



**By EMAIL and RESS**

**Jay Shepherd**  
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Dir. 416-804-2767

March 1, 2021  
Our File: EB20200198

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

**Attn: Christine Long, Registrar**

Dear Ms. Long:

**Re: EB-2020-0198 – Enbridge Waterfront Relocation – 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.

This proceeding was a leave to construct, but as it unfolded the activities did not fall neatly into the categories set out in the Board's standard cost claim. Work done by SEC on jurisdiction, including submissions to the Board, has been classified as "Pre-hearing Conferences". The preparation of pre-ADR questions in lieu of interrogatories has been classified as "Interrogatories". The submissions on Enbridge's withdrawal and related conditions have been classified as "Argument".

Senior counsel Jay Shepherd took the lead on this matter. Time spent by co-counsel Mark Rubenstein was focused on legal issues relating to jurisdiction and then withdrawal.

All of which is respectfully submitted.

Yours very truly,  
**Shepherd Rubenstein Professional Corporation**

A handwritten signature in black ink, appearing to be "Jay Shepherd", written over a light blue horizontal line.

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.

<b>File # EB-</b> <u>2020-0198</u>	<b>Process:</b> <u>Enbridge Waterfront Relocation</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  
2021-03-04 10:21:26  
**Signature of Affiant**

**Sworn or affirmed before me** at the City/Town of Toronto via videoconference,  
in the Province/State of Ontario, on March 4, 2021,  
(date)

  
**Commissioner for taking Affidavits**

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



**Affidavit and Summary of Fees and Disbursements**

File # EB- 2020-0198

Process: Enbridge Waterfront Relocation

Party: School Energy Coalition

**Summary of Fees and Disbursements Being Claimed**

Legal/consultant/other fees	\$	23,154.00
Disbursements	\$	-
HST	\$	3,010.02
<b>Total Cost Claim</b>	<b>\$</b>	<b>26,164.02</b>

**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

<b>File # EB-</b> <u>2020-0198</u>	<b>Process:</b> <u>Enbridge Waterfront Relocation</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>Year Called to Bar</b>	<b>Completed Years Practising/Years of Relevant Experience</b>
Legal Counsel <input checked="" type="checkbox"/>	1980	40
Articling Student/Paralegal <input type="checkbox"/>		
Consultant <input type="checkbox"/>		<b>Hourly Rate:</b> <u>\$330</u>
Analyst <input type="checkbox"/>		
For Consultant/Analyst: <input type="checkbox"/> CV attached		<b>HST Rate Charged (enter %):</b> <u>13.0%</u>
<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	20.9	\$ 330.00	\$ 6,897.00	\$ 896.61	\$ 7,793.61
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Technical Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Interrogatories</b>					
Preparation	12.6	\$ 330.00	\$ 4,158.00	\$ 540.54	\$ 4,698.54
Responses	5.0	\$ 330.00	\$ 1,650.00	\$ 214.50	\$ 1,864.50
<b>Issues Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>ADR - Settlement Conference</b>					
Preparation	5.7	\$ 330.00	\$ 1,881.00	\$ 244.53	\$ 2,125.53
Attendance	6.5	\$ 330.00	\$ 2,145.00	\$ 278.85	\$ 2,423.85
Proposal Preparation		\$ 330.00	\$ -	\$ -	\$ -
<b>Argument</b>					
Preparation	13.4	\$ 330.00	\$ 4,422.00	\$ 574.86	\$ 4,996.86
<b>Oral Hearing</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Other Conferences</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Case Management</b>		\$ 170.00	\$ -	\$ -	\$ -
<b>TOTAL SERVICE PROVIDER FEES</b>			\$ 21,153.00	\$ 2,749.89	\$ 23,902.89

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



File # EB- 2020-0198

Process: Enbridge Waterfront Relocation

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>	\$ -	\$ -	\$ -

# Ontario Energy Board

## COST CLAIM FOR HEARINGS



### Detail of Fees and Disbursements Being Claimed

<b>File # EB-</b> <u>2020-0198</u>	<b>Process:</b> <u>Enbridge Waterfront Relocation</u>
<b>Party:</b> <u>School Energy Coalition</u>	<b>Service Provider Name:</b> <u>Mark Rubenstein</u>

<b>SERVICE PROVIDER TYPE</b> (check one)	<b>Year Called to Bar</b>	<b>Completed Years Practising/Years of Relevant Experience</b>
Legal Counsel <input checked="" type="checkbox"/>	2011	9
Articling Student/Paralegal <input type="checkbox"/>		
Consultant <input type="checkbox"/>		
Analyst <input type="checkbox"/>		

Hourly Rate:	\$230
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For Consultant/Analyst:	HST Rate Charged (enter %):
<input type="checkbox"/> CV attached <input type="checkbox"/> CV provided within previous 24 months	13.0%

