

VINCENT J. DEROSE
T 613.787.3589
vderose@blg.com

Borden Ladner Gervais LLP
World Exchange Plaza
100 Queen St, Suite 1300
Ottawa, ON, Canada K1P 1J9
T 613.237.5160
F 613.230.8842
blg.com



File No. 339583/000203

By electronic filing

April 20, 2015

Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
27th floor
Toronto, ON M4P 1E4

Dear Ms Walli

Re:	Natural Gas Conservation Potential Study
Board File No.:	EB-2015-0117

We are writing on behalf of Canadian Manufacturers & Exporters (CME), Consumers Council of Canada (CCC), Energy Probe Research Foundation (Energy Probe), Green Energy Coalition (GEC), Federation of Rental-Housing Providers of Ontario (FRPO), Industrial Gas Users Association (IGUA), London Property Management Association (LPMA), Ontario Greenhouse Vegetable Growers (OGVG) and School Energy Coalition (SEC) in response to a request for nominations for DSM experts to represent non-industry stakeholders in the DSM Technical Working Group being established to coordinate and oversee the Natural Gas Conservation Potential Study.

All of these parties jointly nominate Jay Shepherd, who the Board will be familiar with from his representation of SEC. Mr. Shepherd has, since the early days of DSM in Ontario, been heavily involved in the regulatory development of Gas utility conservation. In addition to representing his client in DSM-related regulatory proceedings before the Board, he has also acted as a stakeholder representative on evaluation and audit committees (EACs) for both Union Gas and EGD. Mr. Sheppard is also a current member of the Technical Evaluation Committee.

From the perspective of the parties endorsing this nomination, Mr. Shepherd has demonstrated over the years of his involvement in Ontario DSM matters the acquired knowledge and the technical discipline to fully and fairly understand the details of DSM programming and evaluation, and then to represent a broad public (ratepayer and energy consumer) interest in a balanced and informed manner. We believe that Mr. Shepherd's historical engagement in these matters has provided him with a solid understanding in the areas identified by the Board as important for the purposes of this work; conservation potential studies, energy efficiency technologies and programs and their evaluation, energy modelling and market research. We are

confident that Mr. Shepherd would enhance both the quality and the acceptability to stakeholders of the Board's work in this area.

On behalf of the stakeholder groups identified above, we urge the Board to include Mr. Shepherd as a member of the DSM Technical Working Group. Mr. Shepherd's contact information is as follows:

Jay Shepherd, Energy Law
2300 Yonge St., Suite 806
Toronto, ON M4P 1E4

Tel: 416-483-3300
Cell: 416-804-2767 (best contact)
Fax: 416-483-3305
www.canadianenergylawyers.com

We also attach Mr. Shepherd's resume for the Board's review.

Yours very truly



Vincent J. DeRose
Encl.

c. All Participants EB-2014-0134
Paul Clipsham and Ian Shaw (CME)

OTT01: 6937675: v1

CURRICULUM VITAE

Jay C. Shepherd, LLB, LLM

2300 Yonge Street, Suite 806

Toronto, Ontario

Cell: (416) 804-2767

Email: jay.shepherd@canadianenergylawyers.com

Full-Time Employment History

Nov 2009 – date	Jay Shepherd Professional Corporation/Energy Chambers <u>Position:</u> Principal www.canadianenergylawyers.com
Jan 2002–Oct 2009	Shibley Righton LLP <u>Position:</u> Partner, Head of Energy Group, Head of Technology Group
Jan-Sept 2001	Digital Fairway Corporation <u>Position:</u> President and Chief Executive Officer
1999 - 2001	Energenius, Inc. <u>Position:</u> President and Chief Executive Officer
1991 - 1999	Shepherd, Mondrow <u>Position:</u> Managing Partner, Toronto (1991-1996) Senior Partner, Mississauga (1996-1999)
1978 - 1991	Blaney, McMurtry <u>Position:</u> Partner (articling student, employed lawyer, then partner in 1985) 1982-1990 - Head of Tax & Estates Department 1986-1989 - Member of firm's Executive Board 1988-1991 - Head of Energy Group
1975 - 1978	Toronto-Dominion Bank (part-time during law school) <u>Position:</u> Officer-in-Charge, Relief Officer
1973 - 1975	Toronto-Dominion Bank <u>Position:</u> Assistant Manager
1972 - 1973	Freelance writer
1969 - 1972	Canadian Imperial Bank of Commerce <u>Position:</u> various management trainee and junior management positions

