



Jay Shepherd

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BY EMAIL and RESS

May 28, 2014
Our File No. 20130234

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

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2013-0234 and EB-2014-0163 – Toronto Forebearance – 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 note that Mark Rubenstein of our office took the lead on this matter and, as a result, much of the more time-consuming aspects of the case were carried out at Mr. Rubenstein's lower hourly rate. The undersigned became involved only a few times, most notably preparing for and during the ADR, which included difficult legal and policy issues. Even there, SEC was efficient by keeping the time spent by the undersigned down.

As ordered by the Board, we have included the work done on the Motion for Review in this same cost claim. All motion for review hours were treated as Preparation, and a separate Docket Detail has been provided for that work.

We note that this was a relatively unique case, one of the rare times in which the application of section 29 was being considered, and the first time in this context. The



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case involved competing experts, and debates over confidentiality and scope that were not based on the standard issues seen in most cases. It was also completely settled in a manner that respected the Board's precedents and rules, and ensured that no negative precedents would be set, but still implemented a good practical result for the utility, the ratepayers, and other stakeholders.

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-	2013-0234 and EB-2014-0163	Process:	Toronto Forebearance
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- 2013-0234 and EB-2014-0163 **Process:** Toronto Forebearance

Party: School Energy Coalition

Summary of Fees and Disbursements Being Claimed

Legal/consultant fees	\$29,308.00
Disbursements	\$0.00
HST	\$0.00
Total Cost Claim	\$29,308.00

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Detail of Fees and Disbursements Being Claimed

File # EB-	2013-0234 and EB-2014-0163	Process:	Toronto Forebearance
Party:	School Energy Coalition	Name:	Jay Shepherd
		Completed Years Practising/Years of relevant experience	34
Counsel/Articling Student/Paralegal:	<input checked="" type="checkbox"/>		
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	8.80	\$330.00	\$2,904.00	\$0.00	\$2,904.00
Attendance - Technical Conference		\$330.00	\$0.00	\$0.00	\$0.00
Attendance - Settlement Conference	3.10	\$330.00	\$1,023.00	\$0.00	\$1,023.00
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			\$3,927.00	\$0.00	\$3,927.00

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- 2013-0234 and EB-2014-0163	Process:	Toronto Forebearance
Party:	School Energy Coalition	Name:	Mark Rubenstein
		Completed Years Practising/ Years of relevant experience	2
Counsel/Articling Student/Paralegal:	<input checked="" type="checkbox"/>		
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	122.70	\$170.00	\$20,859.00	\$0.00	\$20,859.00
Attendance - Technical Conference	7.00	\$170.00	\$1,190.00	\$0.00	\$1,190.00
Attendance - Settlement Conference	16.00	\$170.00	\$2,720.00	\$0.00	\$2,720.00
Attendance - Oral Hearing	3.60	\$170.00	\$612.00	\$0.00	\$612.00
Argument		\$170.00	\$0.00	\$0.00	\$0.00
Case Management		\$170.00	\$0.00	\$0.00	\$0.00
TOTAL LEGAL/CONSULTANT FEES			\$25,381.00	\$0.00	\$25,381.00

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	Jay Shepherd					Mark Rubenstein				
			Prep	Tech	ADR	Hearing	Total	Prep	Tech	ADR	Hearing	Total
20130614	review application/emails	MR						1.1				1.1
20130618	review application/discussion w JCS/emails	MR						2.5				2.5
20130624	emails/review CANDAS appeal decision	MR						1.1				1.1
20130624	Many emails, meeting with Mark Rubenstein	JCS	0.4				0.4					
20130626	review CRTC forebarance decisions	MR						1.0				1.0
20130627	review NGEIR forebarance decision and issues/review EB-2011-0120 record	MR						5.0				5.0
20130722	review Bd Ltr to THESL/emails	MR						0.3				0.3
20130815	review THESL Response to Bd request, emails, p.call to M. Bell (no answer, no message left)	MR						0.5				0.5
20130816	emails	MR						0.1				0.1
20130905	review LoD/finalize and file Nol/emails	MR						0.6				0.6
20130911	review THESL intervenor objection	MR						0.3				0.3
20130914	draft intereventon objection reply	MR						2.0				2.0
20130916	review edits, edit, finalize and file Ltr/emails	MR						0.7				0.7
20130916	Edit reply submissions on status, meeting with Mark Rubenstein	JCS	1.0				1.0					
20130917	emails	MR						0.1				0.1
20130919	review VECC Nol Addendum/emails	MR						0.2				0.2
20130920	emails	MR						0.2				0.2
20130923	emails	MR						0.5				0.5
20130927	review THESL Ltr/email	MR						0.3				0.3
20130930	review VECC ltr/emails	MR						0.3				0.3
20131004	emails/review PO	MR						0.2				0.2
20131011	emails	MR						0.5				0.5
20131015	emails/research	MR						0.5				0.5
20131016	research CRTC and US case law at the great library/prepare draft issues list	MR						5.3				5.3
20131017	emails/review other intervenors draft issues list/compare and circulate common draft issues list to other intervenors/discussion w JCS	MR						2.5				2.5
20131018	emails/finalize draft issues list with other intervenors, edit, and file/review Staff, THESL, EDA issues	MR						3.0				3.0
20131021	emails	MR						0.8				0.8
20131022	emails	MR						0.5				0.5
20131023	email	MR						0.1				0.1
20131024	emails/review RFP	MR						0.7				0.7
20131025	emails/review PO	MR						0.8				0.8
20131028	emails	MR						0.3				0.3

