



RP-2001-0029

COST AWARD

Recommendation of Assessment Officer

TO:

Malcolm Jackson	Presiding Member
George Dominy	Member
Paul Sommerville	Member

INTERVENOR:

Pollution Probe

APPLICANTS:

Union Gas Limited ("Union")

Pollution Probe was awarded its costs by the Ontario Energy Board (the "Board") pursuant to its Decision on Costs dated November 26, 2002. The Board awarded Pollution Probe 100% of its reasonably incurred costs, subject to the Board's assessment process and payable by Union.

Pollution Probe was represented in the hearing by Mr. Murray Klippenstein of the law firm of Klippenstein.

In the course of making this Recommendation, the Assessment Officer has considered the following material:

- Affidavits dated May 15, 2002 from Mr. Klippenstein to the Board, with attached statement of costs;

- The public record of the proceedings.

The Assessment Officer has assessed Pollution Probe's Cost Award based on the figures it provided on May 15, 2002.

COSTS - Claimed

	Item	GST	
Legal Fees (Murray Klippenstein)	\$5,932.50	\$207.64	
Legal Fees (Vilko Zbogar)	\$319.00	\$11.17	
Legal Fees (Articling Student)	\$42.00	\$1.47	
Consultant Fees (Jack Gibbons)	\$7,657.20	\$268.00	
Disbursements	\$865.89	\$30.31	
Totals	\$14,816.59	\$518.59	\$15,335.18

Goods and Services Tax

Pollution Probe is qualifying non-profit for GST purposes, claiming GST at 3.5% and this Recommendation is made on that basis.

Objections

There were no objections filed by Union

Assessment of Costs

The Assessment Officer has reviewed the claim for costs and, according to the direction of the Board, has calculated all of Pollution Probe's reasonably incurred costs.

Legal and Consulting Fees

The Assessment Officer has assessed Pollution Probe's legal and consulting costs at 100 percent.

Disbursements

Disbursements have been calculated at 100 percent.

The Cost Award is assessed as follows:

COSTS - Recommendation

	Item	GST	
Legal Fees (Murray Klippenstein)	\$5,932.50	\$207.64	
Legal Fees (Vilko Zbogar)	\$319.00	\$11.17	
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Disbursements	\$865.89	\$30.31	
Totals	\$14,816.59	\$518.59	\$15,335.18

Recommendation

IT IS THEREFORE RECOMMENDED THAT the Board issue an Order requiring Union to pay Pollution Probe the sum of **\$15,335.18**.

DATED at Toronto, November 28, 2002

 Paul B. Pudge
 Assessment Officer

IMPORTANT

TO: Pollution Probe

AND TO: Union Gas Limited (“Union”)

- 1 This Cost Award is being issued pursuant to Section 30 of the Ontario Energy Board Act, 1998.
- 2 The Alliance’s statement of costs is first assessed by the Assessment Officer, who then makes a Recommendation.
- 3 An objection to this Recommendation must be filed with the Board within ten (10) working days of the date of the Recommendation.
- 4 The Board shall consider this Recommendation, and any objection, after the ten working days and may accept or not accept this Recommendation, with or without holding a hearing.
- 5 A Board Order will be issued fixing the amount to be paid by Union to Pollution Probe after the Board's consideration.