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
<b>Pre-hearing Conference</b>					
Preparation	5.3	\$ 230.00	\$ 1,219.00	\$ 158.47	\$ 1,377.47
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>Technical Conference</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>Interrogatories</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Responses		\$ 230.00	\$ -	\$ -	\$ -
<b>Issues Conference</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>ADR - Settlement Conference</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 230.00	\$ -	\$ -	\$ -
<b>Argument</b>					
Preparation	3.4	\$ 230.00	\$ 782.00	\$ 101.66	\$ 883.66
<b>Oral Hearing</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>Other Conferences</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>Case Management</b>					
		\$ 170.00	\$ -	\$ -	\$ -
<b>TOTAL SERVICE PROVIDER FEES</b>			\$ 2,001.00	\$ 260.13	\$ 2,261.13

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



File # EB- 2020-0198

Process: Enbridge Waterfront Relocation

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**



File # EB- 2020-0198

Process: Enbridge Waterfront Relocation

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>	\$ -	\$ -	\$ -



Date	Explanation	Lwyr	Hours	Hours
20201201	Review Application	JCS	0.5	
20201202	prel review Application/dis w. JCS/emails	MR		0.5
20201202	Notice of Intervention	JCS	0.3	
20201210	review PO/consider issues/p. call w. JCS to discuss preliminary issue	MR		1.2
20201210	Review evidence, Review PO #1 and jurisdiction issue, Telephone conversation with Mark re: legal issues, Various emails	JCS	1.7	
20201211	Review evidence, Outline jurisdiction submissions, Many emails, Review ED letter	JCS	4.4	
20201212	Drafting jurisdiction submissions	JCS	0.5	
20201214	Review PO #2 and scheduling, Outline of jurisdiction issues	JCS	1.0	
20201217	Review Enbridge submissions, Research	JCS	1.2	
20201218	review EG and Waterfront submissions/emails and research issues to provide views to JCS/disc w JCS	MR		1.3
20201218	Meet with Mark re: legal issues, Revise concept of jurisdiction, Research	JCS	0.3	
20201222	review JCS draft and provide comment/emails	MR		1.5
20201222	Draft jurisdiction submissions and send to Mark, Review PO #3 and scheduling	JCS	3.0	
20201223	Review Mark's comments, Revise and circulate jurisdiction submissions	JCS	1.2	
20201224	emails	MR		0.1
20201230	review EP draft/emails	MR		0.2
20201230	Review EP submission, Many emails with other parties	JCS	1.4	
20210107	Revising jurisdiction submissions, Many emails	JCS	1.4	
20210108	review parties sub	MR		0.3
20210108	Finalize and file jurisdiction submissions, Review submissions of others, Many emails	JCS	4.0	
20210111	Review evidence	JCS	0.8	
20210112	review corr/emails	MR		0.2
20210112	Review Enbridge letter, Many emails, Draft and file letter	JCS	0.8	
20210113	Many emails	JCS	0.2	
20210114	emails/review PO/review and comment on SEC draft ltr	MR		0.2
20210114	Review PO#4 and scheduling, Various emails	JCS	1.4	
20210115	Review questions, Many emails	JCS	0.8	
20210117	Review questions, Many emails	JCS	0.4	
20210118	Review evidence and issues, Review Board letter, Many emails, Review questions	JCS	3.4	
20210119	Draft and circulate pre-ADR questions, Many emails	JCS	4.8	
20210120	Many emails, Review additional materials	JCS	1.1	
20210122	review jurisdiction decision	MR		0.2
20210122	Review responses to questions, Board letters, Many emails	JCS	1.5	
20210123	Many emails, Receive and initial review of Pre-ADR responses, Review decision on jurisdiction	JCS	2.4	
20210124	Prep for ADR	JCS	3.5	
20210125	emails	MR		0.1
20210125	Prep for ADR, Attend at ADR, Many emails	JCS	8.7	
20210126	Review withdrawal letter, Review options on withdrawal	JCS	1.0	
20210129	Review further correspondence, Many emails	JCS	0.3	
20210130	review PO/emails	MR		0.1
20210130	Analysis re submissions, Various emails	JCS	0.5	
20210131	review materials and provide views to JCS	MR		1.0
20210201	Research, Draft and revise submissions, Many emails	JCS	6.0	
20210201	review JCS draft letter, consider issues and provide comments	MR		0.8
20210202	Many emails, Review input on submissions, Review previous case	JCS	1.3	
20210203	Revise and circulate submissions, Review Pollution Probe submissions, Review draft EP submissions, Many emails	JCS	1.4	

20210204	Many emails	JCS	0.1	
20210205	Edit and file submissions	JCS	0.8	
20210205	review other parties submissions	MR		0.5
20210206	Review submissions of others	JCS	0.7	
20210212	review EGI reply submission	MR		0.3
20210213	Review reply submission	JCS	0.7	
20210219	review withdrawal decision	MR		0.2
20210220	Review decision, Scheduling, Reporting, Many emails	JCS	0.6	
			64.1	8.7

21153 2001

2001

23154

3010.02

26164.02