



## **Jay Shepherd**

Professional Corporation  
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### **BY EMAIL and RESS**

December 20, 2013  
Our File No. 20100379

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

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

Dear Ms. Walli:

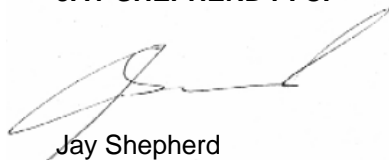
### **Re: EB-2010-0379 – RRFE – Performance and Benchmarking**

We are counsel for the School Energy Coalition. We enclose the SEC cost claim in this proceeding for the period May 1, 2013 to date, including the Board's form breaking down those hours, plus our own internal dockets.

We note that our hours on each of the components of the allowed cost claim exceed the Board's limits. This was a complex matter, with very substantial implications for Ontario schools over at least the next five years, probably longer. While we were conscious of the Board's limits, we spent as much time as was necessary to provide the most assistance we could to the Board. As a result of being over the limits, we have not claimed any of the hours of Mark Rubenstein, who assisted on the matter, and we have reduced our claim for the hours of Jay Shepherd from 150.8 to 120.0. Our hours in the Board's form reflect the maximums, but the additional hours are included in our internal docket detail for the information of the Board. We had no chargeable disbursements.

All of which is respectfully submitted.

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



Jay Shepherd

cc: Wayne McNally, SEC (email)  
Interested Parties

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**Ontario Energy Board**  
**COST CLAIM FOR CONSULTATIONS**



**Affidavit and Summary of Fees and Disbursements**

This form should be used by a party (defined in the Practice Direction on Cost Awards as including a participant in a consultation process) in a consultation 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 Notice of Hearing for Cost Awards. 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 "Statement of Disbursements Being Claimed" is required for each consultant or lawyer/articling student/paralegal. However only one "Statement of Fees Being Claimed" and one "Summary of Fees and Disbursements Being Claimed" 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>2010-0379</b>	<b>Process:</b>	<b>Defining &amp; Measuring Performance of Electricity</b>
<b>Party:</b>	<b>School Energy Coalition</b>	<b>Affiant's Name:</b>	<b>Jay Shepherd</b>
<b>HST Number:</b>		<b>HST Rate Ontario:</b>	
	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 of Fees Being Claimed" and "Statement(s) of Disbursements Being Claimed".
3. The attached "Summary of Fees and Disbursements Being Claimed", "Statement 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 **December-20-13**  
(date)

**Ontario Energy Board**  
**COST CLAIM FOR CONSULTATIONS**  
**Affidavit and Summary of Fees and Disbursements**



**Commissioner for taking Affidavits**

**File # EB-** 2010-0379 **Process:** Defining & Measuring Performance of Electricity I

**Party:** School Energy Coalition

**Summary of Fees and Disbursements Being Claimed**

Legal/consultant fees	\$39,600.00
Disbursements	\$0.00
HST	\$0.00
<b>Total Cost Claim</b>	<b>\$39,600.00</b>

**Detail of Fees and Disbursements Being Claimed**

**Statement of Fees Being Claimed**

Statement of Fees being claimed for Eligible Activity is found on the second tab of this workbook.

**Statement(s) of Disbursements Being Claimed**

Statement of Disbursements being claimed is found on the third tab of this workbook.

# Ontario Energy Board

## COST CLAIM FOR CONSULTATIONS

### Affidavit and Summary of Fees and Disbursements



#### Individual Whose Costs are Being Claimed

Name:	Jay Shepherd		
		Completed Years Practicing/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"/>

Name:			
		Completed Years Practicing/Years of relevant experience	
Counsel/Articling Student/Paralegal:	<input type="checkbox"/>		
Consultant:	<input type="checkbox"/>		
CV attached:	<input type="checkbox"/>	CV not required:	<input type="checkbox"/>

Name:			
		Completed Years Practicing/Years of relevant experience	
Counsel/Articling Student/Paralegal:	<input type="checkbox"/>		
Consultant:	<input type="checkbox"/>		
CV attached:	<input type="checkbox"/>	CV not required:	<input type="checkbox"/>

Name:			
		Completed Years Practicing/Years of relevant experience	
Counsel/Articling Student/Paralegal:	<input type="checkbox"/>		
Consultant:	<input type="checkbox"/>		
CV attached:	<input type="checkbox"/>	CV not required:	<input type="checkbox"/>

Name:			
		Completed Years Practicing/Years of relevant experience	
Counsel/Articling Student/Paralegal:	<input type="checkbox"/>		
Consultant:	<input type="checkbox"/>		
CV attached:	<input type="checkbox"/>	CV not required:	<input type="checkbox"/>

**Ontario Energy Board**  
**COST CLAIM FOR CONSULTATIONS**  
**Affidavit and Summary of Fees and Disbursements**

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**Ontario Energy Board**  
**COST CLAIM FOR CONSULTATIONS**  
**Statement of Fees Being Claimed**



File # EB- 2010-0379

Process Defining & Measuring Performance of  
Electricity Distributors in Ontario

Eligible Participant School Energy Coalition

HST Rate: 0%

Eligible Activity --->

		EB-2010-0379					
		Preparation for, attendance at and reporting on Q&A session (up to 10 hours)	Preparation for, attendance at, and reporting on stakeholder conference (up to 10 hours per day)	Review expert reports, including any questions, to a maximum of 20 hours.	Written comments on Experts Reports (up to 20 hours)	Preparation for (including review of the Board's draft report), attendance at, and reporting on stakeholder conference (up to 20 hours)	
Individual Whose Fees are Being	Hourly rate	16-May-13	27-May-13	28-May-13	n/a	27-Jun-13	11-Sep-13
Jay Shepherd	\$330.00	10.00	10.00	10.00	20.00	20.00	20.00
<b>Totals:</b>		10.00	10.00	10.00	20.00	20.00	20.00

