



**BY EMAIL and RESS**

**Mark Rubenstein**  
mark@shepherdrubenstein.com  
Dir. 647-483-0113

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

September 7, 2021  
Our File: EB20180329

**Attn: Christine Long, Registrar**

Dear Ms. Long:

**Re: EB-2018-0329 – Marathon North Shore LNG Project Phase 1 – 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 was a very unique application. The Applicant's sought approval to build a new greenfield natural gas distribution utility to service, supplied entirely by Liquefied Natural Gas ("LNG"). In addition to leave to construct, request was sought of its gas supply plan and pre-approval of the cost consequences of its long-term LNG supply contract with the Nipigon LNG, yet to be constructed, facility. The contract was complex, and required detailed analysis as seen through the SEC's submissions on the application.

In addition, as detailed in Procedural Order No.2, the Applicant objected to SEC's intervention, including making a serious allocation that SEC does not represent the interests of its members in the affected area. This resulted in the need for significant client consultation, the involvement of senior SEC counsel, and the filing of comprehensive reply submissions. Ultimately, the Board correctly rejected the Applicant's objection.

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, including all time related to dealing with the objection to SEC's intervention, confidentiality, review the Board decision, etc.).

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

Mark Rubenstein

cc: Ted Doherty, SEC (by email)  
Applicant (by email)

**Shepherd Rubenstein** Professional Corporation | **Regulatory Law**  
2200 Yonge Street, Suite 1302 T. (416) 483-3300 F. (416) 483-3305  
Toronto, ON M4S 2C6 shepherdrubenstein.com

**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>	<b>2018-0329</b>	<b>Process:</b>	<b>Marathon North Shore LNG Project Phase 1</b>
<b>Party:</b>	<b>School Energy Coalition</b>	<b>Affiant's Name:</b>	<b>Mark Rubenstein</b>
<b>HST Number:</b>	<b>83673-5464-RT0001</b>	<b>HST Rate Ontario:</b>	<b>13.00%</b>
	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.

**Signature of Affiant**

**Sworn or affirmed before me** at the City/Town of **Toronto (via videoconference)**,  
in the Province/State of **Ontario**, on **September 7, 2021**.  
(date)

**Commissioner for taking Affidavits**

**Ontario Energy Board  
COST CLAIM FOR HEARINGS**



**Affidavit and Summary of Fees and Disbursements**

File # EB- 2018-0329 Process: Marathon North Shore LNG Project Phase 1

Party: School Energy Coalition

**Summary of Fees and Disbursements Being Claimed**

Legal/consultant/other fees	\$	14,760.00
Disbursements	\$	-
HST	\$	1,918.80
<b>Total Cost Claim</b>	<b>\$</b>	<b>16,678.80</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>2018-0329</u>	<b>Process:</b> <u>Marathon North Shore LNG Project Phase 1</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"/>	<input type="text" value="2011"/>	<input type="text" value="9"/>
Articling Student/Paralegal <input type="checkbox"/>		
Consultant <input type="checkbox"/>		
Analyst <input type="checkbox"/>		
For Consultant/Analyst: <input type="checkbox"/> CV attached		<b>Hourly Rate:</b> <input type="text" value="\$230"/>
<input type="checkbox"/> CV provided within previous 24 months		<b>HST Rate Charged (enter %):</b> <input type="text" value="13.0%"/>

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	6.90	\$ 230.00	\$ 1,587.00	\$ 206.31	\$ 1,793.31
Responses	4.00	\$ 230.00	\$ 920.00	\$ 119.60	\$ 1,039.60
<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	16.40	\$ 230.00	\$ 3,772.00	\$ 490.36	\$ 4,262.36
<b>Oral Hearing</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>Other Conferences</b>					
Preparation	6.60	\$ 230.00	\$ 1,518.00	\$ 197.34	\$ 1,715.34
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>Case Management</b>					
			\$ -	\$ -	\$ -
<b>TOTAL SERVICE PROVIDER FEES</b>			<b>\$ 7,797.00</b>	<b>\$ 1,013.61</b>	<b>\$ 8,810.61</b>

**Ontario Energy Board  
COST CLAIM FOR HEARINGS**



**Detail of Fees and Disbursements Being Claimed**

File # EB- 2018-0329

Process: Marathon North Shore LNG Project Phase 1

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>2018-0329</u>	<b>Process:</b> <u>Marathon North Shore LNG Project Phase 1</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"/>	<input type="text" value="1980"/>	<input type="text" value="40"/>
Articling Student/Paralegal <input type="checkbox"/>		
Consultant <input type="checkbox"/>		
Analyst <input type="checkbox"/>		
For Consultant/Analyst: <input type="checkbox"/> CV attached		<b>Hourly Rate:</b> <input type="text" value="\$330"/>
<input type="checkbox"/> CV provided within previous 24 months		<b>HST Rate Charged (enter %):</b> <input type="text" value="13.0%"/>

