



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 –OGA Cost Claim

We are counsel for the Ontario Geothermal Association. We enclose the cost claim of the Ontario Geothermal Association, on the Board's form and enclosing docket details.

We note that senior counsel Jay Shepherd took the lead on this matter, which is the first Board proceeding in which the OGA has participated. The proceeding had major implications for both the gas industry, and the energy choices for small town and rural Ontario, and thus attracted more than thirty parties with diverse interests. The Board's decision has made fundamental changes to gas ratemaking in expansion situations, and along the way has levelled the playing field for space and water heating in Ontario. It also has important impacts on the government's Climate Change Action Plan.

In addition to participating fully in interrogatories, OGA presented written evidence, and provided a witness panel in the hearing to assist the Board. OGA was also active in cross-examination of other parties, particularly the utilities, and provided extensive submissions on both legal and policy issues in both the first and second rounds.

The attached cost claim includes only time and disbursements for counsel. OGA presented a witness panel of individuals with knowledge of the geothermal option, one a current industry member and respected scientist, and one a retired entrepreneur. No amounts have been

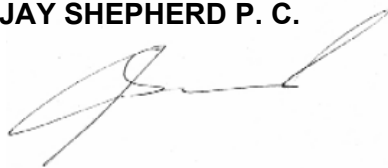
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included for their time or disbursements. In addition, the OGA had the support of the Heating Refrigeration and Air Conditioning Institute, HRAI, and their senior staff member Martin Luymes, throughout this process. Mr. Luymes' extensive involvement meant that no case manager was required by the OGA. However, the time and disbursements spent by Mr. Luymes have also not been claimed, because the OGA is affiliated with HRAI.

The attached claim includes time spent by counsel assisting the witnesses in preparation of their written evidence, and preparing them for the hearing. While obviously most of the work done on the written evidence and the direct oral evidence was by the witnesses themselves, counsel reviewed drafts of the written evidence prior to filing, and also did the normal witness prep prior to the hearing. That time, approximately 36 hours, has been included under the heading "Oral Hearing – Preparation" in the claim, as there is no category for intervenor evidence in the Board's form.

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-	2016-0004	Process:	Community Expansion Generic Proceeding
Party:	Ontario Geothermal Association	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 **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: Ontario Geothermal Association

Summary of Fees and Disbursements Being Claimed

Legal/consultant/other fees	\$	111,903.00
Disbursements	\$	123.50
HST	\$	14,563.45
Total Cost Claim	\$	126,589.95

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>Ontario Geothermal Association</u>	Service Provider Name: <u>Jay Shepherd</u>
SERVICE PROVIDER TYPE (check one)	Year Called to Bar
Legal Counsel <input checked="" type="checkbox"/>	<input type="text" value="1980"/>
Articling Student/Paralegal <input type="checkbox"/>	
Consultant <input type="checkbox"/>	
Analyst <input type="checkbox"/>	
Completed Years Practising/Years of Relevant Experience	<input type="text" value="36"/>
Hourly Rate:	<input type="text" value="\$330"/>
For Consultant/Analyst: <input type="checkbox"/> CV attached	HST Rate Charged (enter %): <input type="text" value="13.0%"/>
<input type="checkbox"/> CV provided within previous 24 months	

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
Pre-hearing Conference					
Preparation	6.0	\$ 330.00	\$ 1,980.00	\$ 257.40	\$ 2,237.40
Attendance	3.5	\$ 330.00	\$ 1,155.00	\$ 150.15	\$ 1,305.15
Technical Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Interrogatories					
Preparation	54.3	\$ 330.00	\$ 17,919.00	\$ 2,329.47	\$ 20,248.47
Responses	24.2	\$ 330.00	\$ 7,986.00	\$ 1,038.18	\$ 9,024.18
Issues Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 330.00	\$ -	\$ -	\$ -
Argument					
Preparation	145.4	\$ 330.00	\$ 47,982.00	\$ 6,237.66	\$ 54,219.66
Oral Hearing					
Preparation	66.0	\$ 330.00	\$ 21,780.00	\$ 2,831.40	\$ 24,611.40
Attendance	39.7	\$ 330.00	\$ 13,101.00	\$ 1,703.13	\$ 14,804.13
Other Conferences					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Case Management		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$111,903.00	\$ 14,547.39	\$ 126,450.39

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Detail of Fees and Disbursements Being Claimed

