



Jay Shepherd

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BY EMAIL and RESS

March 7, 2014
Our File No. EB20120433

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

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2012-0433/2013/0074 – Union Facilities Cases – 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 apologize for the late filing of this claim, which arose in part because of the nature of the claim (it was difficult), and in part because of other proceedings happening at the Board in tandem.

The Board will be aware that this was a complex proceeding, conducted jointly with the facilities application of Enbridge Gas Distribution. We have endeavoured to allocate time spent to deal with common issues or joint procedural matters on a reasonable basis, and we believe the resulting cost claim totals and docket details reflect that reasonable allocation.

Mark Rubenstein of our office had primary carriage of this matter. However, due to the amounts and issues involved, and the importance of these facilities to our clients and to the public, Jay Shepherd took a more active supervisory role than is often the case. A review of the docket details will show that the need for senior counsel involvement was most pronounced at the outset, when issues were first being nailed down, during the argument phase, when final positions were being determined and expressed, and of course for client reporting throughout. Mr. Shepherd only got directly involved in the hearing room on a very few occasions where particularly challenging issues were being addressed.



Jay Shepherd Professional Corporation

It is submitted that our approach of giving primary carriage to junior counsel (despite the importance of the proceeding), and supplementing it with close supervision by senior counsel where needed, has enabled School Energy Coalition to participate actively and effectively to assist the Board, while keeping SEC's overall cost of participation down.

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- **2012-0433/2013-0074**

Process: **Union Facilities Cases**

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, **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-08-14**.
(date)

Ontario Energy Board
COST CLAIM FOR HEARINGS



Affidavit and Summary of Fees and Disbursements

Commissioner for taking Affidavits

File # EB- 2012-0433/2013-0074

Process: Union Facilities Cases

Party: School Energy Coalition

Summary of Fees and Disbursements Being Claimed

Legal/consultant fees	\$40,218.00
Disbursements	\$0.00
HST	\$0.00
Total Cost Claim	\$40,218.00

Ontario Energy Board

COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB-	2012-0433/2013-0074	Process:	Union Facilities Cases
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	20.90	\$330.00	\$6,897.00	\$0.00	\$6,897.00
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	8.10	\$330.00	\$2,673.00	\$0.00	\$2,673.00
Argument	8.80	\$330.00	\$2,904.00	\$0.00	\$2,904.00
Case Management		\$170.00	\$0.00	\$0.00	\$0.00
TOTAL LEGAL/CONSULTANT FEES			\$12,474.00	\$0.00	\$12,474.00

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-	2012-0433	Process:	Union Facilities Cases
Party:	School Energy Coalition	Name:	Mark Rubenstein
		Completed Years Practising/Years of relevant experience	
Counsel/Articling Student/Paralegal:	<input checked="" type="checkbox"/>		2
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	86.00	\$170.00	\$14,620.00	\$0.00	\$14,620.00
Attendance - Technical Conference	13.20	\$170.00	\$2,244.00	\$0.00	\$2,244.00
Attendance - Settlement Conference	7.80	\$170.00	\$1,326.00	\$0.00	\$1,326.00
Attendance - Oral Hearing	31.50	\$170.00	\$5,355.00	\$0.00	\$5,355.00
Argument	24.70	\$170.00	\$4,199.00	\$0.00	\$4,199.00
Case Management		\$170.00	\$0.00	\$0.00	\$0.00
TOTAL LEGAL/CONSULTANT FEES			\$27,744.00	\$0.00	\$27,744.00

