

BY EMAIL and RESS

Jay Shepherd jay@shepherdrubenstein.com Direct: 416-804-2767

September 27, 2018 Our File No. 20170306/7

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

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2017-0306/7 - Enbridge Union MAADs and 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.

This was the largest merger case, and the largest natural gas rate case, in the Board's history. In additional to an initial issue over the scope of the proceeding, the case had extensive interrogatories, both to the Applicants and their experts and to the experts of others, a three-day technical conference, and a six day hearing. Fourteen intervenors participated, dealing with many issues that the Board was considering for the first time.

At stake for school boards was incremental gas distribution bills estimated to be \$62 million over ten years, i.e. about 30% more than current bills. For all customers the rates proposed were estimated to be \$1 billion more than bills using status quo rate escalation mechanisms. It was, thus, a seminal case, made more complex by the intersection between MAADs policies largely written for the electricity sector, and the unique rate approach the Board has employed in the gas sector. The Board's comprehensive Decision with Reasons attests to these complexities.

SEC took a leading role in many aspects of the proceeding. In the issues definition process, SEC worked with other parties, in particular IGUA, in the development of a common issues list. SEC filed a comprehensive set of interrogatories, and also filed a motion for better answers that ultimately was resolved. In the Technical Conference, SEC took a very active role in addressing the key issues, including working with other parties, and with the Applicants, to get some common numbers that could be relied on thereafter by everyone. Finally, in the oral hearing and in final argument, SEC ensured that it covered all key issues, and took the lead on a number of the issues.

Shepherd RubensteinProfessional Corporation | Regulatory Law2200 Yonge Street, Suite 1302T. (416) 483-3300F. (416) 483-3305Toronto, ON M4S 2C6shepherdrubenstein.com

Shepherd Rubenstein

SEC organized its participation to use is resources as efficiently as possible. Senior counsel Jay Shepherd took primary carriage of the matter, and was the representative attending the technical conference and the oral hearing. Co-counsel Mark Rubenstein took responsibility for three of the key, and most time-consuming, areas, the issues list, the motion for interrogatory responses, and the capital plan. He also provided some limited assistance to lead counsel in other areas. The split of hours is consistent with this division of responsibility.

As all printing and conference calling was completed using in-house resources, no disbursements have been claimed. In the attached materials, the time spent on the motion for interrogatory and technical conference responses has been included in the category Oral Hearing – Preparation, as that is the category under which TC Undertakings would be filed and reviewed.

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.**

Jay Shepherd

cc: Wayne McNally, SEC (email) Interested Parties



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.

- 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: Countr

- 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- 2017-0306/7		Process: Enbridge Union MAADs and Rates					
Party:	Scho	ol Energy Coalition		Affiant's Name: Jay Shepherd				
HST Numbe	er:	83673-5464-RT0001		HST Rate Ontario:	13.00%			
		Full Registrant		Qualifying Non-Profit				
		Unregistered Other		Tax Exempt				

				Affidavit					
I, Jay Shepher		ay 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	e me at the City/Town of	Toronto				
in the Province/State of	Ontario	, c	on	September 28, 2018		
			•	(date)		



Affidavit and Summary of Fees and Disbursements

Commissioner for taking Affidavits

File # EB- 2017-0306/7

Process: Enbridge Union MAADs and Rates

Party: School Energy Coalition

Summary of Fees and Disbursements Being Claimed							
Legal/consultant/other fees	\$	140,941.00					
Disbursements	\$	-					
HST	\$	18,322.33					
Total Cost Claim	\$	159,263.33					