File # EB- 2016-0004

Process: Community Expansion Generic Proceeding

Party: Ontario Geothermal Association

Service Provider Name: Jay Shepherd

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
20160121	Telephone call with Martin Luymes	JCS	0.6
20160122	Telephone call with Martin Luymes, Meeting with Mark Rubenstein, Many emails	JCS	0.6
20160206	Conflict report, Many emails	JCS	1.0
20160222	Draft & file Notice of Intervention, Many emails, Review filings, Many emails	JCS	1.6
20160223	Many emails, Review PO# 1 & scheduling, Review record, Review IRs of others	JCS	1.3
20160224	Meeting with OGA members, Meeting with Martin Luymes, Meeting with Mark Rubenstein, Prep, Many emails	JCS	2.6
20160225	Many emails	JCS	0.4
20160226	Many emails, Draft, revise & file issues, list comments, Review submissions of others	JCS	3.4
20160227	Many emails	JCS	0.3
20160228	Many emails	JCS	1.1
20160229	Many emails, Send materials	JCS	1.2
20160301	Many emails	JCS	0.3
20160302	Many emails, Review Union evidence, Send excerpts to Stan	JCS	2.3
20160303	Draft & File extension letter, Many emails, Review Union evidence, Meeting with Mark Rubenstein	JCS	2.6
20160304	Many emails, Telephone call with Stan, Meeting with Mark Rubenstein, Review many letters	JCS	1.8
20160305	Many emails	JCS	0.4
20160306	Many emails, Review Randy's material	JCS	0.3
20160308	Many emails	JCS	0.2
20160309	Review PO# 2, Scheduling, Many emails, Prep for meeting with Hatherton	JCS	1.1
20160310	Many emails, Meeting with Dave Hatherton, Review material	JCS	3.8
20160311	Many emails, Reviewing Attachments	JCS	0.8
20160315	Many emails, Review evidence package	JCS	0.4
20160316	Telephone call with Marten Luymes (2), Many emails, Review more materials	JCS	2.1
20160317	Many emails, Review draft	JCS	1.1
20160318	Reviewing materials from client, Many emails	JCS	4.4
20160319	Compiling & Editing Evidence, Many emails, Telephone call with Stan	JCS	6.6
20160320	Compiling & Editing Evidence, Many emails, Telephone call with Stan	JCS	7.4
20160321	Finalize & file evidence, Many emails, Telephone call with Stanley Reitsma, Telephone call with Marten Luymes	JCS	6.1
20160322	Review evidence of others, Meeting with Mark Rubenstein, Many emails	JCS	2.1
20160323	Many emails, Telephone call with Marten Luymes, Telephone call with Fiona Oliver-Glasford, Analysis of Issues	JCS	1.6
20160324	Many emails, Review evidence	JCS	1.5

20160325	Review evidence filings, Many emails, Client reporting	JCS	4.7
20160326	Review evidence filings, Many emails	JCS	3.0
20160328	Review of evidence	JCS	6.0
20160329	Various emails	JCS	0.1
20160331	Emails re: scheduling	JCS	0.3
20160406	Interrogatories, Many emails	JCS	2.0
20160407	Interrogatories, Many emails, Review Cornell Paper	JCS	4.1
20160408	Interrogatories, Many emails, Telephone call with Marten Luymes, Meeting with Saba Parkar, Telephone call with Kent Elson, Distribute I	JCS	6.8
20160410	Various emails	JCS	0.1
20160411	Many emails	JCS	0.3
20160412	Many emails	JCS	0.6
20160415	Many emails	JCS	0.4
20160416	Review responses	JCS	0.6
20160418	Review drafts, Many emails	JCS	1.6
20160420	Many emails, Review drats & editing, Review letter	JCS	2.3
20160421	Review draft IRs, Many emails, Telephone call with Marten Luymes	JCS	1.6
20160422	Finalize & file IR Responses, Many emails, Telephone call with Marten Luymes, Review IR Responses of others	JCS	3.7
20160423	Many emails, Follow-up VECC Responses, Review CGC letter	JCS	1.2
20160424	Many emails	JCS	0.4
20160425	Many emails, Review IR Responses	JCS	4.0
20160426	Attend at pre-hearing day, Meeting with Marten Luymes, Many emails, Review IR Responses	JCS	6.0
20160427	Review IR Responses, Review motion submissions, Many emails	JCS	6.1
20160428	Review IR Responses, Many emails, Analysis of hearing estimates, Report to witnesses	JCS	4.7
20160429	Many emails, Review hearing plan, Telephone call with Marten Luymes, Meeting with Mark Rubenstein, Review IR Responses	JCS	4.4
20160430	Various Emails	JCS	0.1
20160501	Reviewing direct evidence components, Many emails	JCS	2.7
20160502	Review evidence for prep questions, Many emails, Telephone call with Martin, Meeting with Mark, Edit and circulate draft testimony	JCS	4.6
20160503	Witness Prep, Many emails, Send materials to witnesses, Review hearing plan	JCS	6.7
20160504	Prep for hearing, Many emails	JCS	3.0
20160505	Attend at hearing, Many emails, Prepare and file compendium for EGD	JCS	8.6
20160506	Attend at hearing (internet), Many emails, Review material from Martin, Review transcript	JCS	5.4
20160507	Many emails, Review transcript	JCS	1.4
20160508	Many emails, Prep for hearing, Review new filings	JCS	2.8