Selected Professional Involvements

Lead Counsel, School Energy Coalition, (2003 to date)

Lead Counsel, HVAC Coalition, (1996-2000, 2008 to date)

Founder, Past President, Director, and Counsel, Association of Power Producers of Ontario (formerly IPPSO) (Counsel, 1985 - 1999, Director 1985 - 1993, President 1988 - 1990)

Tax Specialist, Canadian Renewable Energy Coalition (the lobbying team that obtained the changes to the Income Tax Act that introduced CRCE), 1996 - 2000

Hedley Palmer Award (for exceptional contributions to the Independent Power Industry), 1993

Past President and Director, Responsible Investment Association (formerly the Social Investment Organization) (President 1992-1993, Director 1991- 1993) - national association for ethical and socially responsible investing

Industry Rep, Non-Utility Generation Advisory Council, Ontario Ministry of Energy (1988 - 1990)

Director, Canadian Wind Energy Association (1986 - 1989)

Director, (Federal Government Appointee) Atlantic Wind Test Site Board of Management (1989 - 1990)

Executive Committee Member, Conservation/Renewable Energy Industry Council (1987 - 1990)

Director at various times of numerous private companies and trustee over the years of many charitable, estate and planning trusts.

Academic History

- 1983 - 1993 Part-time Professor, Taxation
Osgoode Hall Law School, York University
1983 - 1990 - Income Tax I
1991 - 1993 - Advanced Tax Planning
- 1979 - 1981 University of Toronto, Faculty of Law (LLM)
Scholarships and Prizes:

(a) Ontario Graduate Scholarship
(b) Faculty of Law Special Scholarship
- 1979 - 1980 Bar Admission Course, Ontario
Standing: About 40th of 1000
Scholarships and Prizes: The American Association of Trial Lawyers Prize in Advocacy and the First Prize in Civil Procedure
- 1975 - 1978 Osgoode Hall Law School, York University (LLB)
Standing: First of about 300
Scholarships and Prizes:

(a) John D. Falconbridge Entrance Scholarship
(b) Honourable Edward Blake Prize in Company Law
(c) Canada Permanent Trust Company Prize in Equity and Trusts
(d) Davies, Ward and Beck Second Prize in Commercial Law, Business Associations, and Taxation
(e) Clara Brett Martin Prize in Estate Planning
(f) Gurston Allen Prize in Conflicts of Law
(g) Carswell Company Prize (for standing)
(h) Chancellor Van Koughnet Scholarship (for standing)
- 1971 - 1975 York University, Atkinson College (part-time, no degree)
Major: Philosophy
Scholarships and Prizes: Major Programme Scholarship in Philosophy

PUBLICATIONS AND SPEAKING ENGAGEMENTS

I. Books

- (a) The Law of Fiduciaries, Carswell, 1981
[cited with approval many times at all levels; quoted by the Supreme Court of Canada in many cases, but now out of print]
- (b) Canadian Income Tax Cases and Materials, 7th Edition, Osgoode Hall Law School, 1990
- (c) Cases and Materials on Tax Planning, 2nd Edition, Osgoode Hall Law School, 1993

II. Tax Analyses and Summaries

At Blaney, McMurtry

- | | |
|---------------------------------|--|
| June, 1981
to December, 1983 | Tax Update - periodic summary of tax issues for firm clients
- sole editor and writer |
| 1982-1990 | Federal Budget Analysis - annual analysis for clients
- editor and principal writer |
| June, 1987 | Tax Reform Compendium - detailed analysis of Tax Reform for clients
- editor, and writer of about 30% of content |

At Shepherd Mondrow

- | | |
|-----------|---|
| 1995-1999 | Federal Budget Analysis - annual analysis for clients
- editor and principal writer |
|-----------|---|

At Shibley Righton LLP

- | | |
|-----------|---|
| 2003-2004 | Federal Budget Analysis - annual analysis for clients
- editor and principal writer |
|-----------|---|

IIII. Startup Company Legal Series

- | | |
|-----------|---|
| 2006-2009 | LaunchPad Essentials – summaries of business issues for entrepreneurs
- editor and principal writer |
|-----------|---|