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						





Detail of Fees and Disbursements Being Claimed

File # EB- 2017-0306/7			Process: Enbridge Union MAADs and Rates						
Party: School Energy Coalition			Service P	rov	ider Name:	Jay	Shepherd		
<u>SERVICE PROVIDER TYPE</u> Legal Counsel	(check one)	Yea	ar Called to Bar 1980			ſ	Complet Practising/Yea Exper 3	ars of	Relevant
Articling Student/Paralegal									<u> </u>
Consultant							Hourly Rate:		\$330
Analyst									
For Consultant/Analyst:	CV attac	ched			HST Rate Ch	narg	ed (<i>enter %</i>):		13.0%
	CV prov	ided	within previo	ous 2	4 months				
S	tatement o	of Fe	es Being	Cla	imed				
	Hours	r	urly Rate	-	Subtotal		HST		Total
Pre-hearing Conference									
Preparation		\$	330.00	\$	-	\$	-	\$	-
Attendance		\$	330.00	\$	-	\$	-	\$	-
Technical Conference									
Preparation	28.6	\$	330.00	\$	9,438.00	\$	1,226.94	\$	10,664.94
Attendance	21.0	\$	330.00	\$	6,930.00	\$	900.90	\$	7,830.90
Interrogatories									
Preparation		\$	330.00		13,893.00	\$	1,806.09	\$	15,699.09
Responses	21.0	\$	330.00	\$	6,930.00	\$	900.90	\$	7,830.90
Issues Conference									
Preparation	6.0	-	330.00	\$	1,980.00	\$	257.40	\$	2,237.40
Attendance		\$	330.00	\$	-	\$	-	\$	-
ADR - Settlement Conference		<u> </u>		<u>_</u>		<u> </u>		<i>.</i>	
Preparation		\$	330.00	\$	-	\$	-	\$	-
Attendance		\$	330.00	\$	-	\$	-	\$	-
Proposal Preparation Argument		\$	330.00	\$	-	\$	-	\$	-
Preparation	80.2	\$	330.00	ć	26,466.00	\$	3,440.58	\$	29,906.58
Oral Hearing	00.2	Ş	550.00	Ş	20,400.00	Ş	5,440.36	ې	29,900.38
Preparation	136.2	\$	330.00	¢	44,946.00	\$	5,842.98	\$	50,788.98
Attendance	40.0	\$	330.00	\$		\$	1,716.00	\$	14,916.00
Other Conferences		7	220.00	7	_0,_00.00	7	_,0.00	7	,
Preparation		\$	330.00	\$	-	\$	-	\$	-
Attendance		\$	330.00	\$	-	\$	-	\$	-
Case Management		\$	170.00	\$	-	\$	-	\$	-
TOTAL SERVICE PROVIDER FEES				¢ ر	123,783.00	¢	16 091 79	Ś	139,874.79



File # EB- 2017-0306/7

Process:

Enbridge Union MAADs and Rates

Party: Sc

School Energy Coalition

Service Provider Name:

Jay Shepherd

Statem	ent of Disbursements Being Claim	ed	
	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:	\$ -	\$-	\$-





Detail of Fees and Disbursements Being Claimed

File # EB- 2017-0306/7			Process: Enbridge Union MAADs and Rates						
Party: School Energy Coalition			Service P	rov	ider Name:	Ma	ark Rubenst	ein	
SERVICE PROVIDER TYPE Legal Counsel	(check one)	Yea	ar Called to Bar 2011]		F	Complet Practising/Yea Exper	irs of	Relevant
Articling Student/Paralegal				1					
Consultant							Hourly Rate:		\$230
Analyst									
For Consultant/Analyst:	CV attac	ched			HST Rate Cl	narg	ed (<i>enter %</i>):		13.0%
	CV prov	ided	within previo	ous 2	4 months	-			
	tatement o	of Ea	as Baing	Cla	imed				
3	Hours		ourly Rate	T	Subtotal		HST		Total
Pre-hearing Conference			,						
Preparation		\$	230.00	\$	-	\$	-	\$	-
Attendance		\$	230.00	\$	-	\$	-	\$	-
Technical Conference									
Preparation	12.0	\$	230.00	\$	2,760.00	\$	358.80	\$	3,118.80
Attendance		\$	230.00	\$	-	\$	-	\$	-
Interrogatories									
Preparation	13.4	\$	230.00	\$	3,082.00	\$	400.66	\$	3,482.66
Responses	6.0	\$	230.00	\$	1,380.00	\$	179.40	\$	1,559.40
Issues Conference									
Preparation	22.1	\$	230.00	\$	5,083.00	\$	660.79	\$	5,743.79
Attendance	2.7	\$	230.00	\$	621.00	\$	80.73	\$	701.73
ADR - Settlement Conference									
Preparation		\$	230.00	\$	-	\$	-	\$	-
Attendance		\$	230.00	\$	-	\$	-	\$	-
Proposal Preparation		\$	230.00	\$	-	\$	-	\$	-
Argument	F C	<u> </u>			4 2 2 2 2 2 2			ć	
Preparation	5.6	\$	230.00	\$	1,288.00	\$	167.44	\$	1,455.44
Oral Hearing Preparation	12.0	ć	220.00	<u> </u>	2 0 4 4 0 0	<u> </u>	382.72	\$	3,326.72
Attendance	12.8	\$ \$	230.00 230.00	\$ \$	2,944.00	\$ \$	382.72	ې \$	5,520.72
Other Conferences		ې	230.00	ڊ ا	-	ڊ ا	-	ډ	-
Preparation		\$	230.00	\$		\$	-	\$	
Attendance		ې \$	230.00	ې \$	-	ې \$	-	ې \$	-
Case Management		ې \$	170.00	\$	-	\$	-	\$	_
			170.00						
TOTAL SERVICE PROVIDER FEES				\$	17,158.00	\$	2,230.54	\$	19,388.54



