



BY EMAIL and RESS

Jay Shepherd
jay@shepherdrubenstein.com
Direct: 416-804-2767

April 13, 2018
Our File No. 20160085

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

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2016-0085 – InnPower 2017 Rates – SEC Cost Claim

We are counsel for the School Energy Coalition. We enclose the cost claim of the School Energy Coalition, on the Board's form and enclosing docket details.

This matter was more complicated than is normally the case with a smaller distributor. The Applicant is going through a period of significant change, exacerbated by the pressures of high growth and existing high rates. There were essentially three applications: the original custom IR, the new filing of a rebasing to lead into price cap, and then, after management responded appropriately to the community days, a material revision of the rebasing application. In addition, there was an issue relating to pole attachments that, in the circumstances (with the pole space issue currently evolving), needed more attention than perhaps is normal for a smaller distributor.

In addition to the volume of information, and the number of changes to be digested, the Board and parties faced the underlying challenge that while rates are very high, new management is trying to move in the right direction. The balance between opposing high rates, and supporting management's efforts, was a difficult one for SEC, and of course for the Board in its decision.

SEC assigned the case to senior counsel Jay Shepherd, and almost all of the work on the main issues in the case was carried out by him. Co-counsel Mark Rubenstein was responsible for the pole attachments issue, which proceeded on a separate track, and spent very little time on the main issues.

The case proceeded to hearing without a settlement conference on the main issues, although the pole attachment issue was largely settled (after which submissions were prepared and filed).

After the decision was issued, the draft rate order process also proved to be a challenge, in part because of the nature of the changes that had to be made. SEC has included its work on the DRO phase under the heading Argument, as there is no other place for it to go. The Board will note that SEC cut short its initial review of the DRO after discussing it with OEB Staff, and was able to save time by looking more closely only at the revised DRO.

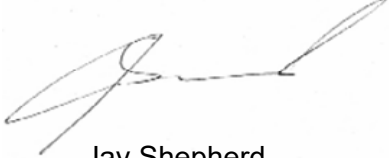
SEC is conscious that the amount of this cost claim is significantly higher than is usual for a rebasing application by a smaller distributor. Indeed, it is the highest SEC has ever filed in these circumstances. As is our normal practice, we reviewed the work done to determine if any was wasted, duplicative, or incorrectly recorded, but nothing was found. We also specifically looked at whether there were reductions that SEC should take voluntarily in light of the high amount of time spent.

Ultimately, SEC has concluded that we are in the Board's hands on the quantum of this cost claim. We believe that all of the time spent was efficient, and all of it provided value to the Board and to the process commensurate with the amount claimed. To the extent that the amount is high, that appears to have been driven by the applications, and by the process as it unfolded, and not by how SEC approached the proceeding. On the other hand, the amount of the claim is substantial, and we would expect both the Applicant and the Board to be concerned about that.

All of which is respectfully submitted.

Yours very truly,

SHEPHERD RUBENSTEIN PROFESSIONAL CORPORATION



Jay Shepherd

cc: Wayne McNally, SEC (email)
Interested Parties

Ontario Energy Board
COST CLAIM FOR HEARINGS



Affidavit and Summary of Fees and Disbursements

This form should be used by a party to a hearing before the Board to identify the fees and disbursements that form the party's cost claim. Paper and electronic copies of this form and itemized receipts must be filed with the Board and served on one or more other parties as directed by the Board in the applicable Board order. Please ensure all required (yellow-shaded) fields are filled in and the Affidavit portion is signed and sworn or affirmed.

Instructions

- Required data input is indicated by yellow-shaded fields. Formulas are embedded in the form to assist with calculations.
- All claims must be in Canadian dollars. If applicable, state exchange rate and country of initial currency.
Rate: _____ Country: _____
- A separate "Detail of Fees and Disbursements Being Claimed" (comprising a "Statement of Fees Being Claimed" and a "Statement of Disbursements Being Claimed") is required for each lawyer, analyst/consultant and articling student/paralegal. However, only one "Summary of Fees and Disbursements" covering the whole of the party's cost claim should be provided.
- The cost claim must be supported by a completed Affidavit signed by a representative of the party.
- A CV for each consultant/analyst must be attached unless provided to the Board as prescribed on the Cost Award Tariff.

Except as provided in section 7.03 of the Practice Direction on Cost Awards, itemized receipts must be provided.

