



BY EMAIL and RESS

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February 11, 2020
Our File No. 20190018

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

Attn: Christine Long, Registrar and Board Secretary

Dear Ms. Long;

Re: EB-2019-0018 – Alectra 2020 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.

SEC counsel Jay Shepherd took the lead in this matter. Co-counsel Mark Rubenstein's time assisting Mr. Shepherd has not been claimed.

This case was divided into three streams: capitalization accounting change, M-factor, and all other IRM issues.

With respect to capitalization accounting policy, the Application raised difficult legal and practical issues relating to review of previous decisions, and how the Board should deal with those, both substantively and procedurally. SEC took the lead in submissions both on the preliminary question (deemed a motion for review and variance), and then on the calculation methodology later in the proceeding. SEC also asked interrogatories that ended up containing information critical to the Board's decision. Time spent on the preliminary question (the deemed motion), 20.6 hours, has been included under the heading Argument in the cost claim.

The Application also raised novel and important issues arising out of the M-factor proposal. The M-factor took considerably more time, as it included not only extensive interrogatories and responses by all parties, but also a technical conference and oral hearing. It also included a motion filed by SEC to compel the Applicant to respond to certain questions asked in interrogatories and at the technical conference. Time spent on the motion has been included in the prep and attendance time for the oral hearing, since that is when the motion was heard. The responses provided as a result of the motion ended up being of value to the Board. Final argument on the M-factor was necessarily extensive, as the

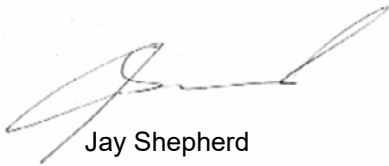
proposal raised legal issues, as well as challenging the Board's interpretation or reliance on a number of Board policies.

A small amount of time was spent on the IRM issues. SEC did not participate in the mechanistic components of that stream, but reviewed submissions of the Applicant and OEB Staff and provided SEC submissions on four issues of particular concern to customers. SEC requested in those submissions that the Board allow costs for that participation. A total of 3.1 hours is included in the category Argument for this activity. SEC submits that those submissions were of assistance to the Board, and SEC should be reimbursed for those reasonably incurred costs to do so.

All of which is respectfully submitted.

Yours very truly,

**SHEPHERD RUBENSTEIN
PROFESSIONAL CORPORATION**



Jay Shepherd

cc: Wayne McNally, SEC (email)
Interested Parties

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- <u>2019-0018</u>	Process: <u>Alectra 2020 Rates</u>
Party: <u>School Energy Coalition</u>	Affiant's Name: <u>Jay Shepherd</u>
HST Number: <u>83673-5464-RT0001</u>	HST Rate Ontario: <u>13.00%</u>
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 February 11, 2020,
(date)

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Affidavit and Summary of Fees and Disbursements

Commissioner for taking Affidavits

File # EB- 2019-0018

Process: Alectra 2020 Rates

Party: School Energy Coalition

Summary of Fees and Disbursements Being Claimed

Legal/consultant/other fees	\$	80,949.00
Disbursements	\$	-
HST	\$	10,523.37
Total Cost Claim	\$	91,472.37

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

Ontario Energy Board COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2019-0018</u>	Process: <u>Alectra 2020 Rates</u>
Party: <u>School Energy Coalition</u>	Service Provider Name: <u>Jay Shepherd</u>
SERVICE PROVIDER TYPE (check one)	Year Called to Bar
Legal Counsel <input checked="" type="checkbox"/>	<input type="text" value="1980"/>
Articling Student/Paralegal <input type="checkbox"/>	
Consultant <input type="checkbox"/>	
Analyst <input type="checkbox"/>	
For Consultant/Analyst: <input type="checkbox"/> CV attached	Completed Years Practising/Years of Relevant Experience: <input type="text" value="39"/>
<input type="checkbox"/> CV provided within previous 24 months	Hourly Rate: <input type="text" value="\$330"/>
	HST Rate Charged (enter %): <input type="text" value="13.0%"/>

