Board. LIEN has been a recognized intervenor in other proceedings before the Board, in particular concerning the issue of DSM.

LIEN intends to participate actively and responsibly in the proceeding by submitting interrogatories, evidence and argument as it appears appropriate to LIEN to do so, and so too to cross-examine witnesses and to submit argument (ref. Rules 23.02 and 23.03(b)).

*Intention to seek an award of costs and request for finding of cost award eligibility  
 (ref. Rule 23.03(d) and Practice Direction on Cost Awards, Sections 3 and 4)*

As a participant in this proceeding LIEN would have no other financial support to participate were it not for an award of costs. LIEN benefits from some donated time of its representatives and some time of staff from member organizations. Also, its outside consultants generally accept to work for a lower hourly rate than they would command when working for for-profit entities. Nonetheless, LIEN has no financial resources to support this intervention. Therefore, LIEN would intend to apply for an award of costs (ref. Rule 23.03(d)). LIEN would ask for an early determination by the Board of its eligibility to claim an award of costs.

While recognizing that under the Board's Practice Direction on Cost Awards, Section 3, the Board has considerable discretion as to which parties may be eligible for an award of costs, LIEN notes that it is not one of the parties excluded in Section 3. LIEN intends to communicate and, where possible, co-ordinate its efforts with any others having similar interests. LIEN would welcome other interests which may wish to join with LIEN. LIEN, in its view, meets the stated criteria for eligibility.

In this proceeding, I, Malcolm Jackson, would be a consultant to LIEN and its agent. I would be assisted by one or more staff and associates who will be identified for the Board in due course. A summary of my experience and other qualifications is provided as an attachment to this letter.

*Request for proceeding documents and addresses for LIEN's representative (ref. Rule 23-03(f))*

LIEN requests that copies of written materials in electronic form in respect of this proceeding be sent to [Malcolm.Jackson@sympatico.ca](mailto:Malcolm.Jackson@sympatico.ca) and that paper copies of all written materials be sent to:

FRC Canada  
194 Berkeley Street  
Toronto, ON M5A 2X4  
Attn: Malcolm Jackson  
Note to courier: "NO SIGNATURE REQUIRED"

Other contact information (ref. Rule 23.03(f)) is:

Email: Malcolm.Jackson@sympatico.ca  
Voice: 416-365-3195 (office) or, if urgent, 416-524-0439 (mobile)  
Fax: 416-365-3023

Thank you for consideration of LIEN's request for intervenor status.

Respectfully,

ORIGINAL SIGNED

Malcolm Jackson

MJ/hs Ref.: 1\_EB-2006-00214, LIEN Intervention, 2006-04-18 'ORIGINAL SIGNED'.doc

Attachments

cc. All Intervenors





F-1e26



SEP 25 2006

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September 22, 2006

**VIA EMAIL and Courier**

ONTARIO ENERGY BOARD

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, Ontario  
M4P 1E4

This is Exhibit "B" referred to in the  
affidavit of TRACY HEWITT  
sworn before me, this 27<sup>th</sup>  
day of NOVEMBER, 2006

A COMMISSIONER FOR TAKING AFFIDAVITS

Dear Ms. Walli:

25109  
EPW

Re: **Board File No. EB-2006-0021**  
**Natural Gas Demand Side Management Generic Issues Proceeding**  
**Enbridge Gas Distribution Response to Intervenor Cost Claims**

Enbridge Gas Distribution has reviewed the cost claims it has received from each of the Consumers Council of Canada ("CCC"), Canadian Manufacturers and Exporters ("CME"), Energy Probe, Green Energy Coalition ("GEC"), Industrial Gas Users Association ("IGUA"), Low Income Energy Network ("LIEN"), London Property Management Association ("LPMA"), Pollution Probe, and Vulnerable Energy Consumers Coalition ("VECC") regarding the EB-2006-0021 Natural Gas Demand Side Management Generic Issues Proceeding.

The Company found the claims to be consistent with the allowances of prescribed rates within the cost assessment guidelines and has no objection to these claims.

Through reviewing the claims received to date, the Company notes that some of the intervenors represent constituents who do not operate within both of the Local Distribution Company franchise areas. The Board may wish to consider assigning the responsibility of costs for such intervenors to the ratepayers of their specific Utility while continuing to assign cost responsibility equally between the Utilities for all other Intervenor.

The Company awaits the recommendations and or cost awards of the Board with respect to these intervenor cost claims.

Enbridge Gas Distribution reserves the right to make submissions regarding any outstanding intervenor cost submissions which are subsequently received.

Yours truly,  
  
Kevin Culbert  
Manager, Regulatory Accounting

cc: CCC, CME, Energy Probe, GEC, IGUA, LIEN, LPMA, Pollution Probe, VECC



Ontario Energy Board

Commission de l'Énergie de l'Ontario



This is Exhibit...referred to in the affidavit of TRACY HEWITT sworn before me, this 27th day of NOVEMBER 2006

[Signature] A COMMISSIONER FOR TAKING AFFIDAVITS

EB-2006-0021

IN THE MATTER OF the Ontario Energy Board Act 1998, S.O.1998, c.15, (Schedule B);

AND IN THE MATTER OF a generic proceeding initiated by the Ontario Energy Board to address a number of current and common issues related to demand side management activities for natural gas utilities.

