



## Jay Shepherd

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

### **BY EMAIL and RESS**

September 4, 2015  
Our File No. 20150010

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-2015-0010 – Union 2014 ESM and Deferral – 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.

Senior Counsel Jay Shepherd had full carriage of this matter, but was assisted by junior counsel Mark Rubenstein on certain gas supply matters related to other cases Mr. Rubenstein was handling. SEC did not file separate interrogatories, because all subjects were covered well by others, but did participate fully in the settlement conference and resulting settlement proposal covering the issues in this proceeding.

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.**

<b>File # EB-</b>	<b>2015-0010</b>	<b>Process:</b>	<b>Union Gas 2014 ESM and Deferrals</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(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 **September-04-15**.  
(date)

**Ontario Energy Board**  
**COST CLAIM FOR HEARINGS**



**Affidavit and Summary of Fees and Disbursements**

**Commissioner for taking Affidavits**

**File # EB-** 2015-0010

**Process:** Union Gas 2014 ESM and Deferrals

**Party:** School Energy Coalition

**Summary of Fees and Disbursements Being Claimed**

Legal/consultant/other fees	\$	8,012.00
Disbursements	\$	-
HST	\$	1,041.56
<b>Total Cost Claim</b>	<b>\$</b>	<b>9,053.56</b>

**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

<b>File # EB-</b> <u>2015-0010</u>	<b>Process:</b> <u>Union Gas 2014 ESM and Deferrals</u>
<b>Party:</b> <u>School Energy Coalition</u>	<b>Service Provider Name:</b> <u>Jay Shepherd</u>

  

<b>SERVICE PROVIDER TYPE</b> (check one)	<b>Year Called to Bar</b>	<b>Completed Years Practising/Years of Relevant Experience</b>	
Legal Counsel <input checked="" type="checkbox"/>	1980	35	
Articling Student/Paralegal <input type="checkbox"/>			
Consultant <input type="checkbox"/>			<b>Hourly Rate:</b> \$330
Analyst <input type="checkbox"/>			
For Consultant/Analyst: <input type="checkbox"/> CV attached			<b>HST Rate Charged (enter %):</b> 13.0%
<input type="checkbox"/> CV provided within previous 24 months			

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
<b>Pre-hearing Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Technical Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Interrogatories</b>					
Preparation	6.8	\$ 330.00	\$ 2,244.00	\$ 291.72	\$ 2,535.72
Responses	1.6	\$ 330.00	\$ 528.00	\$ 68.64	\$ 596.64
<b>Issues Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>ADR - Settlement Conference</b>					
Preparation	0.4	\$ 330.00	\$ 132.00	\$ 17.16	\$ 149.16
Attendance	5.3	\$ 330.00	\$ 1,749.00	\$ 227.37	\$ 1,976.37
Proposal Preparation	9.2	\$ 330.00	\$ 3,036.00	\$ 394.68	\$ 3,430.68
<b>Argument</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
<b>Oral Hearing</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Other Conferences</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Case Management</b>		\$ 170.00	\$ -	\$ -	\$ -
<b>TOTAL SERVICE PROVIDER FEES</b>			\$ 7,689.00	\$ 999.57	\$ 8,688.57

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



File # EB- 2015-0010

Process: Union Gas 2014 ESM and Deferrals

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:			\$ -
<b>TOTAL DISBURSEMENTS:</b>	\$ -	\$ -	\$ -

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



# Ontario Energy Board

## COST CLAIM FOR HEARINGS



### Detail of Fees and Disbursements Being Claimed

<b>File # EB-</b> <u>2015-0010</u>	<b>Process:</b> <u>Union Gas 2014 ESM and Deferrals</u>
<b>Party:</b> <u>School Energy Coalition</u>	<b>Service Provider Name:</b> <u>Mark Rubenstein</u>

  

<b>SERVICE PROVIDER TYPE</b> (check one)	<b>Year Called to Bar</b>	<b>Completed Years Practising/Years of Relevant Experience</b>
Legal Counsel <input checked="" type="checkbox"/>	2011	4
Articling Student/Paralegal <input type="checkbox"/>		
Consultant <input type="checkbox"/>		<b>Hourly Rate:</b> <u>\$170</u>
Analyst <input type="checkbox"/>		
For Consultant/Analyst: <input type="checkbox"/> CV attached		<b>HST Rate Charged (enter %):</b> <u>13.0%</u>
<input type="checkbox"/> CV provided within previous 24 months		

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
<b>Pre-hearing Conference</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
<b>Technical Conference</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
<b>Interrogatories</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Responses		\$ 170.00	\$ -	\$ -	\$ -
<b>Issues Conference</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
<b>ADR - Settlement Conference</b>					
Preparation	0.7	\$ 170.00	\$ 119.00	\$ 15.47	\$ 134.47
Attendance		\$ 170.00	\$ -	\$ -	\$ -
Proposal Preparation	1.2	\$ 170.00	\$ 204.00	\$ 26.52	\$ 230.52
<b>Argument</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
<b>Oral Hearing</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
<b>Other Conferences</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
<b>Case Management</b>		\$ 170.00	\$ -	\$ -	\$ -
<b>TOTAL SERVICE PROVIDER FEES</b>			\$ 323.00	\$ 41.99	\$ 364.99



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



File # EB- 2015-0010

Process: Union Gas 2014 ESM and Deferrals

Party: School Energy Coalition

Service Provider Name: Mark Rubenstein

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:			\$ -
<b>TOTAL DISBURSEMENTS:</b>	\$ -	\$ -	\$ -

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



Date	Explanation	Lwyr	Hours
20150415	Review application	JCS	0.5
20150512	Review Notice and materials	JCS	0.3
20150521	Notice of intervention, review evidence	JCS	0.4
20150522	Finalize and file NOI	JCS	0.3
20150527	Review PO#1 and scheduling	JCS	0.3
20150607	Review evidence	JCS	2.5
20150608	Review IRs	JCS	1.0
20150609	Review IRs	JCS	1.5
20150626	Review IR responses	JCS	0.3
20150702	Review PO#2 and scheduling, many emails, review evidence	JCS	1.3
20150707	Prepare for ADR	JCS	0.4
20150708	Attend settlement conference, many emails	JCS	4.3
20150710	Many emails	JCS	0.3
20150711	Many emails, review edits	JCS	0.2
20150712	Many emails	JCS	0.1
20150713	Review draft agreement and edits	JCS	1.0
20150714	Review and edit agreement, many emails	JCS	1.1
20150715	Many emails	JCS	0.3
20150716	Many emails	JCS	0.6
20150717	Many emails, review new wording	JCS	0.8
20150720	Many emails, telephone call with Dwayne Quinn, telephone call with Tom Brett	JCS	1.6
20150721	disc w JCS and review settlement issues related to gas supply memorandum	MR	0.7
20150721	Many emails, revise and send wording	JCS	0.8
20150722	Attend ADR conference call, many emails	JCS	1.8
20150723	Many emails	JCS	0.4
20150724	review corr	MR	0.1
20150724	Many emails, telephone call with Chris Neme, reply	JCS	0.8
20150727	Many emails	JCS	0.2
20150730	review staff submissions	MR	0.2
20150731	Review staff submissions	JCS	0.2
20150805	emails/review CME draft letter and approve	MR	0.4
20150813	review decision	MR	0.1
20150819	Review Union ltr	MR	0.2
20150821	review EGD Ltr	MR	0.2
			25.2

Mark 1.9  
Jay 23.3