

fogler  
rubinoff

File 26  
Fogler, Rubinoff LLP  
Lawyers

77 King Street West  
Suite 3000, PO Box 95  
TD Centre North Tower  
Toronto, ON M5K 1G8  
t: 416.864.9700 | f: 416.941.8852  
foglers.com

May 26, 2015

Reply To: Thomas Brett  
Direct Dial: 416.864.9700  
E-mail: tbrett@foglers.com  
Our File No. 147988

**VIA EMAIL AND COURIER**

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

  
**RECEIVED**  
MAY 26 2015

ONTARIO ENERGY BOARD

Attention: Kristen Walli  
Board Secretary

Dear Ms. Walli:

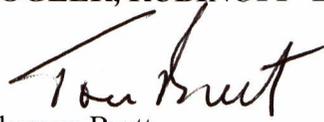
**Re: Board File No. EB-2014-0276**

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Please find attached BOMA's Cost Claim.

Yours truly,

**FOGLER, RUBINOFF LLP**

  
Thomas Brett  
TB/fe  
Encls.

**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.

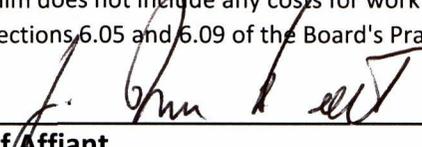
**Except as provided in section 7.03 of the Practice Direction on Cost Awards, itemized receipts must be provided.**

<b>File # EB-</b> <u>2014-0276</u>	<b>Process:</b> <u>2015 Rate Adjustment Application</u>
<b>Party:</b> <u>BOMA</u>	<b>Affiant's Name:</b> <u>Tom Brett</u>
<b>HST Number:</b> <u>R1119420859</u>	<b>HST Rate Ontario:</b> <u>13.00%</u>
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, Tom Brett, of the City/Town of Toronto  
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 or affirmed before me** at the City/Town of Toronto,  
in the Province/State of Ontario, on May 26 2015.  
(date)

  
\_\_\_\_\_  
**Commissioner for taking Affidavits**

Ontario Energy Board  
COST CLAIM FOR HEARINGS



Affidavit and Summary of Fees and Disbursements

File # EB- 2014-0276 Process: 2015 Rate Adjustment Application

Party: BOMA

**Summary of Fees and Disbursements Being Claimed**

Legal/consultant/other fees	\$	9,570.00
Disbursements	\$	-
HST	\$	1,244.10
<b>Total Cost Claim</b>	<b>\$</b>	<b>10,814.10</b>

**Payment Information**

Make cheque payable to: Fogler, Rubinoff LLP

Send payment to this address: Attention: Debbie Dey  
77 King Street West, Suite 3000  
P.O Box 95, TD Centre North Tower  
P.O Box 95, TD Centre North Tower

# Ontario Energy Board COST CLAIM FOR HEARINGS



## Detail of Fees and Disbursements Being Claimed

File # EB- <u>2014-0276</u>	Process: <u>2015 Rate Adjustment Application</u>
Party: <u>BOMA</u>	Service Provider Name: <u>Tom Brett</u>
<b>SERVICE PROVIDER TYPE</b> (check one)	Year Called to Bar
Legal Counsel <input checked="" type="checkbox"/>	<input type="text" value="1971"/>
Articling Student/Paralegal <input type="checkbox"/>	
Consultant <input type="checkbox"/>	
Analyst <input type="checkbox"/>	
Completed Years Practising/Years of Relevant Experience	<input type="text" value="35"/>
Hourly Rate:	<input type="text" value="\$330"/>
For Consultant/Analyst: <input type="checkbox"/> CV attached	HST Rate Charged (enter %): <input type="text" value="13.0%"/>
<input checked="" type="checkbox"/> CV provided within previous 24 months	

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
<b>Pre-hearing Conference</b>					
Preparation	7.50	\$ 330.00	\$ 2,475.00	\$ 321.75	\$ 2,796.75
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Technical Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Interrogatories</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Responses		\$ 330.00	\$ -	\$ -	\$ -
<b>Issues Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>ADR - Settlement Conference</b>					
Preparation	4.50	\$ 330.00	\$ 1,485.00	\$ 193.05	\$ 1,678.05
Attendance	15.00	\$ 330.00	\$ 4,950.00	\$ 643.50	\$ 5,593.50
Proposal Preparation	2.00	\$ 330.00	\$ 660.00	\$ 85.80	\$ 745.80
<b>Argument</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
<b>Oral Hearing</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Other Conferences</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Case Management</b>					
		\$ 170.00	\$ -	\$ -	\$ -
<b>TOTAL SERVICE PROVIDER FEES</b>			\$ 9,570.00	\$ 1,244.10	\$ 10,814.10

