



**BY EMAIL and RESS**

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

April 12, 2018  
Our File: EB20150304

**Attn: Kirsten Walli, Board Secretary**

Dear Ms. Walli:

**Re: EB-2015-0304 – Pole Attachment Consultation – Cost Claim**

We are counsel for the School Energy Coalition ("SEC"). Enclosed, please find SEC's cost claim in this matter, including docket details. The undersigned was a member of the Pole Attachment Working Group ("PAWG"). The cost claim for that process is also included in this cost claim. Since no consultation spreadsheet has been provided, we have used the Board's usual form.

In filing this cost claim, We wish to highlight a few aspects of it.

First, the Board's letter of February 9, 2015 establishing the PAWG indicated that cost awards would be available for a maximum of actual meeting time multiplied by 1.5 to account for preparation and reporting. The undersigned was unable to attend one of the meetings of the PAWG due to an unavoidable conflict but did review the materials circulated beforehand, and provided written comments in advance to another ratepayer group participant (Mr. Bill Harper) to share as required. SEC requests that cost be awarded for this time.

In addition, the Board's letter referenced that the PAWG would include a series of meetings. In fact, the PAWG process also included each class of participants (e.g. ratepayer groups) providing a single set of detailed written input on a series of discrete issues. We have included 3.2 hrs for this task and ask that costs be awarded for this time. We have included this under the 'Argument' category.

Second, the Board's letter accompanying the Draft Report indicated that cost awards would be available to provide comments up to a maximum of 10 hours. Accompanying the Draft Report was a report by Nordicity that together was approximately 130 pages long. It was not possible to review the Draft Report, the Nordicity Report, undertake necessary research, and provide meaningful comments that would be of assistance to the Board in only 10 hours. In addition, there was significant material provided by other stakeholders in their own comments, most notably Rogers, which filed multiple expert reports, which SEC reviewed. We ask that the Board exercise its discretion to allow costs to be awarded for time spent on the consultation in excess of 10 hours.



Yours very truly,  
**Shepherd Rubenstein P.C.**

*Original signed by*

Mark Rubenstein

cc: Wayne McNally, SEC (by email)  
Board Staff (by email)

# 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-	EB-2015-0304	Process:	Pole Attachment Consultation and Working Group
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 **April 12 2018**.  
(date)

### Commissioner for taking Affidavits

**Ontario Energy Board**  
**COST CLAIM FOR HEARINGS**



**Affidavit and Summary of Fees and Disbursements**

**File #** EB- 2015-0304 **Process:** Pole Attachment Consultation and Working Group

**Party:** School Energy Coalition

**Summary of Fees and Disbursements Being Claimed**

Legal/consultant/other fees	\$	10,308.00
Disbursements	\$	-
HST	\$	1,340.04
<b>Total Cost Claim</b>	<b>\$</b>	<b>11,648.04</b>

**Payment Information**

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

Send payment to this address: 2200 Yonge Street

Suite 1302

Toronto, ON

M4S 2C6

# Ontario Energy Board

## COST CLAIM FOR HEARINGS



### Detail of Fees and Disbursements Being Claimed

<b>File # EB-</b> <u>EB-2015-0304</u>	<b>Process:</b> <u>Pole Attachment Consultation and Working Group</u>
<b>Party:</b> <u>School Energy Coalition</u>	<b>Service Provider Name:</b> <u>Mark Rubenstein - PAWG</u>

  

<b>SERVICE PROVIDER TYPE</b> (check one)	<b>Year Called to Bar</b>	<b>Completed Years Practising/Years of Relevant Experience</b>
Legal Counsel <input checked="" type="checkbox"/>	2011	5
Articling Student/Paralegal <input type="checkbox"/>		
Consultant <input type="checkbox"/>		
Analyst <input type="checkbox"/>		

  

Hourly Rate:	\$170
For Consultant/Analyst: <input type="checkbox"/> CV attached	<b>HST Rate Charged (enter %):</b> 13.0%
<input type="checkbox"/> CV provided within previous 24 months	

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
<b>Pre-hearing Conference</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
<b>Technical Conference</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
<b>Interrogatories</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Responses		\$ 170.00	\$ -	\$ -	\$ -
<b>Issues Conference</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
<b>ADR - Settlement Conference</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 170.00	\$ -	\$ -	\$ -
<b>Argument</b>					
Preparation	3.20	\$ 170.00	\$ 544.00	\$ 70.72	\$ 614.72
<b>Oral Hearing</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
<b>Other Conferences</b>					
Preparation	14.20	\$ 170.00	\$ 2,414.00	\$ 313.82	\$ 2,727.82
Attendance	22.40	\$ 170.00	\$ 3,808.00	\$ 495.04	\$ 4,303.04
<b>Case Management</b>			\$ -	\$ -	\$ -
<b>TOTAL SERVICE PROVIDER FEES</b>			\$ 6,766.00	\$ 879.58	\$ 7,645.58

# Ontario Energy Board

## COST CLAIM FOR HEARINGS



### Detail of Fees and Disbursements Being Claimed

File # EB- EB-2015-0304

Process: Pole Attachment Consultation and Working Group

Party: School Energy Coalition

Service Provider Name: Mark Rubenstein - PAWG

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:		\$ -	\$ -
<b>TOTAL DISBURSEMENTS:</b>	\$ -	\$ -	\$ -