- BEFORE: Pamela Nowina, Presiding Member and Vice Chair; Paul Vlahos, Member; Ken Quesnelle, Member

DECISION ON COST AWARDS

November 6, 2006

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DECISION ON COST AWARDS

Pursuant to section 30 of the Act the Board may order a person to pay all or part of a person's costs of participating in a proceeding. Pursuant to section 41 of the Board's Rules of Practice and Procedures, any person in a proceeding whom the Board has determined to be eligible for cost awards may apply for costs in accordance with the Board's Practice Directions on Cost Awards. Section 5 of the Practice Directions sets out the principles and criteria in awarding costs.

In its August 25, 2006 Decision dealing with demand side management matters for Enbridge Gas Distribution Inc. ("EGD") and Union Gas Limited ("Union"), the Board set out a process for dealing with cost awards. Specifically, the Board stated:

Intervenors eligible for cost awards shall file their cost claims by September 15, 2006. The utilities may comment on these claims by September 22, 2006. The cost award applicants may respond to the utilities' comments by September 29, 2006. Union and EGD shall pay in equal amounts the intervenor costs to be awarded by the Board in a subsequent decision, as well any incidental Board costs.

The following Intervenors were found to be eligible for cost awards in this proceeding, and filed cost statements and requested 100% recovery. Energy Probe Research Foundation ("Energy Probe"), Canadian Manufacturers & Exporters ("CME"), Pollution Probe, the Vulnerable Energy Consumers Coalition ("VECC"), the Green Energy Coalition ("GEC"), the Consumers Council of Canada ("CCC"), the Industrial Gas Users Association ("IGUA"), the School Energy Coalition ("SEC"), the London Property Management Association ("LPMA"), and the Low Income Energy Network ("LIEN").

EGD replied that it had no objection to the amounts claimed by the parties, while Union did not comment on the claims.

The Board awards Energy Probe, Pollution Probe, VECC, GEC, CCC, IGUA, SEC, and LPMA, 100% of their costs.

The Board will comment on LIEN and CME separately.

The Board finds that CME's contribution provided little benefit to the Board in its consideration of the issues, both in terms of how CME's evidence was lead as

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DECISION ON COST AWARDS

well as its content. CME's cross-examination and its submissions were of little assistance to the Board. A partial award is granted commensurate with this assessment. CME's legal costs are awarded at a level of one third of the amount submitted for recovery and the consultants'/witnesses' costs are awarded at a level of one half of the amount submitted for recovery. CME's disbursement costs are awarded in full for the amount submitted.

LIEN's evidence and participation was limited to a few issues pertaining to its constituency. LIEN's cost claim does not reasonably correlate to what would be expected for such focused intervention relative to other intervenor claims whose participation covered either all issues or was much broader. This is not an implication that the issues LIEN focused on are not important or that the Board was not assisted by its evidence. This partial award is simply a reflection of what the Board considers reasonable for the relatively limited scope of LIEN's participation and contribution to the issues the Board needed to decide in this proceeding. LIEN's legal and consultants/witnesses costs are awarded at a level of two thirds of the amount submitted for recovery. LIEN's disbursement costs are awarded in full for the amount submitted.

The cost orders will be issued in due course setting out the specific amounts to be paid to each above named intervenor by Union and EGD. All costs are awarded as verified by the Board's Cost Assessment Officer.

Dated at Toronto, November 6, 2006.

*Signed on the behalf of the Panel*

Pamela Nowina  
Presiding Member and Vice Chair



**EB-2006-0021 Generic Gas-DSM, Phase1 Cost Claims**

(prepared by The Low-Income Energy Network, 2006-11-24)

<i>Party</i>	<i>Fees (agent/counsel and consultant )</i>	<i>All fees (including experts)</i>	<i>All fees and disbursements</i>
LIEN	\$71,194	\$93,069	\$103,721
CME	85,523	93,513	93,986
GEC	104,046	161,359	178,375
SEC	67,461	77,740	80,439
LPMA	27,510	27,510	31,686
VECC	37,603	37,603	37,603
IGUA	37,373	37,373	47,091
CCC	68,733	68,733	68,848
EPRF	56,710	56,710	57,053
PP	42,094	42,094	43,079
<b>Totals</b>	<b>\$598,247</b>	<b>\$695,704</b>	<b>\$741,880</b>

**Notes:**

GST is excluded since, when included, it is at three different rates. GST affects the comparison of potentially controllable costs of agent /counsel and consultant which costs are to be analysed on their own.

This is Exhibit.....<sup>"D"</sup>.....referred to in the  
 affidavit of.....TRACY HEWITT.....  
 sworn before me, this.....27<sup>th</sup>.....  
 day of.....NOVEMBER.....20.06

  
 A COMMISSIONER FOR TAKING AFFIDAVITS



**ONTARIO ENERGY BOARD**

**IN THE MATTER OF** the Ontario Energy Board Act, 1998,  
S.O. 1998, c.15, (Schedule B);

**AND IN THE MATTER OF** a generic proceeding initiated by  
the Ontario Energy Board to address a number of current  
and common issues related to demand side management  
activities for natural gas utilities.

**AFFIDAVIT OF TRACY HEWITT**

**WILLMS & SHIER  
ENVIRONMENTAL LAWYERS LLP**  
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Toronto, ON M5H 1B6

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Low-Income Energy Network