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



File # EB- 2014-0276

Process: 2015 Rate Adjustment Application

Party: BOMA

Service Provider Name: Tom Brett

Statement of Disbursements Being Claimed				
		Net Cost	HST	Total
Scanning/Photocopy				\$ -
Printing				\$ -
Courier				\$ -
Telephone/Fax				\$ -
Transcripts				\$ -
Travel: Air				\$ -
Travel: Car				\$ -
Travel: Rail				\$ -
Travel (Other):				\$ -
Parking				\$ -
Taxi				\$ -
Accommodation				\$ -
Meals				\$ -
Other:				\$ -
Other:				\$ -
Other:				\$ -
<b>TOTAL DISBURSEMENTS:</b>		\$ -	\$ -	\$ -

Prebill # 808284 Session: 451760 Bill to: 26/May/15

**FOGLER, RUBINOFF LLP**

**Client: F1588**

Fraser & Company

CLIENT LAWYER: Brett, Thomas

MATTER\_LAWYER: Brett, Thomas

LAWYER ON BILL: Brett, Thomas

LAST BILL DATE: NONE

PAYOR NAME & ADDRESS

Fraser & Company  
33 Harbour Square, Suite 502  
Toronto, ON  
M5J 2G2  
Canada  
Attn: Marion Fraser

PAYOR: F1588 MAIN

BILL: F1588 MAIN

ACCOUNT APPROVAL

**Matter: 147988**

BOMA – Enbridge Gas  
Distribution Inc., 2015 Rate  
Adjustment Application; Board  
File No. EB-2014-0276

Thomas Brett

[ ] FINAL BILL: MATTER WILL BE MADE INACTIVE

**UNBILLED TIME**

<u>LAST ENTRY</u>	<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>AMOUNT</u>	<u>FEE CREDIT ALLOCATION</u>	<u>CODE</u>	<u>INIT</u>
12/Mar/15	Thomas Brett	29.00	9,570.00	[ ] AS DOCKETED	415	TB
TOTAL UNBILLED FEES			29.00	9,570.00	[ ] WRITE OFF	
PREMIUM (WRITE DOWN)						
TOTAL FEES THIS BILL						

**UNBILLED DISBURSEMENTS**

<u>LAST ENTRY</u>	<u>CODE</u>	<u>DISB. TYPE</u>	<u>GST</u>	<u>AMOUNT</u>	<u>UNBILLED W/O</u>	<u>ANTICIPATED</u>	<u>TOTAL THIS BILL</u>
06/Jan/15	7	Courier & Delivery	Y	11.99			
TOTAL UNBILLED DISB				11.99	[ ] WRITE OFF		
TOTAL ADJUSTMENTS							
TOTAL DISB THIS BILL							

TRUST SUMMARY – A Trust was not opened on this Matter

**FOGLER, RUBINOFF**  
**BILLING STATEMENT TO 26/May/15**

Payor/Matter: F1588/**147988**  
 Fraser & Company  
 BOMA – Enbridge Gas Distribution Inc.,  
 2015 Rate Adjustment Application; Board  
 File No. EB-2014-0276  
 Prebill No.: 808284  
 Session ID: 451760

LAST BILL DATE: NONE  
 LAST BILLED TO DATE: NONE  
 FILE LAWYER: Brett, Thomas  
 ASSIGNED LAWYER: Brett, Thomas

BILL ADDRESS  
 Fraser & Company  
 33 Harbour Square, Suite 502  
 Toronto, ON M5J 2G2  
 CANADA

PAYOR DEFAULT ADDRESS  
 33 Harbour Square, Suite 502  
 Toronto, ON  
 M5J 2G2  
 Fraser, Marion

**DETAIL OF UNBILLED TIME**

<u>DATE</u>	<u>TIME ID</u>	<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>RATE</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
28/Feb/15	2566586	415 TB	7.50	330.00	2,475.00	Reviewing IR Responses and evidence in preparation for Settlement Conference
05/Mar/15	2566903	415 TB	2.00	330.00	660.00	Preparation for Settlement Conference
05/Mar/15	2566904	415 TB	8.00	330.00	2,640.00	Attending Settlement Conference
06/Mar/15	2566905	415 TB	2.50	330.00	825.00	Preparation for Settlement Conference
06/Mar/15	2566906	415 TB	7.00	330.00	2,310.00	Attending Settlement Conference
12/Mar/15	2571354	415 TB	2.00	330.00	660.00	Reviewing Settlement Agreement and comments
TOTAL TIME			29.00		9,570.00	

**DETAIL OF UNBILLED DISBURSEMENTS**

<u>DATE</u>	<u>DISB ID</u>	<u>CODE</u>	<u>QUAN</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
06/Jan/15	6013866	7	Courier & Delivery	11.99	13:01 TB Courier: Blizzard# 7255939 ONT ENERGY BOARD-2300 Yonge St-Joelle
TOTAL DISB				11.99	