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	Mark Rubenstein					Jay Shepherd						
			Prep	Tech	ADR	Hearing	Arg	Total	Prep	Tech	ADR	Hearing	Arg	Total
20130305	review application	MR	4.2					4.2						
20130315	Notice of intervention	JCS							0.2					0.2
20130315	Analysis of issues, review TDSB intervention, report to client, many emails, notice of intervention	JCS							0.6					0.6
20130326	Reporting, many emails, letters to Board, review evidence	JCS							1.1					1.1
20130327	review Union 'Need for Parkway Project" powerpoint presentation	MR	1.0					1.0						
20130411	Various emails	JCS							0.2					0.2
20130411	review application/emails	MR	1.7					1.7						
20130412	emails/draft and file Notice of Intervention	MR	0.5					0.5						
20130414	Review evidence	JCS							2.0					2.0
20130417	Review PO#1 and scheduling	JCS							0.2					0.2
20130417	review PO #1	MR	0.2					0.2						
20130417	Review PO#1 and scheduling	JCS							0.1					0.1
20130423	review application	MR	1.2					1.2						
20130424	meeting w JCS/review application/proposed issues list/emails	MR	1.6					1.6						
20130425	prepare for issues/procedures conference	MR	0.5					0.5						
20130426	attend process/issues conference/emails/disc w JCS	MR				2.3		2.3						
20130426	Attend issues and process conference. many emails, analysis of issues, meeting with Mark Rubenstein, review presentations	JCS										1.8		1.8
20130429	discussion w JCS/prepare for issues and procedural hearing/emails/review EGD and Union correspondence	MR	0.5					0.5						
20130429	Meeting with Mark Rubenstein, analysis of issues, many emails, review schedule, review letters	JCS							1.2					1.2
20130430	attend issues and process hearing/emails/discussion w JCS	MR				2.3		2.3						
20130430	Meeting with Mark Rubenstein (several), many emails	JCS							0.3					0.3
20130515	review EB-2011-0210 evidence, IR responses, motion material, transcripts, decision re: Parkway West	MR	5.1					5.1						
20130516	Review staff IRs, meeting with Mark Rubenstein	JCS							0.2					0.2
20130517	review evidence/draft IRs	MR	3.8					3.8						
20130521	Review IRs	JCS							0.2					0.2
20130607	review IRRs	MR	0.9					0.9						
20130610	prepare, sign + file undertaking and decleration/emails/review Union IRR/research TCPL review and variance account application	MR	4.2					4.2						
20130611	review IRR/prepare for TC	MR	2.0					2.0						
20130612	Review TC transcript	JCS							0.2					0.2
20130612	attend technical conference/review transcript/emails/review and research TCPL around the horn/review implications of MOU/prepare for T	MR		3.3				3.3						
20130613	Additional research; attend technical conference, review implications of MOU	MR		5.0				5.0						
20130613	Review TC transcript	JCS							0.5					0.5
20130617	discussion w JCS	MR	0.1					0.1						
20130617	discussion w Mark	MR							0.1					0.1
20130619	emails/review updated Union IRRs	MR	1.8					1.8						
20130621	emails/review updated IR responses/review Union + GMI Motion	MR	2.2					2.2						
20130626	review Union Motion Record/research STAR	MR	2.9					2.9						
20130627	emails/review carious corr	MR	0.4					0.4						

20130628	Review evidence of parties, meeting with Mark Rubenstein, many emails, review PO#4 and #5	JCS							1.0					1.0
20130628	emails	MR	0.2					0.2						
20130629	review GMI evidence/review COC evidence/emails		0.8					0.8						
20130704	review updated app/draft submissions on confidentiality/discussion w JCS re: motion strategy and other issues	MR	3.5					3.5						
20130704	Review union submissions, review materials, meeting with Mark Rubenstein re position	JCS							3.0					3.0
20130705	Review submissions, meeting with Mark Rubenstein	JCS							1.0					1.0
20130705	draft, finalize and file Gaz Metro IRs and cover ltr/review IRs for intervenor evidence of other parties/edit, finaluze and file confi	MR	2.5					2.5						
20130712	emails/review IRs to TCPL from other parties/p. call w D. Quinn	MR	0.4					0.4						
20130712	Many emails	JCS							0.3					0.3
20130719	Many emails	JCS							0.2					0.2
20130724	emails/review PO #6	MR	0.1					0.1						
20130725	Many emails, review new materials	JCS							0.3					0.3
20130730	review PO#7	MR	0.1					0.1						
20130801	Many emails, review submissions, review PO#7 and #8	JCS							0.2					0.2
20130807	review union application to NEB for s.71 orders for TCPL Vaughn interconnect/review LTr from ED	MR	1.0					1.0						
20130808	emails	MR	0.1					0.1						
20130809	emails/send around s.71 application to other intervenors	MR	0.3					0.3						
20130813	review TCPL Review and Variance application regarding s.71 NEB application/discussion w JCS about timing and other issues raised and im	MR	0.4					0.4						
20130816	review Union/GMI NEB response to TCPL R/V app in NEB s.71 proceeding/emails	MR	0.4					0.4						
20130818	Review TCPL update	JCS							0.8					0.8
20130819	review TCPL evidence/emails/draft IRs/review RH-2013-0003 toll design evidence/review TCPL reply at NEB s.71 R/V application/review TCP	MR	2.5					2.5						
20130819	Review TCPL claim, meeting with Mark Rubenstein, many emails	JCS							0.8					0.8
20130820	draft, edit, finalize and file TCPL IRs/draft cover ltr/review other parties IRs/email/p. call w. Chris Haussman (Facilitator) re: Set	MR	1.8					1.8						
20130820	Many emails	JCS							0.1					0.1
20130822	discussion w JCS	MR	0.2					0.2						
20130823	review Union addendum and evidenc update	MR	1.1					1.1						
20130826	review NEB documents re: 71 and tarriff amendments for calculation on impacts, review TCPL IRRs/review GEC updates emails	MR	1.4					1.4						
20130827	prepare for settlement confernece	MR	3.1					3.1						
20130828	attend settlement conference/discussion with other intersers/emails/review EGD updates/prepare for day 2	MR				4.6		4.6						
20130829	attend settlement conference/discussion w JCS/emails	MR				3.2		3.2						
20130829	Meeting with Mark Rubenstein, many emails	JCS							0.5					0.5
20130830	emails/review draft hearing timetable and plan	MR	0.3					0.3						
20130830	Many emails, review scheduling	JCS							0.3					0.3
20130903	review Bd Ltr/emails/review draft hearing plan from Staff	MR	0.3					0.3						

