



Jay Shepherd

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BY EMAIL and RESS

April 18, 2016
Our File No. 20150065

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

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2015-0065 – Enersource 2016 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.

This proceeding was an ICM application, made more complicated by the backdrop of an announced merger between the Applicant and three other utilities. Senior Counsel Jay Shepherd took the lead on this matter. Associate counsel Mark Rubenstein assisted with argument and legal/policy issues relating to the intersection of ICM and MAADs policies.

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-	2015-0065	Process:	Enersource 2016 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 **April-19-16**.
(date)

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Affidavit and Summary of Fees and Disbursements

Commissioner for taking Affidavits

File # EB- 2015-0065 Process: **Enersource 2016 Rates**

Party: School Energy Coalition

Summary of Fees and Disbursements Being Claimed

Legal/consultant/other fees	\$	17,528.00
Disbursements	\$	-
HST	\$	2,278.64
Total Cost Claim	\$	19,806.64

Payment Information

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

Send payment to this address: **2200 Yonge Street**
Suite 1302
Toronto, Ontario
M4S2C6

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>2015-0065</u>	Process: <u>Enersource 2016 Rates</u>
Party: <u>School Energy Coalition</u>	Service Provider Name: <u>Jay Shepherd</u>
<p>SERVICE PROVIDER TYPE (check one)</p> <p> <input checked="" type="checkbox"/> Legal Counsel <input type="checkbox"/> Articling Student/Paralegal <input type="checkbox"/> Consultant <input type="checkbox"/> Analyst </p>	
Year Called to Bar	Completed Years Practising/Years of Relevant Experience
<input type="text" value="1980"/>	<input type="text" value="36"/>
For Consultant/Analyst: <input type="checkbox"/> CV attached	Hourly Rate: <input type="text" value="\$330"/>
<input type="checkbox"/> CV provided within previous 24 months	HST Rate Charged (enter %): <input type="text" value="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	8.4	\$ 330.00	\$ 2,772.00	\$ 360.36	\$ 3,132.36
Attendance	6.1	\$ 330.00	\$ 2,013.00	\$ 261.69	\$ 2,274.69
Interrogatories					
Preparation	9.4	\$ 330.00	\$ 3,102.00	\$ 403.26	\$ 3,505.26
Responses	5.4	\$ 330.00	\$ 1,782.00	\$ 231.66	\$ 2,013.66
Issues Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 330.00	\$ -	\$ -	\$ -
Argument					
Preparation	19.9	\$ 330.00	\$ 6,567.00	\$ 853.71	\$ 7,420.71
Oral Hearing					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Other Conferences					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Case Management					
		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 16,236.00	\$ 2,110.68	\$ 18,346.68

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Detail of Fees and Disbursements Being Claimed

File # EB- 2015-0065

Process: Enersource 2016 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



Ontario Energy Board COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2015-0065</u>	Process: <u>Enersource 2016 Rates</u>
Party: <u>School Energy Coalition</u>	Service Provider Name: <u>Mark Rubenstein</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
<u>2011</u>	<u>4</u>
For Consultant/Analyst: <input type="checkbox"/> CV attached	Hourly Rate: <u>\$170</u>
<input type="checkbox"/> CV provided within previous 24 months	HST Rate Charged (enter %): <u>13.0%</u>

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
Pre-hearing Conference					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
Technical Conference					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
Interrogatories					
Preparation	0.6	\$ 170.00	\$ 102.00	\$ 13.26	\$ 115.26
Responses	0.8	\$ 170.00	\$ 136.00	\$ 17.68	\$ 153.68
Issues Conference					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 170.00	\$ -	\$ -	\$ -
Argument					
Preparation	6.2	\$ 170.00	\$ 1,054.00	\$ 137.02	\$ 1,191.02
Oral Hearing					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
Other Conferences					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
Case Management					
		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 1,292.00	\$ 167.96	\$ 1,459.96

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Detail of Fees and Disbursements Being Claimed

File # EB- 2015-0065

Process: Enersource 2016 Rates

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:				\$ -
TOTAL DISBURSEMENTS:		\$ -	\$ -	\$ -

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



Date	Explanation	Lwyr	Jay	Mark
20150818	review application/emails	MR		0.3
20151015	Review application, Prepare and file Notice of Intervention	JCS	0.9	
20151028	Review notice, etc., Many emails	JCS	0.4	
20151029	Review pre-filed evidence, Various emails	JCS	3.1	
20151116	Review letter	JCS	0.1	
20151117	Review PO #1 and scheduling	JCS	0.3	
20151123	Review evidence	JCS	0.5	
20151125	Draft and file IRs, Many emails, Review IRs of others	JCS	4.1	
20151125	Emails/review SEC IRs/discussion with JCS	MR		0.3
20151209	Review IR responses	JCS	1.0	
20151210	review IRR	MR		0.8
20151215	Various emails, Review PO #2 and scheduling	JCS	0.4	
20151216	Review IR responses	JCS	4.0	
20151221	Prepare TC questions and issues, Prepare spreadsheet, Many emails, Review EP questions	JCS	4.4	
20151222	Various emails	JCS	0.1	
20151223	Various emails	JCS	0.1	
20160103	Review AMPCO material	JCS	0.3	
20160107	Prep for Technical Conference	JCS	2.0	
20160108	Attend at technical conference, Many emails, Review transcripts, Review EP response and tables	JCS	7.6	
20160112	Review filing	JCS	0.2	
20160118	Initial review of undertaking responses	JCS	0.5	
20160120	Review PO# 3 and scheduling	JCS	0.1	
20160126	Evidence Analysis	JCS	2.6	
20160201	Review EP draft, Outline submissions, Many emails	JCS	2.7	
20160202	Final argument, Meeting with Randy Aiken, Many emails	JCS	2.2	
20160203	Review evidence & transcripts, Review drafts of others, Draft, revise & file argument, Many emails	JCS	8.3	
20160203	emails/review submissions	MR		0.5
20160204	Review final submissions	JCS	0.7	
20160204	Review submissions	MR		1.2
20160209	review submissions	MR		2.5
20160210	Review reply argument	JCS	1.1	
20160211	review reply arg	MR		0.3
20160303	Review partial decision	JCS	0.7	
20160309	Various emails	JCS	0.1	
20160311	Review Staff Submission	JCS	0.2	
20160314	Review DRO	JCS	0.2	
20160317	Review decision, Scheduling	JCS	0.3	
20160407	review decision/disc w JCS/review material to provide opinion regarding implications	MR		1.5
20160408	disc w JCS regarding implication and options for next steps	MR		0.2
			49.2	7.6