



**BY EMAIL and RESS**

**Mark Rubenstein**  
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Dir. 647-483-0113

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

April 27, 2018  
Our File: EB20160137

**Attn: Kirsten Walli, Board Secretary**

Dear Ms. Walli:

**Re: EB-2016-0137/138/139 – Southern Bruce Expansion – Cost Claim**

We are counsel for the School Energy Coalition (“SEC”). Enclosed, please find SEC’s cost claim in this matter, on the Board’s form and including docket details. As outlined in detail on p.1 of the Decision and Order, the proceeding had a number of twists and turns as it started as a unique Franchise Certificate application filed by, at the time, a new entrant in Ontario, and then became the first competitive application under the Board’s new Community Expansion framework as set out in its Decision in EB-2016-0004.

SEC notes a few aspects of our cost claim.

First, in Procedural Order No. 3, the Board determined that it would limit the number of hours claimed for providing submissions in phase one to a maximum of 8 hours. SEC incurred more than the allotted time (15.2 hours) in providing detailed responses to the questions posed by the Board and comments on the draft filing requirements. We ask the Board to exercise its discretion and award our full time spent on this important activity. We believe that our submissions provided value to the Board commensurate with the time incurred. For ease, we have included time for this activity under the ‘Argument’ category on the cost claim form.

Second, in Procedural Order No. 9, the Board stated that it does not anticipate awarding costs for proposed interrogatories or submissions made by intervenors on the proposals. While SEC did file a proposed interrogatory, we have not included our time in doing so in our claim.

Lastly, the activities during this proceeding that intervenors were eligible to claim time for did not easily conform to the Board’s categories in the cost claim form. We have included our time for non-phase 1 submissions docket time in the ‘Other Conferences – Preparation’ category.

Yours very truly,  
**Shepherd Rubenstein P.C.**

*Original signed by*

Mark Rubenstein



cc: Wayne McNally, SEC (by email)  
Applicant (by email)

**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.**

<b>File # EB-</b> <u>EB-2016-0137/138/139</u>	<b>Process:</b> <u>Southern Bruce Expansion</u>
<b>Party:</b> <u>School Energy Coalition</u>	<b>Affiant's Name:</b> <u>Mark Rubenstein</u>
<b>HST Number:</b> <u>83673-5464-RT0001</u>	<b>HST Rate Ontario:</b> <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, Mark Rubenstein, 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 27 2018.  
(date)

**Commissioner for taking Affidavits**

**Ontario Energy Board  
COST CLAIM FOR HEARINGS**



**Affidavit and Summary of Fees and Disbursements**

File # EB- EB-2016-0137/138/139 Process: Southern Bruce Expansion

Party: School Energy Coalition

**Summary of Fees and Disbursements Being Claimed**

Legal/consultant/other fees	\$	6,997.00
Disbursements	\$	-
HST	\$	909.61
<b>Total Cost Claim</b>	<b>\$</b>	<b>7,906.61</b>

**Payment Information**

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

Send payment to this address: 2200 Yonge Street

Suite 1302

Toronto, ON

M4S 2C6

# Ontario Energy Board COST CLAIM FOR HEARINGS



## Detail of Fees and Disbursements Being Claimed

<b>File # EB-</b> <u>EB-2016-0137/138/139</u>	<b>Process:</b> <u>Southern Bruce Expansion</u>
<b>Party:</b> <u>School Energy Coalition</u>	<b>Service Provider Name:</b> <u>Mark Rubenstein</u>
<b>SERVICE PROVIDER TYPE</b> (check one)	<b>Year Called to Bar</b>
<b>Legal Counsel</b> <input checked="" type="checkbox"/>	<u>2011</u>
<b>Articling Student/Paralegal</b> <input type="checkbox"/>	<b>Completed Years Practising/Years of Relevant Experience</b>
<b>Consultant</b> <input type="checkbox"/>	<u>5</u>
<b>Analyst</b> <input type="checkbox"/>	<b>Hourly Rate:</b> <u>\$170</u>
<b>For Consultant/Analyst:</b> <input type="checkbox"/> CV attached	<b>HST Rate Charged (enter %):</b> <u>13.0%</u>
<input type="checkbox"/> CV provided within previous 24 months	