File # EB- <u>2016-0085</u>	Process: <u>InnPower 2017 Rates</u>
Party: <u>School Energy Coalition</u>	Affiant's Name: <u>Jay Shepherd</u>
HST Number: <u>83673-5464-RT0001</u>	HST Rate Ontario: <u>13.00%</u>
Full Registrant <input checked="" type="checkbox"/>	Qualifying Non-Profit <input type="checkbox"/>
Unregistered <input type="checkbox"/>	Tax Exempt <input type="checkbox"/>
Other <input type="checkbox"/>	

Affidavit

I, Jay Shepherd, of the City/Town of Toronto
in the Province/State of Ontario, swear or affirm that:

1. I am a representative of the above-noted party (the "Party") and as such have knowledge of the matters attested to herein.
2. I have examined all of the documentation in support of this cost claim, including the attached "Summary of Fees and Disbursements Being Claimed", "Statement(s) of Fees Being Claimed" and "Statement(s) of Disbursements Being Claimed".
3. The attached "Summary of Fees and Disbursements Being Claimed", "Statement(s) of Fees Being Claimed" and "Statement(s) of Disbursements Being Claimed" include only costs incurred and time spent directly for the purposes of the Party's participation in the Ontario Energy Board process referred to above.
4. This cost claim does not include any costs for work done, or time spent, by a person that is an employee or officer of the Party as described in sections 6.05 and 6.09 of the Board's Practice Direction on Cost Awards.

Signature of Affiant

Sworn or affirmed before me at the City/Town of Toronto,
in the Province/State of Ontario, on April 13, 2018.
(date)

Commissioner for taking Affidavits

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Affidavit and Summary of Fees and Disbursements

File # EB- 2016-0085 Process: InnPower 2017 Rates

Party: School Energy Coalition

Summary of Fees and Disbursements Being Claimed

Legal/consultant/other fees	\$	70,223.00
Disbursements	\$	-
HST	\$	9,128.99
Total Cost Claim	\$	79,351.99

Payment Information

Make cheque payable to: Shepherd Rubenstein Professional Corporation, in trust

Send payment to this address: 2200 Yonge Street
Suite 1302
Toronto, Ontario
M4S2C6

Ontario Energy Board COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2016-0085</u>	Process: <u>InnPower 2017 Rates</u>
Party: <u>School Energy Coalition</u>	Service Provider Name: <u>Jay Shepherd</u>
SERVICE PROVIDER TYPE (check one)	Year Called to Bar <input type="checkbox"/> 1980
Legal Counsel <input checked="" type="checkbox"/> Articling Student/Paralegal <input type="checkbox"/> Consultant <input type="checkbox"/> Analyst <input type="checkbox"/>	Completed Years Practising/Years of Relevant Experience <input type="text" value="38"/>
For Consultant/Analyst: <input type="checkbox"/> CV attached <input type="checkbox"/> CV provided within previous 24 months	Hourly Rate: <input type="text" value="\$330"/> HST Rate Charged (enter %): <input type="text" value="13.0%"/>

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
Pre-hearing Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Technical Conference					
Preparation	12.2	\$ 330.00	\$ 4,026.00	\$ 523.38	\$ 4,549.38
Attendance	10.0	\$ 330.00	\$ 3,300.00	\$ 429.00	\$ 3,729.00
Interrogatories					
Preparation	37.2	\$ 330.00	\$ 12,276.00	\$ 1,595.88	\$ 13,871.88
Responses	19.0	\$ 330.00	\$ 6,270.00	\$ 815.10	\$ 7,085.10
Issues Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 330.00	\$ -	\$ -	\$ -
Argument					
Preparation	68.8	\$ 330.00	\$ 22,704.00	\$ 2,951.52	\$ 25,655.52
Oral Hearing					
Preparation	24.8	\$ 330.00	\$ 8,184.00	\$ 1,063.92	\$ 9,247.92
Attendance	12.5	\$ 330.00	\$ 4,125.00	\$ 536.25	\$ 4,661.25
Other Conferences					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Case Management		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 60,885.00	\$ 7,915.05	\$ 68,800.05

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Detail of Fees and Disbursements Being Claimed

