



By EMAIL and RESS

Jay Shepherd
jay@shepherd rubenstein.com
Dir. 416-804-2767

August 27, 2021
Our File: EB20200091

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

Attn: Christine Long, Registrar

Dear Ms. Long:

Re: EB-2020-0091 – Enbridge IRP – 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.

The Board will be aware that IRP has been a particular concern of SEC for several years, and we have been active in a number of facilities and other proceedings in which IRP is a central issue. In some of those, SEC has in fact been the party bringing IRP issues to the issues list.

The Board will note that SEC applied more resources to this proceeding than almost every other party (except GEC, on whom SEC relied heavily for many technical matters). While we made every effort to be efficient, for example by not filing interrogatories when we realized that all of our questions were being asked by other parties, SEC recognizes that the gas distribution sector in Ontario is at a crossroads. This proceeding marks the start of what will hopefully be a significant change of direction, in keeping with the move to a lower carbon future that is so strongly supported by school boards, their staff and their students. For that reason SEC treated this application as a very high priority.

This proceeding involved interrogatories, a presentation day at which SEC was one of the presenting parties, a three day technical conference, a four day oral hearing, and thorough final argument.



Senior counsel Jay Shepherd took the lead on this matter. Time spent by co-counsel Mark Rubenstein, both docketed and undocketed, has not been claimed.

All of which is respectfully submitted.

Yours very truly,

Shepherd Rubenstein Professional Corporation

A handwritten signature in black ink, appearing to read 'J. Shepherd', written over a light gray rectangular background.

Jay Shepherd

cc: Ted Doherty, 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.

File # EB- <u>2020-0091</u>	Process: <u>Enbridge Integrated Resource Planning</u>
Party: <u>School Energy Coalition</u>	Affiant's Name: <u>Jay Shepherd</u>
HST Number: <u>83673-5464-RT0001</u>	HST Rate Ontario: <u>13.00%</u>
Full Registrant ☒	Qualifying Non-Profit ☐
Unregistered ☐	Tax Exempt ☐
Other ☐	

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.

Signature of Affiant

Sworn or affirmed before me at the City/Town of Toronto,
in the Province/State of Ontario, on August 30, 2021,
(date)

Ontario Energy Board
COST CLAIM FOR HEARINGS



Affidavit and Summary of Fees and Disbursements

Commissioner for taking Affidavits

File # EB- 2020-0091 **Process:** Enbridge Integrated Resource Planning

Party: School Energy Coalition

Summary of Fees and Disbursements Being Claimed

Legal/consultant/other fees	\$	68,079.00
Disbursements	\$	-
HST	\$	8,850.27
Total Cost Claim	\$	76,929.27

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
Affidavit and Summary of Fees and Disbursements



Ontario Energy Board

COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- 2020-0091

Process: Enbridge Integrated Resource Planning

Party: School Energy Coalition

Service Provider Name: Jay Shepherd

SERVICE PROVIDER TYPE (check one)

- Legal Counsel ☒
- Articling Student/Paralegal ☐
- Consultant ☐
- Analyst ☐

Year Called to
Bar

1980

Completed Years
Practising/Years of Relevant
Experience

41

Hourly Rate: \$330

For Consultant/Analyst: ☐ CV attached

☐ CV provided within previous 24 months

HST Rate Charged (enter %): 13.0%

Statement of Fees Being Claimed

	Hours	Hourly Rate	Subtotal	HST	Total
Pre-hearing Conference					
Preparation	12.2	\$ 330.00	\$ 4,026.00	\$ 523.38	\$ 4,549.38
Attendance	7.0	\$ 330.00	\$ 2,310.00	\$ 300.30	\$ 2,610.30
Technical Conference					
Preparation	28.1	\$ 330.00	\$ 9,273.00	\$ 1,205.49	\$ 10,478.49
Attendance	18.1	\$ 330.00	\$ 5,973.00	\$ 776.49	\$ 6,749.49
Interrogatories					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Responses	30.5	\$ 330.00	\$ 10,065.00	\$ 1,308.45	\$ 11,373.45
Issues Conference					
Preparation	9.3	\$ 330.00	\$ 3,069.00	\$ 398.97	\$ 3,467.97
Attendance		\$ 330.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 330.00	\$ -	\$ -	\$ -
Argument					
Preparation	54.3	\$ 330.00	\$ 17,919.00	\$ 2,329.47	\$ 20,248.47
Oral Hearing					
Preparation	27.2	\$ 330.00	\$ 8,976.00	\$ 1,166.88	\$ 10,142.88
Attendance	19.6	\$ 330.00	\$ 6,468.00	\$ 840.84	\$ 7,308.84
Other Conferences					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Case Management		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 68,079.00	\$ 8,850.27	\$ 76,929.27

