



Jay Shepherd

Professional Corporation
2300 Yonge Street,
Suite 806
Toronto, Ontario M4P 1E4

BY EMAIL and RESS

August 5, 2011
Our File No. 20100142

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
M4P 1E4

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2010-0142 – Toronto 2011 Rates

We are counsel for the School Energy Coalition. We have reviewed the comments of the Applicant with respect to the SEC cost claim, and have the following responses:

1. **Technical Conference Time.** It is unusual to have a utility complain about the breakdown of time on the Board's Form 1, since the categories are not always reported consistently by all parties. In SEC's case, for the Technical Conference we typically report the TC process as one set of time, i.e. the actual attendance at the Technical Conference, plus the work in support of that activity. In this case, Mr. Shepherd's time, as seen clearly from the Docket Detail filed, is 6.8 hours actual attendance, and 7.2 hours in support. Mr. Adams' time, also as seen from the Docket Detail, is about 7.0 hours actual attendance, and 20.1 hours in support. Mr. Adams had primary responsibility for drafting the TC questions.
2. **ADR Time.** The same general comment applies to this aspect of the complaint. Mr. Shepherd's time as set out in the Docket Detail is 23.1 hours actual attendance at ADR sessions (including one as a conference call), and 26.5 in support of that attendance. The actual attendance is less than the 39 hours suggested by the Applicant because, in dead times during ADR, it is often possible to work on other matters, and of course that time would be docketed to those matters. The support category includes discussions amongst intervenors on positions (some in person, some on the telephone, and some by email, total 10-12 hours), work on reviewing and revising the agreement (7 or 8 hours), and other supporting activities.

In both of these cases, we understand the Board's categories on Form 1 to refer to the specific phases of the proceeding (i.e. Technical Conference, ADR, Oral Hearing, Final Argument), rather than the more narrow interpretation used by the Applicant. For example, Final Argument is not limited to time spent actually drafting the words. It also includes the analysis of the evidentiary record and firming up of final positions, as well as outlining the argument expressing those positions, and getting instructions on those

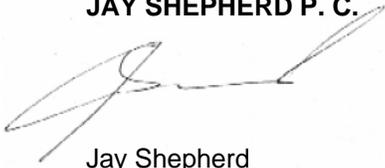
Tel: (416) 483-3300 Cell: (416) 804-2767 Fax: (416) 483-3305
jay.shepherd@canadianenergylawyers.com
www.canadianenergylawyers.com

final argument positions. It also includes reviewing draft and final arguments of other parties, and discussing those proposed arguments with other intervenors. The actual “pen to paper” component of the Final Argument phase is likely not more than half of the 26+ hours docketed in this category.

We would be happy to provide the Board with any further clarification that may be required.

All of which is respectfully submitted.

Yours very truly,
JAY SHEPHERD P. C.



Jay Shepherd

cc: Wayne McNally, SEC (email)