



**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

February 18, 2021  
Our File: EB20200040

**Attn: Christine Long, Registrar**

Dear Ms. Long:

**Re: EB-2020-0040 – Niagara Peninsula Energy Inc. 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.

For the purposes of the Board's form, we have included time in the 'Other Conference – Preparation' category for time docketed for items that do not fall within the other categories (i.e. procedural matters, draft issues list process, confidentiality matters, review of OEB Staff's submission and the Board decision, etc.). Further, we note that for the most part, the process of reviewing interrogatory responses and preparing for the settlement conference was conducted at the same time, and so have been included in the 'Settlement Conference – Preparation' category.

Yours very truly,  
**Shepherd Rubenstein P.C.**

Mark Rubenstein

cc: Wayne McNally, SEC (by email)  
NPEI (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.

<b>File # EB-</b> <u>EB-2020-0040</u>	<b>Process:</b> <u>NPEI 2021</u>
<b>Party:</b> <u>School Energy Coalition</u>	<b>Affiant's Name:</b> <u>Mark Rubenstein</u>
<b>HST Number:</b> <u>83673-5464-RT0001</u>	<b>HST Rate Ontario:</b> <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  
2021-02-18 13:53:02  
**Signature of Affiant**

**Sworn or affirmed before me** at the City/Town of Toronto (via Zoom videoconference),  
in the Province/State of Ontario, on 2021/02/18.  
(date)

  
**Commissioner for taking Affidavits**

**Ontario Energy Board**  
**COST CLAIM FOR HEARINGS**



**Affidavit and Summary of Fees and Disbursements**

File # EB- EB-2020-0040 Process: NPEI 2021

Party: School Energy Coalition

**Summary of Fees and Disbursements Being Claimed**

Legal/consultant/other fees	\$	18,849.00
Disbursements	\$	-
HST	\$	2,450.37
<b>Total Cost Claim</b>	<b>\$</b>	<b>21,299.37</b>

**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

<b>File # EB-</b> <u>EB-2020-0040</u>	<b>Process:</b> <u>NPEI 2021</u>
<b>Party:</b> <u>School Energy Coalition</u>	<b>Service Provider Name:</b> <u>Mark Rubenstein</u>
<b>Completed Years Practising/Years of Relevant Experience</b> <div style="display: flex; justify-content: space-around;"> <div> <b>SERVICE PROVIDER TYPE</b> (check one)           <div style="display: flex; flex-direction: column; align-items: center;"> <input checked="" type="checkbox"/> Legal Counsel           <input type="checkbox"/> Articling Student/Paralegal           <input type="checkbox"/> Consultant           <input type="checkbox"/> Analyst         </div> </div> <div> <b>Year Called to Bar</b>  <div style="border: 1px solid black; padding: 2px; display: inline-block;">2011</div> </div> <div> <div style="border: 1px solid black; padding: 2px; display: inline-block;">9</div> </div> </div>	
<b>Hourly Rate:</b> <div style="border: 1px solid black; padding: 2px; display: inline-block;">\$230</div>	
<b>HST Rate Charged (enter %):</b> <div style="border: 1px solid black; padding: 2px; display: inline-block;">13.0%</div>	
For Consultant/Analyst: <input type="checkbox"/> CV attached <input type="checkbox"/> CV provided within previous 24 months	

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
<b>Pre-hearing Conference</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>Technical Conference</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>Interrogatories</b>					
Preparation	23.50	\$ 230.00	\$ 5,405.00	\$ 702.65	\$ 6,107.65
Responses	1.50	\$ 230.00	\$ 345.00	\$ 44.85	\$ 389.85
<b>Issues Conference</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>ADR - Settlement Conference</b>					
Preparation	26.50	\$ 230.00	\$ 6,095.00	\$ 792.35	\$ 6,887.35
Attendance	19.20	\$ 230.00	\$ 4,416.00	\$ 574.08	\$ 4,990.08
Proposal Preparation	5.20	\$ 230.00	\$ 1,196.00	\$ 155.48	\$ 1,351.48
<b>Argument</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
<b>Oral Hearing</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>Other Conferences</b>					
Preparation	3.90	\$ 230.00	\$ 897.00	\$ 116.61	\$ 1,013.61
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>Case Management</b>			\$ -	\$ -	\$ -
<b>TOTAL SERVICE PROVIDER FEES</b>			\$ 18,354.00	\$ 2,386.02	\$ 20,740.02

# Ontario Energy Board

## COST CLAIM FOR HEARINGS



### Detail of Fees and Disbursements Being Claimed

File # EB- EB-2020-0040

Process: NPEI 2021

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:		\$ -	\$ -
<b>TOTAL DISBURSEMENTS:</b>	\$ -	\$ -	\$ -

