



BY EMAIL and RESS

Jay Shepherd
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Direct: 416-804-2767

November 22, 2017
Our File No. 20160066

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

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2016-0066 – E.L.K. 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.

Mark Rubenstein of our office took primary responsibility for this proceeding. Jay Shepherd had limited involvement, assisting only on the complicated technical issue associated with Account 1595.

This case was made complex by a number of issues with the Application itself, and additional issues that arose during the interrogatory process. Although the utility is relatively small, the concerns associated with it were substantial. Those issues and concerns were clearly seen in the settlement agreement, one that was sufficiently unusual that the Board sent it back for revisions and additional discussion. Although the matter was finally resolved in full through a negotiated settlement, it required more than the normal amount of discussion and negotiation to get to that result.

During the course of the proceeding, Mr. Rubenstein passed his sixth year since his call to the bar. A number of his hours have therefore been reported separately – in the agreement revision phase – at the new \$230 rate.

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Toronto, ON M4S 2C6 shepherdrubenstein.com



SEC submits that it participated responsibly and diligently to assist the Board in this proceeding, and its cost claim is reasonable relative to the contribution SEC made to the proceeding.

All of which is respectfully submitted.

Yours very truly,
JAY SHEPHERD P. C.

A handwritten signature in black ink, appearing to read "Jay Shepherd", written over a light gray rectangular background.

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-	2016-0066	Process:	E.L.K. 2017 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 **November 22, 2017**.
(date)

Commissioner for taking Affidavits

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Affidavit and Summary of Fees and Disbursements

File # EB- 2016-0066 Process: E.L.K. 2017 Rates

Party: School Energy Coalition

Summary of Fees and Disbursements Being Claimed

Legal/consultant/other fees	\$	15,614.00
Disbursements	\$	-
HST	\$	2,029.82
Total Cost Claim	\$	17,643.82

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>2016-0066</u>	Process: <u>E.L.K. 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"/>	<input type="text" value="1980"/>	<input type="text" value="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: <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		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Interrogatories					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Responses		\$ 330.00	\$ -	\$ -	\$ -
Issues Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation	3.6	\$ 330.00	\$ 1,188.00	\$ 154.44	\$ 1,342.44
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 330.00	\$ -	\$ -	\$ -
Argument					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Oral Hearing					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Other Conferences					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Case Management		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 1,188.00	\$ 154.44	\$ 1,342.44

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



File # EB- 2016-0066

Process: E.L.K. 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:	\$ -	\$ -	\$ -

Ontario Energy Board COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2016-0066</u>	Process: <u>E.L.K. 2017 Rates</u>
Party: <u>School Energy Coalition</u>	Service Provider Name: <u>Mark Rubenstein</u>
SERVICE PROVIDER TYPE (check one)	Year Called to Bar <input checked="" type="checkbox"/> 2011
Legal Counsel <input checked="" type="checkbox"/> 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="5"/>
For Consultant/Analyst: <input type="checkbox"/> CV attached <input type="checkbox"/> CV provided within previous 24 months	Hourly Rate: <input type="text" value="\$170"/> 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	1.0	\$ 170.00	\$ -	\$ -	\$ -
Attendance	1.0	\$ 170.00	\$ -	\$ -	\$ -
Technical Conference					
Preparation	1.0	\$ 170.00	\$ -	\$ -	\$ -
Attendance	1.0	\$ 170.00	\$ -	\$ -	\$ -
Interrogatories					
Preparation	8.4	\$ 170.00	\$ 1,428.00	\$ 185.64	\$ 1,613.64
Responses	4.2	\$ 170.00	\$ 714.00	\$ 92.82	\$ 806.82
Issues Conference					
Preparation	1.0	\$ 170.00	\$ -	\$ -	\$ -
Attendance	1.0	\$ 170.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation	11.1	\$ 170.00	\$ 1,887.00	\$ 245.31	\$ 2,132.31
Attendance	19.9	\$ 170.00	\$ 3,383.00	\$ 439.79	\$ 3,822.79
Proposal Preparation	18.8	\$ 170.00	\$ 3,196.00	\$ 415.48	\$ 3,611.48
Argument					
Preparation	1.0	\$ 170.00	\$ -	\$ -	\$ -
Oral Hearing					
Preparation	1.0	\$ 170.00	\$ -	\$ -	\$ -
Attendance	1.0	\$ 170.00	\$ -	\$ -	\$ -
Other Conferences					
Preparation	1.0	\$ 170.00	\$ -	\$ -	\$ -
Attendance	1.0	\$ 170.00	\$ -	\$ -	\$ -
Case Management					
Preparation	1.0	\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 10,608.00	\$ 1,379.04	\$ 11,987.04

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Detail of Fees and Disbursements Being Claimed

File # EB- 2016-0066

Process: E.L.K. 2017 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

File # EB- <u>2016-0066</u>	Process: <u>E.L.K. 2017 Rates</u>	
Party: <u>School Energy Coalition</u>	Service Provider Name: <u>Mark Rubenstein</u>	
SERVICE PROVIDER TYPE (check one)	Year Called to Bar	Completed Years Practising/Years of Relevant Experience
Legal Counsel <input checked="" type="checkbox"/>	<input type="checkbox"/> 2011	<input type="checkbox"/> 6
Articling Student/Paralegal <input type="checkbox"/>		
Consultant <input type="checkbox"/>		
Analyst <input type="checkbox"/>		
For Consultant/Analyst: <input type="checkbox"/> CV attached		Hourly Rate: <input type="text" value="\$230"/>
<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		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
Technical Conference					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
Interrogatories					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Responses		\$ 230.00	\$ -	\$ -	\$ -
Issues Conference					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
Proposal Preparation	16.6	\$ 230.00	\$ 3,818.00	\$ 496.34	\$ 4,314.34
Argument					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Oral Hearing					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
Other Conferences					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
Case Management		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 3,818.00	\$ 496.34	\$ 4,314.34

