



Jay Shepherd

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BY EMAIL and RESS

May 28, 2014
Our File No. 20130109

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

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2013-0109 – Union Gas 2012 ESM and 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.

We apologize for filing late. This, as well as two other cost claims, were delayed because we allowed ourselves to get too focused on the OPG ADR, to the detriment of important procedural steps such as this one.

We note that Jay Shepherd of our office took the lead in this matter, and the assistance of Mark Rubenstein was only required on some preliminary issues relating to expert evidence, and on final argument (relating to the same technical issues).

This matter took considerably longer than most similar cases, because of the significant DSM issues on which SEC took the lead. That entailed more extensive work on interrogatories, external research, the oral hearing (including a detailed cross-examination that took almost a full hearing day) and final argument. It is submitted that



Jay Shepherd Professional Corporation

this additional commitment of time and effort was of assistance to the Board, and was justified in the circumstances.

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-	2013-0109	Process:	Union Gas 2012 ESM and D/V Accounts
Party:	School Energy Coalition	Affiant's Name:	Jay Shepherd
HST Number:	_____	HST Rate Ontario:	_____
	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(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 **May-28-14**.
(date)

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Affidavit and Summary of Fees and Disbursements

Commissioner for taking Affidavits

File # EB- 2013-0109 **Process: Union Gas 2012 ESM and D/V Accounts**

Party: School Energy Coalition

Summary of Fees and Disbursements Being Claimed

Legal/consultant fees	\$36,517.00
Disbursements	\$0.00
HST	\$0.00
Total Cost Claim	\$36,517.00

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Detail of Fees and Disbursements Being Claimed

File # EB- 2013-0109	Process: Union Gas 2012 ESM and D/V Accounts
Party: School Energy Coalition	Name: Jay Shepherd
Counsel/Articling Student/Paralegal: <input checked="" type="checkbox"/>	Completed Years Practising/Years of relevant experience
Consultant: <input type="checkbox"/>	34
CV attached: <input type="checkbox"/>	CV not required: <input checked="" type="checkbox"/>

Statement of Fees Being Claimed

	Hours	Hourly rate	Subtotal	HST	Total
Preparation	40.30	\$330.00	\$13,299.00	\$0.00	\$13,299.00
Attendance - Technical Conference		\$330.00	\$0.00	\$0.00	\$0.00
Attendance - Settlement Conference	5.70	\$330.00	\$1,881.00	\$0.00	\$1,881.00
Attendance - Oral Hearing	22.20	\$330.00	\$7,326.00	\$0.00	\$7,326.00
Argument	37.10	\$330.00	\$12,243.00	\$0.00	\$12,243.00
Case Management		\$170.00	\$0.00	\$0.00	\$0.00
TOTAL LEGAL/CONSULTANT FEES			\$34,749.00	\$0.00	\$34,749.00

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

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Detail of Fees and Disbursements Being Claimed

File # EB- 2013-0109	Process: Union Gas 2012 ESM and D/V Accounts
Party: School Energy Coalition	Name: Mark Rubenstein
Counsel/Articling Student/Paralegal: <input checked="" type="checkbox"/>	Completed Years Practising/Years of relevant experience
Consultant: <input type="checkbox"/>	2
CV attached: <input type="checkbox"/>	CV not required: <input checked="" type="checkbox"/>

Statement of Fees Being Claimed

	Hours	Hourly rate	Subtotal	HST	Total
Preparation	5.20	\$170.00	\$884.00	\$0.00	\$884.00
Attendance - Technical Conference		\$170.00	\$0.00	\$0.00	\$0.00
Attendance - Settlement Conference		\$170.00	\$0.00	\$0.00	\$0.00
Attendance - Oral Hearing		\$170.00	\$0.00	\$0.00	\$0.00
Argument	5.20	\$170.00	\$884.00	\$0.00	\$884.00
Case Management		\$170.00	\$0.00	\$0.00	\$0.00
TOTAL LEGAL/CONSULTANT FEES			\$1,768.00	\$0.00	\$1,768.00