20131030	email/p. call w J. Girvan	MR						0.2			0.2
20131031	emails	MR						0.2			0.2
20131101	emails	MR						0.3			0.3
20131111	prepare for THESL stakeholder meeting/emails	MR						2.2			2.2
20131112	attend THESL stakeholder meeting/disc w J. Girvan/meeting w J. Girvan and JCS/emails	MR						1.4	2.0		3.4
20131112	Meeting with Mark Rubenstein and Julie Girvan	JCS	1.0				1.0				
20131113	p. call w K. Sebalj/emails	MR						0.5			0.5
20131114	emails	MR						0.4			0.4
20131115	Phone call with Julie Girvan/Emails	MR						0.6			0.6
20131118	email	MR						0.1			0.1
20131121	p. call w J. Girvan/ p. call w L. Schwartz/emails	MR						1.0			1.0
20131127	emails	MR						0.2			0.2
20131128	emails/review VECC draft expert evidence	MR						1.8			1.8
20131129	discussion w JCS	MR						0.3			0.3
20131218	review staff ltr/review CV re: experts/emails	MR						0.3			0.3
20131219	review PO	MR						0.1			0.1
20131220	review revised PO/email	MR						0.1			0.1
20140102	emails	MR						0.2			0.2
20140103	emails	MR						0.2			0.2
20140106	emails	MR						0.5			0.5
20140107	emails	MR						0.2			0.2
20140108	emails	MR						0.1			0.1
20140110	email/review EP suggested issues document	MR						0.4			0.4
20140112	review material and prepare subscriptions for issues conference/emails	MR						3.0			3.0
20140113	attend issues conference/disc w JCS	MR						1.5	5.0		6.5
20140114	many emails regarding wording of unsettled issues	MR						1.0			1.0
20140115	emails	MR						0.5			0.5
20140116	EMAILS	MR						0.3			0.3
20140117	emails	MR						0.2			0.2
20140120	emails/review THESL corr	MR						0.3			0.3
20140121	emails	MR						0.2			0.2
20140122	emails/p. call w K. Sebalj/prepare for issues day hearing/legal research/review Staff's draft timetable	MR						2.5			2.5
20140123	attend issues day hearing/discussion w parties	MR						0.0		2.6	2.6
20140128	review PO/p. call w M. Bell/emails	MR						0.3			0.3
20140128	Review decision	JCS	0.5				0.5				
20140207	review material/draft IRs/p.call w J. Girven/review/review CCC IRs	MR						1.5			1.5

20140212	review material/draft IRs/review Industry Canada tower sitting policy changes/research	MR						3.0					3.0
20140213	review material/research issues from CANDAS proceeding/review VECC IRs/draft cover letter/draft IRs	MR						4.0					4.0
20140214	emails/edit, finalize and file IRs/review Board IRs	MR						0.8					0.8
20140219	emails	MR						0.1					0.1
20140226	review Bd Ltr	MR						0.1					0.1
20140228	emails/p. call w A.Klein/preliminary review of IRR	MR						0.7					0.7
20140307	review PO/emails/sign and file D+V	MR						0.5					0.5
20140312	emails/review IRR	MR						1.1					1.1
20140314	emails	MR						0.2					0.2
20140315	review staff expert reports/emails	MR						1.2					1.2
20140316	review conf material/draft conf submissions/p. call w J. Girvan/emails	MR						2.0					2.0
20140317	draft, edit and finalize submissions/review Staff sub/emails	MR						1.6					1.6
20140318	emails/file corrected subscriptions version/review Bd corr	MR						0.3					0.3
20140318	Meeting with Mark Rubenstein, review submissions, many emails	JCS	0.4					0.4					
20140320	emails	MR						0.2					0.2
20140324	emails/p. call w M. Bell	MR						0.5					0.5
20140325	p. call w M. Bell x 2/emails/p.call w. J. Girvan	MR						0.5					0.5
20140326	emails/p. call w J Girvan	MR						0.3					0.3
20140328	p. call w. J. Girvan/disc w JCS/review THESL conf reply/emails	MR						0.6					0.6
20140329	emails	MR						0.2					0.2
20140330	emails	MR						0.2					0.2
20140401	p. call w J. Girvan	MR						0.3					0.3
20140402	emails/review past applications re: pole revenues	MR						0.8					0.8
20140403	emails	MR						0.1					0.1
20140404	review IRR/emails/p. call w J. Girvan/emails	MR						1.3					1.3
20140405	review material and prepare for technical conference	MR						4.5					4.5
20140407	emails/p. call w J. Girvan	MR						0.4					0.4
20140408	emails/dis w JCS/p. call w J.Girvan x 2/review Decision on Confidentiality/prepare for TC/review THESL Ltr/dis w JCS/draft and send res	MR						2.7					2.7
20140408	Review decision, Many emails, Meeting with Mark	JCS	1.4					1.4					
20140409	attend TC/dis w JCS	MR						4.5					4.5
20140410	emails	MR						0.2					0.2
20140411	emails	MR						0.2					0.2
20140415	emails/dis w JCS/review Notice of Motion	MR						0.5					0.5
20140416	review BD Ltr	MR						0.1					0.1

