



## Jay Shepherd

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

### **BY EMAIL and RESS**

April 18, 2013  
Our File No. 20120002

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-2012-0002 – OPG D/V Accounts – 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 was an unusual proceeding, with large amounts of money involved, substantial rate impacts, but statutory and other restrictions that limited flexibility in dealing with those impacts. The bulk of the time was spent, therefore, in the ADR process, attempting to fashion a result that lived within those restrictions, met the needs of the utility, and minimized the rate impacts. SEC was actively involved in all aspects of the process, including particularly the negotiation of the settlement agreement. We note that Mark Rubenstein of our office was initially involved in this matter as well, but we have concluded that his hours should not be claimed in this case as his involvement did not continue.

The Board has directed parties to identify separately work done with respect to the procedural issue for the Niagara prudence review. This has been listed separately in our docket detail, 4.7 hours, and is shown as "Argument" in the Board's cost claim form.

All of which is respectfully submitted.

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

Jay Shepherd

cc: Wayne McNally, SEC (email)  
Interested Parties

Tel: (416) 483-3300 Cell: (416) 804-2767 Fax: (416) 483-3305  
[jay.shepherd@canadianenergylawyers.com](mailto:jay.shepherd@canadianenergylawyers.com)  
[www.canadianenergylawyers.com](http://www.canadianenergylawyers.com)

# 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.**

<b>File # EB-</b>	<b>2012-0002</b>	<b>Process:</b>	<b>OPG Deferral and Variance Accounts</b>
<b>Party:</b>	<b>School Energy Coalition</b>	<b>Affiant's Name:</b>	<b>Mark Rubenstein</b>
<b>HST Number:</b>	<input type="text"/>	<b>HST Rate Ontario:</b>	<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, **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-** 2012-0002 **Process:** OPG Deferral and Variance Accounts

**Party:** School Energy Coalition

**Summary of Fees and Disbursements Being Claimed**

Legal/consultant fees	\$43,725.00
Disbursements	\$0.00
HST	\$0.00
<b>Total Cost Claim</b>	<b>\$43,725.00</b>

# Ontario Energy Board

## COST CLAIM FOR HEARINGS



### Detail of Fees and Disbursements Being Claimed

File # EB-	<b>2012-0002</b>	Process:	OPG Deferral and Variance Accounts
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	66.10	\$330.00	\$21,813.00	\$0.00	\$21,813.00
Attendance - Technical Conference	5.00	\$330.00	\$1,650.00	\$0.00	\$1,650.00
Attendance - Settlement Conference	56.70	\$330.00	\$18,711.00	\$0.00	\$18,711.00
Attendance - Oral Hearing		\$330.00	\$0.00	\$0.00	\$0.00
Argument	4.70	\$330.00	\$1,551.00	\$0.00	\$1,551.00
Case Management		\$170.00	\$0.00	\$0.00	\$0.00
<b>TOTAL LEGAL/CONSULTANT FEES</b>			<b>\$43,725.00</b>	<b>\$0.00</b>	<b>\$43,725.00</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>

