



BY EMAIL and RESS

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October 11, 2017
Our File No. 20160105

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

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2016-0105 – Thunder Bay 2017 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.

We note that Jay Shepherd took carriage of this matter, which was more extensive than a typical cost of services rebasing for an LDC. After detailed interrogatories, there was a settlement conference with a partial settlement. Subsequently, the Applicant filed new expert evidence, with a hearing that was shortened by order of the Board after a motion by SEC, submissions by the parties, and some viva voce examination of the new expert. That evidence was then expanded and refiled, and another round of interrogatories was submitted on the updated evidence. Then there was a two day hearing on the unsettled issues. Argument had to deal with significant issues for the customers in Thunder Bay. Time spent by Mark Rubenstein to support Mr. Shepherd, while not negligible, has been excluded from the claim.

All of which is respectfully submitted.

Yours very truly,
JAY SHEPHERD P. C.

A handwritten signature in dark ink, appearing to read "Jay Shepherd", is written over a light blue horizontal line.

Jay Shepherd

cc: Wayne McNally, SEC (email)
Interested Parties

Shepherd Rubenstein Professional Corporation | Regulatory Law
2200 Yonge Street, Suite 1302 T. (416) 483-3300 F. (416) 483-3305
Toronto, ON M4S 2C6 shepherdrubenstein.com

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- <u>2016-0105</u>	Process: <u>Thunder Bay 2017 Rates</u>
Party: <u>School Energy Coalition</u>	Affiant's Name: <u>Jay Shepherd</u>
HST Number: <u>83673-5464-RT0001</u>	HST Rate Ontario: <u>13.00%</u>
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 October 11, 2017.
(date)

Commissioner for taking Affidavits

Ontario Energy Board
COST CLAIM FOR HEARINGS
Affidavit and Summary of Fees and Disbursements



File # EB- 2016-0105 Process: Thunder Bay 2017 Rates

Party: School Energy Coalition

Summary of Fees and Disbursements Being Claimed

Legal/consultant/other fees	\$	58,278.00
Disbursements	\$	-
HST	\$	7,576.14
Total Cost Claim	\$	65,854.14

Payment Information

Make cheque payable to: Shepherd Rubenstein Professional Corporation, in trust

Send payment to this address: 2200 Yonge Street

Suite 1302

Toronto, Ontario

M4S2C6

Ontario Energy Board

COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2016-0105</u>	Process: <u>Thunder Bay 2017 Rates</u>
Party: <u>School Energy Coalition</u>	Service Provider Name: <u>Jay Shepherd</u>

SERVICE PROVIDER TYPE (check one)	Year Called to Bar	Completed Years Practising/Years of Relevant Experience
Legal Counsel <input checked="" type="checkbox"/>	1980	37
Articling Student/Paralegal <input type="checkbox"/>		
Consultant <input type="checkbox"/>		
Analyst <input type="checkbox"/>		
For Consultant/Analyst: <input type="checkbox"/> CV attached		Hourly Rate: <u>\$330</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		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Technical Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Interrogatories					
Preparation	35.9	\$ 330.00	\$ 11,847.00	\$ 1,540.11	\$ 13,387.11
Responses	12.1	\$ 330.00	\$ 3,993.00	\$ 519.09	\$ 4,512.09
Issues Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation	18.0	\$ 330.00	\$ 5,940.00	\$ 772.20	\$ 6,712.20
Attendance	15.6	\$ 330.00	\$ 5,148.00	\$ 669.24	\$ 5,817.24
Proposal Preparation	10.6	\$ 330.00	\$ 3,498.00	\$ 454.74	\$ 3,952.74
Argument					
Preparation	41.5	\$ 330.00	\$ 13,695.00	\$ 1,780.35	\$ 15,475.35
Oral Hearing					
Preparation	27.2	\$ 330.00	\$ 8,976.00	\$ 1,166.88	\$ 10,142.88
Attendance	15.7	\$ 330.00	\$ 5,181.00	\$ 673.53	\$ 5,854.53
Other Conferences					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Case Management		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 58,278.00	\$ 7,576.14	\$ 65,854.14

Ontario Energy Board

COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- 2016-0105

Process: Thunder Bay 2017 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:	\$ -	\$ -	\$ -