20130904	emails/review PO/prepare for hearing	MR	0.3					0.3						
20130905	Meeting with Mark Rubenstein, attend at hearing (internet), many emails	JCS										0.4		0.4
20130905	attend Board ordered hearing conference with parties	MR					1.3	1.3						
20130905	attend pre-hearing conference	MR		0.6				0.6						
20130905	disc w JCS/review final hearing plan/review updated EGD IR responses	MR	0.6					0.6						
20130909	prepare for cross-examination of Union panels/prepare for hearing	MR	4.6					4.6						
20130910	emails/review LPMA cross-examination book	MR	0.5					0.5						
20130911	prepare for hearing/email/review Term sheet/discussion w JCS/p. call w Vince DeRose/research issues in term sheet and implications/prep	MR	2.2					2.2						
20130911	Many emails, telephone call with Vince de Rose, meeting with Mark Rubenstein, review BOMA letter	JCS							0.6					0.6
20130912	attend hearing/discussion w parties/attend information meeting with EGD/Union/GMi re: term sheet/discussion w JCS/prepare for technical	MR					4.0	4.0						
20130912	Review agreement, meeting with Mark Rubenstein, many emails, review transcript	JCS							1.4					1.4
20130913	attend technical conference/discussion w parties/emails	MR		4.3				4.3						
20130913	Review TC transcript, many emails, review revised hearing plan, telephone call with Julie Girvan	JCS							1.2					1.2
20130914	emails re: Monday position on adjournment	MR	0.4					0.4						
20130915	prepare for hearing/prepare revised cross/prepare compendium/emails/p. call w JCS/review ED position email/prepare for submissions on p	MR	2.8					2.8						
20130916	attend hearing/review transcript	MR					8.5	8.5						
20130916	emails/prepare for day 2	MR	1.2					1.2						
20130916	Attend at hearing (Internet), meeting with Mark Rubenstein, review cross materials, many emails	JCS										3.6		3.6
20130917	attend hearing/review transcript/discussion w JCS/prepare for next hearing day/emails	MR					6.6	6.6						
20130917	Attend at hearing (Internet)	JCS										2.3		2.3
20130918	prepare cross-examination for Union panel 3/emails/review various compendiums/	MR	4.5					4.5						
20130918	Many emails, review new materials, meeting with Mark Rubenstein	JCS							0.6					0.6
20130928	emails/begin preparation of for joint panel	MR	0.8					0.8						
20130929	emails/review EP documents	MR	0.3					0.3						
20130930	emails/p. call w M. Crane/review Union undertaking responses	MR	0.7					0.7						
20131001	emails/review FRPO correspondence/review Union impacts/review updated evidence	MR	0.8					0.8						
20131002	emails/review undertaking/review EGD gas supply savings numbers resulting from Term Sheet/emails	MR	0.9					0.9						
20131004	review confidential material included in JT 6.2/emails	MR	0.8					0.8						
20131007	prepare joint panel compendium/emails	MR	0.4					0.4						
20131008	Meeting with Mark Rubenstein, review cross issues	JCS							0.5					0.5

