



Jay Shepherd

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BY EMAIL and RESS

October 8, 2013
Our File No. HV-2013-0001

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

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2013-0099 – Enbridge Open Bill Access – HVAC Cost Claim

We are counsel for the HVAC Coalition. We enclose the cost claim of the HVAC Coalition, on the Board's form and enclosing docket details.

We note that Jay Shepherd of our office took the lead on this matter. The work included brief preliminary discussions with Enbridge on their proposals, and on procedural options for Board approval, and then a detailed ADR to conclude a full settlement, including a detailed settlement agreement and a new Open Bill Agreement replacing the previous version.

All of which is respectfully submitted.

Yours very truly,
JAY SHEPHERD P. C.

Jay Shepherd

cc: Martin Luymes, HVAC (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-	<input type="text" value="2013-0099"/>	Process:	<input type="text" value="Enbridge Open Bill Access"/>
Party:	<input type="text" value="HVAC Coalition"/>	Affiant's Name:	<input type="text" value="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, , of the City/Town of
in the Province/State of , 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- 2013-0099 **Process:** Enbridge Open Bill Access

Party: HVAC Coalition

Summary of Fees and Disbursements Being Claimed

Legal/consultant fees	\$13,629.00
Disbursements	\$0.00
HST	\$0.00
Total Cost Claim	\$13,629.00

Ontario Energy Board

COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File #	EB- 2013-0099	Process:	Enbridge Open Bill Access
Party:	HVAC Coalition	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	10.60	\$330.00	\$3,498.00	\$0.00	\$3,498.00
Attendance - Technical Conference		\$330.00	\$0.00	\$0.00	\$0.00
Attendance - Settlement Conference	30.70	\$330.00	\$10,131.00	\$0.00	\$10,131.00
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			\$13,629.00	\$0.00	\$13,629.00

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	Prep	ADR	Hours
20130510	Many emails, review application, telephone call with Martin Luymes	JCS	0.6		0.6
20130513	Review application, many emails	JCS	1.7		1.7
20130515	Attend at Board meeting, many emails	JCS	3.0		3.0
20130516	Negotiating email, analysis	JCS	0.8		0.8
20130523	Telephone call with David Stevens	JCS	0.2		0.2
20130527	Review procedural proposal	JCS	0.2		0.2
20130813	Review application, prepare for ADR, many emails, call CME	JCS	0.8		0.8
20130814	Attend at ADR, many emails, report to client	JCS	0.0	6.3	6.3
20130815	Attend at ADR, many emails, draft and circulate proposal, telephone call with Martin Luymes	JCS	0.0	5.7	5.7
20130816	Many emails	JCS	0.2		0.2
20130819	Many emails	JCS	0.8		0.8
20130820	Many emails, prepare for continued ADR	JCS	1.1		1.1
20130821	Attend at ADR, many emails	JCS	0.0	4.5	4.5
20130822	Many emails	JCS	0.0	0.6	0.6
20130823	Many emails	JCS	0.0	0.4	0.4
20130826	Many emails and edits	JCS	0.0	0.5	0.5
20130827	Review agreement and OBA contract, many emails, provide markup	JCS	0.0	1.3	1.3
20130828	Review updated agreement, analysis of 1.8.2 issues, many emails, review updated exhibit	JCS	0.0	1.6	1.6
20130829	Many emails, review letter, comments on 1.8.2, telephone call with Martin Luymes, report to client	JCS	0.0	1.3	1.3
20130903	Telephone call with David Stevens, telephone call with Martin Luymes, report to client, many emails	JCS	0.0	1.1	1.1
20130904	Many emails	JCS	0.0	0.6	0.6
20130905	Many emails, instructions, telephone call with David Stevens (2)	JCS	0.0	1.2	1.2
20130906	Conference call, many emails, report to client, telephone call with Martin Luymes	JCS	0.0	2.8	2.8
20130907	Many emails	JCS	0.0	0.1	0.1
20130909	Telephone call with Martin Luymes, meeting with HVAC Board, many emails	JCS	0.0	1.4	1.4
20130910	Many emails, review agreement, telephone call with David Stevens	JCS	0.0	1.3	1.3
20130911	Many emails, telephone call with David Stevens, review final package	JCS	1.2		1.2
			10.6	30.7	41.3