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



File # EB- 2020-0091

Process: Enbridge Integrated Resource Planning

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:	\$ -	\$ -	\$ -

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



Date	Explanation	Lwyr	Hours	Hours
20200428	Review Board letter, Review IRP proposal, Instructions re NOI	JCS	1.1	
20200513	Review issues, Revise and file Notice of Intervention, Many emails	JCS	0.8	
20200521	Review PO#1 and scheduling, Review issues list	JCS	0.5	
20200604	Draft and file submissions on issues list, Review submissions of others, Many emails	JCS	4.2	
20200608	Many emails re HER	JCS	0.2	
20200609	Review GEC submissions	JCS	0.4	
20200611	Review issues list submissions of parties, Draft, revise and file reply submissions, Review reply submissions of others, Many emails	JCS	2.7	
20200715	Review PO #2, Issues list decision and scheduling	JCS	0.5	
20200722	Initial review of IRP study	JCS	0.5	
20200729	Review evidence descriptions, Many emails	JCS	0.4	
20200731	Review PO #3 and scheduling	JCS	0.3	
20200804	Review PP letter, Various emails	JCS	0.1	
20200805	Review evidence proposals from GEC/ED, FRPO, and TransCanada, Many emails	JCS	1.7	
20200812	Review Enbridge correspondence, Various emails	JCS	0.3	
20200820	Review PO #4 and scheduling	JCS	0.3	
20200827	Review new filings, Many emails	JCS	0.4	
20200903	Review FRPO material	JCS	0.3	
20200915	Review PO#5 and scheduling	JCS	0.3	
20200923	Review evidence	JCS	0.6	
20200928	Review evidence	JCS	2	
20201015	Review new materials	JCS	1	
20201018	Review evidence	JCS	0.4	
20201020	Review new correspondence	JCS	0.1	
20201021	Review evidence, Review Enbridge letter	JCS	0.7	
20201021	emails/review EGI letter	MR		0.2
20201022	Review new Enbridge evidence	JCS	1.8	
20201023	Review new Enbridge evidence, Review GEC letter	JCS	2.2	
20201024	Review new Enbridge evidence, Research, Identify interrogatories	JCS	4	
20201106	Many emails re upcoming evidence, Research	JCS	0.4	
20201106	emails	MR		0.3
20201109	Review Pollution Probe communication	JCS	0.1	
20201110	Emails with Chris Neme and Davide Poch, Analysis of depreciation history	JCS	0.6	
20201111	Review Pollution Probe letter, Analysis of IRP issues with IGUA counsel, Many emails	JCS	1.3	
20201112	Analysis of IRP issues with IGUA counsel, Many emails, Initial review of Staff and GEC evidence	JCS	1	
20201113	Review evidence	JCS	1	
20201116	Various emails with Martin Luymes	JCS	0.2	
20201118	Review PO	JCS	0.1	
20201122	Review evidence	JCS	0.5	
20201123	New evidence	JCS	1.1	
20201124	Review new evidence	JCS	2.2	
20201127	Review Enbridge letter and submissions, Many emails	JCS	0.4	
20201129	Review new evidence	JCS	2.4	
20201211	Reply evidence	JCS	0.5	

