



BY EMAIL and RESS

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Dir. 647-483-0113

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

August 3, 2021
Our File: EB20200133

Attn: Christine Long, Registrar

Dear Ms. Long:

Re: EB-2020-0133 – COVID19 DVA Consultation – 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 notes that this was a complex consultation. The OEB Report itself recognized that the "consultation raised novel and fundamental questions about ratemaking and the role of the regulator, and the OEB has benefited from the thoughtful submissions of stakeholders on these issues"(p.4). Due to the limitation on the numbers of hours eligible parties could claim, as shown on the detail dockets, SEC is unable to recover more than 50% of the time it spent on this important consultation. This includes significant time that was required at the reply comments stage reviewing various parties' submissions including two third-party reports filed by the OEA/CLD+. In addition, there was time related to reviewing the final issues list, other correspondence issued by the Board, reviewing the Final OEB Report, and client reporting.

SEC requests the Board consider allowing recovery of additional hours for participation in this consultation, in consideration due to its complex nature, and as identified in the OEB Report, the thoughtful submission of stakeholders, which SEC believes it contributed towards.

Yours very truly,
Shepherd Rubenstein P.C.

Mark Rubenstein

cc: Ted Doherty, SEC (by email)

Ontario Energy Board

COST CLAIM FOR CONSULTATIONS



Affidavit and Summary of Fees and Disbursements

This form should be used by a party (defined in the Practice Direction on Cost Awards as including a participant in a consultation process) in a consultation 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 Notice of Hearing for Cost Awards. Please ensure all required 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 present in the document to assist with the calculation of the cost claim.
- All claims must be in Canadian dollars. If applicable, state exchange rate and country of initial currency.

Rate:
Country:
- A separate "Statement of Disbursements Being Claimed" is required for each consultant or lawyer/articling student/paralegal. However only one "Statement of Fees Being Claimed" and one "Summary of Fees and Disbursements Being Claimed" 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 must be attached unless, for a given consultant, a CV has been provided to the Board in another process within the last 24 months.
- **Except as provided in section 7.03 of the Practice Direction on Cost Awards, itemized receipts must be provided.**

File # EB- 2020-0133	Process: Consultation on the Deferral Account –
Party: School Energy Coalition	Affiant's Name: Mark Rubenstein
HST Number: 83673-5464-RT0001	HST Rate Ontario: 13.0%
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> Full Registrant <input checked="" type="checkbox"/> Unregistered <input type="checkbox"/> Other <input type="checkbox"/> </div> <div style="width: 45%; text-align: right;"> Qualifying Non-Profit <input type="checkbox"/> Tax Exempt <input type="checkbox"/> </div> </div>	

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 of Fees Being Claimed" and "Statement(s) of Disbursements Being Claimed".
3. The attached "Summary of Fees and Disbursements Being Claimed", "Statement 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 (via videoconference),
in the Province/State of Ontario, on August 3 2021

(date)

Commissioner for taking Affidavits

Ontario Energy Board
COST CLAIM FOR CONSULTATIONS
Affidavit and Summary of Fees and Disbursements



File # EB- 2020-0133 **Process:** Consultation on the Deferral Account – Impacts /

Party: School Energy Coalition

Summary of Fees and Disbursements Being Claimed

Legal/consultant fees	\$19,557.50
Disbursements	\$0.00
HST	\$2,542.48
Total Cost Claim	\$22,099.98

Payment Information

Make cheque payable to: Shepherd Rubenstein Professional Corporation (in trust)

Send payment to this address: 2200 Yonge Street
Suite 1302
Toronto, ON
M4S 2C6

Detail of Fees and Disbursements Being Claimed

Statement of Fees Being Claimed

Statement of Fees being claimed for Eligible Activity is found on the third tab of this workbook.

Statement(s) of Disbursements Being Claimed

Statement of Disbursements being claimed is found on the fourth tab of this workbook.