Date	Explanation	Lwyr	Prep	Tech	ADR	Nia.Issue	Hours
20110720	Review materials.	JCS	0.3				0.3
20110803	Draft and send comments on computer study	JCS	4.2				4.2
20110804	Many emails	JCS	0.4				0.4
20110902	Review responses to comments on ToR	JCS	0.4				0.4
20111124	Arrangements for tour, meeting with Mark Rubenstein	JCS	0.3				0.3
20120326	Many emails, review Board letter and scheduling	JCS				0.3	0.3
20120329	Telephone call with David Crocker	JCS				0.2	0.2
20120402	Review staff submissions, analysis	JCS				0.7	0.7
20120403	Draft and file SEC submissions, review submissions of others	JCS				2.8	2.8
20120410	Review reply, various emails	JCS				0.3	0.3
20120413	Review decision/letter and analysis, various emails	JCS				0.4	0.4
20120514	Review material and analysis, many emails	JCS	1.3				1.3
20120601	Meeting with Mark Garner	JCS	1.0				1.0
20120604	Meeting with Mark Rubenstein	JCS	0.1				0.1
20120822	Review scope, email OPG	JCS	0.2				0.2
20121011	Review NOA and application	JCS	0.5				0.5
20121012	Review Bruce Lease Reports December 2010 to September 2012	JCS	4.0				4.0
20121019	discussion w Deb Devgan re: Notice of Intervention	JCS	0.1				0.1
20121019	Review NOI, meeting with Deb Devgan, various emails	JCS	0.4				0.4
20121106	Review PO#1 and scheduling	JCS	0.3				0.3
20121112	Review issues list, review submissions, many emails (no submissions required)	JCS	0.6				0.6
20121122	Review evidence	JCS	1.6				1.6
20121123	Review PO#2 and scheduling	JCS	0.2				0.2
20121124	Review staff IRs	JCS	0.4				0.4
20121125	Review evidence	JCS	3.0				3.0
20121207	Review IR responses	JCS	0.8				0.8
20121214	Review IR responses	JCS	1.5				1.5
20121218	Review financial statement	JCS	2.0				2.0
20121220	Review evidence and IRs	JCS	2.0				2.0
20121221	Review evidence and draft IRs, review IRs of others	JCS	4.5				4.5
20121222	Finalize and send IRs	JCS	6.7				6.7
20130114	Review IR responses	JCS	1.0				1.0
20130115	Many emails, review letter	JCS	0.2				0.2
20130116	Review IR response, prepare for TC	JCS	0.5				0.5
20130117	Review IR reponses, many emails, advise issues	JCS	4.0				4.0
20130121	Many emails	JCS	0.2				0.2
20130122	Many emails, prepare for TC	JCS	0.6				0.6
20130123	Attend at Technical Conference and prepare.	JCS		5.0			5.0
20130124	Review OPG submissions	JCS	0.3				0.3
20130201	Review new material and letter, many emails	JCS	0.5				0.5
20130204	Review PO#4 and scheduling	JCS	3.0				3.0
20130208	Review corrections	JCS	0.3				0.3
20130209	Review update	JCS	1.4				1.4
20130210	Prepare for ADR, model impacts, issues breakdown	JCS	3.6				3.6
20130211	Attend at ADR, prepare, many emails	JCS			7.1		7.1
20130212	Prepare for ADR, many emails	JCS	1.7				1.7
20130213	Meeting with OPG, many emails, analysis of next offer, drafting offer details and impacts	JCS			4.2		4.2
20130214	Many emails	JCS	0.2				0.2
20130215	Review further data, calculate impacts, revise draft offer, many emails	JCS			3.8		3.8

20130216	Review calculations	JCS			1.2		1.2
20130218	Many emails, analysis of issues	JCS			1.0		1.0
20130219	Many emails, negotiating meeting, details of offer	JCS			2.1		2.1
20130220	Continued ADR, many emails, impact calculations and proposals	JCS			2.7		2.7
20130221	Continued ADR, many emails	JCS			1.3		1.3
20130222	Many emails, reporting	JCS	0.4				0.4
20130225	Review letter filed	JCS	0.1				0.1
20130227	Review settlement agreement, many emails	JCS			1.6		1.6
20130228	Edit settlement agreement	JCS			1.3		1.3
20130301	Many emails	JCS			0.3		0.3
20130303	Many emails, review revisions	JCS			0.7		0.7
20130304	Many emails, review comments	JCS			1.1		1.1
20130305	Many emails, review and edit draft agreement, model pension and OPEBs, model double counting	JCS			5.8		5.8
20130306	Telephone call with Colin Anderson and Andrew Barret, many emails, report to other intervenors, further telephone calls with OPG	JCS			4.5		4.5
20130307	Many emails, lengthy analysis of options	JCS			2.8		2.8
20130308	Many emails, review agreement, telephone call with Chris Houssmen, analysis of options, telephone call with OPG, edit agreement	JCS			6.2		6.2
20130311	Many emails, review PO#6, scheduling	JCS	0.5				0.5
20130312	Many emails, review staff edits	JCS			1.1		1.1
20130313	Many emails, review new draft, analysis and comments	JCS			3.1		3.1
20130314	Many emails, review final agreement	JCS			2.0		2.0
20130315	Review filing	JCS	0.7				0.7
20130320	Review roadmap	JCS	0.3				0.3
20130322	Review agreement and presentation, many emails, reporting and calculations	JCS			1.0		1.0
20130325	Many emails, attend presentation of agreement.	JCS			1.8		1.8
20130401	Review initial DRO, Calculations and client impact analysis, Review of notes from ADR, Develop comparison spreadsheet	JCS	5.8				5.8
20130409	Review DRO comments and analysis, Client Reporting	JCS	4.0				4.0
			66.1	5.0	56.7	4.7	132.5