Statement of Fees Being Claimed						
	Hours	Hourly Rate	Subtotal	HST	Total	
<b>Pre-hearing Conference</b>						
Preparation		\$ 170.00	\$ -	\$ -	\$ -	
Attendance		\$ 170.00	\$ -	\$ -	\$ -	
<b>Technical Conference</b>						
Preparation		\$ 170.00	\$ -	\$ -	\$ -	
Attendance		\$ 170.00	\$ -	\$ -	\$ -	
<b>Interrogatories</b>						
Preparation		\$ 170.00	\$ -	\$ -	\$ -	
Responses		\$ 170.00	\$ -	\$ -	\$ -	
<b>Issues Conference</b>						
Preparation		\$ 170.00	\$ -	\$ -	\$ -	
Attendance		\$ 170.00	\$ -	\$ -	\$ -	
<b>ADR - Settlement Conference</b>						
Preparation		\$ 170.00	\$ -	\$ -	\$ -	
Attendance		\$ 170.00	\$ -	\$ -	\$ -	
Proposal Preparation		\$ 170.00	\$ -	\$ -	\$ -	
<b>Argument</b>						
Preparation	14.20	\$ 170.00	\$ 2,414.00	\$ 313.82	\$ 2,727.82	
<b>Oral Hearing</b>						
Preparation		\$ 170.00	\$ -	\$ -	\$ -	
Attendance		\$ 170.00	\$ -	\$ -	\$ -	
<b>Other Conferences</b>						
Preparation	10.40	\$ 170.00	\$ 1,768.00	\$ 229.84	\$ 1,997.84	
Attendance		\$ 170.00	\$ -	\$ -	\$ -	
<b>Case Management</b>			\$ -	\$ -	\$ -	
<b>TOTAL SERVICE PROVIDER FEES</b>			\$ 4,182.00	\$ 543.66	\$ 4,725.66	

**Ontario Energy Board  
COST CLAIM FOR HEARINGS**



**Detail of Fees and Disbursements Being Claimed**

File # EB- EB-2016-0137/138/139

Process: Southern Bruce Expansion

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:	-	-	-	-
<b>TOTAL DISBURSEMENTS:</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

# Ontario Energy Board COST CLAIM FOR HEARINGS



## Detail of Fees and Disbursements Being Claimed

<b>File # EB-</b> <u>EB-2016-0137/138/139</u>	<b>Process:</b> <u>Southern Bruce Expansion</u>
<b>Party:</b> <u>School Energy Coalition</u>	<b>Service Provider Name:</b> <u>Mark Rubenstein (Sep 2017-</u>
<b>SERVICE PROVIDER TYPE</b> (check one)	<b>Year Called to Bar</b>
Legal Counsel <input checked="" type="checkbox"/>	<input type="text" value="2011"/>
Articling Student/Paralegal <input type="checkbox"/>	<input type="text" value="6"/>
Consultant <input type="checkbox"/>	<b>Completed Years Practising/Years of Relevant Experience</b>
Analyst <input type="checkbox"/>	<b>Hourly Rate:</b> <input type="text" value="\$230"/>
For Consultant/Analyst: <input type="checkbox"/> CV attached	<b>HST Rate Charged (enter %):</b> <input type="text" value="13.0%"/>
<input type="checkbox"/> CV provided within previous 24 months	