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
Pre-hearing Conference					
Preparation	-	\$ 330.00	\$ -	\$ -	\$ -
Attendance	-	\$ 330.00	\$ -	\$ -	\$ -
Technical Conference					
Preparation	11.5	\$ 330.00	\$ 3,795.00	\$ 493.35	\$ 4,288.35
Attendance	15.0	\$ 330.00	\$ 4,950.00	\$ 643.50	\$ 5,593.50
Interrogatories					
Preparation	51.9	\$ 330.00	\$ 17,127.00	\$ 2,226.51	\$ 19,353.51
Responses	21.1	\$ 330.00	\$ 6,963.00	\$ 905.19	\$ 7,868.19
Issues Conference					
Preparation	-	\$ 330.00	\$ -	\$ -	\$ -
Attendance	-	\$ 330.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation	-	\$ 330.00	\$ -	\$ -	\$ -
Attendance	-	\$ 330.00	\$ -	\$ -	\$ -
Proposal Preparation	-	\$ 330.00	\$ -	\$ -	\$ -
Argument					
Preparation	95.6	\$ 330.00	\$ 31,548.00	\$ 4,101.24	\$ 35,649.24
Oral Hearing					
Preparation	29.7	\$ 330.00	\$ 9,801.00	\$ 1,274.13	\$ 11,075.13
Attendance	20.5	\$ 330.00	\$ 6,765.00	\$ 879.45	\$ 7,644.45
Other Conferences					
Preparation	-	\$ 330.00	\$ -	\$ -	\$ -
Attendance	-	\$ 330.00	\$ -	\$ -	\$ -
Case Management					
		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 80,949.00	\$ 10,523.37	\$ 91,472.37

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Detail of Fees and Disbursements Being Claimed

File # EB- 2019-0018

Process: Alectra 2020 Rates

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:			\$ -
TOTAL DISBURSEMENTS:	\$ -	\$ -	\$ -

Ontario Energy Board
COST CLAIM FOR HEARINGS
Detail of Fees and Disbursements Being Claimed



Date	Explanation	Lwyr	Hours
20190620	Review notice, Review evidence, Many emails	JCS	0.5
20190621	Meet with Mark	JCS	0.2
20190624	Review evidence, Many emails and Scheduling, Revise and file Notice of Intervention	JCS	1.7
20190703	Review evidence	JCS	2.5
20190704	Review evidence, Meet with John and Indy	JCS	3.0
20190709	Review evidence	JCS	3.0
20190710	Review PO#1 and scheduling, Legal research, Meet with Mark	JCS	1.0
20190715	Review evidence	JCS	1.8
20190716	Review evidence	JCS	2.0
20190717	Review evidence	JCS	1.2
20190718	Review evidence	JCS	1.0
20190719	Review submissions on capitalization, Meet with Mark, Review prior decisions	JCS	3.0
20190721	Capitalization issues analysis	JCS	1.5
20190723	Capitalization issues research and analysis	JCS	2.0
20190725	Review confidentiality decision, Review Board letter	JCS	0.3
20190726	Review Board letter	JCS	0.2
20190727	Capitalization submissions, IRM interrogatories, Review evidence	JCS	1.0
20190728	Capitalization submissions, IRM interrogatories, Review evidence	JCS	2.8
20190729	Capitalization submissions, IRM interrogatories, Review evidence, Many emails	JCS	7.0
20190730	Review Board letter, Many emails, Review capitalization submissions of others	JCS	3.5
20190731	Review CCC submission	JCS	0.3
20190804	Review evidence for interrogatories	JCS	1.5
20190806	Many emails	JCS	0.1
20190807	Attend at presentation day, Review transcript	JCS	4.0
20190808	Reviewing DSP	JCS	4.5
20190809	Drafting interrogatories, Many emails, Review Shelley's references	JCS	6.0
20190810	Preparing interrogatories	JCS	2.0
20190813	Finalize and file interrogatories, Review capitalization reply	JCS	3.3
20190816	Many emails	JCS	0.2
20190817	Many emails, Review questions from others, Review IRM responses for capitalization and M-factor issues	JCS	2.0
20190821	Review correspondence re procedural issues	JCS	0.3
20190827	Review staff submissions, Review other materials, Review AIC IRM (.5)	JCS	0.8
20190831	Review confidentiality decision	JCS	0.1
20190906	Review decision on capitilization, Scheduling, Review previous options analysis	JCS	1.2
20190909	Review IRM issues	JCS	2.0
20190913	Many emails, Review new filings	JCS	1.0
20190914	Review IRM submissions	JCS	1.0
20190915	Review M-factor interrogatory responses	JCS	2.5
20190916	Draft and file IRM submissions, Many emails re technical conference	JCS	1.6
20190917	Review PO#3	JCS	0.1
20190919	Review Board letter, Many emails	JCS	0.1
20190921	Capitalization interrogatories	JCS	3.0
20190923	Letter re MANA, Capitalization IRs, Review IRs of others, Submissions re confidentiality, Review Alectra reply, Many emails	JCS	5.1
20190924	Review MANA letter	JCS	0.2
20190926	Review IRR, Many emails, Review Board letter	JCS	2.0
20190927	Review IRR, Many emails	JCS	5.5
20190928	Review IRR	JCS	4.0
20190929	Review IRR, List TC topics and Report	JCS	3.3
20190930	Review confidentiality decision	JCS	0.2
20191002	Many emails, Prepare time esitmate	JCS	0.4
20191003	Many emails	JCS	0.2
20191004	Many emails, Review schedule, Prep, Review AMPCO questions	JCS	1.0
20191005	Prep for Technical Conference	JCS	0.5
20191006	Prep for Technical Conference	JCS	6.3

