



BY EMAIL and RESS

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April 23, 2020
Our File: EB20190059

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

Attn: Christine Long, Registrar & Board Secretary

Dear Ms. Long:

Re: EB-2019-0059 – Oakville Hydro 2020 ICM – Cost Claim

We are counsel to the School Energy Coalition ("SEC"). Enclosed, please find SEC's cost claim in this matter on the Board's form with accompanying detailed dockets.

This proceeding was focused on an ICM application while the Applicant was in its second deferral of rebasing. It included a preliminary motion by SEC on the appropriateness of such an application, which was necessary because another utility was making a similar application (Burlington), and there was a broader issue of ICM during deferral periods. As more deferrals are requested and granted, customers are concerned that the deferrals may include above-inflation rate increases if ICM applications are routinely made during such deferrals. The Board's decision on the motion gave guidance to distributors that will reduce customer concerns in this regard.

After the motion, the proceeding included interrogatories and argument. Senior counsel Jay Shepherd took the lead for SEC, and time spent by co-counsel Mark Rubenstein assisting on the matter has not been claimed.

Pending guidance from the Board Secretary's office, in the current remote work environment as a result of COVID-19, we have not been able to easily arrange to have the Board's form of affidavit commissioned. Rather, I have provided the recitation below, which includes the same statements that are on the Board's cost claim affidavit, for the purposes of attesting the accuracy of the enclosed cost claim. We hope in the current circumstances that this is acceptable to the Board.

In lieu of a commissioned affidavit, and as a member of the Law Society of Ontario and an Officer of the Ontario Court and, as such, mindful of my duties to the Ontario Energy Board, I, Jay Shepherd, provide this statement confirming that;

1. I am a legal representative of the School Energy Coalition and as such have knowledge of the matters attested to herein.

2. I have examined all of the documentation in support of the attached 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.

All of which is respectfully submitted.

Yours very truly,

Shepherd Rubenstein Professional Corporation



Jay Shepherd

cc: Wayne McNally, SEC (by email)
Interested Parties (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- **2019-0059**

Process: **Oakville 2020 Rates**

Party: **School Energy Coalition**

Affiant's Name: **Jay Shepherd**

HST Number: **83673-5464-RT0001**

HST Rate Ontario: **13.00%**

Full Registrant ☒
Unregistered ☐
Other ☐

Qualifying Non-Profit ☐
Tax Exempt ☐

Affidavit

I, _____, 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- 2019-0059

Process: Oakville 2020 Rates

Party: School Energy Coalition

Summary of Fees and Disbursements Being Claimed

Legal/consultant/other fees	\$	10,065.00
Disbursements	\$	-
HST	\$	1,308.45
Total Cost Claim	\$	11,373.45

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>2019-0059</u>	Process: <u>Oakville 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	Completed Years Practising/Years of Relevant Experience
Legal Counsel <input checked="" type="checkbox"/>	1980	40
Articling Student/Paralegal <input type="checkbox"/>		
Consultant <input type="checkbox"/>		Hourly Rate: \$330
Analyst <input type="checkbox"/>		
For Consultant/Analyst: <input type="checkbox"/> CV attached		HST Rate Charged (enter %): 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	16.6	\$ 330.00	\$ 5,478.00	\$ 712.14	\$ 6,190.14
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Technical Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Interrogatories					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Responses	2.6	\$ 330.00	\$ 858.00	\$ 111.54	\$ 969.54
Issues Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 330.00	\$ -	\$ -	\$ -
Argument					
Preparation	11.3	\$ 330.00	\$ 3,729.00	\$ 484.77	\$ 4,213.77
Oral Hearing					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Other Conferences					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Case Management		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 10,065.00	\$ 1,308.45	\$ 11,373.45

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



File # EB- 2019-0059

Process: Oakville 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
20190830	Review application, Various emails	JCS	0.3
20190904	emails	MR	0.1
20190906	Notice of Intervention, Strategy, Various emails, Review of Application	JCS	1.1
20190909	Many emails, Further review	JCS	0.4
20190917	Review PO#1 and scheduling	JCS	0.3
20190919	Review application, Many emails re Motion	JCS	1.5
20190920	Draft Notice of Motion, Research, Meet with Mark, Many emails	JCS	4.5
20190920	many emails/review draft Motion notice	MR	0.5
20190921	Many emails	JCS	0.1
20190923	Revise and file Notice of Motion, Many emails	JCS	2
20190927	Review PO#2 and scheduling	JCS	0.3
20190930	Review for non-ICM IRs, Many emails	JCS	0.1
20191009	Draft submissions and circulate, Many emails	JCS	3.5
20191010	Finalize and file submissions, Review submissions of others	JCS	1.6
20191025	Review reply submissions	JCS	0.5
20191114	Review Board decision and scheduling, Many emails	JCS	0.4
20191125	Review ICM materials	JCS	1.5
20191128	Review interrogatories of others	JCS	0.5
20191212	Initial review of Interrogatory Responses	JCS	0.3
20191217	Review PO #3 and scheduling	JCS	0.3
20191220	Review Board letter	JCS	0.1
20200113	Review AIC	JCS	0.3
20200114	Various emails	JCS	0.1
20200117	Review evidence for argument	JCS	0.7
20200120	Review interrogatory responses, Review Argument in Chief	JCS	1
20200122	Many emails, Review positions of others	JCS	0.3
20200126	Drafting submissions	JCS	1
20200127	Complete analysis of evidence, ROE spreadsheet, Finalize and file submissions	JCS	6.1
20200128	Review arguments of others	JCS	1.1
20200207	Review reply submission	JCS	0.6
			31.1
		MR	0.6
		Net	30.5
			10065
			1308.45
			11373.45