File # EB- 2017-0306/7

Process:

Enbridge Union MAADs and Rates

Party:

School Energy Coalition

Service Provider Name:

Mark Rubenstein

Staten	nent of Disbursements Being Claim	ed	
	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:	\$ -	\$-	\$ -



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20180124edit submissions/provide draft to parties/emailsMR0.20180124Review draft issues list submissions and edit, Review comments from others, Many emailsJCS1.720180125edit and finalize submission/emails/review BOMA subMR0.					3.2
20180124Review draft issues list submissions and edit, Review comments from others, Many emailsJCS1.720180125edit and finalize submission/emails/review BOMA subMR0.				<u> </u>	0.5
20180125 edit and finalize submission/emails/review BOMA sub MR 0.				1 7	0.5
				1.7	0.6
					0.6
			MR		1.0
20180127 Many emails, Review submissions of others JCS 1.0				1.0	
					4.0
					2.0
20180131 Review and edit issues submissions JCS 2.2				2.2	
20180131 edit, finalize and email MR 0.	20180131	edit, finalize and email	MR		0.2

20100201		MP	т г	
	many emails/finalize and edit	MR		0.3
	review reply submission/emails Review issues list submissions, Many emails, Review reply	MR JCS	0.7	0.4
	emails/review parties' submissions		0.7	1.2
	Review Enbridge reply	MR	0.4	1.2
		JCS	0.4	0.5
	review reply sub Review evidence	MR JCS	2.0	0.5
			-	
	Various emails	JCS	0.2	0.1
20180221	emails emails/review decisions	MR		0.1
		MR		0.4
20180301	Review PO #3 and scheduling	JCS	0.3	0.2
		MR	1.2	0.2
	Review decision and order, Many emails	JCS	1.3	0.1
	emails/review CCC letter	MR		0.1
	disc w JCS/review corr/emails	MR		0.3
	Many emails, Review evidence, Review correspondence	JCS	2.0	
	draft IRs/disc w JCS	MR		3.5
-	Review evidence, Meeting with Mark, Many emails	JCS	4.7	
	emails/review parties' IRs	MR		0.1
	Complete evidence review, Draft, revise and file interrogatories, Review interrogatories of others,			
	Meeting with Mark, Many emails	JCS	7.2	
	Analysis for TC and source document review	JCS	1.5	
20180318	Issues review and analysis for TC	JCS	2.2	
20180320	Many emails, Review Hempling article, Meet with Mark	JCS	0.6	
20180320	emails/disc w JCS	MR		0.3
20180321	Many emails, Review scope of PEG work, Meet with Mark	JCS	0.8	
20180322	emails	MR		0.1
20180323	Review interrogatory responses, Many emails	JCS	1.4	
20180324	Review interrogatory responses, Many emails, Review update	JCS	6.5	
20180324	review IRs/emails/create spreadsheet analysis	MR		3.0
20180325	Review interrogatory responses, Prepare calculations and summary, Many emails	JCS	6.3	
20180325	review IRs and provide JCS with tech conference questions/emails	MR		1.5
	Review interrogatory responses, Many emails, Draft and file letter to Board	JCS	8.8	
	emails/disc w JCS	MR		0.4
	Review interrogatory responses, Prepare second round of calculations and summary, Many emails,			
	Review PO #4 and scheduling, Review new	JCS	8.0	
	emails/review PO/review materials for tech conf	MR		0.6
	Attend at technical conference (in person and internet), Many emails, Continue review of IR			
20180328	responses, Review Board letter	JCS	8.3	
20100020	Attend at technical conference (in person and internet), Many emails, Continue review of IR		0.0	
20180329	responses	JCS	7.5	
	Many emails, Spreadsheet revisions, Review transcripts, Continue IR review	JCS	2.6	
	Many emails, Review capital evidence and responses, Amend FRPO 11	JCS	4.4	
	Review transcripts, Various emails	JCS	0.4	
	Prep for TC day 3, Review transcripts, Review IR responses	JCS	4.2	
20100102	Attend at technical conference (in person and internet), Many emails, Send material to OEB staff,	303	1.2	
20180/03	Review transcripts	JCS	7.1	
	Review initial responses, Many emails	JCS	1.2	
	Review additional responses	JCS	1.2	
	Review UT responses, Many emails	JCS	1.1	
	disc w JCS/draft motion		1.0	2 5
	Meet with Mark re refusals, Many emails, Review evidence of Energy Probe, Review evidence of	MR		3.5
		100	4.0	
	OEB Staff, Review motion materials	JCS	4.0	2.5
	disc w JCS/edit motion and put together appendix/file motion/p. call w. M. Millar	MR		2.5
	Review motion materials, Meet with Mark, Complete review of EP and Lowry evidence	JCS	3.3	
	Drafting interrogatories, Sign and file Declaration, Many emails, Review updated exhibits	JCS	3.0	
1040044F	Review evidence for IRs	JCS	3.3	
	Finalize and file internegatorias Many analla Deview DO #F	JCS	4.7	
20180416	Finalize and file interrogatories, Many emails, Review PO #5			
20180416 20180416	review PO/emails	MR		0.3
20180416 20180416 20180417	review PO/emails Many emails, Review confidential filing, Prep for hearing	MR JCS	4.5	0.3
20180416 20180416 20180417	review PO/emails Many emails, Review confidential filing, Prep for hearing Many emails, Telephone conversation with Julie, Review interrogatories of others	MR	4.5	0.3