Date	Explanation	Lwyr	Hours
20161116	Review application and notice, Review community day info	JCS	0.6
20161120	Arranging meeting with school boards	JCS	0.1
20161121	Prepare presentation and comparison tables, Arrangements for meeting, Many emails	JCS	2.1
20161122	Finalize presentation and comparison tables and send to client, Arrangements for Thursday meeting, Many emails, Review application	JCS	2.8
20161123	Review pre filed evidence, Attend at Community Day	JCS	3.3
20161124	Meeting with local school boards, Report to SEC, Report to other intervenors, Many emails	JCS	3.4
20161205	Review PO#1 and scheduling	JCS	0.3
20161215	Review evidence	JCS	1.0
20161219	Review evidence, Interrogatories	JCS	3.8
20161220	Review evidence, Interrogatories	JCS	1.0
20161221	Review evidence, Research	JCS	2.0
20161222	Review evidence, Drafting interrogatories	JCS	1.9
20161223	Review evidence, Draft and file interrogatories	JCS	4.0
20161224	Review evidence, Draft and file interrogatories	JCS	2.1
20161228	Draft and file interrogatories	JCS	3.4
20161229	Review interrogatories of others	JCS	0.3
20170109	Review community engagement summary	JCS	0.3
20170124	Many emails	JCS	0.1
20170126	Many emails, Review proposed issues list	JCS	0.1
20170131	Telephone call with Martin Davies, Review issues list, Many emails	JCS	0.3
20170201	Various emails, Review Board letter	JCS	0.1
20170203	Review Interrogatory Responses, Review issues list, Many emails	JCS	1.4
20170206	Review interrogatory responses	JCS	1.3
20170207	Many emails, Review new evidence, Report to client	JCS	0.8
20170208	Review interrogatory responses	JCS	2.0
20170209	Review interrogatory responses, Many emails	JCS	4.0
20170210	Review interrogatory responses, Report to Thunder Bay School boards, Many emails, Draft and file followup questions	JCS	6.1
20170214	Attend at settlement conference, Many emails	JCS	7.7
20170215	Attend at settlement conference, Many emails, Draft and circulate letter re hearing location, Review new materials	JCS	5.8
20170216	Attend at settlement conference, Many emails	JCS	4.1
20170221	Revise and file letter re hearing, Many emails	JCS	0.8
20170222	Review VECC letter, Various emails	JCS	0.2
20170223	Many emails, Review letter	JCS	0.4
20170224	Many emails	JCS	0.3
20170228	Review Board letter, Various emails	JCS	0.1
20170301	Telephone call with Martin Davies, Various emails, Find references	JCS	0.2
20170302	Various emails, Rescheduling	JCS	0.1
20170303	Many emails	JCS	0.1
20170306	Many emails	JCS	0.3
20170307	Many emails	JCS	0.1
20170308	Review letter	JCS	0.1
20170309	Review Board letter	JCS	0.1
20170319	Many emails	JCS	0.2
20170320	Many emails, Review models	JCS	0.5
20170321	Many emails	JCS	0.2
20170322	Review and edit Settlement Agreement, Many emails	JCS	1.3
20170323	Many emails, Review potential addition to deal	JCS	0.4
20170324	Many emails, Conference call to resolve issues, Review new draft	JCS	1.2
20170327	Many emails, Review drafts	JCS	0.5
20170328	Many emails, Review and edit settlement document	JCS	0.6
20170329	Many emails, Review PO and scheduling, Review and edit settlement document	JCS	0.8
20170330	Many emails, Review and edit settlement document	JCS	1.1

20170331	Many emails, Review final settlement document	JCS	0.4
20170403	Various emails	JCS	0.1
20170407	Review staff submission, Many emails	JCS	0.3
20170412	Review new material, Review legal issues, Many emails	JCS	2.0
20170413	Further review of legal issues, Draft, revise and send letter to Board, Many emails	JCS	2.7
20170414	Many emails	JCS	0.2
20170417	Review Thunder Bay and VECC/AMPCO letters, Many emails	JCS	0.8
20170418	Review PO #3, Many emails, Legal research, Meet with Mark	JCS	2.0
20170419	Prep for hearing, Many emails, Review notes from parties, Review ACA and Tsimberg material, Review Tsimberg CV	JCS	3.1
20170420	Attend at oral hearing, Prep, Many emails, Review transcript	JCS	3.3
20170421	Review PO #4 and scheduling	JCS	0.3
20170425	Various emails	JCS	0.1
20170426	Review revised argreement and provide comments, Various emails	JCS	0.6
20170427	Many emails, Review new filing	JCS	0.2
20170504	Review PO and scheduling	JCS	0.3
20170512	Review Tsimberg evidence, Various emails	JCS	0.2
20170530	Review Tsimberg evidence, Review staff IRs, Draft and file interrogatories	JCS	3.6
20170602	Review interrogatories of others	JCS	0.3
20170612	Prep for hearing	JCS	0.6
20170615	Many emails	JCS	0.3
20170619	Prep for hearing, Research, Spreadsheet analysis	JCS	1.8
20170621	Prep for hearing, Research, Many emails, Review evidence updates, Review Tsimberg Report	JCS	2.2
20170623	Prep for hearing, Time estimates	JCS	3.0
20170626	Prep for hearing, Many emails	JCS	2.8
20170627	Prep for hearing, Many emails	JCS	4.6
20170628	Prep for hearing, Prepare compendium and file, Many emails, Review materials from others	JCS	8.1
20170629	Attend at hearing (in person), Various emails, Prep for Day 2, Review transcript	JCS	9.3
20170630	Prep, Attend at hearing (in person and internet), Argument scheduling, Various emails	JCS	6.1
20170703	Argument plan and outline	JCS	1.1
20170704	Review PO #6	JCS	0.2
20170705	Review transcripts, Review argument in chief	JCS	4.5
20170706	Review evidence, Review undertakings	JCS	3.2
20170707	Review evidence and transcripts	JCS	4.0
20170710	Evidence review	JCS	2.2
20170711	Evidence review, Draft final argument	JCS	3.9
20170712	Drafting final argument	JCS	4.3
20170713	Drafting final argument	JCS	9.1
20170714	Finalize and file argument, Various emails	JCS	4.4
20170715	Review arguments of others	JCS	2.2
20170728	Review reply submissions	JCS	1.0
20170921	Review decision, reporting, emails	JCS	1.1
20170928	Review new rates, Calculate inpacts and client reporting	JCS	0.3
			176.6

\$58,278.00

\$7,576.14

\$65,854.14