

fogler  
rubinoff

file # 26  
Fogler, Rubinoff LLP  
Lawyers

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Toronto, ON M5K 1G8  
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October 31, 2014

Reply To: Thomas Brett  
Direct Dial: 416.941.8861  
E-mail: tbrett@foglers.com  
Our File No. 145144

**VIA RESS, EMAIL AND COURIER**

Ontario Energy Board  
2300 Yonge Street  
27th Floor  
Toronto, Ontario  
M4P 1E4

Attention: Kirsten Walli  
Board Secretary

RECEIVED

NOV 03 2014

ONTARIO ENERGY BOARD

Dear Ms. Walli:

**Re: EB-2014-0195: Enbridge Gas Distribution Inc.,  
2013 Deferral and Variance Account Clearance Application**

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Please find attached BOMA's Cost Claim.

Yours truly,

**FOGLER, RUBINOFF LLP**



Thomas Brett  
TB/dd

cc: Andrew Mandyam (by e-mail)  
David Stevens (by e-mail)  
Marion Fraser, Fraser & Company (by e-mail)  
Chris Conway, BOMA (by e-mail)

# 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.

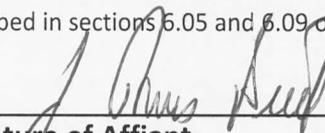
**Except as provided in section 7.03 of the Practice Direction on Cost Awards, itemized receipts must be provided.**

<b>File #</b> EB- <u>2014-0195</u>	<b>Process:</b> <u>EGDI 2013 Deferral &amp; Variance Account Clearance</u>
<b>Party:</b> <u>BOMA</u>	<b>Affiant's Name:</b> <u>Tom Brett</u>
<b>HST Number:</b> <u>R119420859</u>	<b>HST Rate Ontario:</b> <u>13.00%</u>
Full Registrant <input checked="" type="checkbox"/> Unregistered <input type="checkbox"/> Other <input type="checkbox"/>	Qualifying Non-Profit <input type="checkbox"/> Tax Exempt <input type="checkbox"/>

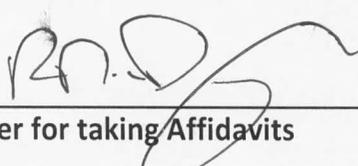
### Affidavit

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 30,  
in the Province/State of Ontario, on Oct. 28, 2014.  
(date)

  
**Commissioner for taking Affidavits**

Ontario Energy Board  
COST CLAIM FOR HEARINGS



Affidavit and Summary of Fees and Disbursements

File # EB- 2014-0195 Process: EGDI 2013 Deferral & Variance Account Clearance

Party: BOMA

**Summary of Fees and Disbursements Being Claimed**

Legal/consultant/other fees	\$	11,781.00
Disbursements	\$	29.96
HST	\$	1,535.42
<b>Total Cost Claim</b>	<b>\$</b>	<b>13,346.38</b>

**Payment Information**

Make cheque payable to: Fogler, Rubinoff LLP

Send payment to this address: c/o Debbie Dey  
77 King Street West, Suite 3000  
PO Box 95, TD Centre North Tower  
Toronto, ON M5K 1G8

**Ontario Energy Board  
COST CLAIM FOR HEARINGS**



**Detail of Fees and Disbursements Being Claimed**

File # EB- <u>2014-0195</u>	Process: <u>EGDI 2013 Deferral &amp; Variance Account Clearance</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"/>	
For Consultant/Analyst: <input type="checkbox"/> CV attached	Completed Years Practising/Years of Relevant Experience
<input checked="" type="checkbox"/> CV provided within previous 24 months	<input type="text" value="35"/>
	Hourly Rate: <input type="text" value="\$330"/>
	HST Rate Charged (enter %): <input type="text" value="13.0%"/>

