



**BY EMAIL and RESS**

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

July 23, 2019  
Our File: EB20180028

**Attn: Kirsten Walli, Board Secretary**

Dear Ms. Walli:

**Re: EB-2018-0028 – Energy+ 2019 – SEC 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, has not been claimed.

We have included time in the '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 Procedural Orders, submissions on confidentiality, review of the decision etc.).

SEC notes that this was a particularly complex proceeding which involved intervenor expert evidence, an update to that evidence, additional evidence filed by the Applicant, a technical conference, a two-day oral hearing on the unsettled issue, and two rounds of intervenors arguments. In addition, the proceeding involved a very lengthy and complicated settlement process due to the nature of the issue in this proceeding, which involved differing views on complex cost allocation and rate design issues, not just between the Applicant and intervenors, but amongst intervenors.

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.**

<b>File # EB-</b>	<b>EB-2018-0028</b>	<b>Process:</b>	<b>Energy + 2019</b>
<b>Party:</b>	<b>School Energy Coalition</b>	<b>Affiant's Name:</b>	<b>Jay Shepherd</b>
<b>HST Number:</b>	<b>83673-5464-RT0001</b>	<b>HST Rate Ontario:</b>	<b>13.00%</b>
	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 **July 23 2019**.  
(date)

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



**Affidavit and Summary of Fees and Disbursements**

**Commissioner for taking Affidavits**

**File # EB-** EB-2018-0028 **Process:** Energy + 2019

**Party:** School Energy Coalition

**Summary of Fees and Disbursements Being Claimed**

Legal/consultant/other fees	\$	39,928.00
Disbursements	\$	-
HST	\$	5,190.64
<b>Total Cost Claim</b>	<b>\$</b>	<b>45,118.64</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-2018-0028</u>	<b>Process:</b> <u>Energy + 2019</u>
<b>Party:</b> <u>School Energy Coalition</u>	<b>Service Provider Name:</b> <u>Mark Rubenstein</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	7
Articling Student/Paralegal <input type="checkbox"/>		
Consultant <input type="checkbox"/>		
Analyst <input type="checkbox"/>		
For Consultant/Analyst: <input type="checkbox"/> CV attached		<b>Hourly Rate:</b> <u>\$230</u>
<input type="checkbox"/> CV provided within previous 24 months		<b>HST Rate Charged (enter %):</b> <u>13.0%</u>

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	5.00	\$ 230.00	\$ 1,150.00	\$ 149.50	\$ 1,299.50
Attendance	6.00	\$ 230.00	\$ 1,380.00	\$ 179.40	\$ 1,559.40
<b>Interrogatories</b>					
Preparation	29.10	\$ 230.00	\$ 6,693.00	\$ 870.09	\$ 7,563.09
Responses	6.90	\$ 230.00	\$ 1,587.00	\$ 206.31	\$ 1,793.31
<b>Issues Conference</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>ADR - Settlement Conference</b>					
Preparation	8.20	\$ 230.00	\$ 1,886.00	\$ 245.18	\$ 2,131.18
Attendance	43.10	\$ 230.00	\$ 9,913.00	\$ 1,288.69	\$ 11,201.69
Proposal Preparation	3.70	\$ 230.00	\$ 851.00	\$ 110.63	\$ 961.63
<b>Argument</b>					
Preparation	30.30	\$ 230.00	\$ 6,969.00	\$ 905.97	\$ 7,874.97
<b>Oral Hearing</b>					
Preparation	15.60	\$ 230.00	\$ 3,588.00	\$ 466.44	\$ 4,054.44
Attendance	13.80	\$ 230.00	\$ 3,174.00	\$ 412.62	\$ 3,586.62
<b>Other Conferences</b>					
Preparation	11.90	\$ 230.00	\$ 2,737.00	\$ 355.81	\$ 3,092.81
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>Case Management</b>			\$ -	\$ -	\$ -
<b>TOTAL SERVICE PROVIDER FEES</b>			\$ 39,928.00	\$ 5,190.64	\$ 45,118.64

