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December 19, 2013

Reply To: Thomas Brett
Direct Dial: 416.941.8861
E-mail: tbrett@foglers.com
Our File No. 137051

VIA EMAIL AND REGULAR MAIL

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4

Attention: Kirsten Walli,
Board Secretary

Dear Ms. Walli:

**Re: EB-2012-0064; Cost Claim of Building Owners and Managers Association
("BOMA")**

Please find attached cost claim of BOMA.

Yours truly,

FOGLER, RUBINOFF LLP

Thomas Brett
TB/dd
Encls.

cc: Amanda Klein, THESL (by email)
Rob Barrass, THESL (by email)
Fred Cass, Aird & Berlis (by email)
Marion Fraser (by email)

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 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 present in the document to assist with the calculation of the cost claim.
- 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 consultant or lawyer/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 must be attached unless, for a given consultant, a CV has been provided to the Board in another process within the last 24 months.
- Except as provided in section 7.03 of the Practice Direction on Cost Awards, itemized receipts must be provided.

File # EB-	<u>2012-0064</u>	Process:	<u>THESL Rate Change, Phase 2</u>
Party:	<u>BOMA</u>	Affiant's Name:	<u>Tom Brett</u>
HST Number:	<u>R119420859</u>	HST Rate Ontario:	<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, Debbie Dey on behalf of 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 Dec 19/13,
(date)


Commissioner for taking Affidavits

Ontario Energy Board
COST CLAIM FOR HEARINGS
Affidavit and Summary of Fees and Disbursements



File # EB- 2012-0064 Process: THESL Rate Change, Phase 2

Party: BOMA

Summary of Fees and Disbursements Being Claimed

Legal/consultant fees	\$29,205.00
Disbursements	\$0.00
HST	\$3,796.65
Total Cost Claim	\$33,001.65

Ontario Energy Board COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2012-0064</u>	Process: <u>THESL Rate Change, Phase 2</u>
Party: <u>BOMA</u>	Name: <u>Tom Brett</u>
Completed Years Practising/Years of relevant experience	<u>35</u>
Counsel/Articling Student/Paralegal: <input checked="" type="checkbox"/>	
Consultant: <input type="checkbox"/>	
CV attached: <input type="checkbox"/>	CV not required: <input checked="" type="checkbox"/>

Statement of Fees Being Claimed

	Hours	Hourly rate	Subtotal	HST	Total
Preparation	70.00	\$330.00	\$23,100.00	\$3,003.00	\$26,103.00
Attendance - Technical Conference	8.00	\$330.00	\$2,640.00	\$343.20	\$2,983.20
Attendance - Settlement Conference	10.50	\$330.00	\$3,465.00	\$450.45	\$3,915.45
Attendance - Oral Hearing			\$0.00	\$0.00	\$0.00
Argument			\$0.00	\$0.00	\$0.00
Case Management		\$170.00	\$0.00	\$0.00	\$0.00
TOTAL LEGAL/CONSULTANT FEES			\$29,205.00	\$3,796.65	\$33,001.65

Statement of Disbursements Being Claimed

	Net Cost	HST	Total
Photocopies		\$0.00	\$0.00
Printing		\$0.00	\$0.00
Fax		\$0.00	\$0.00
Courier		\$0.00	\$0.00
Telephone		\$0.00	\$0.00
Postage		\$0.00	\$0.00
Transcripts		\$0.00	\$0.00
Travel: Air		\$0.00	\$0.00
Travel: Car		\$0.00	\$0.00
Travel: Rail		\$0.00	\$0.00
Travel (Other):		\$0.00	\$0.00
Parking		included	\$0.00
Taxi or Airport Limo		\$0.00	\$0.00
Accommodation		\$0.00	\$0.00
Meals		\$0.00	\$0.00
Other:		\$0.00	\$0.00
TOTAL DISBURSEMENTS:	\$0.00	\$0.00	\$0.00