20180419	Review EGD motion response, Many emails	JCS	0.4	
	prelim review of Applicant response to motion	MR		0.3
	Review additional materials, Many emails, Review Kitchener letter	JCS	1.2	
	Prep for hearing	JCS	4.0	
	review EGD materials filed in motion re: storage competition reports	MR		3.3
	Many emails	JCS	0.1	
	Many emails	JCS	0.3	
	Many emails, Review IRR update, Time estimates	JCS	1.4	
	Many emails, Prep for hearing, Review PO #6	JCS	1.4	
	review PO	MR	1.0	0.1
		JCS	0.7	0.1
	Many emails, Review and comment on hearing plan, Review PO #7			
	Prep for hearing, Draft and circulate statement of positions, Many emails	JCS	6.8	0.5
	emails/disc w JCS re: position submission to Bd	MR		0.5
20180429	Prep for hearing	JCS	4.5	
	Revise and file Statement of Positions, Review statements of others, Many emails. Prep for hearing,			
	Intervenor conference call	JCS	6.0	
	disc w JCS/review parties subscriptions on prel issues	MR		0.6
20180501	disc w JCS re: confidentiality	MR		0.1
	Prep cross-examination, Many emails, Review undertaking responses, Review remaining initial			
20180501		JCS	6.6	
20180502	disc w JCS	MR		0.2
	Prep cross-examination, Complete and file Compendium, Many emails, Review compendia of			
20180502	others	JCS	7.5	
20180503	Attend at hearing (in person), Prep, Many emails, Meet with other intervenors, File materials	JCS	9.7	
20180504	emails	MR		0.3
	Attend at hearing (in person and internet), Prep, Many emails, Meet with other intervenors, Review			
20180504	new filings	JCS	7.6	
	Review transcripts, Procedural note to Board, Many emails	JCS	3.0	
	Various emails	JCS	0.2	
	Many emails, Review PEG updated materials	JCS	1.0	
	Many emails, Telephone conversation with Julie Girvan	JCS	1.0	
	Many emails, Review PO #8, Scheduling	JCS	0.5	
	Review undertaking responses	JCS	1.0	
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	Prep for oral hearing (Panels 3, 4 and 5)	JCS	2.5	
	Prep for oral hearing (Panels 3, 4 and 5)	JCS	6.6	
-	Attend at hearing, Many emails, Prep, Review new documents	JCS	9.3	
	Attend at hearing, Many emails, Prep, Review new documents	JCS	8.8	
	Review transcripts, Many emails	JCS	2.0	
	Prep for hearing, Review transcripts, Many emails, Review undertaking responses	JCS	4.8	
	Attend at hearing, Many emails, Review evidence	JCS	4.0	
20180518	disc w JCS/emails	MR		0.3
	Review evidence, transcripts	JCS	1.0	
20180522	Review transcripts, Evidence, Many emails	JCS	3.0	
	Many emails, Review undertaking responses, Prep for final day of hearing, Procedural discussion re			
20180523	argument	JCS	4.3	
	Research, Building spreadsheets and materials, Coordinating existing materials, Many emails,			
