



Jay Shepherd

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

BY EMAIL and RESS

June 16, 2015
Our File No. 20140096

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

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2014-0096 – Niagara Peninsula 2015 Rates – 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.

In this proceeding, SEC took an active role in all aspects, including the settlement of most of the issues, a one day hearing, and final argument. The unsettled issue was a difficult one that has arisen in a number of cases, but with unusual aspects in this case. Lead counsel Jay Shepherd was assisted in the analysis of that issue by associate Mark Rubenstein, but we have elected not to include Mr. Rubenstein's time in our cost claim.

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 (yellow-shaded) 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 embedded in the form to assist with calculations.
- 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 lawyer, analyst/consultant and 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/analyst must be attached unless provided to the Board as prescribed on the Cost Award Tariff.

Except as provided in section 7.03 of the Practice Direction on Cost Awards, itemized receipts must be provided.

File # EB-	2014-0096	Process:	Niagara Peninsula 2015 Rates
Party:	School Energy Coalition	Affiant's Name:	Jay Shepherd
HST Number:	83673-5464-RT0001	HST Rate Ontario:	13.00%
	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 June-16-15.
(date)

Ontario Energy Board
COST CLAIM FOR HEARINGS



Affidavit and Summary of Fees and Disbursements

Commissioner for taking Affidavits

File # EB- 2014-0096 Process: **Niagara Peninsula 2015 Rates**

Party: School Energy Coalition

Summary of Fees and Disbursements Being Claimed

Legal/consultant/other fees	\$	20,328.00
Disbursements	\$	-
HST	\$	2,642.64
Total Cost Claim	\$	22,970.64

Payment Information

Make cheque payable to: **Jay Shepherd Professional Corporation, in trust**

Send payment to this address: **2300 Yonge Street**
Suite 806
Toronto, Ontario
M4P1E4

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



Ontario Energy Board COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2014-0096</u>	Process: <u>Niagara Peninsula 2015 Rates</u>
Party: <u>School Energy Coalition</u>	Service Provider Name: <u>Jay Shepherd</u>
<p>SERVICE PROVIDER TYPE (check one)</p> <p>Legal Counsel <input checked="" type="checkbox"/></p> <p>Articling Student/Paralegal <input type="checkbox"/></p> <p>Consultant <input type="checkbox"/></p> <p>Analyst <input type="checkbox"/></p>	
Year Called to Bar	Completed Years Practising/Years of Relevant Experience
1980	35
For Consultant/Analyst: <input type="checkbox"/> CV attached	Hourly Rate: \$330
<input type="checkbox"/> CV provided within previous 24 months	HST Rate Charged (enter %): 13.0%

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
Pre-hearing Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Technical Conference					
Preparation	4.6	\$ 330.00	\$ 1,518.00	\$ 197.34	\$ 1,715.34
Attendance	4.7	\$ 330.00	\$ 1,551.00	\$ 201.63	\$ 1,752.63
Interrogatories					
Preparation	13.1	\$ 330.00	\$ 4,323.00	\$ 561.99	\$ 4,884.99
Responses	1.4	\$ 330.00	\$ 462.00	\$ 60.06	\$ 522.06
Issues Conference					
Preparation	0.9	\$ 330.00	\$ 297.00	\$ 38.61	\$ 335.61
Attendance		\$ 330.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation	6.6	\$ 330.00	\$ 2,178.00	\$ 283.14	\$ 2,461.14
Attendance	10.0	\$ 330.00	\$ 3,300.00	\$ 429.00	\$ 3,729.00
Proposal Preparation	7.6	\$ 330.00	\$ 2,508.00	\$ 326.04	\$ 2,834.04
Argument					
Preparation	5.6	\$ 330.00	\$ 1,848.00	\$ 240.24	\$ 2,088.24
Oral Hearing					
Preparation	3.0	\$ 330.00	\$ 990.00	\$ 128.70	\$ 1,118.70
Attendance	3.0	\$ 330.00	\$ 990.00	\$ 128.70	\$ 1,118.70
Other Conferences					
Preparation	1.1	\$ 330.00	\$ 363.00	\$ 47.19	\$ 410.19
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Case Management					
		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 20,328.00	\$ 2,642.64	\$ 22,970.64

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Detail of Fees and Disbursements Being Claimed

File # EB- 2014-0096

Process: Niagara Peninsula 2015 Rates

Party: School Energy Coalition

Service Provider Name: Jay Shepherd

Statement of Disbursements Being Claimed			
	Net Cost	HST	Total
Scanning/Photocopy			\$ -
Printing			\$ -
Courier			\$ -
Telephone/Fax			\$ -
Transcripts			\$ -
Travel: Air			\$ -
Travel: Car			\$ -
Travel: Rail			\$ -
Travel (Other):			\$ -
Parking			\$ -
Taxi			\$ -
Accommodation			\$ -
Meals			\$ -
Other:			\$ -
Other:			\$ -
Other:			\$ -
TOTAL DISBURSEMENTS:	\$ -	\$ -	\$ -

Ontario Energy Board
COST CLAIM FOR HEARINGS
Detail of Fees and Disbursements Being Claimed



Date	Explanation	Lwyr	Hours
20141023	Review materials, draft and file Notice of intervention	JCS	1.5
20141024	Many emails, review evidence	JCS	1.2
20141118	Review PO#1 and scheduling	JCS	0.3
20141128	Review staff IRs	JCS	0.5
20141130	Review evidence, research, comparison analysis, drafting IRs	JCS	6.5
20141202	Draft and file interrogatories, review IRs of others	JCS	3.1
20150114	Many emails	JCS	0.3
20150116	Review IR responses, prepare for TC, letter re TC issues, review Board letter	JCS	2.6
20150119	Prepare for technical conference	JCS	3.1
20150120	Attend at Technical conference, many emails, review transcript	JCS	4.7
20150121	Review issues list, many emails	JCS	0.3
20150129	Many emails, review issues list decision, u/t responses	JCS	0.6
20150130	Many emails	JCS	0.1
20150201	Many emails, prepare for ADR	JCS	2.0
20150202	Prepare for settlement conference, many emails	JCS	2.2
20150203	Attend at settlement conference (telephone), many emails	JCS	8.3
20150204	Attend at settlement conference, many emails	JCS	4.0
20150205	Meeting with Mark Rubenstein re WC issue	JCS	0.3
20150206	Many emails	JCS	0.1
20150213	Many emails	JCS	0.2
20150216	Many emails	JCS	0.1
20150217	Review and comment on agreement, many emails	JCS	2.1
20150219	Many emails	JCS	0.1
20150220	Many emails	JCS	0.2
20150221	Many emails	JCS	0.1
20150223	Review agreement, many emails	JCS	1.0
20150224	Comments on second draft, many emails	JCS	1.1
20150225	Respond to positions, many emails	JCS	0.9
20150304	Review staff submissions	JCS	0.3
20150305	Review PO#3 and scheduling	JCS	0.2
20150314	Many emails	JCS	0.2
20150316	Prepare for hearing, many emails	JCS	2.6
20150317	Attend at hearing, prepare, revised wording	JCS	3.4
20150322	Many emails, review revision to agreement	JCS	0.6
20150323	Many emails, review undertakings	JCS	0.3
20150324	Review revisions, many emails	JCS	0.2
20150326	Review EP argument	JCS	0.8
20150327	Draft, revise and file final argument, review final arguments of others, many emails	JCS	3.8
20150407	Review reply	JCS	0.5
20150428	Review interim order	JCS	0.1
20150514	Review decision, Many emails	JCS	0.5
20150521	Review DRO, Many emails	JCS	0.6
			61.6