20131008	finalize cross-examination of joint panel and EGD panel 3/emails/finalize and file compendium/review ED compendium/review TCPL corr/rev	MR	1.7					1.7						
20131009	attend hearing/review transcript/discussions w parties/emails/prepare for hearing/prepare submissions on delay of closing of evidentiary	MR				3.3		3.3						
20131010	attend hearing/discussion w parties/review transcript/discussion w JCS/emails	MR				3.2		3.2						
20131011	emails/review joint panel transcript/discussion w JCS	MR	0.6					0.6						
20131015	emails/discussion w JCS/review PO	MR	0.3					0.3						
20131018	review Union undertakings	MR	0.6					0.6						
20131021	emails/review A-in-C	MR					0.3	0.3						
20131022	review argument-in-chief	MR										1.3	1.3	
20131023	Review arguments in chief, meeting with Mark Rubenstein	JCS										0.3	0.3	
20131023	review evidence/transcripts/consider position/prepare outline of arg	MR					1.3	1.3						
20131024	Review arguments	JCS										0.1	0.1	
20131024	review transcript and evidence/outline argument/consider positions	MR					0.5	0.5						
20131028	draft argument	MR					0.5	0.5						
20131030	draft arg	MR					0.7	0.7						
20131031	preliminary review of settlement agreement/emails	MR					0.8	0.8						
20131101	review settlement agreement and compare to Term Sheet/emails	MR					1.8	1.8						
20131102	emails	MR					0.1	0.1						
20131103	Review utilities agreement	JCS										1.4	1.4	
20131104	emails/draft arg/review settlement agreement/make calculations	MR					2.5	2.5						
20131104	Meeting with Mark Rubenstein	JCS										0.5	0.5	
20131105	emails/draft argument/p.call w M. Miller/review FRPO questions	MR					2.5	2.5						
20131105	Many emails, meeting with Mark Rubenstein	JCS										0.2	0.2	
20131106	p. call w V. DeRose/draft argument/emails/review FRPO correspondence	MR					2.2	2.2						
20131106	Many emails	JCS										0.2	0.2	
20131107	many emails/review Union LTr to Board/review PO 13	MR	1.2					1.2						
20131107	Review PO#13, review u/t, many emails, meeting with Mark Rubenstein, review Union proposal	JCS							0.3					0.3
20131108	review Union and + EGD updated evidence re: LTAA and new settlement agreement tolls/emails/review argu of kitchener/research LTAA issue	MR	2.6					2.6						
20131110	Review FRPO position, analysis	JCS										0.3	0.3	
20131111	emails/draft argument/review LPMA submission/review FRPO analysis	MR					2.3	2.3						
20131112	draft argument	MR					1.3	1.3						
20131112	Meeting with Mark Rubenstein, many emails	JCS										0.4	0.4	
20131113	draft argument/emails/review Staff arg/edit arg/review MCFN comments	MR					3.3	3.3						
20131113	Meeting with Mark Rubenstein, review draft argument, various emails, review staff argument	JCS										0.9	0.9	
20131114	review JCS comment/edit and draft argument/emails/review ED, Metrolink and York submission	MR					3.3	3.3						

20131114	Review and edit final submissions, many emails	JCS											0.9	0.9
20131115	Review arguments of others	JCS											2.3	2.3
20131125	prelim review of final arg/emails	MR					0.3	0.3						
20131126	review final arguments/emails/discussion w JCS/review amended settlement agreement	MR					1.0	1.0						
20131220	email/review amended settlement agreement	MR	0.2					0.2						
20140129	review Board Ltr/email	MR	0.1					0.1						
20140130	review decision/emails	MR	0.6					0.6						
20140130	Review decision, various emails	JCS							0.6					0.6
20140131	emails	MR	0.1					0.1						
20140131	emails/ p. call w. Josh W./review APro Ltr	MR	0.2					0.2						
20140131	Many emails	JCS							0.1					0.1
20140210	Review union accounting order/emails	MR	0.5					0.5						
20140218	Review staff comment on actg order	MR	0.2					0.2						
			86.0	13.2	7.8	31.5	24.7	163.2	20.9			8.1	8.8	37.8