IVV. Papers

- (a) "Presumption of Death in Ontario", (1979) 4 Estates and Trusts Quarterly 326.
- (b) "Towards a New Concept of Fiduciary Relationships", (1981) 97 Law Quarterly Review 51.
- (c) "Racially-Motivated Wills: Dynna v. Grant", (1981) 5 Estates and Trusts Quarterly 233.
- (d) "Investing in R & D", The Enterpriser, July 1982.
- (e) "Basic Personal Tax Planning" in Wills, Trusts and the General Practitioner, 1982, Law Society of Upper Canada.
- (f) "R & D Tax Incentive Financing", Renewable Energy News, January, 1984.
- (g) "R & D Tax Incentive and Financing Arrangements", in New Tax Incentives and Financing Arrangements, 1984, Ontario Ministry of Energy.
- (h) "Using Tax Incentives to Finance Wind Energy Installations" in Proceedings of the Seventh Annual Wind Energy Symposium, 1985.
- (i) "Tax Enhanced Funding" in Proceedings of the New Energy Conference, January 1986.
- (j) "Financing Canadian Windfarms" in Proceedings of the 1986 CanWEA Conference, October 1986.
- (k) "The Tax Perspective" in Proceedings of the 1987 CanWEA Conference, September 1987.
- (l) "Barriers to Financing Wind Generation Facilities", in Proceedings of the AQME Energy Conference, October, 1988.
- (m) "Shark Infested Waters: Financing New Energy Sources", in Proceedings of the Second New Energy Sources Conference, October, 1988.
- (n) "Alternative Financing Techniques for Small Hydro Projects", in Proceedings of the International Small Hydro '88 Conference, 1988.
- (o) "The Government's Role in Private Financing", in Proceedings of the 1988 CanWEA Conference, 1988.
- (p) "Life Without Class 34 Leasing", The Money Column, IPPSO Facto, May, 1989.
- (q) "When the Common Law Fails", [1989] Estates and Trusts Journal 117.
- (r) "The Demand/Supply Plan: A Preliminary Analysis", IPPSO Facto, January, 1990.
- (s) "Stalking the Wild Fiduciary", (1990) Canadian Bar Review (review of Ellis, Fiduciary Duties in Canada).
- (t) "Financeable Rate Structures", The Money Column (two-part series), IPPSO Facto, April and June, 1990.

- (u) "Tax-Efficient Private Power Financing", in Proceedings of the 1989 Ontario Independent Power Conference.
- (v) "Financing Hydroelectric Facilities", in Canadian Small Hydro Developers Manual, EMR, 1990.
- (w) "The Demand/Supply Hearings - Requirements for Consensus", in Proceedings of the 1991 Ontario Independent Power Conference
- (x) "Class 34 of the Income Tax Act", IPPSO Facto, November, 1991 (and in Exhibit Record, DSP Hearings)
- (y) "Small Business Development Corporations", SIO Forum, July, 1992
- (z) "Limited Partnerships", SIO Forum, October, 1992
- (aa) "Specialized Financing Tools", in Proceedings of the 1992 Canadian Wind Conference
- (bb) "Independent Power Growth in Ontario: Issues and Results", in Proceeding of the Energy '92 Conference, Canadian Institute of Energy, 1992
- (cc) "Non-Cash Social Investments", SIO Forum, March, 1993
- (dd) "New Directions at Ontario Hydro" in Proceedings of the Fifth Annual Canadian Independent Power Conference, November, 1993
- (ee) "Proposal for an Environmental Free Market System" in Proceedings of the 1994 Canadian Wind Energy Conference, 1994
- (ff) "The Future of Electricity Generation in Ontario" in Proceedings of the Sixth Annual Canadian Independent Power Conference, December, 1994
- (gg) "An Environmental Free Market System", SIO Forum, June, 1995
- (hh) "Changes to the Taxation of Renewable Energy", Canadian Energy Markets Monthly, June, 1996
- (ii) "The New Renewable Energy Taxation Regime", IPPSO Facto, July, 1996
- (jj) "After Macdonald" in Proceedings of the Eighth Annual Canadian Independent Power Conference, November, 1996
- (ll) "Ontario Schools' Energy Initiatives", Education Law Forum, April, 2003
- (mm) "Future School Energy Strategies", Proceedings of the Public Education Symposium, Toronto, 2004
- (nn) Quarterly, 2004 – date, "SEC Status Report", Ontario Education Service Corporation (posted on website)/

