



BY EMAIL and RESS

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

January 8, 2020
Our File: EB20190261

Attn: Christine Long, Registrar

Dear Ms. Long:

Re: EB-2019-0261 – Hydro Ottawa Limited 2021-2025 – 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 was a complex proceeding. Hydro Ottawa sought approval of over \$1.1Bn in revenue requirement over a 5-year Custom IR term. This was also the first Custom IR application to have a scheduled Settlement Conference on all issues in the last five years. The proceeding included a 5-day Technical Conference, and a Settlement Conference that while formally lasted only 5-days, the parties continued negotiations on various parts of the settlement throughout the Settlement Proposal drafting process. In addition, there was evidence filed by Board Staff and submissions on the unsettled issue. Adding to the complexity was the number of intervenors, and the Technical and Settlement Conferences were conducted entirely by video conference.

While Hydro Ottawa’s proposed rate framework largely mirrored that approved in previous rate framework (2015-2020), since that time there has been a significant evolution in the Board’s expectation regarding Custom IR applications that parties had to grapple with during settlement negotiations.¹ As demonstrated through the approved Settlement Proposal, the parties agreed to a number of significant structural elements and some unique elements, including the Performance Outcomes Accountability Mechanism. Counsel for SEC took a leading role in this proceeding, acting as a coordinator among the intervenors during the settlement process.

SEC submits that its participation in this proceeding was thorough and valuable and was designed to maximize its assistance to the Board. SEC therefore requests reimbursement of its reasonably incurred costs as set forth in the attached cost claim.

For the purposes of the Board’s cost claim form, SEC notes that its process of reviewing interrogatory responses and preparing for the Technical Conference were conducted at the same time, and so have been included in the ‘Technical Conference – Preparation’ category. Time spent reviewing the

¹ Since the approval of Hydro Ottawa’s Limited last Custom IR Settlement Proposal (see EB-2015-0004, [Decision on Settlement Proposal and Procedural Order No. 11](#), November 23, 2015), the Board has issued two Custom IR decisions for Toronto Hydro ([2014-2019](#) and [2020-2024](#)), one for Hydro One Networks Inc. Distribution ([2018-2022](#)), and has released the [Handbook for Utility Rate Applications](#).



significant amount of undertaking responses arising from the Technical Conference have been included in the 'Settlement Conference – Preparation' category. We have also used the 'Other Conference – Preparation' category for time docketed for items that do not fall within the other categories (i.e., Procedural matters, submissions on confidentiality, discussions amongst parties to develop the Issues List, reviewing the Board's decisions, and reviewing and filing submissions on the Draft Rate Order).

Yours very truly,
Shepherd Rubenstein P.C.

Mark Rubenstein

cc: Wayne McNally, SEC (by email)
Hydro Ottawa Limited (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>2019-0261</u>	Process: <u>Hydro Ottawa 2021-2025</u>
Party: <u>School Energy Coalition</u>	Affiant's Name: <u>Mark Rubenstein</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, Mark Rubenstein, 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.

Mark Rubenstein
2021-01-05 14:13:55

Signature of Affiant

Sworn or affirmed before me at the City/Town of Toronto (via videoconference),
in the Province/State of Ontario, on January 5, 2021.
(date)

Commissioner for taking Affidavits

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Affidavit and Summary of Fees and Disbursements

File # EB- 2019-0261 Process: Hydro Ottawa 2021-2025

Party: School Energy Coalition

Summary of Fees and Disbursements Being Claimed

Legal/consultant/other fees	\$	61,172.00
Disbursements	\$	129.15
HST	\$	7,969.15
Total Cost Claim	\$	69,270.30

Payment Information

Make cheque payable to: Shepherd Rubenstein Professional Corporation, in tr

Send payment to this address: 2200 Yonge Street

Suite 1302

Toronto, ON

M4S 2C6

Ontario Energy Board COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2019-0261</u>	Process: <u>Hydro Ottawa 2021-2025</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 checked="" type="checkbox"/>	<input type="text" value="2011"/>	<input type="text" value="9"/>
Articling Student/Paralegal <input type="checkbox"/>		
Consultant <input type="checkbox"/>		
Analyst <input type="checkbox"/>		
Hourly Rate:	<input type="text" value="\$230"/>	
For Consultant/Analyst:	<input type="checkbox"/> CV attached	HST Rate Charged (enter %):
	<input type="checkbox"/> CV provided within previous 24 months	<input type="text" value="13.0%"/>

