



**BY EMAIL and RESS**

**Mark Rubenstein**  
mark@shepherdubenstein.com  
Dir. 647-483-0113

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

February 6, 2020  
Our File: EB20190242

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

Dear Ms. Long:

**Re: EB-2019-0242 – AMPCO Market Rules Review – SEC Cost Claim**

We are counsel to the School Energy Coalition (“SEC”). Attached, please find a copy of SEC’s cost claim on the Board’s prescribed form with detailed dockets. SEC has not included time spent by co-counsel, Jay Shepherd.

This matter was complex, and required review and consideration of IESO license filings, expert reports, and evidence, on issues that are not usually before the Board. The proceeding also included a three day oral hearing, and a further day and a half of oral arguments.

For the purposes of the Board’s form 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. filing Notice of Intervention, procedural matters, reviewing submissions on cost eligibility, the stay motion, and reviewing the Board’s cost eligibility, stay and final decisions, etc.).

We have also included time spent in preparation of the oral argument under the ‘Argument’ category, and time spent at the hearing for the oral argument under the ‘Oral Hearing – Attendance’ category.

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

*Original signed by*

Mark Rubenstein

cc: Wayne McNally, SEC (by email)  
IESO (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>	EB-2019-0242	<b>Process:</b>	AMPCO Market Rules Review
<b>Party:</b>	School Energy Coalition	<b>Affiant's Name:</b>	Mark Rubenstein
<b>HST Number:</b>	83673-5464-RT0001	<b>HST Rate Ontario:</b>	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 February 5 2020.  
(date)

**Commissioner for taking Affidavits**

**Ontario Energy Board  
COST CLAIM FOR HEARINGS**



**Affidavit and Summary of Fees and Disbursements**

File # EB- EB-2019-0242

Process: AMPCO Market Rules Review

Party: School Energy Coalition

**Summary of Fees and Disbursements Being Claimed**

Legal/consultant/other fees	\$	19,343.00
Disbursements	\$	606.54
HST	\$	2,593.44
<b>Total Cost Claim</b>	<b>\$</b>	<b>22,542.98</b>

**Payment Information**

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

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-2019-0242</u>	<b>Process:</b> <u>AMPCO Market Rules Review</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>
Legal Counsel <input checked="" type="checkbox"/>	<input type="text" value="2011"/>
Articling Student/Paralegal <input type="checkbox"/>	
Consultant <input type="checkbox"/>	
Analyst <input type="checkbox"/>	
For Consultant/Analyst: <input type="checkbox"/> CV attached	<b>Completed Years Practising/Years of Relevant Experience</b> <input type="text" value="8"/>
<input type="checkbox"/> CV provided within previous 24 months	<b>Hourly Rate:</b> <input type="text" value="\$230"/>
	<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		\$ 230.00	\$ -	\$ -	\$ -	
Attendance		\$ 230.00	\$ -	\$ -	\$ -	
<b>Technical Conference</b>						
Preparation		\$ 230.00	\$ -	\$ -	\$ -	
Attendance		\$ 230.00	\$ -	\$ -	\$ -	
<b>Interrogatories</b>						
Preparation	13.10	\$ 230.00	\$ 3,013.00	\$ 391.69	\$ 3,404.69	
Responses	4.70	\$ 230.00	\$ 1,081.00	\$ 140.53	\$ 1,221.53	
<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	15.20	\$ 230.00	\$ 3,496.00	\$ 454.48	\$ 3,950.48	
<b>Oral Hearing</b>						
Preparation	14.20	\$ 230.00	\$ 3,266.00	\$ 424.58	\$ 3,690.58	
Attendance	31.70	\$ 230.00	\$ 7,291.00	\$ 947.83	\$ 8,238.83	
<b>Other Conferences</b>						
Preparation	5.20	\$ 230.00	\$ 1,196.00	\$ 155.48	\$ 1,351.48	
Attendance		\$ 230.00	\$ -	\$ -	\$ -	
<b>Case Management</b>						
			\$ -	\$ -	\$ -	
<b>TOTAL SERVICE PROVIDER FEES</b>			<b>\$ 19,343.00</b>	<b>\$ 2,514.59</b>	<b>\$ 21,857.59</b>	

