



BY EMAIL and RESS

Jay Shepherd
jay@shepherd rubenstein.com
Dir. 416-804-2767

June 3, 2020
Our File: EB20190159

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

Attn: Christine Long, Registrar & Board Secretary

Dear Ms. Long:

Re: EB-2019-0159 – Enbridge Kirkwall to Hamilton – Interim Cost Claim

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

This proceeding is a major proposed reinforcement, in which the primary issues appear to be a) whether the load growth on which it is based is reasonable, and b) whether there are alternatives to capital investments in more pipelines. The proceeding has proceeded through a number of preliminary procedural issues, and then interrogatory questions, but late in April the Applicant noted that the Covid-19 pandemic has raised issues about forecasts and timing. The Applicant proposed, and as after submissions the Board approved, a suspension of the proceeding up to six months, with interim cost claims at this time.

Senior counsel Jay Shepherd took the lead on this matter. Co-counsel Mark Rubenstein assisted at the beginning, and is slated to participate later as well if the matter is re-started. SEC notes that we did not file interrogatories. We reviewed the evidence and identified the questions we needed to ask, as we normally do, then went through the interrogatories of other parties to prevent duplication. As a result, no additional SEC interrogatories were required. Time spent with the respect to submissions on the suspension of the proceeding has been listed in Other Conferences.

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;

Shepherd Rubenstein Professional Corporation | Regulatory Law
2200 Yonge Street, Suite 1302 T. (416) 483-3300 F. (416) 483-3305
Toronto, ON M4S 2C6 shepherdrubenstein.com

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

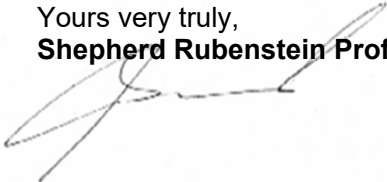
2. I have examined all of the documentation in support of the attached cost claim, including the attached "Summary of Fees and Disbursements Being Claimed", "Statement(s) of Fees Being Claimed" and "Statement(s) of Disbursements Being Claimed".

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- **2019-0159**

Process: **Enbridge Kirkwall to Hamilton**

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- 2019-0159

Process: Enbridge Kirkwall to Hamilton

Party: School Energy Coalition

Summary of Fees and Disbursements Being Claimed

Legal/consultant/other fees	\$	11,045.00
Disbursements	\$	-
HST	\$	1,435.85
Total Cost Claim	\$	12,480.85

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>2019-0159</u>	Process: <u>Enbridge Kirkwall to Hamilton</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		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Technical Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Interrogatories					
Preparation	16.7	\$ 330.00	\$ 5,511.00	\$ 716.43	\$ 6,227.43
Responses		\$ 330.00	\$ -	\$ -	\$ -
Issues Conference					
Preparation	9.9	\$ 330.00	\$ 3,267.00	\$ 424.71	\$ 3,691.71
Attendance		\$ 330.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 330.00	\$ -	\$ -	\$ -
Argument					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Oral Hearing					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Other Conferences					
Preparation	4.5	\$ 330.00	\$ 1,485.00	\$ 193.05	\$ 1,678.05
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Case Management		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 10,263.00	\$ 1,334.19	\$ 11,597.19

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



File # EB- 2019-0159

Process: Enbridge Kirkwall to Hamilton

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



Ontario Energy Board

COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2019-0159</u>	Process: <u>Enbridge Kirkwall to Hamilton</u>
Party: <u>School Energy Coalition</u>	Service Provider Name: <u>Mark Rubenstein</u>

SERVICE PROVIDER TYPE (check one)	Year Called to Bar	Completed Years Practising/Years of Relevant Experience
Legal Counsel <input type="checkbox"/>	2011	8
Articling Student/Paralegal <input type="checkbox"/>		
Consultant <input type="checkbox"/>		Hourly Rate: \$230
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		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
Technical Conference					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
Interrogatories					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Responses		\$ 230.00	\$ -	\$ -	\$ -
Issues Conference					
Preparation	3.4	\$ 230.00	\$ 782.00	\$ 101.66	\$ 883.66
Attendance		\$ 230.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 230.00	\$ -	\$ -	\$ -
Argument					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Oral Hearing					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
Other Conferences					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
Case Management		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 782.00	\$ 101.66	\$ 883.66