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
Pre-hearing Conference					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
Technical Conference					
Preparation	36.00	\$ 230.00	\$ 8,280.00	\$ 1,076.40	\$ 9,356.40
Attendance	30.70	\$ 230.00	\$ 7,061.00	\$ 917.93	\$ 7,978.93
Interrogatories					
Preparation	59.20	\$ 230.00	\$ 13,616.00	\$ 1,770.08	\$ 15,386.08
Responses		\$ 230.00	\$ -	\$ -	\$ -
Issues Conference					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation	39.00	\$ 230.00	\$ 8,970.00	\$ 1,166.10	\$ 10,136.10
Attendance	34.30	\$ 230.00	\$ 7,889.00	\$ 1,025.57	\$ 8,914.57
Proposal Preparation	35.60	\$ 230.00	\$ 8,188.00	\$ 1,064.44	\$ 9,252.44
Argument					
Preparation	9.00	\$ 230.00	\$ 2,070.00	\$ 269.10	\$ 2,339.10
Oral Hearing					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
Other Conferences					
Preparation	7.10	\$ 230.00	\$ 1,633.00	\$ 212.29	\$ 1,845.29
Attendance		\$ 230.00	\$ -	\$ -	\$ -
Case Management					
			\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 57,707.00	\$ 7,501.91	\$ 65,208.91

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Detail of Fees and Disbursements Being Claimed

File # EB- 2019-0261

Process: Hydro Ottawa 2021-2025

Party: School Energy Coalition

Service Provider Name: Mark Rubenstein

Statement of Disbursements Being Claimed				
		Net Cost	HST	Total
Scanning/Photocopy			\$ -	\$ -
Printing				\$ -
Courier			\$ -	\$ -
Telephone/Fax		\$ 129.15	\$ 16.79	\$ 145.94
Transcripts			\$ -	\$ -
Travel: Air			\$ -	\$ -
Travel: Car			\$ -	\$ -
Travel: Rail			\$ -	\$ -
Travel (Other):			\$ -	\$ -
Parking			\$ -	\$ -
Taxi			\$ -	\$ -
Accommodation			\$ -	\$ -
Meals			\$ -	\$ -
Other:			\$ -	\$ -
Other:			\$ -	\$ -
Other:			\$ -	\$ -
TOTAL DISBURSEMENTS:		\$ 129.15	\$ 16.79	\$ 145.94

Ontario Energy Board COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2019-0261</u>	Process: <u>Hydro Ottawa 2021-2025</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"/>	<input type="text" value="1980"/>	<input type="text" value="40"/>
Articling Student/Paralegal <input type="checkbox"/>		
Consultant <input type="checkbox"/>		
Analyst <input type="checkbox"/>		
For Consultant/Analyst: <input type="checkbox"/> CV attached		Hourly Rate: <input type="text" value="\$330"/>
<input type="checkbox"/> CV provided within previous 24 months		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	0.10	\$ 330.00	\$ 33.00	\$ 4.29	\$ 37.29
Attendance	2.70	\$ 330.00	\$ 891.00	\$ 115.83	\$ 1,006.83
Interrogatories					
Preparation	6.00	\$ 330.00	\$ 1,980.00	\$ 257.40	\$ 2,237.40
Responses		\$ 330.00	\$ -	\$ -	\$ -
Issues Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation	0.40	\$ 330.00	\$ 132.00	\$ 17.16	\$ 149.16
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 330.00	\$ -	\$ -	\$ -
Argument					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Oral Hearing					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Other Conferences					
Preparation	1.30	\$ 330.00	\$ 429.00	\$ 55.77	\$ 484.77
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Case Management					
			\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 3,465.00	\$ 450.45	\$ 3,915.45

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Detail of Fees and Disbursements Being Claimed