# Ontario Energy Board

## COST CLAIM FOR HEARINGS



### Detail of Fees and Disbursements Being Claimed

File # EB- EB-2018-0028

Process: Energy + 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:		\$ -	\$ -
<b>TOTAL DISBURSEMENTS:</b>			
	\$ -	\$ -	\$ -

Date	Explanation	Lwyr	Hours
20180530	emails/review Notice	MR	0.1
20180531	p. call w H. Newland/prelim review of app	MR	0.6
20180605	review and file Nol	MR	0.2
20180613	emails	MR	0.2
20180718	prelim review of application	MR	0.6
20180809	review T corr	MR	0.1
20180814	review application/draft IRs	MR	4.5
20180815	review application/draft IRs/emails/review Staff IRs	MR	5
20180817	review application/draft IRs	MR	6.4
20180820	finalize IRs and file	MR	0.5
20180910	emails/research re: standby rates	MR	1
20180911	disc w JCS re: standby rates	MR	0.3
20180914	prel review of IRR/review conf decision	MR	0.3
20180917	review Toyota corr	MR	0.1
20180918	review Energy+ corr/sign and file DU	MR	0.3
20180919	email	MR	0.1
20180920	review PO	MR	0.1
20180921	emails	MR	0.1
20180924	review conf material	MR	0.5
20180925	p. call w Helen Newland	MR	0.3
20180927	emails/prel review of interview evidence	MR	0.7
20181005	review TMMC evidence/research	MR	1.5
20181008	review TMMC evidence and draft IRs	MR	1.2
20181009	email	MR	0.1
20181011	file IRs/review other parties IRs/emails	MR	0.3
20181015	emails/p. call w H. Newland/draft conf submission	MR	1.7
20181016	emails/consider conf issues/finalize and file comments	MR	1
20181017	emails	MR	0.2
20181019	emails/draft issues list/review Energy+ conf corr	MR	0.3
20181023	emails/review TMMC reply sub	MR	0.3
20181024	emails	MR	0.1
20181025	emails/prelim review of TMMC IRRs	MR	0.4
20181026	emails	MR	0.1
20181029	emails	MR	0.1
20181101	review IRR	MR	1.8
20181102	p. call w H. Newland	MR	0.3
20181103	review IRR/prepare for settlement conference	MR	2.5
20181105	review IRR/prepare for settlement conference/p. call w J. Girvan/emails/p. call w S. Grice	MR	5.2
20181106	prepare for settlement conf/p. call w J. Scott, J. Girvan, multiple w H. Newland, J. Vellone/many emails	MR	3
20181107	attend settlement conference and prepare for day 2	MR	7.6
20181108	attend settlement conference/discussion w parties/prepare for day 3	MR	9.7
20181109	attend settlement conference/disc w parties	MR	8.1
20181112	p. call w J. Girvan	MR	0.1
20181113	emails/review conf sub	MR	0.5
20181114	emails/p. call w S. Grice	MR	0.3
20181115	emails/p. call w H. Newland/meeting w Bill Harper, M. Garner, S. Grice and J. Girvan	MR	1.5
20181116	review E+ materials and consider/emails	MR	1.2
20181119	multiple conference calls with intervenors/p. call w C. Haussman/p. call w J. Scott/review TMMC material/prepare offer memo and circula	MR	4.2
20181120	emails/p. call w different parties/multiple conference calls with all parties/multiple p. calls w H. Newland/revise final offer documen	MR	3.2
20181121	emails/p. call w H. Andre/p. call w C. Haussman/revise offer document/conference calls/p. call w B. Harper	MR	3.5
20181122	multiple conference calls with parties and intervenors/emails/p. call w J. Scott/p. call w H. Andre	MR	3.2
20181123	emails/review corr	MR	0.1
20181126	emails	MR	0.1
20181127	review interim rates decision and PO	MR	0.1
20181129	email	MR	0.1
20181130	emails/review Bd letter/review and consent to E+ response letter	MR	0.2
20181203	p. call w. H. Newland/emails	MR	0.4
20181204	prel review of settlement proposal	MR	0.3
20181204	review settlement proposal and provide comments/p. call w. H Newland	MR	1.2
20181205	p. call w. J. Vellone/emails	MR	0.2
20181206	emails re: settlement proposal	MR	0.2
20181206	working capital analysis of monthly billing account	MR	1.5
20181207	emails/review TMMC edits to settlement proposal/p. call w. C. Haussman	MR	0.3
20181210	emails/p. call w. C. Haussman	MR	0.3
20181211	attend conf call/review revised agreement/emails	MR	0.8
20181212	emails	MR	0.2
20181213	emails/prelim review additional evidence	MR	0.3
20181218	many emails/p. call w. J. Vellone/p. call w. B Harper	MR	0.3