# Ontario Energy Board

## COST CLAIM FOR HEARINGS



### Detail of Fees and Disbursements Being Claimed

<b>File # EB-</b> <u>EB-2020-0040</u>	<b>Process:</b> <u>NPEI 2021</u>
<b>Party:</b> <u>School Energy Coalition</u>	<b>Service Provider Name:</b> <u>Jay Shepherd</u>
<b>SERVICE PROVIDER TYPE</b> (check one)	
<b>Legal Counsel</b> <input checked="" type="checkbox"/>	<b>Year Called to Bar</b> <u>1980</u>
<b>Articling Student/Paralegal</b> <input type="checkbox"/>	<b>Completed Years Practising/Years of Relevant Experience</b> <u>40</u>
<b>Consultant</b> <input type="checkbox"/>	<b>Hourly Rate:</b> <u>\$330</u>
<b>Analyst</b> <input type="checkbox"/>	<b>HST Rate Charged (enter %):</b> <u>13.0%</u>
For Consultant/Analyst: <input type="checkbox"/> CV attached <input type="checkbox"/> CV provided within previous 24 months	

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
<b>Pre-hearing Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Technical Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Interrogatories</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Responses		\$ 330.00	\$ -	\$ -	\$ -
<b>Issues Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>ADR - Settlement Conference</b>					
Preparation	1.50	\$ 330.00	\$ 495.00	\$ 64.35	\$ 559.35
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 330.00	\$ -	\$ -	\$ -
<b>Argument</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
<b>Oral Hearing</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Other Conferences</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Case Management</b>			\$ -	\$ -	\$ -
<b>TOTAL SERVICE PROVIDER FEES</b>			\$ 495.00	\$ 64.35	\$ 559.35

# Ontario Energy Board

## COST CLAIM FOR HEARINGS



### Detail of Fees and Disbursements Being Claimed

File # EB- EB-2020-0040

Process: NPEI 2021

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:		\$ -	\$ -
<b>TOTAL DISBURSEMENTS:</b>	\$ -	\$ -	\$ -

Date	Explanation	Lwyr	Hours
20200910	prel review of evidence/research	MR	2.5
20200917	draft and file NOI	MR	0.3
20201013	emails/review PO	MR	0.3
20201021	review Application	MR	4.5
20201022	review Application and draft IRs	MR	7
20201023	review Application and draft IRs	MR	5.2
20201026	review Application and draft IRs	MR	1.6
20201030	finalize and file IRs/review other parties IRs	MR	1.5
20201102	p call w. NPEI re: IR clarification/emails	MR	0.3
20201116	emails	MR	0.1
20201118	emails	MR	0.1
20201119	emails	MR	0.1
20201120	prel review of IRR	MR	1.5
20201124	review IRR/prepare for Settlement Conference	MR	6.1
20201125	review IRR/prepare for Settlement Conference/emails	MR	5.2
20201126	emails re:issues list/review IRR/prepare for Settlement Conference/emails	MR	2.2
20201127	emails/finalize and send pre-settlement conference clarification questions/review VECC questions/p. call w. NPEI	MR	0.5
20201130	emails	MR	0.2
20201201	attend Zoom Settlement Conference test session	MR	0.4
20201204	emails/review Staff clarification questions/review issues list decision	MR	0.4
20201205	consider additional issues added/emails	MR	2
20201205	Many emails	JCS	0.1
20201207	file D&U/emails/p. call w. JW(NPEI)/p. call w. D. Lau (Board Staff)	MR	0.6
20201208	prepare for Settlement Conference/p. call w. JCS re:CCA tax issues/review clarification question responses	MR	6.3
20201208	Telephone conversation with Mark, Emails, Review Waterloo North resolution	JCS	0.6
20201209	attend Settlement Conference	MR	8.3
20201209	consider issues and prepare for Day 2/prepare draft offer/review DRC materials	MR	2.8
20201210	attend Settlement Conference/emails/prepare for Day 3	MR	4
20201210	prepare for Day 3/consider issues/p. call w. JCS to discuss CCA issue	MR	2.5
20201210	Telephone conversations with Mark re: CCA, tax issues	JCS	0.4
20201211	attend Settlement Conference/p. call w. JCS	MR	6.5
20201211	Further telephone conversations with Mark re: CCA, tax issues	JCS	0.4
20201221	emails	MR	0.1
20201222	preliminary review of Settlement Proposal/emails/edit and comment on proposal	MR	1.9
20201223	emails	MR	0.1
20201228	emails/review VECC edits and comments	MR	0.3
20201230	review Staff edits and comments/emails/review DRC edits	MR	0.4
20201231	emails	MR	0.2
20210104	emails	MR	0.1
20210105	emails/review second draft of Settlement Proposals and models/provide edits and comments/conf call wit other parties to clarify Settlem	MR	1.4
20210106	emails/review and edit next version of Settlement Proposal	MR	0.5
20210107	final review of Settlement Proposal and sign off/email/review corr	MR	0.3



20210113	review Staff submission	MR	0.3
20210122	review PO/emails	MR	0.1
20210124	emails re: PO	MR	0.2
20210125	emails/review issues re PO2/revised proposed correspondence	MR	0.5
20210127	emails	MR	0.2
20210204	emails/review decision	MR	0.2
			81.3