



RP-2001-0029

COST AWARD

Recommendation of Assessment Officer

TO:

Malcolm Jackson	Presiding Member
George Dominy	Member
Paul Sommerville	Member

INTERVENOR:

Industrial Gas Users Association ("IGUA")

APPLICANTS:

Union Gas Limited ("Union")

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

IGUA was represented in the hearing by Mr. Peter Thompson of the law firm of Borden Ladner Gervais.

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

- Affidavits dated May 28, 2002 from Mr. Thompson to the Board, with attached statement of costs;

- The public record of the proceedings.

The Assessment Officer has assessed IGUA's Cost Award based on the figures it provided on May 28, 2002.

COSTS - Claimed

	Item	GST	
Legal Fees (Peter Thompson)	\$29,925.00	\$0	
Legal Fees - Travel (Peter Thompson)	\$4,305.00	\$0	
Legal Fees (Vince DeRose)	\$19,318.00	\$0	
Legal Fees - Travel (Vince DeRose)	\$2,847.000	\$0	
Disbursements	\$7,677.72	\$0	
Totals	\$64,072.72	\$0	\$64,072.72

Goods and Services Tax

IGUA is a full registrant for GST purposes, claiming no GST 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 IGUA's reasonably incurred costs.

Legal and Consulting Fees

The Assessment Officer has assessed IGUA's legal and consulting costs at 100 percent. Mr. Thompson's hourly rate for travel has been reduced to \$105/hr. and Mr. DeRose's hourly rate for travel has been reduced to \$65/hr per the Board's tariff.

Disbursements

Disbursements have been calculated at 100 percent.

The Cost Award is assessed as follows:

COSTS - Recommendation

	Item	GST	
Legal Fees (Peter Thompson)	\$29,925.00	\$0	
Legal Fees - Travel (Peter Thompson)	\$2152.50	\$0	
Legal Fees (Vince DeRose)	\$19,318.00	\$0	
Legal Fees - Travel (Vince DeRose)	\$1,423.50	\$0	
Disbursements	\$7,677.72	\$0	
Totals	\$60,496.72	\$0	\$60,496.72

Recommendation

IT IS THEREFORE RECOMMENDED THAT the Board issue an Order requiring Union to pay IGUA the sum of **\$60,496.72.**

DATED at Toronto, November 26, 2002

Paul B. Pudge
Assessment Officer

IMPORTANT

TO: Industrial Gas Users Association (“IGUA”)

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 IGUA after the Board's consideration.