



BY EMAIL and RESS

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April 28, 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.

The role of SEC in this proceeding was limited to a review of the cost allocation, which had been ordered by the Board in the EB-2017-0269 MAADs proceeding. That review included looking under the hood at the cost allocation model, and then comparing the output to the previous information from several years ago, seeking to identify the causes of the material changes. It also involved considering some unique issues associated with cost allocation outside of a cost of service proceeding. In the end, the parties were able to settle the cost allocation issues.

Time spent assisting lead counsel Jay Shepherd by co-counsel Mark Rubenstein 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- <u>2019-0055</u>	Process: <u>Newmarket 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, _____, 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- 2019-0055 Process: **Newmarket 2020 Rates**

Party: School Energy Coalition

Summary of Fees and Disbursements Being Claimed

Legal/consultant/other fees	\$	9,966.00
Disbursements	\$	-
HST	\$	1,295.58
Total Cost Claim	\$	11,261.58

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>2019-0055</u>	Process: <u>Newmarket 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="40"/>
<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		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Interrogatories					
Preparation	9.9	\$ 330.00	\$ 3,267.00	\$ 424.71	\$ 3,691.71
Responses	8.8	\$ 330.00	\$ 2,904.00	\$ 377.52	\$ 3,281.52
Issues Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation	3.4	\$ 330.00	\$ 1,122.00	\$ 145.86	\$ 1,267.86
Attendance	5.1	\$ 330.00	\$ 1,683.00	\$ 218.79	\$ 1,901.79
Proposal Preparation	3.0	\$ 330.00	\$ 990.00	\$ 128.70	\$ 1,118.70
Argument					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Oral Hearing					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Other Conferences					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Case Management		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 9,966.00	\$ 1,295.58	\$ 11,261.58

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Detail of Fees and Disbursements Being Claimed

File # EB- 2019-0055

Process: Newmarket 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
20191218	Telephone conversation with OEB Staff, Review Application, Many emails	JCS	0.6
20191219	Review Application, Check cost allocation, File Notice of Intervention	JCS	0.7
20191220	Various emails	JCS	0.1
20200107	Review PO #1 and scheduling	JCS	0.3
20200114	Combining CAM's, Comparison model, Research, Review of 2010 case and files for prior model	JCS	4.4
20200115	Many emails, Review new material	JCS	0.4
20200116	Spreadsheets, Review CAM's and background evidence, Draft and file interrogatories, Many emails	JCS	3.4
20200117	Many emails, Review interrogatories of others	JCS	0.6
20200128	Many emails, Scheduling, Review letter	JCS	0.3
20200130	Review PO #1 and scheduling	JCS	0.3
20200212	Review cost allocation model, Scenarios, Many emails, Separate modelling	JCS	4.4
20200213	Many emails, Further analysis of cost allocation models	JCS	2.8
20200214	Review VECC follow up questions	JCS	0.3
20200219	Various emails	JCS	0.1
20200225	Many emails, Prep for ADR, Review new material and VECC responses	JCS	3.4
20200226	Attend at Settlement Conference, Many emails	JCS	5.1
20200306	Review settlement proposal, Various emails	JCS	0.2
20200307	Various emails, Check Bill's points	JCS	0.2
20200309	Review staff comments, Many emails	JCS	0.3
20200310	Review and edit settlement agreement, Many emails, Review spreadsheets	JCS	1.6
20200312	Final review and signoff, Many emails	JCS	0.3
20200421	Review decision and scheduling, Many emails	JCS	0.4
			30.2

9966
1295.58
11261.58