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



File # EB- 2019-0159

Process: Enbridge Kirkwall to Hamilton

Party: School Energy Coalition

Service Provider Name: Mark Rubenstein

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	Lwyr	Hours
20191126	Telephone call with David Poch, Review application, Various emails	JCS	1.0		
20200107	Review evidence, Circulate comments to potentially interested parties, Many emails	JCS	0.8		
20200114	review app			MR	0.2
20200115	disc w. JCS/prel review of app			MR	0.5
20200120	Notice of Intervention, Review issues, Review filings of other intervenors, Many emails	JCS	1.0		
20200124	review EGI corr			MR	0.1
20200128	Review correspondence by other parties, Many emails	JCS	0.7		
20200130	Review PO #1 and scheduling	JCS	0.3		
20200130	review PO			MR	0.2
20200131	Review new material	JCS	0.1		
20200207	review PP corr/review APPro sub			MR	0.4
20200207	Review Pollution Probe and APPro materials	JCS	0.3		
20200210	emails/provide input to issues list comments/disc w. JCS/review parties sub			MR	1.0
20200210	Draft and file scope submissions, Review submissions of others, Many emails	JCS	4.2		
20200211	Many emails	JCS	0.4		
20200220	review EGI reply sub			MR	0.3
20200220	review reply sub on issues list			MR	0.2
20200220	Review letters from parties, Review submissions from EGI	JCS	0.8		
20200221	review ED and GEC corr			MR	0.2
20200227	Review new filing	JCS	0.3		
20200306	review issues list decision/emails			MR	0.3
20200306	Review PO#2, Issues List and many emails, Analysis of intervenor evidence options	JCS	1.1		
20200309	Review ED interrogatories, Various emails re potential evidence	JCS	0.9		
20200311	Review GEC correspondence, Final instructions re evidence, Draft and file letter, Many emails	JCS	1.2		
20200312	Many emails, Review comments from others on potential evidence	JCS	0.3		
20200317	Many emails	JCS	0.2		
20200318	Many emails	JCS	0.1		
20200319	Many emails	JCS	0.2		
20200323	Review interrogatories of others	JCS	0.4		
20200324	Review evidence, Background research	JCS	2.8		
20200325	Interrogatories, Review GEC letter	JCS	1.2		
20200327	Review interrogatories	JCS	1.0		
20200330	Review interrogatories, Checklist and advice email	JCS	2.5		
20200402	Review PO#3 and scheduling, Review evidence, Background research, Many emails	JCS	1.3		

20200403	Review interrogatories of other parties and cross-reference to evidence, Many emails, Review correspondence	JCS	1.0		
20200406	Various emails	JCS	0.1		
20200407	Review PO#4 and scheduling	JCS	0.3		
20200423	Review Enbridge and GEC letters and review scheduling, Many emails	JCS	0.2		
20200427	Review PO#5 and scheduling	JCS	0.3		
20200503	Evidence review and workplan	JCS	1.6		
20200504	Review Enbridge letter, Review status of proceeding	JCS	0.3		
20200505	Telephone conversation with David Poch, Review ED and GEC and FRPO letters, Many emails	JCS	0.8		
20200507	Review PO #6	JCS	0.2		
20200508	Review interrogatories and IRP connection, Draft and file submissions on proposed adjournment, Many emails, Review submissions of others	JCS	2.4		
20200511	Review submissions of others	JCS	0.4		
20200519	Review PO #7 and decision, Scheduling	JCS	0.4		
		JCS	31.1	MR	3.4

10263.00 782.0
782.00
11045.00
1435.85
12480.85