



## Jay Shepherd

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

### **BY EMAIL and RESS**

April 18, 2013  
Our File No. 20120211

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-2012-0211 – SME Costs Recovery – 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 note that Mark Rubenstein of our office took the lead on this matter. Jay Shepherd's role was limited to a supervisory one, except in the area of commercial reasonableness issues, where he has a specific expertise. The hours reflect this breakdown of responsibility.

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- **2012-0100/0211**

Process: **SME Costs Recovery**

Party: **School Energy Coalition**

Affiant's Name: **Jay Shepherd**

HST Number:

HST Rate Ontario:

Full Registrant ☒  
Unregistered ☐  
Other ☐

Qualifying Non-Profit ☐  
Tax Exempt ☐

### 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 ,  
(date)

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



**Affidavit and Summary of Fees and Disbursements**

**Commissioner for taking Affidavits**

**File # EB-** 2012-0100/0211 **Process:** SME Costs Recovery

**Party:** School Energy Coalition

**Summary of Fees and Disbursements Being Claimed**

Legal/consultant fees	\$14,538.00
Disbursements	\$0.00
HST	\$0.00
<b>Total Cost Claim</b>	<b>\$14,538.00</b>

# Ontario Energy Board

## COST CLAIM FOR HEARINGS



### Detail of Fees and Disbursements Being Claimed

File # EB-	<b>2012-0100/0211</b>	Process:	SME Costs Recovery
Party:	<b>School Energy Coalition</b>	Name:	Jay Shepherd
		Completed Years Practising/Years of relevant experience	
Counsel/Articling Student/Paralegal:	<input checked="" type="checkbox"/>		33
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	8.20	\$330.00	\$2,706.00	\$0.00	\$2,706.00
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
<b>TOTAL LEGAL/CONSULTANT FEES</b>			\$2,706.00	\$0.00	<b>\$2,706.00</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>2012-0100/0211</b>	Process:	SME Costs Recovery
Party:	<b>School Energy Coalition</b>	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	48.00	\$170.00	\$8,160.00	\$0.00	\$8,160.00
Attendance - Technical Conference	3.00	\$170.00	\$510.00	\$0.00	\$510.00
Attendance - Settlement Conference	14.60	\$170.00	\$2,482.00	\$0.00	\$2,482.00
Attendance - Oral Hearing	4.00	\$170.00	\$680.00	\$0.00	\$680.00
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>			<b>\$11,832.00</b>	<b>\$0.00</b>	<b>\$11,832.00</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>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

			Rubenstein						Shepherd	
Date	Explanation	Lwyr	Prep	Tech	ADR	Hearing	Arg.	Total	Prep	Total
20120523	Review NOA	JCS							0.1	0.1
20120604	draft + file NOI	MR	0.5					0.5		
20120605	emails	MR	0.2					0.2		
20120606	review application/send email/discuss w JCS re: agreement issues to P. Duffy	MR	3.5					3.5		
20120607	research re: MDMR previous issues	MR	1.3					1.3		
20120611	review correspondence	MR	0.3					0.3		
20120615	Review Application.	JCS							0.4	0.4
20120622	Review PO#1	JCS							0.3	0.3
20120628	Review PO#1 and scheduling	JCS							0.3	0.3
20120629	Review staff submissions, many emails	JCS							1.0	1.0
20120703	research issue/review staff submission/emails to JCS re position	MR	2.2					2.2		
20120706	Review issues and other submissions, draft and file submissions, review PO#2.	JCS							1.7	1.7
20120706	Review submissions.	JCS							0.8	0.8
20120709	review all parties submission in preliminary issue	MR	1.7					1.7		
20120713	review IESO reply	MR	0.5					0.5		
20120911	review materials/preliminary decision	MR	0.5					0.5		
20120914	review Board Staff submission outline/emails/review preliminary decision and agreement	MR	1.5					1.5		
20120917	email/review agreement and terms of service	MR	2.0					2.0		
20120918	research re: jurisdictional issues/emails/review agreement + terms of service	MR	2.5					2.5		