Statement of Fees Being Claimed						
	Hours	Hourly Rate	Subtotal	HST	Total	
<b>Pre-hearing Conference</b>						
Preparation		\$ 230.00	\$ -	\$ -	\$ -	
Attendance		\$ 230.00	\$ -	\$ -	\$ -	
<b>Technical Conference</b>						
Preparation		\$ 230.00	\$ -	\$ -	\$ -	
Attendance		\$ 230.00	\$ -	\$ -	\$ -	
<b>Interrogatories</b>						
Preparation		\$ 230.00	\$ -	\$ -	\$ -	
Responses		\$ 230.00	\$ -	\$ -	\$ -	
<b>Issues Conference</b>						
Preparation		\$ 230.00	\$ -	\$ -	\$ -	
Attendance		\$ 230.00	\$ -	\$ -	\$ -	
<b>ADR - Settlement Conference</b>						
Preparation		\$ 230.00	\$ -	\$ -	\$ -	
Attendance		\$ 230.00	\$ -	\$ -	\$ -	
Proposal Preparation		\$ 230.00	\$ -	\$ -	\$ -	
<b>Argument</b>						
Preparation		\$ 230.00	\$ -	\$ -	\$ -	
<b>Oral Hearing</b>						
Preparation		\$ 230.00	\$ -	\$ -	\$ -	
Attendance		\$ 230.00	\$ -	\$ -	\$ -	
<b>Other Conferences</b>						
Preparation	6.50	\$ 230.00	\$ 1,495.00	\$ 194.35	\$ 1,689.35	
Attendance		\$ 230.00	\$ -	\$ -	\$ -	
<b>Case Management</b>			\$ -	\$ -	\$ -	
<b>TOTAL SERVICE PROVIDER FEES</b>			\$ 1,495.00	\$ 194.35	\$ 1,689.35	

**Ontario Energy Board**  
**COST CLAIM FOR HEARINGS**



**Detail of Fees and Disbursements Being Claimed**

File # EB- EB-2016-0137/138/139

Process: Southern Bruce Expansion

Party: School Energy Coalition

Service Provider Name: Mark Rubenstein (Sep 2017-

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:		\$ -	\$ -	\$ -
<b>TOTAL DISBURSEMENTS:</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>



# Ontario Energy Board COST CLAIM FOR HEARINGS



## Detail of Fees and Disbursements Being Claimed

<b>File # EB-</b> <u>EB-2016-0137/138/139</u>	<b>Process:</b> <u>Southern Bruce Expansion</u>
<b>Party:</b> <u>School Energy Coalition</u>	<b>Service Provider Name:</b> <u>Jay Shepherd</u>
<b>SERVICE PROVIDER TYPE</b> (check one)	<b>Year Called to Bar</b>
Legal Counsel <input checked="" type="checkbox"/>	1980
Articling Student/Paralegal <input type="checkbox"/>	
Consultant <input type="checkbox"/>	
Analyst <input type="checkbox"/>	
For Consultant/Analyst: <input type="checkbox"/> CV attached	<b>Completed Years Practising/Years of Relevant Experience</b> 38
<input type="checkbox"/> CV provided within previous 24 months	<b>Hourly Rate:</b> \$330
	<b>HST Rate Charged (enter %):</b> 13.0%

Statement of Fees Being Claimed						
	Hours	Hourly Rate	Subtotal	HST	Total	
<b>Pre-hearing Conference</b>						
Preparation		\$ 330.00	\$ -	\$ -	\$ -	
Attendance		\$ 330.00	\$ -	\$ -	\$ -	
<b>Technical Conference</b>						
Preparation		\$ 330.00	\$ -	\$ -	\$ -	
Attendance		\$ 330.00	\$ -	\$ -	\$ -	
<b>Interrogatories</b>						
Preparation		\$ 330.00	\$ -	\$ -	\$ -	
Responses		\$ 330.00	\$ -	\$ -	\$ -	
<b>Issues Conference</b>						
Preparation		\$ 330.00	\$ -	\$ -	\$ -	
Attendance		\$ 330.00	\$ -	\$ -	\$ -	
<b>ADR - Settlement Conference</b>						
Preparation		\$ 330.00	\$ -	\$ -	\$ -	
Attendance		\$ 330.00	\$ -	\$ -	\$ -	
Proposal Preparation		\$ 330.00	\$ -	\$ -	\$ -	
<b>Argument</b>						
Preparation	1.00	\$ 330.00	\$ 330.00	\$ 42.90	\$ 372.90	
<b>Oral Hearing</b>						
Preparation		\$ 330.00	\$ -	\$ -	\$ -	
Attendance		\$ 330.00	\$ -	\$ -	\$ -	
<b>Other Conferences</b>						
Preparation	3.00	\$ 330.00	\$ 990.00	\$ 128.70	\$ 1,118.70	
Attendance		\$ 330.00	\$ -	\$ -	\$ -	
<b>Case Management</b>						
			\$ -	\$ -	\$ -	
<b>TOTAL SERVICE PROVIDER FEES</b>			\$ 1,320.00	\$ 171.60	\$ 1,491.60	

