



BY EMAIL and RESS

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April 28, 2020
Our File: EB20190055

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

Attn: Christine Long, Registrar & Board Secretary

Dear Ms. Long:

Re: EB-2019-0055 – Newmarket 2020 Rates – 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)