



BY EMAIL and RESS

Jay Shepherd
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June 3, 2020
Our File: EB20180242

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

Attn: Christine Long, Registrar & Board Secretary

Dear Ms. Long:

Re: EB-2018-0242 – Hydro One Peterborough MAADs – SEC 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.

In this proceeding Hydro One sought approval to acquire Peterborough Distribution. The proceeding included extensive interrogatories, a technical conference, and a two day oral hearing, followed by written argument. From the technical conference until the end, this proceeding was combined with EB-2018-0270, the acquisition by Hydro One of Orillia Hydro, which had similar facts and a similar rate proposal.

Senior Counsel Jay Shepherd took the lead, and time spent by co-counsel Mark Rubenstein has not been claimed.

Because the technical conference, oral hearing and argument were essentially combined, SEC has for the most part simply divided the time spent equally between the two cases for those phases. We estimate that this is a fair division between the two cases. In the few cases where that was not the case, we have allocated time spent based on the specific issues that related to Orillia or Peterborough. Time spent in the interrogatory phase in the Peterborough case, prior to the combination of the cases, is probably lower than it would otherwise have been, perhaps by 10 hours, because of the time spent on the motion in the Orillia case.

Many of the issues that arose in this proceeding, and the companion Orillia proceeding, were unique, and could have far-reaching consequences in distributor consolidation decisions. SEC, as it has done in the past, took the lead on most of those key issues. A considerable amount of time, for example, was required to look in detail at the Hydro One Cost Allocation Model, and make comparisons between the proposals in these proceedings, and past research by Hydro One on cost allocation between its different geographic areas.

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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.

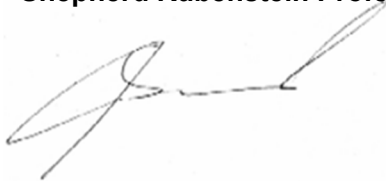
2. I have examined all of the documentation in support of the attached cost claim, including the attached "Summary of Fees and Disbursements Being Claimed", "Statement(s) of Fees Being Claimed" and "Statement(s) of Disbursements Being Claimed".

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- **2018-0242**

Process: **Hydro One Peterborough MAADs**

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- 2018-0242

Process: Hydro One Peterborough MAADs

Party: School Energy Coalition

Summary of Fees and Disbursements Being Claimed

Legal/consultant/other fees	\$	42,966.00
Disbursements	\$	-
HST	\$	5,585.58
Total Cost Claim	\$	48,551.58

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>2018-0242</u>	Process: <u>Hydro One Peterborough MAADs</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	8.5	\$ 330.00	\$ 2,805.00	\$ 364.65	\$ 3,169.65
Attendance	7.0	\$ 330.00	\$ 2,310.00	\$ 300.30	\$ 2,610.30
Interrogatories					
Preparation	33.5	\$ 330.00	\$ 11,055.00	\$ 1,437.15	\$ 12,492.15
Responses	11.3	\$ 330.00	\$ 3,729.00	\$ 484.77	\$ 4,213.77
Issues Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 330.00	\$ -	\$ -	\$ -
Argument					
Preparation	26.6	\$ 330.00	\$ 8,778.00	\$ 1,141.14	\$ 9,919.14
Oral Hearing					
Preparation	36.5	\$ 330.00	\$ 12,045.00	\$ 1,565.85	\$ 13,610.85
Attendance	6.8	\$ 330.00	\$ 2,244.00	\$ 291.72	\$ 2,535.72
Other Conferences					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Case Management		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 42,966.00	\$ 5,585.58	\$ 48,551.58