File # EB- 2019-0261

Process: Hydro Ottawa 2021-2025

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:		\$ -	\$ -	\$ -

Date	Explanation	Lwyr	Hours
20200310	prel review of application	MR	3
20200331	review PO/emails	MR	0.2
20200331	Review application and PO#1, Various emails and scheduling	JCS	1
20200401	Review evidence, Various emails	JCS	2
20200417	Sign and file Declaration and Undertaking	JCS	0.2
20200423	Various emails, Review Board letter	JCS	0.1
20200423	prel review of application and draft IRs	MR	3.5
20200424	review application/draft IRs/emails	MR	4.2
20200427	review application/draft IRs/emails	MR	5
20200428	review application/draft IRs/research	MR	5
20200429	review application/draft IRs	MR	4
20200430	review application/draft IRs	MR	3
20200504	review Application/draft IRs	MR	4.6
20200505	p. call w. J. Girvan	MR	0.2
20200506	emails/review evidence update	MR	4
20200507	Review Clearspring working papers, Many emails	JCS	1.7
20200508	review app/draft IRs/prel review of Staff IR/emails/p. call w. S. Grice	MR	5.2
20200509	review Application/draft IRs	MR	1.7
20200511	finalize, edit and file IRs/review Staff IRs/review other parties IRs	MR	2.5
20200514	email/review ED sup IR	MR	0.2
20200522	Many emails	JCS	0.2
20200522	emails	MR	0.1
20200525	Many emails re capital and custom iR	JCS	0.6
20200525	emails	MR	0.3
20200526	emails	MR	0.1
20200529	emails/review PO	MR	0.2
20200601	emails	MR	0.1
20200602	emails	MR	0.1
20200603	emails/p. call w. M. Lowry	MR	1.2
20200605	emails	MR	0.1
20200608	emails/review draft issues list/prel review of IRR	MR	2
20200609	emails re: issues list/p. call w. J. Girvan	MR	0.3
20200610	emails	MR	0.3
20200611	emails re: issues list	MR	0.3
20200612	emails/review Staff sub issues list/prel review further IRR sent	MR	0.3
20200619	emails/prel review of PEG Expert Report	MR	0.5
20200622	review PEG expert report/background material from other proceeding where PEG testified	MR	5.2
20200622	review PO	MR	0.1
20200624	review PEG report and draft IRs	MR	1.2
20200625	emails/p. call w. M. Lowry	MR	0.4
20200626	Review interrogatories, Review PEG evidence	JCS	1.3
20200626	finalize and file PEG IRs/review other parties IRs/develop CIR options model	MR	3.6
20200629	review IRR and prepare for Technical Conference	MR	5.5
20200630	review IRR and prepare for Technical Conference	MR	3.5
20200703	review IRs/prepare for TC/emails	MR	4.5
20200707	emails re:TC/review PO	MR	0.3

20200708	Review IRs and prepare for TC/emails/sign and file D&U	MR	2.5
20200709	review IRs/prepare for TC/undertake analysis	MR	2.5
20200710	prepare for TC/p. call w. S. Grice re: Hydro Ottawa capital IRs/many emails	MR	4.1
20200713	emails/attend TC Zoom test session	MR	1.5
20200714	prepare for TC/emails	MR	3
20200714	review confidential material/review Staff sub/p. call w. S. Zhou re: confidentiality	MR	2
20200715	attend Technical Conference	MR	8.2
20200715	prepare for day 2 of TC/transcript	MR	0.8
20200715	Review TC schedule, Many emails	JCS	0.1
20200716	attend Technical Conference	MR	8.5
20200716	prepare for day 3/review transcript	MR	1
20200717	attend Technical Conference	MR	7.7
20200717	Attend Technical Conference (internet) for econometrics material, Many emails	JCS	2.7
20200720	review day 3 transcript/review PEG IRR/prepared for day 4 of Technical Conference	MR	2.8
20200721	attend Technical Conference Day 4	MR	6.3
20200723	emails/review Hydro Ottawa confidentiality reply	MR	0.1
20200727	review confidentiality decision	MR	0.2
20200728	preliminary review of UT responses	MR	2
20200729	review Hydro Ottawa letter/emails/review Staff procedure email re: SC	MR	0.3
20200731	review Bd letter	MR	0.1
20200804	review UT responses and prepare for Settlement Conference	MR	4
20200805	review UT responses and prepare for Settlement Conference	MR	6
20200806	prepare for Settlement Conference/emails	MR	4
20200807	review UT responses and prepare for Settlement Conference/attend Zoom Settlement Conference test session/many emails	MR	3.5
20200809	review UT responses/prepare for Settlement Conference/p. call w. S. Grice/emails	MR	6.5
20200810	attend Settlement Conference	MR	8.5
20200810	prepare for day 2 of Settlement Conference/emails/p. call w. J. Girvan/further research/prepare model from discussions	MR	5.1
20200811	attend Settlement Conference/disc w parties	MR	9.5
20200812	attend Settlement Conference	MR	3.5
20200812	prepare for Settlement Conference day 3/many emails/p. call w. K. Elson/p. call w. S. Grice/p. call w. J. Girvan, undertake offer analysis	MR	5.1
20200813	attend Settlement Conference	MR	4.5
20200813	prepare for day 4 of Settlement Conference (before it begun)/many emails/revised model for further offers	MR	4
20200814	prepare for day 5 of Settlement Conference/emails	MR	0.5
20200814	attend Settlement Conference	MR	3.9
20200817	attend Settlement Conference/emails	MR	0.6
20200819	Various emails, Review past positions re fixed/variable, Position analysis	JCS	0.4
20200820	emails/prelim review of Settlement Proposals	MR	0.3
20200821	emails/review and provide significant edits and comments to Settlement Proposal	MR	4.5
20200821	emails/research and prepare metrics discussion document for intervenors	MR	3
20200824	review other parties comments & edits/emails/video conference with intervenors re:	MR	4.2
20200825	Review letter and scheduling	JCS	0.2