File # EB- 2016-0085

Process: InnPower 2017 Rates

Party: School Energy Coalition

Service Provider Name: Jay Shepherd

Statement of Disbursements Being Claimed			
	Net Cost	HST	Total
Scanning/Photocopy			\$ -
Printing			\$ -
Courier			\$ -
Telephone/Fax			\$ -
Transcripts			\$ -
Travel: Air			\$ -
Travel: Car			\$ -
Travel: Rail			\$ -
Travel (Other):			\$ -
Parking			\$ -
Taxi			\$ -
Accommodation			\$ -
Meals			\$ -
Other:			\$ -
Other:			\$ -
Other:			\$ -
TOTAL DISBURSEMENTS:			
	\$ -	\$ -	\$ -

Ontario Energy Board COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2016-0085</u>	Process: <u>InnPower 2017 Rates</u>
Party: <u>School Energy Coalition</u>	Service Provider Name: <u>Mark Rubenstein</u>
SERVICE PROVIDER TYPE (check one)	Year Called to Bar <input checked="" type="checkbox"/> 2011
<input checked="" type="checkbox"/> Legal Counsel <input type="checkbox"/> Articling Student/Paralegal <input type="checkbox"/> Consultant <input type="checkbox"/> Analyst	Completed Years Practising/Years of Relevant Experience <input type="text" value="6"/>
For Consultant/Analyst: <input type="checkbox"/> CV attached <input type="checkbox"/> CV provided within previous 24 months	Hourly Rate: <input type="text" value="\$230"/> HST Rate Charged (enter %): <input type="text" value="13.0%"/>

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
Pre-hearing Conference					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
Technical Conference					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
Interrogatories					
Preparation	5.6	\$ 230.00	\$ 1,288.00	\$ 167.44	\$ 1,455.44
Responses	3.3	\$ 230.00	\$ 759.00	\$ 98.67	\$ 857.67
Issues Conference					
Preparation	4.3	\$ 230.00	\$ 989.00	\$ 128.57	\$ 1,117.57
Attendance		\$ 230.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation	8.1	\$ 230.00	\$ 1,863.00	\$ 242.19	\$ 2,105.19
Attendance	7.0	\$ 230.00	\$ 1,610.00	\$ 209.30	\$ 1,819.30
Proposal Preparation	8.5	\$ 230.00	\$ 1,955.00	\$ 254.15	\$ 2,209.15
Argument					
Preparation	3.8	\$ 230.00	\$ 874.00	\$ 113.62	\$ 987.62
Oral Hearing					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
Other Conferences					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
Case Management		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 9,338.00	\$ 1,213.94	\$ 10,551.94

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Detail of Fees and Disbursements Being Claimed

File # EB- 2016-0085

Process: InnPower 2017 Rates

Party: School Energy Coalition

Service Provider Name: Mark Rubenstein

Statement of Disbursements Being Claimed			
	Net Cost	HST	Total
Scanning/Photocopy			\$ -
Printing			\$ -
Courier			\$ -
Telephone/Fax			\$ -
Transcripts			\$ -
Travel: Air			\$ -
Travel: Car			\$ -
Travel: Rail			\$ -
Travel (Other):			\$ -
Parking			\$ -
Taxi			\$ -
Accommodation			\$ -
Meals			\$ -
Other:			\$ -
Other:			\$ -
Other:			\$ -
TOTAL DISBURSEMENTS:			
	\$ -	\$ -	\$ -

