



BY EMAIL and RESS

Mark Rubenstein
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Dir. 647-483-0113

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

January 8, 2020
Our File: EB20200030

Attn: Christine Long, Registrar

Dear Ms. Long:

Re: EB-2020-0030 – Hydro One Networks Inc. Distribution 2021 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.

SEC recognizes that the Board, in Procedural Order No.1, limited cost awards to Hydro One's request for disposition of balances in deferral and variance accounts due to the mechanistic nature of the rate adjustment. SEC requests that the Board exercise its discretion and approve its entire cost claim, which includes time spent reviewing and providing detailed and extensive submissions on the C-Factor component of the rate adjustment. SEC recognizes the Board ultimately did not agree with its view that it was appropriate to adjust the C-Factor, but the issue raised was important material and made in good faith. The Board at the time of its issuance of the Notice and Procedural Order would not have been aware of the issue regarding the significant deficiencies in the C-Factor approved in the EB-2017-0049. It is telling that in its reply submissions, Hydro One did little to dispute the submissions on the immaterial impact of the approved stretch factor in years 3 through 5 of its Custom IR term. Hydro One simply argued that the issue was out of scope in this proceeding and that the Board had previously approved its C-Factor approach. As detailed in SEC's written submissions, the Board has on at least one previous occasion, made forward looking adjustments to approved rate plans.

If the Board disagrees with SEC's request, while we are unable to provide a detailed breakdown of its time between the deferral and variance account and rate adjustment component of the application, we estimate that the split in time spent between the two areas are approximately 25/75%.

Yours very truly,
Shepherd Rubenstein P.C.

Mark Rubenstein

cc: Wayne McNally, SEC (by email)
Hydro One Networks Inc. (by email)

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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>2020-0030</u>	Process: <u>Hydro One Networks Inc. Dx 2021 Rates</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:
14:16

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- 2020-0030 Process: Hydro One Networks Inc. Dx 2021 Rates

Party: School Energy Coalition

Summary of Fees and Disbursements Being Claimed

Legal/consultant/other fees	\$	6,187.00
Disbursements	\$	-
HST	\$	804.31
Total Cost Claim	\$	6,991.31

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>2020-0030</u>	Process: <u>Hydro One Networks Inc. Dx 2021 Rates</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		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
Interrogatories					
Preparation	2.50	\$ 230.00	\$ 575.00	\$ 74.75	\$ 649.75
Responses	0.50	\$ 230.00	\$ 115.00	\$ 14.95	\$ 129.95
Issues Conference					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 230.00	\$ -	\$ -	\$ -
Argument					
Preparation	16.20	\$ 230.00	\$ 3,726.00	\$ 484.38	\$ 4,210.38
Oral Hearing					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
Other Conferences					
Preparation	1.10	\$ 230.00	\$ 253.00	\$ 32.89	\$ 285.89
Attendance		\$ 230.00	\$ -	\$ -	\$ -
Case Management			\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 4,669.00	\$ 606.97	\$ 5,275.97

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Detail of Fees and Disbursements Being Claimed

File # EB- 2020-0030

Process: Hydro One Networks Inc. Dx 2021 Rates

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

File # EB- <u>2020-0030</u>	Process: <u>Hydro One Networks Inc. Dx 2021 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"/> Articling Student/Paralegal <input type="checkbox"/> Consultant <input type="checkbox"/> Analyst <input type="checkbox"/>	<u>1980</u>
	Completed Years Practising/Years of Relevant Experience
	<u>40</u>
	Hourly Rate: <u>\$330</u>
For Consultant/Analyst: <input type="checkbox"/> CV attached	HST Rate Charged (enter %): <u>13.0%</u>
<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		\$ 330.00	\$ -	\$ -	\$ -
Responses		\$ 330.00	\$ -	\$ -	\$ -
Issues Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 330.00	\$ -	\$ -	\$ -
Argument					
Preparation	4.60	\$ 330.00	\$ 1,518.00	\$ 197.34	\$ 1,715.34
Oral Hearing					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Other Conferences					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Case Management			\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 1,518.00	\$ 197.34	\$ 1,715.34

**Ontario Energy Board
COST CLAIM FOR HEARINGS**



Detail of Fees and Disbursements Being Claimed

File # EB- 2020-0030

Process: Hydro One Networks Inc. Dx 2021 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:		\$ -	\$ -	\$ -

Date	Explanation	Lwyr	Hours
20200918	review Notice	MR	0.2
20200929	review Notice/prel review of app/emails	MR	0.6
20201002	emails/prepare and file NOI	MR	0.5
20201009	emails/review PO	MR	0.2
20201016	emails/review Staff IRs/review evidence and draft IRs	MR	1.2
20201019	emails/finalize and file IRs/review other parties IRs	MR	0.7
20201022	emails/review corr	MR	0.1
20201023	review BD letter	MR	0.1
20201028	prel review of IRR	MR	0.5
20201029	emails/research	MR	1.3
20201109	review evidence/prepare tables/draft sub/emails	MR	5.5
20201110	draft submission/conduct analysis/p. call w. TA (Board Staff)	MR	1.5
20201111	Review draft submissions and edit	JCS	0.3
20201111	disc w. JCS draft submissions/emails	MR	0.6
20201112	Review draft submissions and edit, Review source documents, Memo of comments	JCS	3.3
20201112	review JCS comments/revise draft emails	MR	1.8
20201113	Further review and edits	JCS	1
20201113	edit draft/emails	MR	1.5
20201116	review IRs and draft sub	MR	1
20201117	edit sub/p. call w. JG/p. call w. SG/emails	MR	1.2
20201118	finalize and file sub/emails	MR	0.5
20201119	review Hydro One ltr	MR	0.1
20201120	review CCC/AMPCO sub	MR	0.2
20201124	review reply submissions	MR	0.4
20201126	emails/review interim decision/review Hydro One update	MR	0.3
20201217	review decision/emails	MR	0.3
			24.9