December 16, 2013

Fraser & Company
502-33 Harbour Square
Toronto ON
M5J 2G2

Attention: Marion Fraser
President

IN ACCOUNT WITH
Fogler, Rubinoff LLP
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www.foglers.com

fogler
rubinoff

Our File: F1588 / 137051
BOMA – Toronto Hydro-Electric System Limited, Electricity Distribution Rate
Change - Phase 2; Board File No. EB-2012-0064

TO OUR FEE for professional services rendered with respect to the above-captioned matter, including:

<u>Date</u>	<u>Lawyer</u>	<u>Description</u>	<u>Hrs</u>	<u>Fees</u>
Oct-30-13	TB	Reviewing evidence.	2.00	660.00
Oct-31-13	TB	Reviewing evidence.	2.00	660.00
Nov-20-13	TB	Reviewing evidence.	3.00	990.00
Nov-22-13	TB	Reviewing evidence.	2.00	660.00
Nov-23-13	TB	Reviewing evidence.	7.00	2,310.00
Nov-24-13	TB	Reviewing evidence.	6.00	1,980.00
Nov-25-13	TB	Reviewing evidence and Interrogatory Responses.	3.00	990.00
Nov-26-13	TB	Reviewing evidence and Interrogatories.	4.00	1,320.00
Nov-27-13	TB	Preparation for Technical Conference.	2.50	825.00
Nov-27-13	TB	Attending Technical Conference.	4.00	1,320.00
Nov-28-13	TB	Reviewing evidence and IRs.	2.00	660.00
Nov-28-13	TB	Attending Technical Conference.	4.00	1,320.00
Nov-29-13	TB	Reviewing evidence and IRs.	4.00	1,320.00
Nov-30-13	TB	Reviewing evidence.	1.50	495.00
Dec-01-13	TB	Reviewing evidence; Preparing for Settlement Conference.	4.00	1,320.00
Dec-02-13	TB	Reviewing evidence; Preparing for Settlement Conference.	6.50	2,145.00
Dec-03-13	TB	Preparation for Settlement Conference; Reviewing evidence.	5.00	1,650.00
Dec-04-13	TB	Preparation for Settlement Conference.	7.00	2,310.00
Dec-05-13	TB	Preparation for Settlement Conference.	2.00	660.00
Dec-05-13	TB	Attending Settlement Conference.	7.50	2,475.00
Dec-06-13	TB	Preparation for Settlement Conference.	1.50	495.00
Dec-06-13	TB	Attending Settlement Conference.	3.00	990.00
Dec-13-13	TB	Reviewing and revising Settlement Agreement; Telephone discussions.	2.50	825.00
Dec-16-13	TB	Reviewing and revising Settlement Agreement; Telephone discussions.	2.50	825.00
TOTAL FEES:				\$29,205.00

OUR FEE HEREIN

\$29,205.00

Summary of Fees

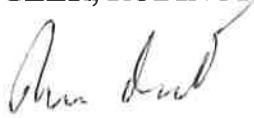
<u>Initials</u>	<u>Total Time</u>	<u>Hourly Rate</u>	<u>Value</u>
TB	88.50	330.00	29,205.00

Disbursements

Total Disbursements	\$0.00
Total Fees and Disbursements	<u>\$29,205.00</u>
HST @ 13% on Fees and Taxable Disbursements	<u>\$3,796.65</u>
Total Fees, Disbursements and Taxes this Bill	<u>\$33,001.65</u>

Balance Due: \$33,001.65

**THIS IS OUR ACCOUNT HEREIN
FOGLER, RUBINOFF LLP**



Thomas Brett

THIS ACCOUNT BEARS INTEREST, COMMENCING ONE MONTH AFTER DELIVERY, AT THE RATE OF 3.30% PER ANNUM AS AUTHORIZED BY THE SOLICITORS' ACT. ANY DISBURSEMENTS NOT POSTED TO YOUR ACCOUNT ON THE DATE OF THIS STATEMENT WILL BE BILLED LATER.

E. & O.E.

GST/HST No : R119420859

Please return a copy of this account with your payment. Thank you.