Date	Explanation	Lwyr	Hours
20160122	p. call from M. Bell	MR	0.1
20160209	emails/review ltr	MR	0.3
20160301	emails	MR	0.1
20160419	p. call w M. Bell	MR	0.3
20160420	emails	MR	0.1
20160426	emails	MR	0.2
20160427	emails	MR	0.1
20160503	Emails	MR	0.1
20160513	emails	MR	0.2
20160516	emails	MR	0.1
20160518	emails	MR	0.1
20160519	prepare for meeting	MR	2.5
20160520	attend meeting/disc w participants	MR	7.4
20160603	emails/review and provide M. Bell comments on meeting minutes	MR	0.2
20160610	p. call w M. Bell	MR	0.1
20160616	emails	MR	0.1
20160629	emails/p. call w M. Piaskoski (Rogers)/emails/review Rogers issues list	MR	0.5
20160725	emails	MR	0.1
20160726	prepare for meeting/review materials	MR	3.0
20160727	attend working group meeting/disc w participants	MR	7.5
20160919	emails re: conference call tomorrow/ Review Carriers detailed email/consider issues to raise	MR	0.5
20160920	attend PAWG conference call re: data	MR	1.4
20160923	emails/review conference call notes and edits to conference call notes	MR	0.2
20161121	emails	MR	0.1
20161122	emails	MR	0.1
20161123	review slide deck re: meeting/email Bill Harper comments and views for meeting which I cannot attend	MR	1.5
20161126	emails re: Bill Harper meeting summary	MR	0.3
20161222	email/review meeting minutes	MR	0.5
20170103	emails/review parties' comments/review Rogers issues sheet	MR	0.3
20170105	emails	MR	0.2
20170120	emails	MR	0.2
20170131	prepare for meeting	MR	0.5
20170131	attend meeting/disc w participants	MR	7.5
20170203	p. call w. Michael L	MR	0.2
20170216	emails	MR	0.2
20170217	emails re: coordinating with BH response to Staff request	MR	0.2
20170304	review Bill H. draft comments for key issues submissions, provide comments, revisions and additions	MR	1.5
20170305	finish review of draft comments, provide edits/emails/review Bill Harper revisions/finalize and email	MR	1.2
20170316	email	MR	0.1
			<b>39.8</b>

# Ontario Energy Board

## COST CLAIM FOR HEARINGS



### Detail of Fees and Disbursements Being Claimed

<b>File # EB-</b> <u>EB-2015-0304</u>	<b>Process:</b> <u>Pole Attachment Consultation and Working Group</u>
<b>Party:</b> <u>School Energy Coalition</u>	<b>Service Provider Name:</b> <u>Mark Rubenstein - Consultat</u>
<p><b>SERVICE PROVIDER TYPE</b> (check one)</p> <p>Legal Counsel <input type="checkbox"/></p> <p>Articling Student/Paralegal <input type="checkbox"/></p> <p>Consultant <input type="checkbox"/></p> <p>Analyst <input type="checkbox"/></p> <p>For Consultant/Analyst: <input type="checkbox"/> CV attached  <input type="checkbox"/> CV provided within previous 24 months</p>	<p><b>Year Called to Bar</b></p> <p style="text-align: center;">2011</p> <p><b>Completed Years Practising/Years of Relevant Experience</b></p> <p style="text-align: center;">6</p> <p><b>Hourly Rate:</b> <span style="border: 1px solid black; padding: 2px;">\$230</span></p> <p><b>HST Rate Charged (enter %):</b> <span style="border: 1px solid black; padding: 2px;">13.0%</span></p>

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
<b>Pre-hearing Conference</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>Technical Conference</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>Interrogatories</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Responses		\$ 230.00	\$ -	\$ -	\$ -
<b>Issues Conference</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>ADR - Settlement Conference</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 230.00	\$ -	\$ -	\$ -
<b>Argument</b>					
Preparation	15.40	\$ 230.00	\$ 3,542.00	\$ 460.46	\$ 4,002.46
<b>Oral Hearing</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>Other Conferences</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>Case Management</b>			\$ -	\$ -	\$ -
<b>TOTAL SERVICE PROVIDER FEES</b>			\$ 3,542.00	\$ 460.46	\$ 4,002.46



# Ontario Energy Board

## COST CLAIM FOR HEARINGS



### Detail of Fees and Disbursements Being Claimed

File # EB- EB-2015-0304

Process: Pole Attachment Consultation and Working Group

Party: School Energy Coalition

Service Provider Name: Mark Rubenstein - Consultat

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:		\$ -	\$ -
<b>TOTAL DISBURSEMENTS:</b>	\$ -	\$ -	\$ -

Date	Explanation	Lwyr	Hours
20171218	prelim review of draft report	MR	0.5
20180103	emails/p. call w. Michael L (Board Staff)	MR	0.3
20180206	review reports/consider issues/research implementation issues /draft submissions	MR	6.1
20180207	draft submissions/emails/review VECC draft	MR	4.8
20180208	draft submissions/edit and finalize submission/p. call w . R. Aiken	MR	2.5
20180209	review parties submssions/emails	MR	1.2
			15.4