**Ontario Energy Board  
COST CLAIM FOR HEARINGS**



**Detail of Fees and Disbursements Being Claimed**

File # EB- EB-2016-0137/138/139

Process: Southern Bruce Expansion

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:	-	-	\$ -	\$ -
<b>TOTAL DISBURSEMENTS:</b>		\$ -	\$ -	\$ -

Date	Explanation	Lwyr	Hours
20161222	review LofD/Notice	MR	0.1
20161229	Review applications and notice	JCS	0.3
20170104	review applications, notice, Bd letter/draft and file Nofl	MR	1.0
20170105	review Bd letter	MR	0.1
20170112	review letter from municipalities	MR	0.2
20170117	review corr	MR	0.2
20170123	review Union corr/review municipalities corr/emails	MR	0.2
20170303	review PO/emails	MR	0.3
20170303	Many emails, Review PO # 2 and letter, Contact client re local school board meetings,	JCS	0.4
20170308	draft letter/emails	MR	0.5
20170308	Many emails, Review MR's letter, Review BOMA letter, Review issues	JCS	0.4
20170309	revise letter/emails/finalize and file	MR	0.5
20170310	Many emails	JCS	0.2
20170317	review Anwaatin letter/emails	MR	0.2
20170323	review PO/draft intervention letter	MR	0.5
20170329	finalize letter re: intervention	MR	0.1
20170330	emails to SB to finalize and send intervention letter	MR	0.1
20170407	meeting w affected Boards at BWDSB Offices in Chesley ON	MR	1.5
20170410	emails/review corr	MR	0.2
20170419	draft phase 1 submissions	MR	4.0
20170420	Review PO #5	JCS	0.2
20170420	emails/review PO	MR	0.2
20170424	emails re: revised PO	MR	0.1
20170425	draft submissions/emails to parties	MR	3.5
20170426	revised and edit submission/emails/p. call w J. Girvan	MR	3.5
20170427	Review and comment on Phase 1 submissions	JCS	0.8
20170427	revise submissions, finalize and file/p. call w J. Girvan/review other parties sub	MR	2.2
20170428	review other parties submissions	MR	0.7
20170505	review Union Ltr	MR	0.2
20170510	review correspondence between Union	MR	0.2
20170613	p. call w. J. Girvan	MR	0.1
20170627	Review PO, Various emails	JCS	0.2
20170627	review PO and partial decision on issues list/emails	MR	0.4
20170726	review PO	MR	0.1
20170726	Review PO #7 and scheduling	JCS	0.1
20170802	emails re: hearing	MR	0.3
20170802	Review transcript	JCS	0.5
20170803	review transcript from hearing/emails/draft letter	MR	2.1
20170805	finalize and file letter	MR	0.2
20170808	emails/review VECC Ltr	MR	0.3
20170817	emails/review Greenfield Ltr	MR	0.1
20170822	emails/review decision and PO	MR	0.4
20170822	Review decision and PO #8	JCS	0.7
20171023	review Union and EPCOR corr	MR	0.2
20171027	review letter from municipalities/review EPCOR letter/emails	MR	0.2
20171207	review PO/disc w JCS	MR	0.2
20171208	emails	MR	0.3
20171214	review proposals	MR	3.5

20180125	review parties' submissions/emails	MR	1.2
20180222	review PO #10	MR	0.2
20180302	review EPCOR IR responses	MR	0.3
20180412	Review decision	JCS	0.5
20180412	review decision/emails	MR	0.4
			35.1