



Jay Shepherd

Professional Corporation
2200 Yonge Street,
Suite 1302
Toronto, Ontario M4S 2C6

BY EMAIL and RESS

November 30, 2016
Our File No. 20160004

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

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2016-0004 – Community Expansion Generic Proceeding – 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.

We note that counsel Mark Rubenstein took the lead on this matter. This was a major policy proceeding with complex and far-reaching implications for the future of gas distribution in Ontario. It involved evidence from many parties, and two rounds of submissions, including reply to the submissions of more than a dozen other parties. It also affected schools on both sides of the equation – as potential new gas customers, and as existing customers subsidizing new customers. The Board will be aware that SEC was an active participant in all aspects of the proceeding, including interrogatories, cross-examination of witnesses, and detailed legal and policy submissions.

All of which is respectfully submitted.

Yours very truly,
JAY SHEPHERD P. C.

per: Mark Rubenstein

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-	2016-0004	Process:	Community Expansion Generic Proceeding
Party:	School Energy Coalition	Affiant's Name:	Mark Rubenstein
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, **Mark Rubenstein**, 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 **December 1, 2016**.
(date)

Ontario Energy Board
COST CLAIM FOR HEARINGS



Affidavit and Summary of Fees and Disbursements

Commissioner for taking Affidavits

File # EB- 2016-0004 Process: **Community Expansion Generic Proceeding**

Party: School Energy Coalition

Summary of Fees and Disbursements Being Claimed

Legal/consultant/other fees	\$	44,472.00
Disbursements	\$	123.50
HST	\$	5,797.42
Total Cost Claim	\$	50,392.92

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>2016-0004</u>	Process: <u>Community Expansion Generic Proceeding</u>
Party: <u>School Energy Coalition</u>	Service Provider Name: <u>Mark Rubenstein</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
<u>2011</u>	<u>5</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	6.0	\$ 170.00	\$ 1,020.00	\$ 132.60	\$ 1,152.60
Attendance	3.5	\$ 170.00	\$ 595.00	\$ 77.35	\$ 672.35
Technical Conference					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
Interrogatories					
Preparation	46.3	\$ 170.00	\$ 7,871.00	\$ 1,023.23	\$ 8,894.23
Responses	22.3	\$ 170.00	\$ 3,791.00	\$ 492.83	\$ 4,283.83
Issues Conference					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 170.00	\$ -	\$ -	\$ -
Argument					
Preparation	95.3	\$ 170.00	\$ 16,201.00	\$ 2,106.13	\$ 18,307.13
Oral Hearing					
Preparation	38.6	\$ 170.00	\$ 6,562.00	\$ 853.06	\$ 7,415.06
Attendance	49.6	\$ 170.00	\$ 8,432.00	\$ 1,096.16	\$ 9,528.16
Other Conferences					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
Case Management					
		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 44,472.00	\$ 5,781.36	\$ 50,253.36

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Detail of Fees and Disbursements Being Claimed

File # EB- 2016-0004

Process: Community Expansion Generic Proceeding

Party: School Energy Coalition

Service Provider Name: Mark Rubenstein

Statement of Disbursements Being Claimed			
	Net Cost	HST	Total
Scanning/Photocopy			\$ -
Printing	\$ 123.50	\$ 16.06	\$ 139.56
Courier			\$ -
Telephone/Fax			\$ -
Transcripts			\$ -
Travel: Air		\$ -	\$ -
Travel: Car			\$ -
Travel: Rail			\$ -
Travel (Other):			\$ -
Parking			\$ -
Taxi		\$ -	\$ -
Accommodation			\$ -
Meals			\$ -
Other:			\$ -
Other:			\$ -
Other:			\$ -
TOTAL DISBURSEMENTS:	\$ 123.50	\$ 16.06	\$ 139.56

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



Date	Explanation	Lwyr	Hours
20160206	Emails	MR	0.3
20160210	review PO No. 1/emails/review draft issues list/consider issues	MR	0.6
20160211	review data on number of affected schools/emails/consider issues	MR	1.0
20160217	review CPA ltr	MR	0.1
20160222	emails/disc w JCS	MR	0.5
20160223	emails/review intervention requests/research municipal franchise agreement scope and case law	MR	3.5
20160226	disc w JCS/review parties issues list sub/research at Great Library jurisdictional issues regarding cross-utility subsidication includi	MR	4.1
20160303	review correspondence from parties and Board	MR	0.2
20160304	review EGD and other parties letters, review East Farris evidence	MR	0.7
20160306	emails	MR	0.1
20160307	research NBEUB EGNB issues	MR	1.4
20160309	review decision and Po No. 2	MR	0.6
20160318	emails/review Edwardsburgh Cardinal	MR	0.4
20160321	emails/prelim review of intervenor evidence	MR	0.6
20160322	emails/preliminary review of evidence	MR	2.0
20160324	review evidence/research/prepare IRs	MR	4.0
20160325	review evidence/research/draft IRs	MR	5.5
20160327	review evidence/research/draft IRs	MR	5.0
20160328	review evidence/research/draft IRs/review record from FortisBC System Expansion Policy Application	MR	6.2
20160329	review material/research/review EPCOR MFA application	MR	2.3
20160401	review materials/research/draft IRs	MR	6.2
20160405	emails/review Staff IRs	MR	0.6
20160406	draft IRs/emails/p. call w JG	MR	1.8
20160407	research evidence/draft IRs/emails	MR	4.0
20160408	finalize and edit IRs/file IRs/review other parties IRs	MR	4.1
20160412	emails	MR	0.2
20160420	review IR response from Township of Edwardsburgh Cardinal	MR	0.3
20160421	emails	MR	0.2
20160422	emails/prelim review of IRs	MR	2.5
20160425	prelim review of IRR/emails/prepare for pre-hearing/prepare raise issue regarding inadquacy of IRR	MR	2.8
20160426	attend pre-hearing conference	MR	3.5
20160426	attend/ratepayer intervenor meeting/emails/draft request for Board order re: IRs	MR	7.2
20160427	edit, finalize and file request letter/emails/review other parties letters	MR	1.2
20160428	research/emails/review Minister of Enviro article re: new utility and less natural gas/emails/attempt to get copy of speech for hearing	MR	2.5
20160429	review lrs/emails/review responses to request for further lrs/review hearing plan infromation	MR	4.4
20160430	review lrs/emails	MR	1.5
20160501	review IRRs	MR	2.0
20160502	review IRRs/emails/review IR adequacy decision	MR	4.0
20160503	emails/review EBO 188 file at OEB library/prepare for hearing/review Union updated IRR	MR	3.0