Date	Explanation	Lwyr	MR	JCS
20160606	prelim review of application	MR	2.5	
20170223	Review notice and application, Many emails, Meet with Mark, Scheduling	JCS		0.6
20170304	Review application, Review settlement agreement in ICM proceeding, Many emails	JCS		2.0
20170305	Review application, Motion analysis	JCS		0.8
20170306	Review application, Draft materials/letter, Research, Many emails	JCS		1.2
20170307	Letter to Applicant's counsel, Notice of Intervention, Many emails	JCS		1.1
20170308	Review application	JCS		2.2
20170309	Research re building, etc.	JCS		1.3
20170310	Research re history of building, Review 2014 documents, Meet with Mark, Many emails, Research re related town building	JCS		3.8
20170313	Review evidence	JCS		2.0
20170317	Review letter, Many emails	JCS		0.6
20170321	Telephone call with John Vellone, Many emails	JCS		1.2
20170322	Many emails, Meet with Mark R., Telephone call with OEB	JCS		1.4
20170323	Many emails, Review building issues	JCS		0.7
20170324	Review building evidence	JCS		0.8
20170328	Many emails, Draft and circulate building questions	JCS		4.6
20170329	Many emails, Conference call with John Vellone and Wally Malcolm, Amend building questions	JCS		1.3
20170417	Various emails	JCS		0.1
20170418	Review letter	JCS		0.1
20170419	Many emails	JCS		0.2
20170424	Review evidence	JCS		0.6
20170425	Review letter	JCS		0.1
20170430	Evidence Review	JCS		1.6
20170501	Meet with Vellone and clients, Prep	JCS		2.6
20170502	Review OEB summary, Review evidence	JCS		0.9
20170508	Review file status	JCS		0.1
20170509	Review new filing, Various emails	JCS		0.6
20170511	Various emails	JCS		0.1
20170517	Review PO #1 and scheduling	JCS		0.3
20170518	emails/review pole attachment issue/disc w JCS & MH/p. call w. B. Harper	MR	0.4	
20170519	p. call w. MM (Staff)	MR	0.2	
20170525	email	MR	0.1	
20170526	Review PO #2 and scheduling	JCS		0.3
20170530	Review evidence	JCS		2.0
20170531	Review evidence, Draft and file interrogatories, Many emails	JCS		2.0
20170601	Review evidence	JCS		1.2
20170602	Review evidence, Review interrogatories of others	JCS		3.1
20170604	Review evidence	JCS		2.2
20170605	Finish and file interrogatories, Various emails	JCS		2.0
20170609	Review evidence, Strategy	JCS		1.3
20170612	review Pole Attachment evidence and draft IRs/draft over letter	MR	0.5	
20170613	Review Staff IRs	JCS		0.2
20170613	finalize and file pole attachment IR/review other parties' IRs	MR	0.5	
20170616	Mark re settlement issues	JCS		0.3
20170620	Discussion with Mark re settlement issues	JCS		1.0
20170626	Many emails	JCS		0.1
20170627	Many emails, Review Board letter	JCS		0.2
20170706	emails	MR	0.1	
20170707	Review letter	JCS		0.1
20170715	Various emails	JCS		0.1
20170720	Various emails, Review letter	JCS		0.1
20170721	Various emails, Review letter	JCS		0.1
20170815	review IRs re: Pole Attachment charges/consider position	MR	0.4	
20170815	Many emails, Scheduling	JCS		0.2
20170818	Review interrogatory responses	JCS		2.0

20170819	Review interrogatory responses	JCS		1.3
20170821	Review interrogatory responses	JCS		2.2
20170824	review InnPower corr re: PO 2/emails/review and provide comment on SEC draft response letter	MR	1.0	
20170828	review InnPower corr: PO 2/disc w JCS re: letter	MR	0.5	
20170828	Review Applicant's submissions and attachments	JCS		0.6
20170901	Review PO #3 and scheduling	JCS		0.4
20170905	Many emails, Review new material	JCS		0.3
20170906	Review interrogatories, Prepare and file TC areas of interest, Prepare spreadsheet comparison of budgets, Research	JCS		5.7
20170907	Review CVs	JCS		0.2
20170908	Many emails, Review TC areas of interest	JCS		0.4
20170909	Prep for technical conference	JCS		2.8
20170910	Prep for technical conference, Various emails	JCS		1.1
20170912	Attend at technical conference, Many emails, Review transcript	JCS		8.3
20170913	Attend at technical conference, Many emails, Review confidentiality request, Review issues list	JCS		3.7
20170914	Send TC exhibits, Many emails	JCS		1.1
20170920	review decision and PO	MR	0.1	
20170920	Review PO #4 and decision, Many emails	JCS		0.3
20170921	Review undertaking responses, Many emails	JCS		1.1
20170925	Prep for oral hearing	JCS		1.1
20170927	Prep for oral hearing, Many emails, Hearing plan	JCS		2.5
20170928	Prep for hearing, Many emails	JCS		2.0
20170929	Prep for hearing	JCS		1.8
20170930	Prep for hearing	JCS		1.0
20171001	Prep for hearing	JCS		3.1
20171002	Prep for hearing, Prepare compendium, Many emails, Provide notice of documents, Review VECC compendium, Review procedural decision, Revi	JCS		6.8
20171002	review PO# 3 re: Rogers and Pole Attachment issue	MR	0.1	
20171003	Attend at hearing, Many emails, Prep, Finalize compendium	JCS		10.7
20171004	Attend at hearing, Many emails, Review transcripts	JCS		5.8
20171005	Organize for argument, Review PO #5	JCS		0.5
20171006	Many emails, Initial review of argument and undertakings	JCS		0.6
20171009	Argument prep, Many emails	JCS		1.8
20171010	Many emails, Review PO #6	JCS		0.3
20171010	email/review PO/disc w JCS	MR	0.2	
20171011	Many emails	JCS		0.3
20171012	Review AIC, Review undertakings, Planning argument	JCS		6.1
20171013	FTE analysis, Reviewing transcripts, Argument outline	JCS		7.1
20171015	Review transcripts	JCS		2.0
20171018	Many emails	JCS		1.0
20171019	Drafting argument	JCS		4.0
20171020	Review evidence, Argument drafting	JCS		1.1
20171021	Drafting argument	JCS		4.0
20171023	Compensation research, Argument issues	JCS		4.5
20171024	Drafting argument, Review OEB Staff argument	JCS		2.0
20171024	research and draft submissions re PO# 6	MR	2.5	
20171025	research and draft submissions re PO# 6	MR	0.5	
20171026	Drafting argument	JCS		1.6
20171026	edit InnPower sub	MR	0.1	
20171027	Drafting argument, Review VECC material	JCS		1.0
20171029	Spreadsheets, Research, Final Argument	JCS		4.4
20171030	Draft, Revise and file final argument, Spreadsheet revisions, Many emails	JCS		14.0
20171030	edit corr	MR	0.3	
20171031	Review VECC argument	JCS		0.8
20171031	edit sub and prepare appendices	MR	0.3	