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	0.40	\$ 330.00	\$ 132.00	\$ 17.16	\$ 149.16
Responses		\$ 330.00	\$ -	\$ -	\$ -
<b>Issues Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>ADR - Settlement Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 330.00	\$ -	\$ -	\$ -
<b>Argument</b>					
Preparation	9.50	\$ 330.00	\$ 3,135.00	\$ 407.55	\$ 3,542.55
<b>Oral Hearing</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Other Conferences</b>					
Preparation	11.20	\$ 330.00	\$ 3,696.00	\$ 480.48	\$ 4,176.48
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Case Management</b>			\$ -	\$ -	\$ -
<b>TOTAL SERVICE PROVIDER FEES</b>			<b>\$ 6,963.00</b>	<b>\$ 905.19</b>	<b>\$ 7,868.19</b>

**Ontario Energy Board  
COST CLAIM FOR HEARINGS**



**Detail of Fees and Disbursements Being Claimed**

File # EB- 2018-0329

Process: Marathon North Shore LNG Project Phase 1

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
20190930	review application/disc w. JCS/emails/p. call w. client (Ted Doherty)	MR	1.2
20191004	emails/review corr	MR	0.3
20191007	emails/p. call w. client (Wayne McNally)	MR	0.3
20191008	Many emails, Review PO#1	JCS	0.3
20191008	emails/draft letter	MR	0.8
20191009	Telephone conversation with Mark (2), Review letters	JCS	0.4
20191009	emails/p. call w. WM/p. call w. C.T. (Supervisor Greenstone)/p. call w. JCS	MR	0.7
20191010	p. call w. WM/finalize ltr and file NOI	MR	0.7
20191011	emails	MR	0.3
20191012	review VECC ltr	MR	0.1
20191018	Meet with Mark, Many emails, Review letter	JCS	1
20191018	review Marathon corr/disc w. JCS/many emails	MR	0.8
20191019	Detailed report to client, Many emails	JCS	0.8
20191021	Various emails and followup	JCS	0.2
20191021	emails	MR	0.1
20191022	Review OEB letter	JCS	0.2
20191022	emails/p. call w. client (Wayne McNally)/review Obj letter	MR	0.5
20191023	Review formal objections, Many emails	JCS	0.8
20191024	Draft submissions on intervenor status, Many emails	JCS	5.1
20191024	review and revise draft letter/emails	MR	1.2
20191025	Detailed edit, Research, Many emails	JCS	1.6
20191025	emails/finalize and file reply	MR	0.3
20191026	Review final reply, Many emails, Review Anwaatin materials	JCS	0.2
20191030	review PO	MR	0.1
20191031	Review PO#2 and scheduling, Various emails	JCS	0.3
20191106	Review confidentiality question, Many emails	JCS	0.3
20191106	emails/review Marathon submissions on confidentiality	MR	0.2
20191107	review application/research/draft IRs	MR	3.5
20191108	review Staff IRs	MR	0.3
20191111	review VECC IRs/p. call. w. M. Millar/review evidence and draft IRs	MR	1.2
20191112	finalize and file IRs/review other parties IRs	MR	0.3
20191114	review corr from Batchewana FN	MR	0.1
20191118	review ltr	MR	0.1
20191126	emails/prel review of IRR	MR	0.4
20191126	emails	MR	0.1
20191202	Review PO, Review new material	JCS	0.3
20191202	review Bd corr	MR	0.1
20191204	p. call w. M. Millar/disc w. JCS	MR	0.3
20191210	Review letter	JCS	0.1
20191211	Review AIC	JCS	1
20191211	prelim review Argument-In-Chief	MR	0.3
20191217	review IRR	MR	3.5
20191218	review AIC/consider issues and draft sub	MR	2
20191223	consider issues and draft sub	MR	6.7



20191224	Various emails, Review submissions	JCS	0.4
20191224	draft submissions	MR	1.9
20191230	Review submissions	JCS	3
20191231	Detailed edit of submissions	JCS	2.2
20200101	review JCS comments/edit and finalize sub	MR	1
20200106	Review final SEC submissions, Review submissions of others, Many emails	JCS	1.3
20200106	review parties sub/emails	MR	1.2
20200107	Review VECC and Anwaatin submissions	JCS	0.6
20200107	review parties sub	MR	0.5
20200113	review other parties sub	MR	1.1
20200120	review corr and Board ltr	MR	0.1
20200123	Review reply submissions	JCS	1
20200123	review reply arg/emails	MR	0.9
20200124	review Marathon corr	MR	0.1
20200227	review decision/emails	MR	0.6
			55