20160509	Attend at hearing (internet and in-person), Many emails, Review additional material, Cross-prep	JCS	8.4
20160510	Attend at hearing (internet and in-person), Many emails, Review transcripts, Meeting with Dave, Meeting with Stan, Edit direct, Finaliz	JCS	8.1
20160511	Meeting with Clients (2), Attend at hearing, Many emails, Prep for next day	JCS	11.7
20160512	Attend at hearing, Many emails	JCS	4.2
20160513	Many emails, Telephone call with Marten Luymes, Meeting with Mark Rubenstein	JCS	0.8
20160516	Many emails	JCS	0.6
20160517	Many emails, Meeting with Mark Rubenstein, Meeting with other parties, Meeting with Ken	JCS	2.4
20160520	Many emails	JCS	0.4
20160522	Review evidence	JCS	1.1
20160525	Review transcripts and evidence	JCS	3.0
20160526	Many emails	JCS	0.4
20160527	Many emails	JCS	0.4
20160528	Review undertaking responses, Various emails	JCS	0.5
20160530	Review PO# 3 and scheduling, Meeting with Mark Rubenstein, Many emails	JCS	0.6
20160601	Review transcripts, Meeting with Mark Rubenstein, Many emails	JCS	3.2
20160602	Review evidence, Outline	JCS	2.5
20160603	Review transcripts and evidence, Many emails	JCS	4.4
20160605	Review evidence, Prepare argument	JCS	2.6
20160606	Review transcripts, Many emails	JCS	2.5
20160607	Review transcripts	JCS	3.0
20160608	Review CCAP implications, Many emails, Review transcripts and evidence	JCS	6.3
20160609	Argument	JCS	6.0
20160610	Meeting with clients re: argument, travel: car. Review evidence, Many emails	JCS	3.7
20160611	Drafting argument, Many emails, Further evidence review	JCS	6.1
20160612	Drafting Argument	JCS	3.4
20160613	Drafting argument, Meeting with Mark Rubenstein, Research	JCS	9.1
20160614	Drafting argument, Many emails	JCS	5.6
20160615	Drafting argument, Many emails	JCS	2.0
20160616	Drafting argument, Review evidence (undertakings), Many emails, Circulate rough draft	JCS	3.0
20160617	Review EP, SEC and FRPO materials, Many emails, Drafting argument	JCS	2.5
20160618	Drafting argument	JCS	4.0
20160619	Drafting argument and circulate to clients for approval, Many emails, Spreadsheets	JCS	4.0
20160620	Finish drafting and revising argument, Citations, Proofreading, Many emails	JCS	6.6

20160621	Finalize and file submissions, Review submissions of other parties, Many emails	JCS	2.5
20160628	Review arguments of other parties	JCS	1.5
20160629	Review arguments of other parties, Outline for Second Round Submissions	JCS	2.0
20160701	Reviewing submissions, Many emails	JCS	5.6
20160706	Reviewing submissions, Many emails	JCS	2.0
20160707	Reviewing submissions, Drafting reply argument, Review BOMA reply	JCS	2.2
20160708	Reviewing submissions, Drafting reply argument	JCS	3.0
20160709	Reviewing submissions, Drafting reply argument	JCS	6.7
20160710	Reviewing submissions, Drafting reply argument	JCS	7.0
20160711	Draft and file final argument, Many emails	JCS	15.3
20160712	Review reply arguments from others, Many emails	JCS	2.8
20160713	Many emails	JCS	0.1
20160714	Many emails	JCS	0.3
20160720	Review South Bruce and IGUA Correspondence	JCS	0.5
20161117	Review decision, Report to clients, Many emails	JCS	2.6
20161118	Many emails, Further reporting	JCS	0.6
			339.1

EXPENSES

	Charge	Tax	Total
20160429 Printing	\$123.50	\$16.06	\$139.56
Fees	111903	14547.39	126450.39
			\$126,589.95



Invoice#: 081051427

Date: 04/29/2016

TPH Account: 622786

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

Ship To:
Same

OG-2016-0001

Job Name: Printing from USB (Monday April 25)

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

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

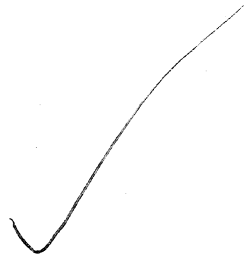
Branch Contact:
Christina Stark
200 Yonge Street
Toronto, ON, M4S 2C6
16-482-2260

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) 438-5010 or email maldred@tpb.ca