



BY EMAIL and RESS

Mark Rubenstein
mark@shepherdrubenstein.com
Dir. 647-483-0113

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

April 25, 2019
Our File: EB20180056

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2018-0056 – Niagara-on-the-Lake Hydro 2019 – Cost Claim

We are counsel to the School Energy Coalition ("SEC"). Enclosed, please find SEC's cost claim on the Board's form with detailed dockets. Time spent consulting with co-counsel Jay Shepherd have not been claimed.

SEC notes that while the unsettled issues went to written argument; the Applicant filed additional evidence on multiple issues after the filing of the settlement proposal which necessitated a second round of interrogatories.

Further, we have 'Other Conference – Preparation' category for time docketed for items that do not fall within the other categories (i.e. reviewing notice, filing Notice of Intervention, reviewing decision and draft rate order materials. etc).

Yours very truly,
Shepherd Rubenstein P.C.

Original signed by

Mark Rubenstein

cc: Wayne McNally (by email)
Applicant (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-2018-0056	Process:	NOTL 2019
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 24, 2019.
(date)

Commissioner for taking Affidavits

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Affidavit and Summary of Fees and Disbursements

File # EB- EB-2018-0056 Process: NOTL 2019

Party: School Energy Coalition

Summary of Fees and Disbursements Being Claimed

Legal/consultant/other fees	\$	17,687.00
Disbursements	\$	-
HST	\$	2,299.31
Total Cost Claim	\$	19,986.31

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

File # EB- <u>EB-2018-0056</u>	Process: <u>NOTL 2019</u>
Party: <u>School Energy Coalition</u>	Service Provider Name: <u>Mark Rubenstein</u>
SERVICE PROVIDER TYPE (check one)	Year Called to Bar
Legal Counsel <input checked="" type="checkbox"/>	<input type="text" value="2011"/>
Articling Student/Paralegal <input type="checkbox"/>	Completed Years Practising/Years of Relevant Experience
Consultant <input type="checkbox"/>	<input type="text" value="7"/>
Analyst <input type="checkbox"/>	Hourly Rate: <input type="text" value="\$230"/>
For Consultant/Analyst: <input type="checkbox"/> CV attached	HST Rate Charged (enter %): <input type="text" value="13.0%"/>
<input type="checkbox"/> CV provided within previous 24 months	

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	16.40	\$ 230.00	\$ 3,772.00	\$ 490.36	\$ 4,262.36	
Responses	5.70	\$ 230.00	\$ 1,311.00	\$ 170.43	\$ 1,481.43	
Issues Conference						
Preparation		\$ 230.00	\$ -	\$ -	\$ -	
Attendance		\$ 230.00	\$ -	\$ -	\$ -	
ADR - Settlement Conference						
Preparation	12.80	\$ 230.00	\$ 2,944.00	\$ 382.72	\$ 3,326.72	
Attendance	13.00	\$ 230.00	\$ 2,990.00	\$ 388.70	\$ 3,378.70	
Proposal Preparation	8.80	\$ 230.00	\$ 2,024.00	\$ 263.12	\$ 2,287.12	
Argument						
Preparation	17.10	\$ 230.00	\$ 3,933.00	\$ 511.29	\$ 4,444.29	
Oral Hearing						
Preparation		\$ 230.00	\$ -	\$ -	\$ -	
Attendance		\$ 230.00	\$ -	\$ -	\$ -	
Other Conferences						
Preparation	3.10	\$ 230.00	\$ 713.00	\$ 92.69	\$ 805.69	
Attendance		\$ 230.00	\$ -	\$ -	\$ -	
Case Management						
			\$ -	\$ -	\$ -	
TOTAL SERVICE PROVIDER FEES			\$ 17,687.00	\$ 2,299.31	\$ 19,986.31	

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Detail of Fees and Disbursements Being Claimed

File # EB- EB-2018-0056

Process: NOTL 2019

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
20180910	draft Notice of Intervention	MR	0.2
20180914	email	MR	0.1
20181010	review PO	MR	0.1
20181022	review application/draft IRs	MR	6.5
20181024	emails	MR	0.2
20181028	review app and draft IRs	MR	3.0
20181029	emails	MR	0.2
20181030	edit, finalize and file IRs/review VECC IRs	MR	0.5
20181119	email	MR	0.1
20181120	emails	MR	0.1
20181123	emails re: issues list	MR	0.2
20181127	email	MR	0.1
20181204	review IRR/disc w JCS	MR	4.2
20181205	review evidence and draft pre-ADR questions/prepare for settlement conference	MR	4.5
20181207	prepare for settlement conference	MR	3.5
20181209	prepare for settlement conference	MR	2.8
20181210	attend settlement conference	MR	8.3
20181210	Prepare for day 2	MR	2.0
20181211	attend settlement conference	MR	4.7
20181214	emails	MR	0.3
20181217	review models provided by NOTL/disc w JCS/emails/review documents	MR	1.2
20181218	email	MR	0.1
20181219	emails	MR	0.2
20181221	prel review of settlement proposal/emails/review PO/provide preliminary edits and comments on proposal	MR	2.2
20181227	emails/research and considering issues arising during settlement negotiations	MR	1.0
20190102	review VECC comments and edits/provide further comments and edits	MR	1.0
20190103	emails	MR	0.2
20190107	many emails btw parties	MR	0.5
20190108	prel review copies of additional evidence/revised settlement proposal/emails	MR	0.6
20190109	emails/further revisions to settlement proposal/p. call w Mark Garner/p. call w. D. Stevens	MR	2.1
20190110	further edits and comments/emails	MR	0.8
20190114	emails/review PO	MR	0.1
20190115	review additional evidence and prepare IRs	MR	1.5
20190117	review of staff sub	MR	0.2
20190118	review additional evidence and draft IRs/emails	MR	0.8
20190121	review additional evidence and draft IRs	MR	1.6
20190124	finalize and file supp IRs	MR	0.1
20190125	emails	MR	0.1
20190130	emails/prel review of supp IRR	MR	0.3
20190131	emails	MR	0.1
20190203	review sup IRR	MR	0.5
20190204	emails/p. call w. T. Li/p. call w. M. Garner/p. call w. D. Stevens/draft sub	MR	0.6
20190205	emails	MR	0.3
20190206	emails	MR	0.1
20190207	emails/review corr	MR	0.2
20190208	review partial decision and PO	MR	0.1
20190210	emails	MR	0.1
20190211	emails/review corr/review revised models	MR	0.2
20190213	review revised DVA schedule	MR	0.2
20190214	review PO	MR	0.1
20190219	prel review of AinC	MR	0.3
20190220	draft argument	MR	2.5
20190221	draft arg/review VECC draft subscriptions on certain issues	MR	2.0
20190226	draft submissions	MR	2.7
20190301	draft submissions	MR	3.5
20190302	draft submissions	MR	2.9

20190304	edit, revise, finalize and file submissions/review other parties submissions	MR	2.5
20190315	review reply argument	MR	0.7
20190411	review decision/emails	MR	0.5
20190423	emails/review revised decision/review DRO information	MR	0.3
20190424	review revised rate order material/emails	MR	0.3
			76.9