20191007	Attend at Technical Conference, Many emails, Review capitalization IRR, Review transcript, Review confidentiality decision	JCS	9.2
20191008	Attend at Technical Conference, Many emails, Review transcripts, Draft Motion, Review capitalization IRR	JCS	9.5
20191009	Draft and file Motion, Many emails, Time estimates	JCS	3.3
20191010	Many emails, Hearing schedule	JCS	0.4
20191011	Many emails, Review revised hearing schedule, Research and hearing prep, Prepare and file reliability trend materials, Review undertaki	JCS	3.5
20191012	Review EP materials, Many emails, Prep for hearing	JCS	2.0
20191013	Prep, Many emails	JCS	1.0
20191014	Prep for Motion, Prepare Motion compendium, Research, Many emails, Review VECC compendium, Review EP compendia	JCS	6.5
20191015	Attend at hearing, Prep for cross, Many emails, Review transcript	JCS	7.4
20191016	Prep for hearing, Review financial plan documents, Cross preparation, Many emails	JCS	7.7
20191017	Prep, Attend at hearing (in person and internet), Review transcripts, Many emails, More prep, Review Staff compendium, Review PO#4 and	JCS	9.6
20191018	Prep, Attend at hearing, Review transcript, Argument notes	JCS	8.8
20191025	Review Staff IRs and checklist	JCS	0.8
20191027	Review capitalization materials for final argument, Review M-Factor transcripts, Review undertakings	JCS	2.2
20191029	Review Board letter	JCS	0.1
20191102	Review capitalization responses	JCS	1.1
20191103	Review Argument in Chief	JCS	2.0
20191104	Review confidentiality decision, Various emails	JCS	0.3
20191106	Review evidence and background materials on capitalization	JCS	2.0
20191107	Many emails	JCS	0.4
20191108	Review evidence for Final Argument	JCS	2.0
20191109	Draft capitalization submissions, Model various results, Review evidence	JCS	5.0
20191111	Many emails, Circulate draft capitalization submissions, Many emails	JCS	4.0
20191112	M-factor argument, Review evidence, Outline, Many emails sharing positions	JCS	4.6
20191113	M-factor argument	JCS	4.0
20191114	M-factor argument, Spreadsheets re comparators, Many emails, Review submissions of others	JCS	6.4
20191115	Drafting Final Argument, Many emails	JCS	4.1
20191116	Drafting Final Argument, Many emails	JCS	9.6
20191117	Drafting Final Argument	JCS	8.0
20191118	Complete Final Argument, Citations and editing, Finalize and file, Many emails, Review submissions of others	JCS	8.8
20191119	Review submissions of others, Various emails	JCS	1.0
20191129	Review reply arguments	JCS	2.2
20191212	Review decision and rate order	JCS	0.8
20191217	Review partial decision and rate order	JCS	0.3
20191227	Review interim tariffs and draft report	JCS	0.3
20200130	Review decision	JCS	0.5
20200131	Complete review of decision, Impact calculations and reporting, Many emails	JCS	0.4

245.3

330 80949

20190624	disc w. JCS re: application	MR	0.3
20190719	review Alectra submission on prelim q from Board/disc w JCS	MR	1.0
20190809	review reply sub	MR	0.3
20191016	disc w. JCS re strategy	MR	0.3

1.9

230

Total 247.2

80949
10523.37
91472.37