



**BY EMAIL and RESS**

**Mark Rubenstein**  
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Dir. 647-483-0113

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

January 30, 2020  
Our File: EB20190022

**Attn: Christine Long, Registrar & Board Secretary**

Dear Ms. Long:

**Re: EB-2019-0022/0031 – BPI/Energy+ 2020 ICM – 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. This application was more complicated than a typical ICM proceeding as it involved unique issues related to two separate utilities seeking an ICM for a single joint facility.

Please note that 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. preparing Notice of Intervention, requesting consolidation of proceedings, reviewing Procedural Orders and the Board’s decision).

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 #</b>	<b>EB-2019-0022/31</b>	<b>Process:</b>	<b>BPI/Energy+ ICM</b>
<b>Party:</b>	<b>School Energy Coalition</b>	<b>Affiant's Name:</b>	<b>Mark Rubenstein</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, 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 #####.  
(date)

**Ontario Energy Board  
COST CLAIM FOR HEARINGS**



**Affidavit and Summary of Fees and Disbursements**

**Commissioner for taking Affidavits**

**File # EB-** EB-2019-0022/31 **Process:** BPI/Energy+ ICM

**Party:** School Energy Coalition

**Summary of Fees and Disbursements Being Claimed**

Legal/consultant/other fees	\$	6,288.00
Disbursements	\$	-
HST	\$	817.44
<b>Total Cost Claim</b>	<b>\$</b>	<b>7,105.44</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-2019-0022/31</u>	<b>Process:</b> <u>BPI/Energy+ ICM</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>Legal Counsel</b> <input checked="" type="checkbox"/>	<b>Year Called to Bar</b> <input type="text" value="2011"/>
<b>Articling Student/Paralegal</b> <input type="checkbox"/>	<b>Completed Years Practising/Years of Relevant Experience</b> <input type="text" value="8"/>
<b>Consultant</b> <input type="checkbox"/>	<b>Hourly Rate:</b> <input type="text" value="\$230"/>
<b>Analyst</b> <input type="checkbox"/>	<b>HST Rate Charged (enter %):</b> <input type="text" value="13.0%"/>
For Consultant/Analyst: <input type="checkbox"/> CV attached	
<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		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>Technical Conference</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>Interrogatories</b>					
Preparation	4.20	\$ 230.00	\$ 966.00	\$ 125.58	\$ 1,091.58
Responses	6.30	\$ 230.00	\$ 1,449.00	\$ 188.37	\$ 1,637.37
<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	8.60	\$ 230.00	\$ 1,978.00	\$ 257.14	\$ 2,235.14
<b>Oral Hearing</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>Other Conferences</b>					
Preparation	2.50	\$ 230.00	\$ 575.00	\$ 74.75	\$ 649.75
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>Case Management</b>					
			\$ -	\$ -	\$ -
<b>TOTAL SERVICE PROVIDER FEES</b>			\$ 4,968.00	\$ 645.84	\$ 5,613.84

**Ontario Energy Board  
COST CLAIM FOR HEARINGS**



**Detail of Fees and Disbursements Being Claimed**

File # EB- EB-2019-0022/31

Process: BPI/Energy+ ICM

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>	\$ -	\$ -	\$ -

# Ontario Energy Board COST CLAIM FOR HEARINGS



## Detail of Fees and Disbursements Being Claimed

<b>File # EB-</b> <u>EB-2019-0022/31</u>	<b>Process:</b> <u>BPI/Energy+ ICM</u>
<b>Party:</b> <u>School Energy Coalition</u>	<b>Service Provider Name:</b> <u>Jay Shepherd</u>
<p><b>SERVICE PROVIDER TYPE</b> (check one)</p> <p> <input checked="" type="checkbox"/> <b>Legal Counsel</b>  <input type="checkbox"/> <b>Articling Student/Paralegal</b>  <input type="checkbox"/> <b>Consultant</b>  <input type="checkbox"/> <b>Analyst</b> </p>	
<b>Year Called to Bar</b>	<b>Completed Years Practising/Years of Relevant Experience</b>
<input type="text" value="1980"/>	<input type="text" value="20"/>
<b>Hourly Rate:</b> <input type="text" value="\$330"/>	
For Consultant/Analyst: <input type="checkbox"/> CV attached <input type="checkbox"/> CV provided within previous 24 months	<b>HST Rate Charged (enter %):</b> <input type="text" value="13.0%"/>

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
<b>Pre-hearing Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Technical Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Interrogatories</b>					
Preparation	0.20	\$ 330.00	\$ 66.00	\$ 8.58	\$ 74.58
Responses		\$ 330.00	\$ -	\$ -	\$ -
<b>Issues Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>ADR - Settlement Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 330.00	\$ -	\$ -	\$ -
<b>Argument</b>					
Preparation	3.80	\$ 330.00	\$ 1,254.00	\$ 163.02	\$ 1,417.02
<b>Oral Hearing</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Other Conferences</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Case Management</b>			\$ -	\$ -	\$ -
<b>TOTAL SERVICE PROVIDER FEES</b>			\$ 1,320.00	\$ 171.60	\$ 1,491.60

**Ontario Energy Board  
COST CLAIM FOR HEARINGS**



**Detail of Fees and Disbursements Being Claimed**

File # EB- EB-2019-0022/31

Process: BPI/Energy+ ICM

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

<b>Date</b>	<b>Explanation</b>	<b>Lwyr</b>
20190906	Review BPI Application	JCS
20190913	emails/prel review of app/draft BPI NOI and request letter	MR
20190919	draft letter/draft E+ NOI/emails/file	MR
20191004	review PO	MR
20191012	review Energy+ application and draft IRs	MR
20191012	review BPI application and draft IRs	MR
20191016	review application and draft IRs	MR
20191021	Finalize IRs/emails	MR
20191105	emails/prel review of IRR	MR
20191115	review PO/emails	MR
20191118	emails	MR
20191121	review BPI corr	MR
20191130	review IRR, consider and draft sub	MR
20191201	draft submissions	MR
20191202	emails/p. call w. S. Grice/review updated E+ ICM Model	MR
20191204	Review Final Argument	JCS
20191204	emails	MR
20191205	Detailed review and analysis, Edit of Final Argument, Notes and emails	JCS
20191205	emails/revise submissions/research	MR
20191206	Review staff submissions	JCS
20191206	finalize and file sub/review Staff sub	MR
20191209	review CCC and VECC sub	MR
20191220	review E+ reply sub	MR
20200123	review decision/emails	MR



Hours
0.2
1
0.5
0.2
1
2.2
1
0.3
0.4
0.3
0.1
0.1
5.5
1.2
0.3
0.7
0.3
2.4
4.5
0.7
1.5
0.3
0.4
0.5
25.6