



## **Jay Shepherd**

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

### **BY EMAIL and RESS**

March 1, 2013  
Our File No. 20120147

Ontario Energy Board  
2300 Yonge Street  
27<sup>th</sup> Floor  
Toronto, Ontario  
M4P 1E4

### **Attn: Kirsten Walli, Board Secretary**

Dear Ms. Walli:

### **Re: EB-2012-0147 – Midland 2013 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. We apologize for the late filing, which was through inadvertence.

We note that Jay Shepherd of our office took the lead on this proceeding. Mark Rubenstein had limited involvement assisting.

All of which is respectfully submitted.

Yours very truly,  
**JAY SHEPHERD P. C.**

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 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 present in the document to assist with the calculation of the cost claim.
- 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 consultant or lawyer/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 must be attached unless, for a given consultant, a CV has been provided to the Board in another process within the last 24 months.
- **Except as provided in section 7.03 of the Practice Direction on Cost Awards, itemized receipts must be provided.**

File # EB-	<b>2012-0147</b>	Process:	<b>Midland 2013 Rates</b>
Party:	<b>School Energy Coalition</b>	Affiant's Name:	<b>Jay Shepherd</b>
HST Number:	<input type="text"/>	HST Rate Ontario:	<input type="text"/>
	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 ,  
in the Province/State of , on  (date).

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



**Affidavit and Summary of Fees and Disbursements**

**Commissioner for taking Affidavits**

**File # EB-** 2012-0147 **Process:** Midland 2013 Rates

**Party:** School Energy Coalition

**Summary of Fees and Disbursements Being Claimed**

Legal/consultant fees	\$9,260.00
Disbursements	\$0.00
HST	\$0.00
<b>Total Cost Claim</b>	<b>\$9,260.00</b>

# Ontario Energy Board

## COST CLAIM FOR HEARINGS



### Detail of Fees and Disbursements Being Claimed

File # EB-	<b>2012-0147</b>	Process:	Midland 2013 Rates
Party:	School Energy Coalition	Name:	Jay Shepherd
		Completed Years Practising/Years of relevant experience	
Counsel/Articling Student/Paralegal:	<input checked="" type="checkbox"/>		32
Consultant:	<input type="checkbox"/>		
CV attached:	<input type="checkbox"/>	CV not required:	<input checked="" type="checkbox"/>

#### Statement of Fees Being Claimed

	Hours	Hourly rate	Subtotal	HST	Total
Preparation	17.30	\$330.00	\$5,709.00	\$0.00	\$5,709.00
Attendance - Technical Conference		\$330.00	\$0.00	\$0.00	\$0.00
Attendance - Settlement Conference	10.40	\$330.00	\$3,432.00	\$0.00	\$3,432.00
Attendance - Oral Hearing		\$330.00	\$0.00	\$0.00	\$0.00
Argument		\$330.00	\$0.00	\$0.00	\$0.00
Case Management		\$170.00	\$0.00	\$0.00	\$0.00
<b>TOTAL LEGAL/CONSULTANT FEES</b>			\$9,141.00	\$0.00	<b>\$9,141.00</b>

#### Statement of Disbursements Being Claimed

	Net Cost	HST	Total
Photocopies		\$0.00	\$0.00
Printing		\$0.00	\$0.00
Fax		\$0.00	\$0.00
Courier		\$0.00	\$0.00
Telephone		\$0.00	\$0.00
Postage		\$0.00	\$0.00
Transcripts		\$0.00	\$0.00
Travel: Air		\$0.00	\$0.00
Travel: Car		\$0.00	\$0.00
Travel: Rail		\$0.00	\$0.00
Travel (Other):		\$0.00	\$0.00
Parking		included	\$0.00
Taxi or Airport Limo		\$0.00	\$0.00
Accommodation		\$0.00	\$0.00
Meals		\$0.00	\$0.00
Other:		\$0.00	\$0.00
<b>TOTAL DISBURSEMENTS:</b>	\$0.00	\$0.00	<b>\$0.00</b>