20171101	review draft of VECC sub and provide comment/finalize and file sub/review other parties sub	MR	0.7	
20171110	Review decision and PO # 7	JCS		0.3
20171110	review PO	MR	0.2	
20171113	Review reply argument	JCS		1.6
20171128	email/prel review of updated evidence	MR	0.3	
20171201	review PA evidence and draft IRs	MR	0.5	
20171204	Many emails, Review IRs	JCS		0.3
20171204	finalize and file Irs/review other parties Irs	MR	0.4	
20171206	Many emails	JCS		0.1
20171206	emails	MR	0.2	
20171219	prelim review of IRR	MR	0.3	
20171222	emails	MR	0.2	
20171227	email	MR	0.1	
20171229	emails	MR	0.1	
20180102	p. call w. B. Harper/emails/review VECC and Carrier clarification question	MR	0.4	
20180103	emails/review staff clarification q/review reports re: new approach	MR	3.4	
20180104	emails/p. call from FO/prepare for settlement conference	MR	1.4	
20180105	emails	MR	0.3	
20180107	review clarification questions/emails/prepare for settlement conference	MR	4.7	
20180108	attend settlement conference	MR	7.0	
20180109	emails/review new models/multiple p. call w. B. Harper/p. call w. M. Lecysion (Staff)/meeting w J. Vellone	MR	2.7	
20180111	emails	MR	0.1	
20180112	emails/review model provided by InnPower	MR	0.3	
20180118	email	MR	0.1	
20180125	emails	MR	0.1	
20180129	review VECC comments/edits	MR	0.2	
20180130	emails/provide comments and edits/p. call w. J. Scott/ p. call w. J Vellone	MR	1.2	
20180131	emails/review settlement proposal/emails	MR	1.0	
20180201	emails	MR	0.4	
20180202	emails/review final settlement proposal/p. call w. Ada	MR	0.2	
20180209	review Staff sub	MR	0.4	
20180212	emails	MR	0.2	
20180214	emails/review PO	MR	0.3	
20180214	Review PO #8 and scheduling	JCS		0.3
20180215	emails	MR	0.1	
20180216	emails	MR	0.1	
20180218	review Bill's comments/emails	MR	0.3	
20180220	emails	MR	0.1	
20180222	emails/review draft submissions and provide edits and comments	MR	1.5	
20180223	review next version of joint submissions/review edits/sign off	MR	0.4	
20180308	Review decision and reporting	JCS		0.6
20180308	review decision/emails	MR	0.4	
20180308	Review decision and reporting	JCS		0.6
20180323	Status update, Followup DRO, Many emails	JCS		0.2
20180326	Review of DRO, Various emails	JCS		1.3
20180327	Review of DRO, Various emails	JCS		1.3
20180328	Complete Review, Telephone call with OEB staff, Various emails	JCS		2.0
20180402	Review staff comments, Various emails,	JCS		1.4
20180411	Review revised DRO, Draft and file comments	JCS		1.7
			40.6	184.5

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