**Ontario Energy Board  
COST CLAIM FOR HEARINGS**



**Detail of Fees and Disbursements Being Claimed**

File # EB- EB-2019-0242

Process: AMPCO Market Rules Review

Party: School Energy Coalition

Service Provider Name: Mark Rubenstein

Statement of Disbursements Being Claimed			
	Net Cost	HST	Total
Scanning/Photocopy		\$ -	\$ -
Printing	\$ 606.54	\$ 78.85	\$ 685.39
Courier		\$ -	\$ -
Telephone/Fax		\$ -	\$ -
Transcripts		\$ -	\$ -
Travel: Air		\$ -	\$ -
Travel: Car		\$ -	\$ -
Travel: Rail		\$ -	\$ -
Travel (Other):		\$ -	\$ -
Parking		\$ -	\$ -
Taxi		\$ -	\$ -
Accommodation		\$ -	\$ -
Meals		\$ -	\$ -
Other:		\$ -	\$ -
Other:		\$ -	\$ -
Other:		\$ -	\$ -
<b>TOTAL DISBURSEMENTS:</b>	<b>\$ 606.54</b>	<b>\$ 78.85</b>	<b>\$ 685.39</b>

Date	Explanation	Lwyr	Hours
20191008	review application/consider issues/draft NOI	MR	2
20191011	emails	MR	0.1
20191018	review PO	MR	0.1
20191022	review correspondence/review PO	MR	0.2
20191023	review IESO cost sub/review license materials/draft IRs	MR	3
20191025	review evidence on stay	MR	0.5
20191027	edit and finalize IRs	MR	0.5
20191028	file IRs/review other parties IRs	MR	0.3
20191029	review stay sub/cost obj sub/emails	MR	0.3
20191031	review corr	MR	0.1
20191101	review corr/review parties sub on stay	MR	0.4
20191102	review Kingston Gen ltr	MR	0.1
20191104	review corr	MR	0.1
20191104	emails	MR	0.1
20191105	review IESO stay sub	MR	0.4
20191106	review AMPCO IR responses	MR	0.8
20191107	AMPCO corr	MR	0.1
20191108	prel review of evidence	MR	0.5
20191110	review evidence	MR	1.5
20191111	review evidence and draft IRs	MR	2.5
20191112	review evidence and draft lrs	MR	3.7
20191112	review cost eligibility decision	MR	0.3
20191113	finalize and file IRs/review other parties IRs	MR	0.4
20191119	emails	MR	0.2
20191120	emails/prelim review of IRR	MR	0.3
20191121	emails	MR	0.1
20191123	review IRR/prepare for hearing	MR	3.5
20191124	review material/review IRR/prepare cross-exam/prepare for hearing/emails	MR	6
20191125	attend hearing/disc w parties	MR	7.2
20191125	emails/review stay decision	MR	0.3
20191127	prepare for hearing/emails	MR	5.2
20191128	attend hearing/disc w parties	MR	8
20191128	prepare for IESO panel/review transcript	MR	3
20191129	attend hearing/disc w parties	MR	7.8
20191205	emails	MR	0.1
20191209	research/review parties submissions/consider issues	MR	2
20191210	many emails/prepare compendium/disc w. JCS/prepare submissions	MR	6.2
20191211	emails/prepare submission/prepare for hearing/review parties compendiums	MR	7
20191212	attend hearing/disc w parties	MR	7.5
20191213	attend hearing/disc w. parties	MR	1.2
20200123	Review decision/emails	MR	0.5
			84.1



# Invoice 081069783

Bill To: Shepherd Rubenstein Professional Corporation  
 Attn: Glenda Masters  
 2200 Yonge St Suite 1302  
 Toronto, ON, M4S 2C6

Account: 622786  
 Date: December 11, 2019  
 Ordered By: Glenda Masters  
 Phone: (416) 483-3300  
 E-mail: glenda@shepherdrubenstein.com

Pick Up: Shepherd Rubenstein Professional  
 2200 Yonge St #1302  
 Toronto, ON, M4S 2C6  
 Attn: Glenda Masters

Job Name: B/W Document with Cerlox Binding

Item	1-Sided	2-Sided	Quantity	Description	HST	Job Price
A	1		1	File processing - pre-flight, virus scan, temp storage	X	\$4.89
/ File Handling:						
B	1	110	15	SEC AMPCO Compendium - 1/1 8.5 x 11 on 20lb bond w/ tabs and card covers, cerlox bound.	X	\$601.65
Digital B&W Prints: / Black Ink: / 8.5x11: / Collate: / Trim: / Digital Media: tabs 1-20/ Bond: / Card: buff stock covers/ Bind: cerlox						

*EB-2019-0242*

Branch Contact: Christina Stark  
 Address: 2200 Yonge Street  
 2nd Flr. - Concourse Level  
 Toronto, ON, M4S 2C6  
 Phone: 416-482-2260

Net Sales	\$606.54
Shipping	\$0.00
Sub Total	\$606.54
HST	\$78.85
<b>CAD Total Price</b>	<b>\$685.39</b>

TPH Account Hub: View, reprint and pay invoices online  
[www.tph.ca/tphaccounthub](http://www.tph.ca/tphaccounthub) for more info.