Ontario Energy Board



COST CLAIM FOR CONSULTATIONS

Affidavit and Summary of Fees and Disbursements

Individual Whose Costs are Being Claimed

Name: Mark Rubenstein		
	Year Called to Bar	Completed Years Practicing/Years of Relevant Experience
Counsel/Articling Student/Paralegal: <input checked="" type="checkbox"/>	2011	9
Analyst/Consultant: <input type="checkbox"/>		
CV attached: <input type="checkbox"/>	CV not required: <input type="checkbox"/>	

Name: Jay Shepherd		
	Year Called to Bar	Completed Years Practicing/Years of relevant experience
Counsel/Articling Student/Paralegal: <input checked="" type="checkbox"/>	1980	40
Analyst/Consultant: <input type="checkbox"/>		
CV attached: <input type="checkbox"/>	CV not required: <input type="checkbox"/>	

Name:		
	Year Called to Bar	Completed Years Practicing/Years of relevant experience
Counsel/Articling Student/Paralegal: <input type="checkbox"/>		
Analyst/Consultant: <input type="checkbox"/>		
CV attached: <input type="checkbox"/>	CV not required: <input type="checkbox"/>	

Name:		
	Year Called to Bar	Completed Years Practicing/Years of relevant experience
Counsel/Articling Student/Paralegal: <input type="checkbox"/>		
Analyst/Consultant: <input type="checkbox"/>		
CV attached: <input type="checkbox"/>	CV not required: <input type="checkbox"/>	

Name:		
	Year Called to Bar	Completed Years Practicing/Years of relevant experience
Counsel/Articling Student/Paralegal: <input type="checkbox"/>		
Analyst/Consultant: <input type="checkbox"/>		
CV attached: <input type="checkbox"/>	CV not required: <input type="checkbox"/>	

Ontario Energy Board
COST CLAIM FOR CONSULTATIONS
Statement of Fees Being Claimed



File # EB- 2020-0133

Process Consultation on the Deferral Account –
Impacts Arising from the COVID-19
Emergency

Party School Energy Coalition

HST Rate: 13%

	Activity	Preparation for, and attendance at, the preliminary May 28, 2020 stakeholder meeting
	Hours	1.5 times actual meeting time, up to a total of 3.75 hours
Individual Whose Fees are Being Claimed	Hourly rate	
Mark Rubenstein	\$230.00	0.95
Jay Shepherd	\$330.00	2.80

Ontario Energy Board
COST CLAIM FOR CONSULTATIONS
Statement of Fees Being Claimed



Written comments on Draft Issues List	Written comments on the form of consultation to be adopted
Up to 18 hours	Up to 0.5 hours
7.30	0.50
10.70	

Ontario Energy Board
COST CLAIM FOR CONSULTATIONS
Statement of Fees Being Claimed



Preparation for and attendance at the January 14, 2021 webinar; Written comments on the Staff Proposal; Reply comments on other stakeholders' comments			
Combined up to 45 hours			
	Subtotal	HST	Total
17.60	\$6,060.50	\$787.87	\$6,848.37
27.40	\$13,497.00	\$1,754.61	\$15,251.61
	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00
	\$19,557.50	\$2,542.48	
Total legal/consultant fees:			\$22,099.98

Date	Explanation	Lwyr	Hours
20200514	Review Board letter, Many emails	JCS	0.3
20200514	emails/review letter	MR	0.2
20200515	Many emails	JCS	0.2
20200515	review corr/emails/prepare NOI	MR	0.5
20200519	p. call w. client	MR	0.3
20200522	Many emails	JCS	0.2
20200522	review BD email re: consultation/emails	MR	0.2
20200524	Many emails	JCS	0.2
20200525	emails	MR	0.1
20200526	emails	MR	0.1
20200527	Many emails	JCS	0.2
20200527	emails/prepare for stakeholder meeting	MR	3.5
20200528	Attend Stakeholder meeting, Prep, Many emails	JCS	2.6
20200528	attend stakeholder meeting	MR	2.7
20200601	emails	MR	0.1
20200602	Many emails	JCS	0.2
20200604	review Bd letter	MR	0.2
20200605	Various emails, Research	JCS	0.5
20200605	video conference with ratepayer intervenors/emails/consider issues	MR	2.5
20200606	draft submissions	MR	3.5
20200607	draft submissions	MR	2.5
20200608	Various emails	JCS	0.1
20200608	draft submissions	MR	2
20200609	Review initial draft of submissions, Detailed issues analysis and commentary, Many emails	JCS	2.2
20200609	emails/disc w. J. Girvan/draft submissions	MR	3.5
20200610	Detail edit of submissions, Many emails	JCS	3.3
20200610	finalize, edit draft issues list submissions/emails	MR	3
20200611	Review issues list submissions of parties, Many emails	JCS	2
20200611	edit, finalize submissions/review other stakeholder submissions	MR	2
20200612	review other parties sub	MR	0.5
20200613	Review issues list submissions of parties	JCS	3.3
20200614	review other parties sub/take notes/consider issues	MR	2
20200615	draft reply submission/emails	MR	3.5
20200616	emails/draft reply submissions	MR	3.5
20200617	Review and revise reply submissions, Many emails	JCS	1.2
20200617	emails/draft reply submissions	MR	1
20200618	Revise submissions, Many emails	JCS	0.9
20200618	edit and finalize submissions/review other parties sub	MR	1.5
20200619	Review reply submissions	JCS	1.6
20200619	review other parties sub	MR	0.4
20200623	p. call w. T. Anthanopolis	MR	0.2
20200624	Review VECC letter, Various emails	JCS	0.2
20200625	Review comments from others	JCS	0.2
20200702	p. call w. F. O'Connell	MR	0.2
20200706	emails	MR	0.1
20200706	Review Brattle report	JCS	0.6
20200710	Various emails	JCS	0.1
20200715	Many emails	JCS	0.1
20200716	emails	MR	0.1
20200716	review Bd letter	MR	0.1
20200717	Review Board letter and scheduling	JCS	0.2
20200730	Many emails, Review Board letter	JCS	0.3
20200731	Review Board RFP, Many emails, Scheduling	JCS	0.3
20200814	Review Board letter, Accounting Order, Many emails	JCS	0.4
20200814	review Bd letter on issues and deferral account/emails	MR	0.6