20140417	review settlement email from THESL/emails/review TC undertakings	MR						1.0					1.0
20140423	emails	MR						0.2					0.2
20140425	review PO/p. call w M. Millar	MR						0.1					0.1
20140501	review Bd Letter	MR						0.1					0.1
20140506	review corr for THESL/review VECC memo/emails	MR						0.6					0.6
20140507	review joint expert statements/many emails/p. call w J. Girvan	MR						1.6					1.6
20140508	p. call w J Girvan x 2/many emails/p. call w M. Millar/review Bd Corr	MR						1.2					1.2
20140509	emails/prepare settlement instructions memo/p. call w J. Girvan/emails	MR						1.3					1.3
20140510	prepare for settlement conference/prepare for hearing	MR						5.1					5.1
20140510	Many emails, Analysis of issues, Formulate ADR recommendations	JCS	1.4				1.4						
20140511	prepare for settlement conference/prepare for hearing/prepare cross-examinations/many emails w JCS re: instructions/p. call w J. Girvan	MR						7.2					7.2
20140511	Many emails	JCS	0.6				0.6						
20140512	attend settlement conference	MR						0.0		8.3			8.3
20140512	Attend at ADR, Many emails, Meeting with Mark (several)	JCS	1.1	2.0			3.1						
20140513	emails/disc w parties/p. call w M. Millar/attend settlement conference/disc w JCS	MR						0.0		4.2			4.2
20140513	Meeting with Mark, Telephone call with Mark (several), Many emails, Review legal rules	JCS	0.0	1.1			1.1						
20140514	send preamble to B. Warren/p. call w A. Klein/review draft agreement, make edits and comments/emails	MR						0.0		2.0			2.0
20140515	review other parties comments/emails/p. call w A.Klein/prepare for settlement presentation	MR						0.0		1.5			1.5
20140516	attend oral hearing/disc w parties/emails	MR						0.0			1.0		1.0
20140523	emails	MR						0.1					0.1
20140526	review draft accounting order	MR						0.3					0.3
20140527	p. call w. M. Bell	MR						0.1					0.1
			7.8	0.0	3.1	0.0	10.9	107.2	7.0	16.0	3.6		133.8
	Motion for Review		1				1	15.5					15.5
	Total of Claim		8.8	0.0	3.1	0.0	11.9	122.7	7.0	16.0	3.6		149.3

Date	Explanation	Lwyr	Hours
20140411	review transcript	MR	0.5
20140416	review PO/p. call to M. Miller/emails	MR	0.6
20140417	draft and file Ltr to the Board/p. call to M. Bell	MR	0.5
20140421	review Board Ltr/emails	MR	0.2
20140422	prelim review of factum	MR	0.5
20140422	Review Board letter, many emails	JCS	0.2
20140423	review factum/emails	MR	1.2
20140424	review factum/motion record/research	MR	2.6
20140426	draft submissions/research	MR	1.2
20140427	draft submissions	MR	0.8
20140428	draft and edit submissions/discuss with JCS	MR	4.1
20140428	Review submissions, meeting with Mark Rubenstein, many emails	JCS	0.8
20140429	edit footnote and finalize and file submissions/emails/p. call to M. Miller/review staff sub	MR	1.2
20140430	discuss with JCS/review conf staff sub	MR	0.2
20140501	review Book of Authorities/p. call w M. Millar to provide comments on cases in THESL's Book of Authorities	MR	0.6
20140502	emails/skim motion transcript.emails	MR	0.3
20140506	review transcript of motion hearing/emails	MR	1.0
			16.5