20181218	review updated evidence and draft IRS	MR	1
20181219	review staff sub	MR	0.1
20181221	review PO/review conf decision	MR	0.2
20190111	finalize and send TCQ to E+	MR	0.4
20190115	review material/prepare TCQ	MR	0.6
20190116	review other parties TCQ/emails/p. call w. Helen Newland	MR	0.7
20190121	emails	MR	0.2
20190122	emails/review TCQ Responses from E+ and TMMC/prepare for tech conference	MR	3.1
20190123	attend tech conference/disc w parties	MR	6
20190128	review PO	MR	0.1
20190205	prelim review of UT responses	MR	0.3
20190215	prel review of updated Pollock evidence	MR	0.5
20190220	emails	MR	0.2
20190221	review Pollock revised report/emails/review VECC draft IRs/consider needed IRs/review Board CI report re: CBC/email all parties re: bd	MR	2.5
20190222	emails/review other parties IRs/review Staff ltr	MR	0.3
20190223	emails	MR	0.1
20190224	consider issues and draft letter/review draft/emails	MR	2
20190225	edit and finalize submissions/many emails/review other parties sub in reply to staff letter/review Board corr	MR	1.3
20190226	review CCC corr/emails	MR	0.7
20190227	review Energy+ corr/emails	MR	0.1
20190301	emails/prelim review TMMC IRs responses	MR	0.5
20190303	review Bill notes/review tech conference/review tech conference q/prepare for meeting w. BH/prepare for hearing	MR	1.5
20190304	meeting w. Bill Harper re: prepare for oral hearing/emails	MR	2.8
20190305	prepare for hearing/emails/review TMMC corr	MR	3.7
20190306	emails/draft cross examination/prepare compendium/review E+ corr	MR	6
20190307	attend hearing/disc w parties	MR	7.7
20190307	prepare cross for TMMC/review transcript/prepare compendium	MR	1.6
20190308	attend hearing/disc w parties	MR	6.1
20190309	review transcript	MR	0.4
20190313	emails	MR	0.1
20190315	prel review Argument-In-Chief	MR	0.3
20190318	review Argument-In-Chief/emails/review TMMC UT responses	MR	0.5
20190323	consider issues and draft submissions	MR	2.2
20190324	draft submissions	MR	4.4
20190325	draft submissions	MR	5.2
20190327	draft and revise submissions/emails	MR	3.7
20190328	edit and revise submissions	MR	2.2
20190329	finalize and file submission/review other parties sub/emails	MR	0.8
20190401	review arguments/emails/p. call w. B. Harper	MR	2.7
20190402	draft reply sub/emails	MR	5
20190403	emails/revise and edit sub	MR	0.6
20190404	edit and finalize sub	MR	0.5
20190405	review other parties reply sub	MR	0.4
20190408	review CCC sub/emails	MR	0.2
20190411	emails	MR	0.1
20190423	review reply argument	MR	1
20190613	review decision/emails	MR	1
20190618	review revised decision	MR	0.1
20190627	emails	MR	0.1
			173.6