# Ontario Energy Board

## COST CLAIM FOR HEARINGS



### Detail of Fees and Disbursements Being Claimed

File # EB-	<b>2012-0147</b>	Process:	Midland 2013 Rates
Party:	<b>School Energy Coalition</b>	Name:	Mark Rubenstein
		Completed Years Practising/Years of relevant experience	
Counsel/Articling Student/Paralegal:	<input checked="" type="checkbox"/>	<b>1</b>	
Consultant:	<input type="checkbox"/>		
CV attached:	<input type="checkbox"/>	CV not required:	<input checked="" type="checkbox"/>

#### Statement of Fees Being Claimed

	Hours	Hourly rate	Subtotal	HST	Total
Preparation	0.70	\$170.00	\$119.00	\$0.00	\$119.00
Attendance - Technical Conference		\$170.00	\$0.00	\$0.00	\$0.00
Attendance - Settlement Conference		\$170.00	\$0.00	\$0.00	\$0.00
Attendance - Oral Hearing		\$170.00	\$0.00	\$0.00	\$0.00
Argument		\$170.00	\$0.00	\$0.00	\$0.00
Case Management		\$170.00	\$0.00	\$0.00	\$0.00
<b>TOTAL LEGAL/CONSULTANT FEES</b>			\$119.00	\$0.00	<b>\$119.00</b>

#### Statement of Disbursements Being Claimed

	Net Cost	HST	Total
Photocopies		\$0.00	\$0.00
Printing		\$0.00	\$0.00
Fax		\$0.00	\$0.00
Courier		\$0.00	\$0.00
Telephone		\$0.00	\$0.00
Postage		\$0.00	\$0.00
Transcripts		\$0.00	\$0.00
Travel: Air		\$0.00	\$0.00
Travel: Car		\$0.00	\$0.00
Travel: Rail		\$0.00	\$0.00
Travel (Other):		\$0.00	\$0.00
Parking		included	\$0.00
Taxi or Airport Limo		\$0.00	\$0.00
Accommodation		\$0.00	\$0.00
Meals		\$0.00	\$0.00
Other:		\$0.00	\$0.00
<b>TOTAL DISBURSEMENTS:</b>	\$0.00	\$0.00	<b>\$0.00</b>

			Rubenstein		Shepherd		
Date	Explanation	Lwyr	Prep	Hours	Prep	ADR	Hours
20121012	Review application and PO#1, scheduling	JCS			0.5		0.5
20121019	emails	MR	0.1	0.1			
20121019	Review evidence, review staff IRs	JCS			2.4		2.4
20121021	Review evidence	JCS			2.6		2.6
20121025	Review evidence	JCS			0.5		0.5
20121026	Draft and file IRs, many emails, build comparison models	JCS			3.6		3.6
20121029	Telephone call with Utility re IRs	JCS			0.1		0.1
20121116	Telephone call with Suresh, review IR responses	JCS			2.1		2.1
20121117	Draft TC questions, many emails	JCS			3.0		3.0
20121119	Many emails	JCS			0.1		0.1
20121123	Review PO, many emails, file question	JCS			0.4		0.4
20121203	Review responses and preparation for ADR	JCS			1.0		1.0
20121206	Attend at ADR, many emails	JCS			0.0	4.6	4.6
20121214	Review settlement agreement.	JCS			0.0	1.0	1.0
20121216	Review agreement and edit	JCS			0.0	1.8	1.8
20121217	Many emails	JCS			0.0	0.3	0.3
20121218	Many emails, review comments	JCS			0.0	0.3	0.3
20121219	Review agreement, many emails	JCS			0.0	0.9	0.9
20121220	Many emails	JCS			0.0	0.2	0.2
20130104	Review Board letter	JCS			0.0	0.3	0.3
20130107	review Bd and SEC Ltr re: Midland settlement agreement/emails	MR	0.4	0.4			
20130107	Many emails, revise letter, telephone call with Midland, review LDC draft, revise and file letter	JCS			0.0	1.0	1.0
20130108	emails/review VECC Ltr	MR	0.1	0.1			
20130108	Many emails, review MPUC letter, review VECC letter	JCS			0.6		0.6
20130117	review Board decision	MR	0.1	0.1			
20130117	Review decision and scheduling	JCS			0.4		0.4
			0.7	0.7	17.3	10.4	27.7