20200825	review Staff edits/many emails/consolidated comments and edits and provide to HOL/discussion re: metrics and measures with intervenors	MR	3.2
20200826	emails	MR	0.3
20200827	review metrics counter proposal and consider/review PO/2X p. call w. C. Haussuman/consider metric proposal issues and draft revised co	MR	2.2
20200827	attend Zoom meeting with all parties/attend Zoom meeting with intervenors	MR	1.3
20200828	attend Zoom meeting with intervenors/attend Zoom meeting with all parties/attend further Zoom meeting with intervenors/p. call w. GVD (MR	2.5
20200828	circulate document to intervenors/p. call w. S. Grice/revised and circulate metrics documents to HOL/emails	MR	1
20200831	emails	MR	0.2
20200901	emails/review revised proposal on metrics	MR	0.6
20200902	many emails/p. call w. Chriss Hausmann/prel review of revised Settlement Proposal	MR	0.6
20200903	review, provide edits and comments on second draft of Settlement Proposal and attachments/p. call w. Chris Hausmann/review draft extent	MR	3.2
20200904	emails/p. call w. Chris Hausmann/review draft extention letter from HOL/many emails	MR	0.7
20200905	emails	MR	0.1
20200906	review models and consolidated intervenor comments and edits	MR	1.7
20200907	emails	MR	0.2
20200908	emails	MR	0.5
20200909	many emails/review revised language and provide draft for consideration by intervenors	MR	1.2
20200910	emails/p. call w. Chris Hausmann/review extention corr	MR	0.7
20200911	emails	MR	0.3
20200914	review Settlement Proposal draft #3/provide edits and comments/p. call w. J. Girvan/many emails	MR	2.5
20200915	emails/p. call w. Chris Hausmann/Zoom meeting with intervenors/finalize and consolidate further Settlement Proposal comments of interve	MR	2.5
20200916	emails/review further draft of Settlement Proposal and consider issues	MR	1.1
20200917	consolidate comments and email	MR	0.5
20200918	review final draft and sign off/emails	MR	0.3
20200922	review PO	MR	0.1
20201002	review PO/decision	MR	0.1
20201013	prel review of A+C	MR	0.5
20201014	emails/review A+C/review materials/draft sub	MR	4.5
20201015	emails	MR	0.3
20201016	emails/edit submissions/review ED submissions	MR	0.7
20201019	disc w J. Girvan	MR	0.1
20201020	finalize and file sub/review other parties sub	MR	2
20201021	review DRC sub	MR	0.1
20201027	review reply argument/emails	MR	0.4
20201030	review PP reply sub	MR	0.2
20201103	emails/review ED reply sub	MR	0.2
20201119	review decision on unsettled issues	MR	0.3
20201203	emails	MR	0.1
20201204	emails/review DRO/send email clarifying changes to HOL	MR	1

20201205	further review of DRO and emails re: clarification from HOL of changes	MR	0.8
20201207	emails re: DRO	MR	0.2
20201211	review HOL letter/emails	MR	0.1
20201213	draft DRO letter	MR	0.1
20201214	review Staff sub/finalize and file letter	MR	0.2
20201216	review DRO reply submissions and attachment documents	MR	0.2
			261.4