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BY EMAIL

July 25, 2016
Our File No. Admin

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

Attn: Kristi Sebalj, Registrar

Dear Ms. Sebalj:

Re: Mark Rubenstein

We are counsel for the School Energy Coalition. We are writing for cost claim guidance with respect to the hourly rate to be claimed for time spent by counsel Mark Rubenstein starting in September, 2016.

Mr. Rubenstein was called to the Ontario Bar in September, 2011. As a result, in 2016 he will have completed five years as a lawyer, working essentially full-time on OEB regulatory matters. Under normal circumstances, and all other things being equal, he would continue at his current hourly rate for cost claim purposes of \$170 until September, 2017, when he would have completed six years at the bar.

However, Mr. Rubenstein actually started working full-time on OEB regulatory matters in September, 2010, as a student-at-law. While some of his early work was assisting senior counsel, the Board will be aware that he already had full carriage of a number of matters by the time he was called to the bar in 2011. Thus, as of September 2016 he will have six completed years of full-time experience before the OEB.

If Mr. Rubenstein were a consultant, SEC would in September of this year start including his hours in cost claims at \$230 per hour. The wording of the Practice Direction, though, appears to imply that, for a lawyer, only the years after the call to the bar should be counted. The Practice Direction does not seem to contemplate a situation in which a lawyer would have any full-time regulatory experience prior to being formally called to the bar, whether as a student-at-law, consultant, utility staff member, or regulator.

We are therefore writing to seek guidance as to whether we should be claiming Mr. Rubenstein's time at \$230 per hour, or \$170 per hour, when he reaches six years' experience, but five years call to the bar, in September 2016.

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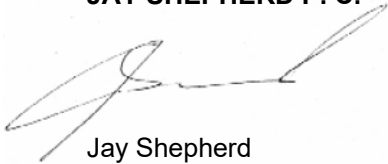
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We have addressed this letter to you, as the Registrar has the primary responsibility for the administration of costs at the outset of each proceeding. We have also copied it to Vice-President and General Counsel Mary Anne Aldred, in case she is the more appropriate person to respond to this query.

All of which is respectfully submitted.

Yours very truly,

JAY SHEPHERD P. C.



Jay Shepherd

cc: Wayne McNally, SEC (email)
Mary Anne Aldred, VP and General Counsel, OEB (email)