20160504	review IRR/emails/prepare EGD cross-examination/prepare compendium/prepare for hearing	MR	6.5
20160505	Attend hearing	MR	8.7
20160505	emails/prepare for day 2/review transcript	MR	3.4
20160506	attend hearing/emails	MR	4.2
20160508	review evidence/review Irs/review transcript/prepare cross-examinations of South Bruce, VECC and EPCOR	MR	7.2
20160509	attend hearing	MR	8.7
20160509	review transcript/prepare for next hearing day/review evidence and IRS/begin to draft Union cross	MR	3.5
20160510	attend hearing	MR	8.5
20160510	prepare for next day/review transcript/prepare for cross-examination for Union/prepare Union compendium	MR	3.2
20160511	attend hearing	MR	8.3
20160511	emails/review transcript/review and edit cross	MR	1.8
20160512	attend hearing	MR	8.7
20160513	attend hearing	MR	2.5
20160513	emails/review response to undertakings	MR	0.2
20160516	emails/review news release/disc with other intervenors	MR	0.8
20160517	emails/review corr/prel review of EGD UT	MR	0.5
20160518	emails	MR	0.2
20160519	emails/review CPA corr	MR	0.2
20160520	emails	MR	0.1
20160524	emails	MR	0.1
20160525	emails/prelim review of Union UT	MR	0.3
20160526	emails/review Gov Press release re:impact on proceeding	MR	0.3
20160529	emails	MR	0.1
20160530	emails/p. call w M. Millar/review PO	MR	0.3
20160606	draft arg	MR	3.6
20160607	draft argument	MR	3.0
20160608	draft argument	MR	4.4
20160609	draft argument	MR	2.0
20160610	draft argument	MR	4.5
20160611	draft argument	MR	9.5
20160612	draft argument/emails	MR	5.5
20160613	draft argument/emails	MR	4.2
20160614	emails	MR	0.3
20160615	draft argument/p. call w R. Aiken	MR	9.2
20160616	draft argumentemails	MR	6.2
20160617	draft argument	MR	1.7
20160618	draft and edit argument/emails	MR	4.0
20160619	edit argument/emails	MR	2.7
20160620	finalize submissions and file/preliminary review of other parties sub/emails	MR	1.0
20160621	emails/preliminary review of other parties	MR	1.5
20160624	review parties arguments and outline issues needed to be responded to	MR	1.5
20160625	review parties arguments and outline issues needed to be responded to	MR	4.5

20160630	draft reply arg/p. calls w. M. Millar x 2/emails	MR	5.2
20160701	draft argument	MR	5.4
20160704	draft argument	MR	6.1
20160706	emails/review BOMA reply	MR	0.6
20160709	emails/review partial draft of another parties reply sub	MR	0.7
20160710	edit, finalize, argument	MR	1.5
20160711	review reply arguments	MR	1.7
20160712	review further parties reply submissions	MR	0.5
20161117	review decision/emails	MR	1.2
			261.6

EXPENSES

	Charge	Tax	Total
20160429 Printing	\$123.50	\$16.06	\$139.56
Fees	44472	5781.36	50253.36
			\$50,392.92



Invoice#: 081051428

Date: 04/29/2016

TPH Account: 622786

Bill To:
May Shepherd Professional Corporation
200 Yonge St Suite 1302
Toronto
ON, M4S 2C6

Ship To:
Same

Community Expansion Generic
EB-2016-0004

Ordered By: Saba Parkar
Phone: (416) 483-3300
Customer PO: EB-2016-0004 IR
Responses

Job Name: Printing from USB (Monday April 25)

Item A: Black and White copies from Files - 1/1 on 20lb Bond, print on 3-hole paper, slipsheet between each document

Quantity: 1 1 Sided: 1,196 2 Sided: 0 Price: \$119.60

Item B: File processing - pre-flight, virus scan, temp storage

Quantity: 1 1 Sided: 1 2 Sided: 0 Price: \$3.90

Branch Contact:
Christina Stark
200 Yonge Street
Toronto, ON, M4S 2C6
16-482-2260

Net Sales: \$123.50
Shipping: \$0.00
Sub Total: \$123.50
PST: \$0.00
HST: \$16.06
Total Invoice: \$139.56
Deposit/Pmnt: \$0.00

ST/GST#: 105242887RT

Amount Due (CAD): \$139.56

Payment(s) Received

EMIT TO: The Printing House Ltd., 1403 Bathurst Street, Toronto, ON M5R 3H8, Tel (416) 536-6113, 1-866-TPH-Direct (866-874-3473)
TERMS: Payment due within 10 days of invoice date. Interest of 1.5% per month (18% P.A.) will be charged on all overdue accounts.

The Printing House Limited accepts payment by Electronic Funds Transfer (EFT).
For more information please contact Mary Aldred at (416) 428-5019 or email maldred@tph.ca