
**Excerpt from the submission made by the
Conservative Party of Canada - Application for Funding**

Plan for Use and Accounting of Funds

15. In order for the Conservative Party to adequately and effectively fulfill its role as an Intervenor, it will, at a minimum, need to have its counsel:

- review the relevant documents filed with or produced to the Commission;
- make themselves aware of the oral evidence and exhibits presented through the course of the hearings;
- to the extent necessary, suggest witness to be called by Commission counsel and areas for examination of witnesses by Commission counsel; and
- prepare and present closing submissions.

(a) Counsel

16. The Conservative Party is seeking funding for one junior and one senior counsel, each of whom will fulfil separate roles with little to no overlap. The Conservative Party seeks funding for two counsel for the purpose of promoting efficiency. As the Conservative Party has only been granted Intervenor status before the Commission, much of the necessary day to day work can be undertaken by junior counsel at a lower billing rate. Senior counsel will be regularly briefed and will assume primary responsibility for making closing submissions, bringing any necessary motions which may arise and for communicating with Commission counsel to suggest witnesses and/or areas for examination, to the extent necessary.

17. The counsel chosen by the Conservative Party are Arthur Hamilton and Laurie Livingstone of Cassels Brock & Blackwell LLP in Toronto. Mr. Hamilton and Ms. Livingstone have acted for the Conservative Party and one of its predecessor parties in the past and the Conservative Party has full confidence in their ability to effectively and efficiently act as counsel before this Commission.

18. Mr. Hamilton is a partner with a wealth of experience in multiple party, multiple issue, lengthy public hearings. In addition to his experience at public hearings, he has conducted numerous complex civil litigation matters and has the experience and expertise to efficiently manage matters with large volumes of documents and documents of a technical nature.

Affidavit of Ian Brodie, sworn July 12,2004, at para. 15

19. Ms. Livingstone is an associate who, despite having only been called to the bar in 2002, has participated in multiple lengthy public hearings before the National Energy Board and in large, document intense, civil litigation matters. Ms. Livingstone has experience and demonstrated abilities in efficiently managing large volumes of documents and transcripts. She is able to work independently so as to minimize any overlap with senior counsel.

Affidavit of Ian Brodie, sworn July 12,2004, at para. 16

20. Counsel will account for their time with detailed time entry dockets. Dockets will include detailed notes of time spent and work completed by each counsel and will note the dates work was completed and the rates charged by each counsel.

Affidavit of Ian Brodie, sworn July 12,2004, at para. 17

(b) Pre-Hearing Preparation

21. The Conservative Party seeks funding to have its counsel attend and review the documents filed with or produced to the Commission. A reasonable review of the documents is necessary for the Conservative Party to effectively participate as an Intervenor in this Inquiry. Without the opportunity to have its counsel review the relevant documents, the Conservative Party will be unable to adequately evaluate and determine whether or not there are additional witnesses it would like to suggest Commission counsel call upon or additional lines of questioning it would like to suggest Commission counsel pursue.

22. The Conservative Party is not in a position to provide an estimate of the time its counsel will require to adequately review the documents as it is unaware of the number of relevant documents in the Commission's possession. The documentation has been described as "massive" and "voluminous" in the Commissioner's Opening Statement so it seems certain that even with both counsel working efficiently, multiple days will be required. The Conservative Party therefore requests sufficient funding to permit two counsel, working efficiently, to adequately review the documents filed with or produced to the Commission. It also requests funding to cover the travel expenses and related accommodation expenses for two counsel to travel from Toronto to Montreal or Ottawa (wherever the documents will be made available) for the purpose of conducting that review.
23. Additionally, the Conservative Party requests sufficient funding to permit its counsel to formulate recommendations to Commission counsel regarding witnesses to be called and areas of examination. This is a task clearly contemplated as part of the role of Intervenors under Rule 8 of the Commission's Rules of Procedure and Practice. It is submitted that 40 hours per counsel is an appropriate amount of time to allocate to the task of formulating and presenting suggestions to Commission counsel throughout the course of the Inquiry.

(c) The Hearing Process

24. Although the Conservative Party would like to have its counsel present at the hearings, given its status as an Intervenor, it concedes that it is possible for it to participate without having counsel attend in person on a daily basis. The Conservative Party therefore requests sufficient funding to permit one junior counsel to review and summarize the relevant portions of the daily transcript and exhibits and for senior counsel to review those summaries. It is submitted that 4 hours per hearing day is sufficient time for junior counsel to complete a review of the daily transcript and exhibits and to produce a summary of the matters

relevant to the Conservative Party's interests and perspectives. It is submitted that 1 hour per hearing day is sufficient time for senior counsel to review the daily summaries.

25. Provided that the daily transcript will continuously be available for review on the Commission's website until the end of the Inquiry, the Conservative Party does not request funding to cover the purchase of transcripts. If the daily transcripts will not be available, or will not be continuously available for review on the Commission's website, the Conservative Party requests funding to cover the cost of purchasing copies of the daily transcripts.
26. As counsel for the Conservative Party will not be present at the hearings on a daily basis, they will not have access to the shared copy of the "P" exhibits. If the "P" exhibits will be available for viewing on the Commission's website, the Conservative Party does not require funding to cover the cost of copying the "P" exhibits. If the "P" exhibits will not be available for viewing on the Commission's website, the Conservative Party requests funding sufficient to cover the cost of copying the "P" exhibits and delivering them to counsel in Toronto. The Conservative Party will provide any written undertakings required with respect to the "P" exhibits.
27. Rules 17 and 18 of the Commission's Rules of Procedure and Practice permit portions of the hearing to be conducted in camera and allow for the Commissioner to prohibit the disclosure, publication or communication of any testimony, document or evidence. As the "C" transcripts and exhibits will not be available on the Commission's website, the Conservative Party requests funding to have one counsel travel to and attend in person at the hearing on days when proceedings will be in camera or subject to orders prohibiting disclosure, publication or communication of any testimony, document or evidence. Alternatively, the Conservative Party requests that it be authorized to receive copies of any "C" transcripts and exhibits and that it be granted funding for the purchase of "C" transcripts and copies of the "C" exhibits. The Conservative

Party will provide any written undertakings required with respect to the "C" transcripts and exhibits.

(d) Preparation and Delivery of Closing Submissions

28. The Conservative party requests sufficient funding for one senior and one junior counsel to, efficiently working together, prepare and deliver closing submissions. Although it is nearly impossible to estimate the time required to prepare closing submissions without knowing the volume or content of the documentary and oral evidence to be presented, it is submitted that at least 30 hours per counsel will be required to prepare adequate closing submissions after so many months of oral testimony and what appears certain to be voluminous amounts of documentary evidence. The Conservative Party therefore requests funding for 30 hours of counsel time for each of its two counsel to prepare and deliver closing submissions. If closing submissions are to be delivered orally, the Conservative Party requests additional funding to cover the cost of its counsel travelling to and attending at the hearings in person for the purpose of delivering closing submissions.