



## **Jay Shepherd**

Professional Corporation  
2300 Yonge Street,  
Suite 806  
Toronto, Ontario M4P 1E4

### **BY EMAIL and RESS**

February 24, 2015  
Our File No. 20140134

Ontario Energy Board  
2300 Yonge Street  
27<sup>th</sup> Floor  
Toronto, Ontario  
M4P 1E4

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

Dear Ms. Walli:

### **Re: EB-2014-0134 – DSM Framework – 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.

SEC notes that the total hours on the docket detail are 110.1 hours, which would translate into a cost claim of \$41,056.29 (\$36,333.00 fees plus \$4,723.29 HST). The actual cost claim we have presented is for \$20,695.95, approximately half as much. Further, the 110.1 hours spent does not include 10.7 hours for Mark Rubenstein in support. We have also followed our normal practice of not including most routine disbursements, and of course we have not included the extensive time spent by employees of our client organization, and of its members, on this consultation.

SEC believes this is a circumstance in which the Board should exercise its discretion to order costs at a level in excess of the caps stipulated in the original Board letter. The issues raised by this consultation were material, both in general and particularly to the schools, our clients. Schools are market leaders in energy efficiency, and were heavily engaged in the issues raised. SEC also took a leadership role in both the working group process, and the discussions amongst intervenors and utilities leading up to the submissions on the draft policy. All of this took considerably more time than the Board could have contemplated in setting the original limits on the numbers of hours.

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*Jay Shepherd Professional Corporation*

In these circumstances, SEC requests that the Board order inclusion in the cost order of all or some of the additional hours set out in the docket detail. We are not requesting inclusion of Mr. Rubenstein's time, nor any other disbursements or other costs our clients have incurred in this process. However, it is submitted that the additional hours in the docket detail were entirely used to maximize the assistance SEC could provide to the Board, and it would be appropriate to have those paid by the utilities, rather than by our client.

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 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>2014-0134</b>	<b>Process:</b>	<b>DSM Framework for Natural Gas Distributors</b>
<b>Party:</b>	<b>School Energy Coalition</b>	<b>Affiant's Name:</b>	<b>Jay Shepherd</b>
<b>HST Number:</b>	<b>83673-5464-RT0001</b>	<b>HST Rate Ontario:</b>	<b>13.00%</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 **February-25-15**  
(date)

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



**Commissioner for taking Affidavits**

**File # EB-** 2014-0134 **Process:** DSM Framework for Natural Gas Distributors

**Party:** School Energy Coalition

**Summary of Fees and Disbursements Being Claimed**

Legal/consultant fees	\$18,315.00
Disbursements	\$0.00
HST	\$2,380.95
<b>Total Cost Claim</b>	<b>\$20,695.95</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"/>		34
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"/>

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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**HST Rate: 13%**

<b>Total legal/consultant fees:</b>	<b>\$18,315.00</b>	<b>\$2,380.95</b>	<b>\$20,695.95</b>
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Date	Explanation	Lwyr	Hours
20140407	Telephone call with Josh W., various emails	JCS	0.2
20140409	Many emails	JCS	0.4
20140410	Review letter, many emails	JCS	0.3
20140411	Many emails	JCS	0.1
20140421	Summary of issues of interest, many emails	JCS	0.7
20140422	Telephone call with Fiona, many emails	JCS	0.2
20140423	Review materials and meeting preparation	JCS	0.8
20140424	Meeting with Fiona Glasford, review issues, many emails	JCS	2.5
20140425	Many emails, attend at working group meeting	JCS	7.0
20140428	Many emails	JCS	0.3
20140430	Review meeting notes, many emails	JCS	0.6
20140507	Review and edit meeting notes, various emails	JCS	0.4
20140508	Telephone call with Martin Luymes	JCS	0.3
20140512	Review Jack's memo	JCS	0.3
20140513	Many emails	JCS	0.2
20140521	Many emails	JCS	0.3
20140613	Review questions	JCS	0.3
20140617	Prepare for meeting, draft and circulate comments, many emails	JCS	2.6
20140618	Attend at meeting, many emails	JCS	6.4
20140625	Review Jack's materials	JCS	0.6
20140627	Many emails	JCS	0.1
20140709	Client report, many emails	JCS	1.8
20140710	Many emails, review report to TDSB (revised)	JCS	0.8
20140714	Many emails, review ED comments	JCS	0.3
20140719	Prepare presentation to clients	JCS	1.2
20140720	Prepare, client reporting, many emails	JCS	0.6
20140723	Client briefing and input, many emails	JCS	1.1
20140724	Review agenda and handout	JCS	0.3
20140725	Attend at meeting (part), report to client, many emails, report to other intervenors	JCS	7.1
20140726	Many emails	JCS	0.2
20140729	Draft letter of concern, many emails	JCS	3.1
20140730	Edit finalize and file letter of concern, many emails, input from client, GEC and others	JCS	2.8
20140731	Many emails, client reporting	JCS	0.4
20140805	Review TAF papers, draft revise and send SEC framework proposal, many emails	JCS	3.7
20140812	Many emails, review GEC and ED submissions, send material and references to TAF	JCS	1.3
20140820	Review meeting notes and provide comments, many emails	JCS	0.7
20140825	Many emails, review meeting notes	JCS	0.1



20140915	Review letter, report and guidelines	JCS	0.7
20140917	Review report and guidelines, research	JCS	1.7
20140918	Review Guidelines	JCS	2.4
20140919	Drafting positions for schools consultation, many emails, research, complete review	JCS	5.1
20140920	Many emails	JCS	0.2
20140921	Complete draft positions and send to client, many emails	JCS	4.4
20140922	Circulate draft positions, many emails	JCS	0.6
20140924	Many emails, conference call with Union, Enbridge and GEC	JCS	1.1
20140930	Review clients feedback's, many emails	JCS	1.1
20141002	Review TDSB input, many emails	JCS	0.3
20141003	Proposals for agreement, many emails	JCS	0.5
20141004	Many emails	JCS	0.1
20141005	Many emails	JCS	0.2
20141006	Many emails	JCS	0.3
20141007	Many emails	JCS	0.2
20141008	Meeting with Chris Neme, many emails, review positions	JCS	1.1
20141010	Comments on GEC positions, many emails	JCS	2.6
20141011	Many emails, drafting submissions	JCS	4.2
20141012	Many emails, exchanging positions, drafting submissions	JCS	6.8
20141013	Exchange positions, many emails	JCS	1.8
20141014	Draft submissions and circulate, many emails	JCS	11.2
20141015	Drafting and finalizing submissions, many emails	JCS	7.7
20141016	Many emails	JCS	0.2
20141018	Review submissions, many emails	JCS	4.2
20141020	Many emails	JCS	0.3
20141222	Initial review of report	JCS	1.0
			110.1