



Jay Shepherd

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BY EMAIL and RESS

March 7, 2013
Our File No. 20130029

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

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2013-0010/29 – Market Rules Amendment Appeal – SEC Cost Claim

We are counsel for the School Energy Coalition. We enclose SEC's cost claim in this matter, on the Board's form and with full docket details.

We note that Mark Rubenstein of our office took the lead on this proceeding, but due to the importance of the issues, both in general and particularly for schools, Jay Shepherd took an active supervisory role, mainly earlier in the process.

We also note that SEC may have taken a more detailed and complete role in the proceeding relative to other intervenors, due to the dual interests of schools as active renewable generators (typically under the FIT program) and consistent supporters of renewable generation in the province, but also materially at risk for the substantial costs of surplus baseload generation.

Due to the compressed time period in which the matter had to be heard by the Board, most of SEC's work to prepare for the hearing had already been done by the time the



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application was withdrawn. We have reviewed the total hours spent in that context, and believe they are reasonable.

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-	2013-0010/29	Process:	Market Rules Amendment Appeal
Party:	School Energy Coalition	Affiant's Name:	Jay Shepherd
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 **Toronto**,
in the Province/State of **Ontario**, on **March-07-13**.
(date)

Ontario Energy Board
COST CLAIM FOR HEARINGS



Affidavit and Summary of Fees and Disbursements

Commissioner for taking Affidavits

File # EB- 2013-0010/29 **Process:** Market Rules Amendment Appeal

Party: School Energy Coalition

Summary of Fees and Disbursements Being Claimed

Legal/consultant fees	\$17,349.00
Disbursements	\$0.00
HST	\$0.00
Total Cost Claim	\$17,349.00

Ontario Energy Board

COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB-	2013-0010/29	Process:	Market Rules Amendment Appeal
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	9.30	\$330.00	\$3,069.00	\$0.00	\$3,069.00
Attendance - Technical Conference		\$330.00	\$0.00	\$0.00	\$0.00
Attendance - Settlement Conference		\$330.00	\$0.00	\$0.00	\$0.00
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
TOTAL LEGAL/CONSULTANT FEES			\$3,069.00	\$0.00	\$3,069.00

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
TOTAL DISBURSEMENTS:	\$0.00	\$0.00	\$0.00

Ontario Energy Board

COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB-	2013-0010/29	Process:	Market Rules Amendment Appeal
Party:	School Energy Coalition	Name:	Mark Rubenstein
		Completed Years Practising/Years of relevant experience	
Counsel/Articling Student/Paralegal:	<input checked="" type="checkbox"/>		1
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	76.20	\$170.00	\$12,954.00	\$0.00	\$12,954.00
Attendance - Technical Conference		\$170.00	\$0.00	\$0.00	\$0.00
Attendance - Settlement Conference	4.30	\$170.00	\$731.00	\$0.00	\$731.00
Attendance - Oral Hearing	3.50	\$170.00	\$595.00	\$0.00	\$595.00
Argument		\$170.00	\$0.00	\$0.00	\$0.00
Case Management		\$170.00	\$0.00	\$0.00	\$0.00
TOTAL LEGAL/CONSULTANT FEES			\$14,280.00	\$0.00	\$14,280.00

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
TOTAL DISBURSEMENTS:	\$0.00	\$0.00	\$0.00