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
<b>Pre-hearing Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Technical Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Interrogatories</b>					
Preparation	4.00	\$ 330.00	\$ 1,320.00	\$ 171.60	\$ 1,491.60
Responses		\$ 330.00	\$ -	\$ -	\$ -
<b>Issues Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>ADR - Settlement Conference</b>					
Preparation	2.50	\$ 330.00	\$ 825.00	\$ 107.25	\$ 932.25
Attendance	2.70	\$ 330.00	\$ 891.00	\$ 115.83	\$ 1,006.83
Proposal Preparation	1.50	\$ 330.00	\$ 495.00	\$ 64.35	\$ 559.35
<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>			\$ 3,531.00	\$ 459.03	\$ 3,990.03

**Ontario Energy Board  
COST CLAIM FOR HEARINGS**



**Detail of Fees and Disbursements Being Claimed**

File # EB- 2014-0195

Process: EGDI 2013 Deferral & Variance Account Clearance

Party: BOMA

Service Provider Name: Tom Brett

Statement of Disbursements Being Claimed			
	Net Cost	HST	Total
Scanning/Photocopy			\$ -
Printing			\$ -
Courier	\$ 29.96	\$ 3.89	\$ 33.85
Telephone/Fax			\$ -
Transcripts			\$ -
Travel: Air			\$ -
Travel: Car			\$ -
Travel: Rail			\$ -
Travel (Other):			\$ -
Parking			\$ -
Taxi			\$ -
Accommodation			\$ -
Meals			\$ -
Other:			\$ -
Other:			\$ -
Other:			\$ -
<b>TOTAL DISBURSEMENTS:</b>	<b>\$ 29.96</b>	<b>\$ 3.89</b>	<b>\$ 33.85</b>

# Ontario Energy Board COST CLAIM FOR HEARINGS



## Detail of Fees and Disbursements Being Claimed

File # EB- <u>2014-0195</u>	Process: <u>EGDI 2013 Deferral &amp; Variance Account Clearance</u>
Party: <u>BOMA</u>	Service Provider Name: <u>Marion Fraser</u>
<b>SERVICE PROVIDER TYPE</b> (check one)	Year Called to Bar
Legal Counsel <input type="checkbox"/>	<input type="text"/>
Articling Student/Paralegal <input type="checkbox"/>	<input type="text"/>
Consultant <input checked="" type="checkbox"/>	Completed Years Practising/Years of Relevant Experience
Analyst <input type="checkbox"/>	<input type="text" value="33"/>
For Consultant/Analyst: <input type="checkbox"/> CV attached	Hourly Rate: <input type="text" value="\$330"/>
<input checked="" type="checkbox"/> CV provided within previous 24 months	HST Rate Charged (enter %): <input type="text" value="13.0%"/>

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
<b>Pre-hearing Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
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		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 330.00	\$ -	\$ -	\$ -
<b>Argument</b>					
Preparation	25.00	\$ 330.00	\$ 8,250.00	\$ 1,072.50	\$ 9,322.50
<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>			\$ 8,250.00	\$ 1,072.50	\$ 9,322.50

**Ontario Energy Board**  
**COST CLAIM FOR HEARINGS**



**Detail of Fees and Disbursements Being Claimed**

File # EB- 2014-0195

Process: EGDI 2013 Deferral & Variance Account Clearance

Party: BOMA

Service Provider Name: Marion Fraser

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>	\$ -	\$ -	\$ -

**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

**Matter: 145144**  
BOMA – Enbridge Gas  
Distribution Inc., 2013 Deferral  
and Variance Account Clearance  
Application; Board File No. EB-  
2014-0195

ACCOUNT APPROVAL

Thomas Brett

FINAL BILL: MATTER WILL BE MADE INACTIVE

**UNBILLED TIME**

LAST ENTRY	TIMEKEEPER	HOURS	AMOUNT	FEE CREDIT ALLOCATION	CODE	INIT
09/Oct/14	Thomas Brett	10.70	3,531.00	<input type="checkbox"/> AS DOCKETED	415	TB
TOTAL UNBILLED FEES		10.70	3,531.00	<input type="checkbox"/> WRITE OFF		
PREMIUM (WRITE DOWN)						
TOTAL FEES THIS BILL						