**Ontario Energy Board**  
**COST CLAIM FOR CONSULTATIONS**  
**Statement of Fees Being Claimed**



Written comments on the Board's draft report and on consultant's report (up to 10 hours)		Preparation for, attendance at, and reporting on the industry workshop on LV Adjustments (up to 10 hours)	Written comments on Staff Report to the Board on on Performance Measurement and Continuous Improvement for Electricity Distributors issued on July 4, 2013 (up to 20 hours)			
<i>25-Sep-13</i>	<i>07-Oct-13</i>		<i>12-Aug-13</i>	<b>Subtotal</b>	<b>HST</b>	<b>Total</b>
10.00	0.00		20.00	\$39,600.00	\$0.00	\$39,600.00
				\$0.00	\$0.00	\$0.00
				\$0.00	\$0.00	\$0.00
				\$0.00	\$0.00	\$0.00
				\$0.00	\$0.00	\$0.00
10.00	0.00		20.00	<b>\$39,600.00</b>	<b>\$0.00</b>	
				<b>Total legal/consultant fees:</b>		<b>\$39,600.00</b>

Date	Explanation	Lwyr	MR	JCS
20130504	Review working group materials, analysis and list of issues, first review of PEG report	JCS		1.60
20130512	Review PEG report, review supplementary reference materials	JCS		3.40
20130513	Review PEG report, various emails	JCS		3.50
20130514	Complete review of PEG report, review material and email	JCS		3.00
20130516	Attend at Q and A, many emails	JCS		6.80
20130517	Review notes and presentation	JCS		2.10
20130518	Review Board letter and proposed changes	JCS		1.00
20130523	Many emails, send model to Dwayne Hanuszak	JCS		0.20
20130524	review presentations/review PEG report/discussion w JCS	MR	2.50	
20130524	Many emails, review Fenrick and Kaufman presentations	JCS		2.70
20130526	Prepare for stakeholder conference	JCS		2.30
20130527	Attend at stakeholder conference, various meetings, many emails, review Yatchew presentation, review transcript	JCS		8.10
20130528	Attend at stakeholder conference, review transcripts, review materials, many emails	JCS		7.00
20130529	Review transcripts	JCS		1.10
20130530	Review Board letter, review issues notes, scheduling	JCS		0.50
20130601	Review models, many emails	JCS		3.80
20130602	Review PEG material	JCS		3.00
20130613	Review Cronin paper	JCS		0.60
20130614	Review reports, many emails	JCS		1.00
20130615	Review expert reports	JCS		4.60
20130618	emails/review PWU submission	MR	0.80	
20130618	Review PWU materials, review transcripts	JCS		3.20
20130621	Many emails, circulate capital funding analysis, review expert reports	JCS		2.20
20130623	Review expert reports and data, various emails	JCS		3.00
20130624	Many emails, telephone call with Julie Girvan, review expert reports (continued)	JCS		3.40
20130625	Meeting with Bill Harper and Julie Girvan, many emails, review materials, draft and circulate outline, analysis of data and note to Boa	JCS		5.50
20130626	review SEC position email/emails	MR	1.00	
20130626	Many emails, review materials, revise and recalculate spreadsheets, drafting submissions, review boards letter	JCS		6.80
20130627	emails	MR	0.20	
20130627	Drafting, revising and filing submissions, many emails, discussions with other rate payer groups	JCS		14.00
20130628	review SED, EDA, EP, PWU, CLD, THESL, CHECK, CME, CCC, HONI submissions	MR	5.50	
20130628	Review submissions of other parties, many emails	JCS		4.70
20130702	Review additional submissions	JCS		0.80
20130704	Review Scorecard report	JCS		0.50
20130802	Review CLD submission, many emails, draft, revise and file response	JCS		1.20
20130809	Many emails	JCS		0.20
20130811	Review staff report	JCS		2.10
20130812	review Secretarial Services and other parties regarding Defining and Measuring Performance Staff Report	MR	2.10	
20130812	Complete review of report, review background materials and prior submissions, draft, revise and file submissions	JCS		10.30
20130813	review other parties submissions	MR	1.20	
20130813	Review scorecard, submissions from others	JCS		2.00
20130823	Review Board letter and materials, scheduling, many emails, review new yearbook data	JCS		1.80
20130825	Review issues for scorecard, factors	JCS		1.20
20130901	Build model for 2005-2012 breakdowns	JCS		3.00
20130903	Further analysis of productivity metrics	JCS		1.50



20130906	File intent to appeal, review reports, many emails, telephone call with Julie Girvan	JCS		3.60
20130907	ICM analysis - 2012, various emails	JCS		2.60
20130908	Further data analysis, outline presentation	JCS		2.50
20130909	Various emails	JCS		0.10
20130910	Draft, revise and file presentation, develop tables, draft speaking notes, review Cronin presentation, review Board information, many e	JCS		6.70
20130911	Attend at Stakeholder conference, prepare, many emails	JCS		5.90
20130919	Review materials for submissions	JCS		1.00
20130922	Review presentations, outline	JCS		1.80
20130923	Review PWU revised presentation	JCS		0.40
20131121	review report of the Board on empitical work	MR	1.60	
20131122	Review Board Report	JCS		2.50
			14.90	150.80