V. Speaking Engagements and Seminars

January, 1980	Presumption of Death CBAO Wills and Trusts Section, Toronto
July, 1981	Taxation of Testamentary Trusts Guaranty Trust Company of Canada, Toronto Head Office
September, 1982	Personal Tax Planning Law Society of Upper Canada, Toronto
October, 1982	R & D Tax Incentives Ottawa Tax Group
November, 1982	Research and Development Tax Incentives Touche, Ross and Company, Ottawa
April, 1984	Financing Mechanisms for R & D Using Tax Incentives Energy Technology R & D Seminar Ontario Ministry of Energy, Toronto
June, 1984	Specialized Estate Freezing Techniques Ottawa Tax Group
December, 1984	Using Tax Incentives to Finance Wind Energy Installations, Seventh Annual Wind Energy Symposium, Toronto
April, 1985	Effects of R & D Tax Incentives on Other Government Funding, Ontario Ministry of Energy (private seminar for granting officers), Toronto
January, 1986	Tax Enhanced Funding in a New Environment New Energy Conference, Conservation/Renewable Energy Industry Council, Toronto
October, 1986	Financing Canadian Windfarms Canadian Wind Energy Conference, Quebec City
June, 1987	Tax Reform Seminar (chair, moderator and speaker), Toronto
September, 1987	Renewable Energy Financing Policies Energy, Mines and Resources Canada (private briefing seminar)
September, 1987	The Tax Perspective in Financing Design Canadian Wind Energy Conference, Calgary
December, 1987	Special Lending Problems in Tax Shelters Royal Bank, Toronto (private seminar)
May, 1988	Third Party Financing in Energy Management Econoler Inc., Montreal (private seminar)
June, 1988	Barriers to Financing Wind Generation Facilities Association Quebecoise pour la Maîtrise de l'énergie

	Conference, Montreal
June, 1988	Government Policy Changes Affecting New Energy Sources New Energy Sources Conference Conservation/Renewable Energy Industry Council, Ottawa
July, 1988	Alternative Financing Techniques for Small Hydro Projects Small Hydro '88 Conference, Ontario Ministry of Energy, Toronto
October, 1988	The Government's Role in Private Financing Canadian Wind Energy Association Conference, Toronto
April, 1989	Independent Power Policy Choices Ontario's Energy Choices Conference Ministry of Energy, Toronto
April, 1989	Financing of Independent Power in Ontario, Goldman, Sachs, New York (private briefing seminar)
October, 1989	Pitfalls in Forming an Independent Power Association Energy, Mines and Resources Seminar, Charlottetown
October, 1989	Financial Viability of Canadian Windfarms Canadian Wind Energy Association Conference, Charlottetown
October, 1989	Tax-Efficient Private Power Financing IPPSO Annual Conference, Toronto
November, 1989	Current Issues in Avoided Cost Ontario Hydro Non-Utility Generation Workshop, Toronto
November, 1989	Canada's Independent Power Industry Toronto-Dominion Bank, Hong Kong (private seminar)
January, 1990	Efficiency in Financing Design IPPSO Bay Street Luncheon Series, Toronto
June, 1990	The Demand/Supply Plan Ontario Public Interest Research Group Seminar, Guelph
June, 1990	An Analysis of Ontario Hydro's Demand/Supply Plan International Association for Energy Economics, Ottawa
June, 1990	Project Financing Techniques Canadian Small Hydro Development Course, Halifax
September, 1990	Impact of Independent Power Growth on Renewable Technologies World Renewable Energy Conference, Reading, England
September, 1990	Investing in Independent Power Social Investment Conference, Toronto
October, 1990	The DSP Review at the Environmental Assessment Board Second Annual Ontario Independent Power Conference, Toronto