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



File # EB- 2018-0242

Process: Hydro One Peterborough MAADs

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
20181218	Review application and notice, Draft, revise and file Notice of Intervention, Many emails	JCS	1.1
20190104	Many emails	JCS	0.1
20190121	Review staff report	JCS	1
20190130	Review PO #1 and scheduling	JCS	0.3
20190207	Review evidence, Drafting interrogatories	JCS	3
20190210	Draft interrogatories	JCS	6.5
20190211	Draft and file interrogatories, Many emails	JCS	3.6
20190212	Many emails	JCS	0.1
20190213	Review background files, Review interrogatories of others, Many emails	JCS	1.4
20190215	Review CCC interrogatories	JCS	0.3
20190228	Initial review of IRR	JCS	1
20190319	Review letter from counsel, Meet with Mark re strategy	JCS	0.3
20190321	Review PO #2 and scheduling, Many emails, Review evidence	JCS	0.5
20190415	Review King letter and scheduling	JCS	0.1
20190426	Initial review of new evidence	JCS	0.2
20190430	Review new evidence	JCS	1
20190509	Review PO #3 and scheduling	JCS	0.3
20190518	Review evidence, Interrogatory analysis, Motion analysis	JCS	2.6
20190519	Drafting interrogatories, Spreadsheets re adjustments	JCS	4
20190521	Drafting and revising interrogatories	JCS	2
20190522	Draft and file interrogatories, Review interrogatories of others, Many emails	JCS	4.1
20190531	Review OEB letter and scheduling	JCS	0.3
20190614	Review interrogatory responses, Many emails	JCS	2.8
20190617	Review interrogatory responses	JCS	2
20190705	Review PO#4 and scheduling	JCS	0.3
20190709	Review H1 letter	JCS	0.1
20190710	Various emails	JCS	0.1
20190711	Various emails	JCS	0.1
20190712	Many emails, Scheduling	JCS	0.2
20190718	Review PO#5 and Scheduling	JCS	0.2
20190903	Review IR responses, TC questions	JCS	5.1
20190920	Many emails	JCS	0.1
20190924	Many emails	JCS	0.1
20190925	Many emails	JCS	0.2
20190926	Many emails	JCS	0.2
20190927	Many emails, Review strategy	JCS	0.5
20190930	Prep for Technical Conference, Prepare and send comparative scorecard, Many emails	JCS	1.8

20191001	Prep for Technical Conference, Many emails, Prepare and circulate comparison chart, Get additional evidence from counsel	JCS	2.6
20191002	Prep for Technical Conference	JCS	2.2
20191003	Attend at Technical Conference, Prep, Discussions with other parties	JCS	4.3
20191004	Attend at Technical Conference (in person and internet), Prep, Discussions with other parties	JCS	3.5
20191018	Review undertakings	JCS	0.3
20191028	Review Board letter, Analysis	JCS	0.2
20191029	Review transcripts, undertakings, interrogatories and pre-filed evidence, Prepare oral hearing plan, Various emails	JCS	2.4
20191030	Review transcripts, undertakings, interrogatories and pre-filed evidence, Prepare oral hearing plan	JCS	3.1
20191031	Draft submissions re oral hearing and circulate for comment	JCS	2.6
20191103	Many emails	JCS	0.2
20191104	Revise and file detailed submissions on oral hearing, Review submissions of others, Many emails	JCS	1
20191105	Review reply from Hydro One	JCS	0.2
20191106	Many emails, Scheduling	JCS	0.1
20191108	Review new filing	JCS	0.4
20191111	Review and report areas of examination, Many emails	JCS	0.3
20191120	Many emails	JCS	0.2
20191121	Many emails, Review submissions of others	JCS	0.3
20191125	Review H1 letter, Many emails, Draft, revise and file response, Hearing prep	JCS	2.2
20191126	Many emails, Prep for hearing, Review witness info	JCS	1.4
20191127	Prep for Hearing, Many emails, Review of CAM, Send materials in advance, Scheduling	JCS	3.1
20191128	Prep for Hearing, Many emails, Review of CAM, Send materials in advance, Review PO #7	JCS	3.6
20191129	Prep for Hearing, Many emails, Review updated evidence, Complete review of CAM and provide comparisons	JCS	3.8
20191130	Prep for Hearing, Many emails	JCS	5.1
20191201	Prep cross-examination, Prepare Compendium, Further review of CAM, Many emails	JCS	5.8
20191202	File Compendium, Attend at hearing (in person), Many emails, Review transcripts, Prep/Analysis for Day 2	JCS	4.3
20191203	Attend at hearing (internet), Many emails	JCS	2.8
20191204	Outline of Argument issues	JCS	1
20191209	Review evidence	JCS	0.6
20191210	Review Undertaking Responses	JCS	0.5
20191211	Final Argument notes, Review transcripts	JCS	0.8
20191213	Evidence review and outline, Many emails	JCS	1.2

20191214	Review Arguments in Chief	JCS	1
20191217	Meet with Mark, Research on unit costs, Change order of Argument	JCS	0.9
20191218	Many emails, Circulate summary, Drafting and research, Review Kehoe material	JCS	1.2
20191219	Drafting Argument, Research	JCS	1.1
20191220	Drafting Argument, Research	JCS	2.5
20191221	Drafting Argument, Research	JCS	3.7
20191222	Drafting Argument, Research	JCS	3.2
20191223	Citations, Finalize and file Argument	JCS	3
20191224	Review all arguments	JCS	1.1
20200104	Review CCC submissions	JCS	0.3
20200107	Reporting	JCS	0.1
20200113	Various emails	JCS	0.1
20200117	Review letters and scheduling	JCS	0.1
20200124	Review reply arguments	JCS	1.6
20200430	Review decision and reporting	JCS	1.1
20200514	Initial review of DRO	JCS	0.4
20200528	Detailed Review of DRO, Draft and file comments, Review staff comments	JCS	1.1
			130.2

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