Date	Explanation	Lwyr	Rubenstein				Shepherd	
			Prep	ADR	Hearing	Total	Prep	Total
20130128	review notice/emails	MR	0.5			0.5		
20130128	Review Notice of Application. various emails	JCS					0.3	0.3
20130129	review materials filed	MR	0.5			0.5		
20130129	Review PO#1 and scheduling	JCS					0.3	0.3
20130130	review application/review SE-91 materials	MR	1.5			1.5		
20130131	review materials/research issues/email memo to JCS re: intervention/prepare NOI	MR	3.0			3.0		
20130131	Email Mark Rubenstein re strategy, review PO#1	JCS					0.3	0.3
20130201	review IESO disclosure/emails	MR	3.4			3.4		
20130204	review submission to intervene/review subscriptions on production/research issues/discussion w JCS	MR	3.2			3.2		
20130204	Meeting with Mark Rubenstein, revise and file NOI and letter, review material	JCS					0.6	0.6
20130205	review disclosure/review RESG sub/emails/review Bd response/research	MR	3.1			3.1		
20130205	Review new material, many emails	JCS					0.6	0.6
20130206	review OPA materials./review IESO ltr/review MoE ltr/review OPA ltr/research scoping issues and 13(1) FIPPA	MR	4.2			4.2		
20130206	Meeting with Mark Rubenstein, many emails, review filing	JCS					0.9	0.9
20130207	draft submission/research/review documents/review IESO ltr/discussion w JCS/prepare for settlement conference/review other parties sub	MR	5.5			5.5		
20130207	Review and edit submissions, review IESO submission, many emails, meeting with Mark Rubenstein	JCS					1.2	1.2
20130208	attend settlement conference/discussion w JCS/meeting w EP+VECC/emails	MR	0.0	4.3		4.3		
20130208	Telephone call with Mark Rubenstein, scheduling	JCS					0.4	0.4
20130210	prepare for oral hearing/review materials/prepare compendium	MR	3.6			3.6		
20130211	attend oral hearing/discussion w JCS	MR	0.0		3.5	3.5		
20130212	review PO/draft submission/emails/review documents/discussion w JCS	MR	5.1			5.1		
20130212	Review decision and PO#3, scheduling, meeting with Mark Rubenstein, many emails	JCS					0.8	0.8
20130213	edit, finalize, file submissions/review BOMA, EP, IESO, RESG submission/review OPA, MOE submission on confidentiality,, review doc	MR	4.9			4.9		
20130213	Review Mark Rubenstein's letter, meeting with Mark Rubenstein, review submissions	JCS					0.8	0.8
20130214	research settlement privilege, FIPPA issues/review case law/draft argument/discussion w JCS	MR	4.5			4.5		
20130214	Meeting with Mark Rubenstein, many emails, review submissions of others, review SEC draft submissions and comment	JCS					1.1	1.1
20130215	draft submission/emails/discussion w JCS/edit+finalize/review BOMA, EP, RESG, IESO submission/review IESO and Applicant reply sub	MR	4.5			4.5		
20130215	Review confidentiality draft	JCS					0.2	0.2
20130217	review documents	MR	2.5			2.5		
20130218	review documents/background research re:market and trading rules/review RES I and II contracts and procurement	MR	5.5			5.5		
20130219	review documents	MR	2.0			2.0		
20130220	review MoE + OPA reply arg	MR	0.9			0.9		
20130221	emails	MR	0.2			0.2		
20130222	draft IRs/cover ltr/review IRs of OPG, IESO/review corr of OPA, IESO	MR	2.5			2.5		

20130223	review materials	MR	1.0			1.0		
20130224	review materials/IESO evidence	MR	2.5			2.5		
20130225	review OEFC Ltr	MR	0.1			0.1		
20130226	Meeting with Mark Rubenstein	JCS					0.4	0.4
20130227	review materials/prepare for TC/discussion w JCS	MR	4.0			4.0		
20130228	review documents/review decision on confidentiality and costs/emails/prepare for TC/draft and file LTr re: confirming no representation/	MR	4.6			4.6		
20130228	Review decision, meeting with Mark Rubenstein, various emails	JCS					0.5	0.5
20130301	Emails/review IESO material delivered/review RESG withdrawal/emails/discussion w JCS/review PO/draft and file Ltr/review RESG IR responses/review correspondence from OPG, EP/review Mainstream Letter of Comment	MR	2.5			2.5		
20130301	Meeting with Mark, Many emails, review notice, review letter, Review PO#5	JCS					0.5	0.5
20130304	Review decision, review letters & discontinuance, Many emails, scheduling	JCS					0.4	0.4
20130304	Review Notice of Discountenance /review Board PO and decision on costs eligibility/emails	MR	0.3			0.3		
20130305	Review correction decision	MR	0.1			0.1		
			76.2	4.3	3.5	84.0	9.3	9.3