20120919	research re: jurisdictional issues for dispute resolution/discussion w JCS/prepare for oral hearing/draft comments/phone call w. D. Cro	MR	7.5					7.5		
20120919	Meeting with Mark Rubenstein re issues, argument	JCS							0.8	0.8
20120920	attend oral hearing/listen to hearing via internet/review transcript	MR	1.5			4.0		5.5		
20121001	review PO and draft issues list	MR	0.2					0.2		
20121001	Review draft issues list	JCS							0.2	0.2
20121002	review correspondence	MR	0.3					0.3		
20121009	emails/left message for M. Bell/review draft issues list/consider scope	MR	1.0					1.0		
20121010	emails	MR	0.1					0.1		
20121011	review submission re: draft issues list/determine no need to file	MR	0.6					0.6		
20121024	phone call w M. Be;;;/review EDA + SME correspondence	MR	0.6					0.6		
20121026	emails/review Board IRs	MR	0.5					0.5		
20121102	Review decision	JCS							0.2	0.2
20121102	review decision on draft issues list	MR	0.3					0.3		
20121105	review evidence/prepare TC questions/emails	MR	3.5					3.5		
20121106	Review transcript	JCS							0.3	0.3
20121106	attend technical conference/discussion w JCS	MR	1.5	3.0				4.5		
20121106	review MDMR agreement IPC decision	MR	0.5					0.5		
20121122	preliminary review of TC undertakings/prep and file Declaration and Undertaking	MR	0.4					0.4		
20121127	review IESO correspondence/emmails	MR	0.3					0.3		
20121205	review PO	MR	0.1					0.1		
20121205	Review PO#6	JCS							0.2	0.2

20121206	p.call w M. Bell/sign new and file dec + undertaking/emails	MR	0.4					0.4		
20121207	review Ltr from IESO	MR	0.2					0.2		
20121212	review confidential material	MR	2.2					2.2		
20130102	emails	MR	0.2					0.2		
20130117	review decision re: SME-LDC agreement approval	MR	0.6					0.6		
20130117	Review decision and scheduling	JCS							0.6	0.6
20130123	emails	MR	0.1					0.1		
20130131	review Ltr/review amended SME-LDC agreement	MR	0.4					0.4		
20130206	review agreement/decision/Board submission	MR	0.8					0.8		
20130207	review material/draft + file Ltr/emails	MR	0.4					0.4		
20130213	review decision	MR	0.2					0.2		
20130214	emails/review supplementary prefled evidence	MR	1.0					1.0		
20130215	emails	MR	0.2					0.2		
20130216	review materials/prepare for settlement conference	MR	2.7					2.7		
20130219	attend settlement conference	MR			7.5			7.5		
20130220	attend settlement conference	MR			2.5			2.5		
20130225	emails/review settlement agreement	MR	0.3					0.3		
20130228	review, edit and comment on settlement agreement/emails/review other party coments and edits	MR			2.2			2.2		
20130301	review comments.emails	MR	0.2					0.2		
20130302	emails	MR	0.2					0.2		
20130303	emails	MR	0.2					0.2		
20130304	emails	MR	0.1					0.1		
20130305	emails/review LTR/Board response	MR	0.2					0.2		
20130306	review settlement emails	MR			0.5			0.5		



20130307	Meeting with Mark Rubenstein re agreement	JCS							0.3	0.3
20130307	emails/edit agreement/p call w P. Vlahous/discussion w JCS	MR			1.6			1.6		
20130308	emails/review final settlement agreement/review Ltr to the Board	MR			0.3			0.3		
20130311	emails/review IESO revised filing	MR	0.3					0.3		
20130313	review IESO Ltr	MR	0.1					0.1		
20130318	review Board corr	MR	0.1					0.1		
20130328	review decision	MR	0.5					0.5		
20130328	Review decision	JCS							0.7	0.7
20130408	Review draft accounting order, emails	MR	0.2					0.2		
20130410	Review DRO,	JCS							0.3	0.3
20130415	Review Staff submission, Review accounting order, draft and file submissions, emails	MR	0.6					0.6		
			48.0	3.0	14.6	4.0		69.6	8.2	8.2