20180524	Procedural responses	JCS	8.0	
20180525	Finalize and circulate new cross spreadsheets, Many emails, Prep for hearing, Review hearing plan	JCS	6.5	
-	disc w JCS	MR		0.3
	Many emails, Prep for hearing, Review utility adjustments to numbers, Sort and outline cross			
20180526		JCS	4.4	
-	Prep for Hearing, Finalize and circulate compendium, Many emails, Seek agreement on numbers	JCS	10.7	
	Attend at hearing, Prep, Review, Many emails	JCS	7.6	
	Meet with Mark, Review transcripts, Analysis of issues for argument	JCS	3.0	
	Review evidence, Plan argument components and analysis, Many emails	JCS	2.0	
	Draft Argument summary and revise, Many emails, Review evidence, Review PO #9	JCS	6.5	
			0.5	0.5
	review and comment on JCS arg outlline/emails	MR	├ ────	0.5
	review SEC outline/emails	MR		0.3
-	Draft and circulate summary of positions, Many emails, Review argument in chief	JCS	5.2	
20180603	Reviewing evidence	JCS	1.5	
		100	3.2	
	Review corrections, Many emails re intervenor arguments, Analysis of issues, Review evidence Review evidence	JCS JCS	3.0	

20180606	Attend at meeting, Many emails, Telephone call with Josh, Drafting argument	JCS	3.2	
20180607	Drafting argument	JCS	2.0	
20180608	disc w JCS re: argument	MR		0.5
20180608	Many emails, Drafting argument, Review evidence	JCS	3.0	
20180610	Drafting argument	JCS	2.0	
20180611	Drafting argument, Many emails	JCS	3.0	
20180612	Drafting argument, Review drafts from others, Develop spreadsheets, Many emails	JCS	2.7	
20180613	Drafting argument, Review drafts from others, Develop spreadsheets, Many emails	JCS	6.5	
20180613	emails/review DRQ's PDO draft and comments in reply	MR		0.5
20180614	Drafting argument, Review drafts from others, Develop spreadsheets, Many emails	JCS	8.8	
20180614	review parties drafts	MR		1.0
	Drafting argument, Complete and check revised straw man, Many emails, Review sections of other			
20180615	final arguments, Revising and filing arg	JCS	12.3	
20180615	review SEC draft/emails	MR		0.1
20180615	review parties submissions/emails	MR		1.2
20180616	Review final arguments from others	JCS	3.0	
20180616	review parties sub	MR		0.6
20180617	Review VECC submissions	JCS	0.6	
20180626	Review for reporting	JCS	1.0	
20180629	Review reply argument	JCS	2.0	
20180630	review reply arg	MR		1.0
20180701	Analysis of issues in reply	JCS	0.6	
20180703	Report to Client	JCS	1.1	
20180829	Lockup, Review Decision, Reporting to client, Many emails	JCS	4.0	
20180829	review decision	MR		0.5
			375.1	74.6
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			\$17,158.00	
			\$140,941.00	

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