20200815	emails	MR	0.2
20200817	Various emails	JCS	0.1
20200924	Review IGUA/AMPCO letter, Various emails	JCS	0.1
20200924	review IGUA/AMPCO letter/emails/review Bd letter	MR	0.5
20201119	review Bd corr	MR	0.1
20201216	emails/review Bd letter	MR	0.2
20201216	Review Board letter and scheduling, Many emails, Preliminary review of materials	JCS	1
20201221	review CLD+ letter/emails	MR	0.1
20201229	draft, edit and file letter/emails	MR	0.5
20201229	Review and edit letter, Various emails, Review evidence	JCS	0.4
20210107	review letter	MR	0.1
20210107	Review webinar details, Various emails	JCS	0.1
20210112	review LEI reports and Board Staff proposal/consider issues	MR	3
20210113	Various emails	JCS	0.1
20210113	review reports/prepare for webinar/p. call w. Julie Girvan	MR	2
20210114	prepare for stakeholder meeting/post-stakeholder meeting disc w. parties/emails	MR	1.3
20210114	attend stakeholder meeting	MR	4.3
20210114	Attend at webinar, Many emails, Mark re issues analysis	JCS	6.6
20210115	emails/review data and put together ROE table/outline submission/draft Sub	MR	2
20210116	draft submission	MR	3
20210117	draft submission	MR	0.5
20210118	draft submission/emails	MR	4.5
20210119	draft submission/video conference with ratepayer groups/emails	MR	4.1
20210120	draft submissions/review LEI answers from webinar	MR	1.5
20210120	Review clarification	JCS	0.1
20210121	emails/draft submission	MR	1.6
20210121	Review expert reports, Review draft submissions	JCS	3
20210122	emails/p. call w. J Girvan	MR	0.4
20210123	edit and draft submissions/emails	MR	1.2
20210123	Review Staff proposal, Review expert reports, Research, Review and edit submissions, Extensive comments, Various emails	JCS	9.6
20210124	emails/review VECC draft on lost revenue issues/edit and draft sub	MR	1.6
20210125	p call w. J. Girvan/finalize and file comments/prel review of other parties comments	MR	3.5
20210126	review parties submissions/emails	MR	1.1
20210126	Review filed submissions of parties	JCS	1.8
20210201	review other parties submissions and consider	MR	1.3
20210202	research issues	MR	1
20210203	draft submission	MR	3.5
20210204	draft submissions	MR	4.5
20210205	draft and edit submission	MR	4.2
20210206	Review second round submissions and edit	JCS	3.2
20210206	review JCS comments and revise as required/ edit submissions	MR	1.2
20210209	emails	MR	0.4
20210211	file submissions/review other parties submissions/emails	MR	1.1
20210212	Review reply submissions	JCS	1.5
20210413	Review Board letter	JCS	0.1
20210413	review Bd letter	MR	0.1
20210617	review OEB report/emails	MR	1
20210617	Review Board report, Many emails, Client reporting	JCS	1.5
			146.8