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Detail of Fees and Disbursements Being Claimed

File # EB- 2016-0066

Process: E.L.K. 2017 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:			
	\$ -	\$ -	\$ -

Date	Explanation	Lwyr	Hours
20170223	Review notice and application, Many emails, Meet with Mark	JCS	0.3
20170227	preliminary review of application/finalize and file Notice of Application	MR	0.5
20170325	review application/draft IRs	MR	5.1
20170326	review application/draft IRs	MR	2.2
20170331	finalize and file IRs/review PO	MR	0.4
20170403	emails/review other parties IRs	MR	0.2
20170421	emails/preliminary review of IRR	MR	0.2
20170501	review draft issues list/emails	MR	0.2
20170502	emails	MR	0.1
20170503	emails/review corr	MR	0.1
20170504	review decision re: issues list	MR	0.1
20170510	review IR responses	MR	3.5
20170511	prepare and file follow up questions	MR	0.5
20170512	emails/review staff IRs	MR	0.2
20170514	review IRR/prepare for settlement conference	MR	6.2
20170515	Telephone call with Mark, Many emails, research	JCS	1.0
20170515	attend settlement conference/review materials and prepare for day 2	MR	9.1
20170516	conference/prepare for day 3	MR	2.2
20170517	Meet with Mark, Analysis of 1595 issue, Many emails	JCS	1.8
20170517	attend settlement conference	MR	7.8
20170518	emails	MR	0.3
20170519	disc w JCS	MR	0.2
20170525	emails	MR	0.2
20170529	emails	MR	0.2
20170530	review draft settlement agreement/emails/provide edits and comments/emails	MR	2.3
20170530	many emails/review further edits and comments by intervenors/provide further edits and comments/coordinate and consolidate document to	MR	0.9
20170602	emails/conference call w all parties	MR	1.2
20170607	emails	MR	0.1
20170610	emails	MR	0.1
20170611	emails/review, comment and edit further version of settlement proposal	MR	0.8
20170612	emails/further edits/comments	MR	0.5
20170613	emails/review Staff edits	MR	0.3
20170614	conference call with parties/emails/p. call w. C. Khoo/p. call w. S. Grice/consider issues	MR	2.5
20170615	many emails to parties re: settlement/multiple p. calls w. C. Hausmann	MR	0.5
20170616	emails	MR	0.1
20170620	emails/review further settlement draft/multiple p. calls w. J. Vellone/p. call w. Ted A (Staff)	MR	2.1
20170621	p. call w. J. Vellone/emails/disc w JCS/p. call w. C. Hausmann	MR	1.1
20170622	emails/conference call with all parties/conference call with intervenors/p. call w. Chris Hausmann	MR	1.4
20170626	review revised settlement agreement/emails	MR	0.3
20170627	emails	MR	0.3
20170628	review final version of settlement agreement/emails/provide final edits	MR	0.7
20170629	review and sign off on settlement proposal	MR	0.2
20170630	emails/review PO	MR	0.2

20170704	p.call w D. Lau	MR	0.1
20170706	emails/review Staff sub	MR	0.3
20170824	review decision and PO/emails	MR	0.4
20170824	Review decision	JCS	0.5
20170825	emails/consider decision and comments re: 1595/prepare analysis for internal discussion	MR	1.4
20170828	emails/disc w JCS/p. call w S. Grice	MR	0.6
20170829	prepare for conference call/conf call w all parties/conf call w intervenors/emails/draft additions to settlement agreement	MR	2.9
20170830	draft additions to settlement agreement/many emails	MR	1.3
20170831	emails/review AMPCO comments	MR	0.3
20170901	conference call with all parties (re: 1595 accounting issues)/emails/p call w S. Grice/p call w D. Lau	MR	1.4
20170901	review PO/emails	MR	0.1
20170905	review material filed as appendix re: 1595	MR	0.6
20170906	emails/review VECC and staff additions to PO response	MR	0.5
20170907	emails/finalize and send response to parties	MR	0.6
20170911	many emails re: 1595	MR	0.5
20170912	emails	MR	0.5
20170913	emails/multiple p calls w. J. Scott	MR	0.5
20170914	prepare offer/emails/disc w S. Grice and C. Koo	MR	0.8
20170915	attend conference call/emails	MR	1.1
20170918	emails	MR	0.2
20170919	emails/preliminary review of new settlement proposal draft and consider	MR	0.6
20170920	attend conference call/emails	MR	1.0
20170921	many emails/provide edits and comments on settlement proposal draft	MR	1.2
20170922	many emails/p. call w. D. Lau regarding 1595 issue	MR	1.2
20170924	review and edit settlement proposal/review Staff proposal	MR	1.0
20170925	many emails/p. D. Lau/p. call w. S. Grice/review draft ELK ext corr and comment	MR	0.9
20170926	conference call w all parties re: 1595/conference call w intervenors and staff/emails	MR	1.3
20171002	emails/review further ELK proposal and underlying spreadsheets/conf call w all parties	MR	1.5
20171003	emails	MR	0.1
20171004	review final version/p. call w. Mark D/emails	MR	0.4
20171005	emails	MR	0.3
20171102	review decision/emails	MR	0.3
			82.6

62.4

16.6

JCS	3.6	1188
MR	79.0	3818
		10608