October, 1990	Non-Utility Generation in Canada Canadian Electrical Association, Toronto
November, 1990	Non-Utility Generation as an Energy Alternative World Energy Congress, Canadian Conference, Toronto
September, 1991	The Demand/Supply Hearings Third Annual Ontario Independent Power Conference, Toronto
October, 1991	Ethical Investing: Can you Make a Profit? Second Social Investment Conference, Toronto
January, 1992	Tax Planning for Owners of Private Companies Association of Business Executives, Toronto
November, 1992	Financing Large-Scale Wind Energy Projects Wind Energy Seminar, Energy, Mines and Resources, Ottawa
November, 1992	Specialized Financing Tools Canadian Wind Energy Conference, Ottawa
December, 1992	Independent Power Growth in Ontario Canadian Institute of Energy Conference, Vancouver
December, 1992	Policy Options for Non-Utility Generation in B.C. Independent Power Association of B.C., Vancouver (private briefing seminar)
February, 1993	Planning Techniques for Executives of Technology Companies Waterloo High Technology Presidents' Group, Waterloo (private briefing seminar)
June, 1993	Conference Chair and Moderator Canadian Community Economic Development Conference, Toronto
November, 1993	New Directions for Ontario Hydro Fifth Annual Canadian Independent Power Conference, Toronto
November, 1994	A Proposal for An Environmental Tax Credit System Canadian Wind Energy Conference, Regina
December, 1994	The Future of Electricity Generation in Ontario Sixth Annual Canadian Independent Power Conference, Toronto
April, 1995	Tax Policy Issues in Environmental Industries 1995 National Renewable Energy Conference, Ottawa
April, 1995	Estate Planning for High Technology Executives For high tech owners' group, Montreal (private briefing seminar)
April, 1995	New Estate Planning Issues for Individuals For Life Insurance Agents' Group, Markham (private briefing seminar)
October, 1995	Structuring a Renewable Energy Business

	Environment and Energy Conference of Ontario, Toronto
October, 1996	After Macdonald Eighth Annual Canadian Independent Power Conference, Toronto
April, 1997	New Renewables Tax Class: What Do We Do With It? 1997 National Renewable Energy Conference, Ottawa
October, 1997	The Ontario Hydro RETs Class Action Canadian Wind Energy Conference, Quebec City
November, 1997	Challenging the Ontario Hydro Monopoly Ninth Annual Canadian Independent Power Conference, Toronto
September, 2002	Wills Ten Star Financial (private briefing seminar)
June, 2003	Ontario Energy Policy Issues Affecting Schools Ontario Public School Boards Ass'n Annual Conference, Niagara Falls
January, 2004	Future Strategy for School Energy Issues Public Education Symposium, Toronto
June, 2004	Fundamental Changes in Energy Strategies OPSBA Annual Conference, Deerhurst
June, 2005	Energy Cost Containment: Thinking Long Term OPSBA Annual Conference, London
April, 2006	Ontario's Regulatory Status for Energy Schools of the Future Energy Forum, Toronto
May, 2006	Our Renewable Energy Future Council of School Business Officials Annual Conference, Niagara Falls
June, 2006	Renewable Energy: 25 Years Later Niagara Renewable Energy Summit, Niagara Falls
June, 2006	Energy Costs: Issues and Solutions OPSBA Annual Conference, Ottawa
May, 2007	Private Investments in Environmental Technologies Triple Bottom Line Investing Conference, Bangkok
May, 2008	Asian Renewable Energy Opportunities ACE Insurance Thailand (private briefing seminar)
June, 2008	Controlling Energy and Natural Gas Costs OPSBA Annual Conference, Niagara Falls
June, 2009	Intervenor Analysis of Rate Applications SOAR/OEB Electricity Applications Course, Toronto

July, 2009	The Green Energy Act and Schools OMC School Management Conference, Kingston
November, 2009	Partnership Structuring and Governance Canadian Power Conference, Toronto
July, 2010	Intervenor Analysis of Rate Applications SOAR/OEB Electricity Applications Course, Toronto
June, 2011	Comparative Analysis of Ontario LDCs EnWin Utilities Industry Education Day, Windsor
July, 2011	Intervenor Analysis of Rate Applications OEB Electricity Applications Course, Toronto
July, 2012	Intervenor Analysis of Rate Applications OEB Electricity Applications Course, Toronto
September, 2012	Current Issues in Energy for Schools Operations Management Committee, OASBO, Kingston
June, 2013	Infrastructure Investment in the Ontario Energy Sector Osgoode Professional Development Course, Toronto
July, 2013	Intervenor Analysis of Rate Applications OEB Electricity Applications Course, Toronto
April, 2014	Stopping Hydro One Ontario Energy Conference, Toronto
July, 2014	Intervenor Analysis of Rate Applications OEB Electricity Applications Seminar, Toronto
September, 2014	Regulatory Changes Ontario Energy Association, Toronto
January, 2015	Changes to the Regulatory Framework Northwinds, Cambridge
March, 2015	Changes to the Regulatory Framework Osgoode LLM (guest lecture), Toronto
April, 2015	The Changing Regulatory Landscape Ontario Power Conference, Toronto
2006-date	Numerous presentations to school board staff and/or trustees in local areas (usually two or three each year)
2007-date	SEC Update Annual presentation to the OESC annual meeting, Toronto