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

Date	Explanation	Lwyr	Mark Rubenstein						Jay Shepherd						
			Prep	Tech	ADR	Hearing	Arg	Total	Prep	Tech	ADR	Hearing	Arg	Total	
20130508	Review application	JCS							0.3						0.3
20130607	emails	MR	0.1						0.1						
20130607	Review application	JCS							0.5						0.5
20130618	emails/review NoA	MR	0.2						0.2						
20130625	review application/review NoH/draft and file NoI and late filing cover letter/emails	MR	2.0						2.0						
20130626	email/review Bd Ltr	MR	0.1						0.1						
20130701	Review applications	JCS							1.5						1.5
20130703	Review staff IRs, various emails, review PO, scheduling	JCS							0.6						0.6
20130705	Review evidence	JCS							1.0						1.0
20130707	Review evidence	JCS							2.6						2.6
20130708	Review evidence	JCS							6.4						6.4
20130709	Review evidence, draft IRs	JCS							1.5						1.5
20130710	emails/review IRs	MR	0.3						0.3						
20130710	Draft and file IRs	JCS							1.6						1.6
20130724	emails	MR	0.1						0.1						
20130724	Review IR reponses	JCS							1.9						1.9
20130728	Review IR responses	JCS							2.0						2.0
20130730	emails	MR	0.1						0.1						
20130801	Attend at settlement conference, many emails	JCS										5.7			5.7
20130802	Draft and circulate letter, many emails	JCS							0.9						0.9
20130803	Review IR responses	JCS							1.6						1.6
20130805	Many emails	JCS							0.2						0.2
20130806	Many emails, telephone call with Maureen Helt, telephone call with Julie Girvan	JCS							0.8						0.8
20130807	Many emails	JCS							0.2						0.2
20130820	review PO	MR	0.1						0.1						
20130820	Review PO#2 and scheduling	JCS							0.3						0.3
20130918	review SEC Ltr/email	MR	0.2						0.2						
20130918	Review DSM evidence, many emails, letter to Union counsel	JCS							1.9						1.9
20131002	emails	MR	0.2						0.2						
20131004	review CME emails	MR	0.2						0.2						
20131015	Review DSM evidence	JCS							1.6						1.6

20131017	Review DSM evidence, many emails, follow up witness correspondence	JCS							4.0					4.0
20131018	Review CVs, many emails, prepare for hearing	JCS							0.8					0.8
20131018	emails	MR	0.2					0.2						
20131020	Many emails, review LPMA compendium, analysis of Audit Report re missing witness	JCS							0.8					0.8
20131021	Review Michael's report, outline of cross, many emails	JCS							2.4					2.4
20131021	emails	MR	0.3					0.3						
20131022	Attend at hearing (in person and internet), prepare cross examination on Panel 4, many emails	JCS										8.8		8.8
20131023	Attend at hearing (in person and internet), prepare cross compendium, finalize cross and review, Steam Leak research, many emails	JCS										7.1		7.1
20131024	Attend at hearing for cross, review argument outline, many emails	JCS										6.3		6.3
20131025	emails	MR	0.2					0.2						
20131028	Review RFP timelines, various emails	JCS							0.6					0.6
20131029	Review transcript, revise redactions, many emails	JCS							1.0					1.0
20131104	emails	MR	0.1					0.1						
20131104	Review new filing	JCS							0.5					0.5
20131106	Many emails, submissions re transcript	JCS							0.9					0.9
20131107	emails/review Union Ltr	MR	0.1					0.1						
20131107	Review letter, many emails	JCS							0.1					0.1
20131111	review PO	MR	0.1					0.1						
20131111	Review PO#4	JCS							0.2					0.2
20131112	Review A/C	JCS							0.1					0.1
20131114	review Union arg-in-chief	MR					0.6	0.6						
20131118	Many emails	JCS							0.2					0.2
20131121	Review evidence	JCS										2.0		2.0
20131122	Drafting argument review and research	JCS										2.0		2.0
20131123	Drafting argument outline	JCS										2.2		2.2
20131124	Many emails, research, drafting argument	JCS										6.0		6.0
20131125	reviewarg/legal research re: expert not putting forward to cross-exam/emails	MR					2.2	2.2						

20131125	Drafting final argument, many emails, reviewing drafts from others	JCS											6.8	6.8
20131126	emails/review parties final arguments	MR				2.0	2.0							
20131126	Draft, finalize and file argument, many emails	JCS											13.0	13.0
20131127	Review submissions of others, many emails	JCS											1.7	1.7
20131203	review reply arg/emails	MR				0.4	0.4							
20131203	Review reply argument	JCS											0.5	0.5
20131206	Review letter, draft and file response, re-check calculations, various emails	JCS											2.3	2.3
20131209	Many emails, edit and file redacted argument	JCS											0.6	0.6
20140327	review decision	MR	0.6				0.6							
20140327	Review decision, reporting	JCS						1.0						1.0
20140421	Many emails, review comments	JCS						0.3						0.3
			5.2			5.2	10.4	40.3		5.7	22.2	37.1	105.3	