**UNBILLED DISBURSEMENTS**

LAST ENTRY	CODE	DISB. TYPE	GST	AMOUNT	UNBILLED W/O	ANTICIPATED	TOTAL THIS BILL
22/Jul/14	7	Courier & Delivery	Y	29.96			
TOTAL UNBILLED DISB				29.96	<input type="checkbox"/> WRITE OFF		
TOTAL ADJUSTMENTS							
TOTAL DISB THIS BILL							

**TRUST SUMMARY** – A Trust was not opened on this Matter

**FOGLER, RUBINOFF**  
**BILLING STATEMENT TO 27/Oct/14**

Payor/Matter: F1588/**145144**  
 Fraser & Company  
 BOMA – Enbridge Gas Distribution Inc.,  
 2013 Deferral and Variance Account  
 Clearance Application; Board File No.  
 EB-2014-0195  
 Prebill No.: 776608  
 Session ID: 431679

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>
25/Sep/14	2484392	415 TB	2.00	330.00	660.00	Reviewing evidence and IRs
01/Oct/14	2491251	415 TB	2.00	330.00	660.00	Reviewing evidence and preparing IRs
02/Oct/14	2491252	415 TB	2.50	330.00	825.00	Reviewing evidence and IRs; Preparing for Settlement Conference
02/Oct/14	2491253	415 TB	2.70	330.00	891.00	Attending Settlement Conference
09/Oct/14	2491288	415 TB	1.50	330.00	495.00	Reviewing Settlement Agreement
TOTAL TIME			10.70		3,531.00	

**DETAIL OF UNBILLED DISBURSEMENTS**

<u>DATE</u>	<u>DISB ID</u>	<u>CODE</u>	<u>QUAN</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
22/Jul/14	5770253	7		29.96	14:07 TB Courier: Blizzard# 7196213 Ontario Energy Board-2300 Yonge St-fatima
TOTAL DISB				29.96	

Filter

Disb ID

5770253

Disbursement Details

Client	F1588	Fraser Company
Matter	145144	BOMA – Enbridge Gas Distribution Inc., 2
Entry Empl	AP	Parusis, Tony
Auth Empl		
Disb Empl		
Billed Empl		
Disb Office	FOGR	Fogler, Rubinoff LLP
Office	FOGR	Fogler, Rubinoff LLP
Dept	LITN	Litigation
Profit Center	GEN	General Profit Centre
Project		

Std Amt	\$27.23	Currency Code	CDN
Base Amt	\$27.23	Base Qty	0.000000
Tobill Amt	\$29.96		
Billed Amt	\$0.00	Bill Qty	0.000000

Narrative

14:07 TB Courier: Blizzard# 7196213 Ontario Energy Board-2300 Yonge St-fatima

## Appendix B

## DOCKET

Board File Number		EB-2014-0195 Enbridge		Party Name		BOMA Toronto			
Date	Explanation	Consultant	Fraser & Company		Attendance SC	Attendance OH	Argument	Total	
			Preparation	Attendance TC					
26-Oct-13	Review of Enbridge Application	MEF	1					1	1
19-Nov-13	BOMA Submission	MEF	6					6	6
27-Jan-14	Review of Revised Application	MEF	1					1	1
20-Feb-14	Review of Enbridge Submission	MEF	2					2	2
4-Mar-14	BOMA Submission	MEF	2					2	2
2-Apr-14	Review of SEC Submission	MEF	2					2	2
2-May-14	Review of Board Decision and Order	MEF	1					1	1
16-May-14	Review of SEC Documents	MEF	3					3	3
27-Aug-14	Review of Enbridge DSM Audit	MEF	4					4	4
28-Aug-14	Review of Enbridge DSM Audit	MEF	3					3	3
12-Oct-14	Review of Enbridge Submission	MEF	0					0	0
Total			25	0	0	0	0	0	25

Note: Includes Costs recorded for EB-2013-0352 but not previously requested