



RP-2001-0029

COST AWARD

Recommendation of Assessment Officer

TO:

Malcolm Jackson	Presiding Member
George Dominy	Member
Paul Sommerville	Member

INTERVENOR:

Canadian Manufacturers & Exporters ("CME")

APPLICANTS:

Union Gas Limited ("Union")

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

CME was represented in the hearing by Tom Moutsatsos of the law firm of Hicks Morley.

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

- Affidavits dated November 21, 2002 from Mr. Moutsatsos to the Board, with attached statement of costs;
- The public record of the proceedings.

The Assessment Officer has assessed CME's Cost Award based on the figures it provided on November 21, 2002.

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COSTS - Claimed

	Item	GST	
Legal Fees (Tom Moutsatsos)	\$26,929.50	\$0	
Legal Fees (Peter Brady)	\$52.00	\$0	
Legal Fees (Andrew Green)	\$11,937.75	\$0	
Legal Fees (Doug Hamilton)	\$1,410	\$0	
Consultant Fees (Malcolm Rowan)	\$8,156.25	\$0	
Disbursements	\$150.00	\$0	
Totals	\$48,635.50	\$0	\$48,635.50

Goods and Services Tax

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CME is a full registrant for GST purposes, claiming no GST and this Recommendation is made on that basis.

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Objections

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There were no objections filed by Union

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Assessment of Costs

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

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Legal and Consulting Fees

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

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Disbursements

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Disbursements have been calculated at 100 percent.

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The Cost Award is assessed as follows:

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COSTS - Recommendation

	Item	GST
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Disbursements	\$150.00	\$0	
Totals	\$48,635.50	\$0	\$48,635.50

Recommendation

IT IS THEREFORE RECOMMENDED THAT the Board issue an Order requiring Union to pay CME the sum of **\$ 48,635.50.**

DATED at Toronto, November 28, 2002

Paul B. Pudge
Assessment Officer

IMPORTANT

TO: Canadian Manufacturers & Exporters (“CME”)

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 CME after the Board's consideration.