20201214	Review additional evidence	JCS	1	
20201216	Review new material	JCS	0.5	
20201218	Review additional evidence and interrogatories	JCS	0.5	
20201223	Review evidence	JCS	2	
20201224	Review evidence	JCS	2.5	
20201225	Review evidence	JCS	1	
20201226	Review evidence	JCS	4	
20201227	Review evidence	JCS	2.4	
20201229	Review evidence	JCS	1.8	
20210111	Review evidence, Many emails	JCS	3	
20210112	Review interrogatories of others, Checklist, Many emails	JCS	2.3	
20210113	Many emails and letters	JCS	0.1	
20210128	Many emails	JCS	0.3	
20210203	Initial review of interrogatories, Many emails, Assessment re presentation day and booking presentation slot	JCS	2	
20210205	Review interrogatory responses	JCS	5.2	
20210206	Review interrogatory responses	JCS	1.5	
20210207	Review interrogatory responses	JCS	2	
20210208	Review interrogatory responses, Many emails, Review USP and AMP, Research	JCS	4	
20210209	Many emails, Review IRR, Topics for TC	JCS	3.7	
20210210	Prep for TC, Attend TC, Many emails	JCS	8.5	
20210211	Review Transcript, Prep for Day 2, Attend TC, Many emails	JCS	5.3	
20210212	Review Transcript, Prep for Day 3, Attend TC, Many emails	JCS	5.3	
20210213	Review transcripts	JCS	2.5	
20210216	Telephone conversation with Martin, Many emails	JCS	0.8	
20210217	Many emails	JCS	0.1	
20210218	Prepare presentation, Many emails, Review other presentations	JCS	3.1	
20210219	Many emails, Attend presentation day, Review presentations, Initial review of undertaking responses	JCS	10.2	
20210220	Review transcript	JCS	1.7	
20210224	Time estimates and preliminary hearing planning	JCS	0.5	
20210226	Many emails, Review new material, Review undertaking responses	JCS	1.8	
20210227	Review compendia of others, Many emails, Prep for hearing, Review revised schedule	JCS	2	
20210228	Prep for Hearing, Review evidence, Cross-examination for Panel 1	JCS	2.7	
20210301	Prep for hearing, Prepare cross, Attend at hearing, Many emails, Review compendia of others	JCS	11.6	
20210301	emails	MR		0.1
20210302	Many emails, Attend at hearing, Prep for panel 2, Review geo letter, Review various revised transcripts and initial transcript for Day	JCS	7.1	
20210303	Attend at hearing, Many emails, Review new materials, Review transcript for Day 2 and prepare Panel 2 cross, Transcript references, Rev	JCS	6.1	
20210304	Review Day 3 transcript, Many emails, Review new materials, Scheduling, Attend at hearing	JCS	3.3	
20210305	Review transcripts, Many emails	JCS	1.2	
20210306	Review PO#9 and argument prep	JCS	0.5	
20210308	Review ED letter	JCS	0.1	
20210317	Review undertaking responses	JCS	0.5	

20210318	Initial scan of AIC	JCS	0.3	
20210322	Review Argument In Chief	JCS	1.5	
20210323	Many emails among intervenors	JCS	0.8	
20210324	Many emails among intervenors, Review transcripts	JCS	3	
20210325	Many emails, Analysis of issues, Review evidence	JCS	1.5	
20210326	Many emails among intervenors, Analysis of issues, Review evidence	JCS	2.2	
20210327	Review evidence	JCS	2.4	
20210328	Many emails, Research issues	JCS	1.8	
20210329	Review evidence and transcripts, Check models, Argument plan, Email debate with other parties	JCS	8.1	
20210329	emails	MR		0.3
20210330	Review transcripts and evidence, Outline argument and drafting, Many emails, Review revised undertaking response	JCS	6.4	
20210331	Drafting final argument, Many emails, Reviewing evidence and external sources	JCS	10.7	
20210401	Complete and file Final Argument, Review arguments of others	JCS	7.8	
20210401	review SEC Final Argument	MR		1
20210402	Review remaining arguments	JCS	1.3	
20210421	Review reply argument	JCS	1.3	
20210421	review reply argument	MR		0.7
20210422	Report/analysis	JCS	0.4	
20210724	Initial review of decision	JCS	0.5	
20210726	Review decision and reporting	JCS	2	
			206.3	2.6

68079

8850.27

76929.27