



By EMAIL and RESS

Jay Shepherd
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Dir. 416-804-2767

September 30, 2021
Our File: EB20200043

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

Attn: Christine Long, Registrar

Dear Ms. Long:

Re: EB-2020-0043 – North Bay 2021 Rates – 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 involved two rounds of interrogatories and responses, issues list submissions, an ADR that was mostly successful, a one day oral hearing on unsettled issues, final argument, and rate order. 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.

This was one of the first proceedings in which new counsel Fred Zheng was fully involved. We have treated 67.3 of his 89.4 docketed hours as learning time, leaving only some work he did on the details of the settlement proposal, assistance with oral hearing preparation (including analysis of the benchmarking information), and assistance with argument (including some drafting, as well as citations and similar work), to be claimed. The docket detail has an added column for the hours written off in this process.

All of which is respectfully submitted.

Yours very truly,
Shepherd Rubenstein Professional Corporation

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

Jay Shepherd

cc: Ted Doherty, SEC (by email)
Interested Parties (by email)

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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-	2020-0043	Process:	North Bay 2021 Rates
Party:	School Energy Coalition	Affiant's Name:	Mark Rubenstein
HST Number:	83673-5464-RT0001	HST Rate Ontario:	13.00%
	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**,
in the Province/State of **Ontario**, on **October 1, 2021**,
(date)

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



Commissioner for taking Affidavits

File # EB- 2020-0043 **Process:** North Bay 2021 Rates

Party: School Energy Coalition

Summary of Fees and Disbursements Being Claimed

Legal/consultant/other fees	\$	39,793.00
Disbursements	\$	-
HST	\$	5,173.09
Total Cost Claim	\$	44,966.09

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- <u>2020-0043</u>	Process: <u>North Bay 2021 Rates</u>
Party: <u>School Energy Coalition</u>	Service Provider Name: <u>Jay Shepherd</u>

SERVICE PROVIDER TYPE (check one)	Year Called to Bar	Completed Years Practising/Years of Relevant Experience
Legal Counsel <input checked="" type="checkbox"/>	1980	41
Articling Student/Paralegal <input type="checkbox"/>		
Consultant <input type="checkbox"/>		
Analyst <input type="checkbox"/>		
For Consultant/Analyst: <input type="checkbox"/> CV attached	Hourly Rate: \$330	
<input type="checkbox"/> 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		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Technical Conference					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Interrogatories					
Preparation	18.5	\$ 330.00	\$ 6,105.00	\$ 793.65	\$ 6,898.65
Responses	16.1	\$ 330.00	\$ 5,313.00	\$ 690.69	\$ 6,003.69
Issues Conference					
Preparation	3.4	\$ 330.00	\$ 1,122.00	\$ 145.86	\$ 1,267.86
Attendance		\$ 330.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation	6.5	\$ 330.00	\$ 2,145.00	\$ 278.85	\$ 2,423.85
Attendance	8.0	\$ 330.00	\$ 2,640.00	\$ 343.20	\$ 2,983.20
Proposal Preparation	5.4	\$ 330.00	\$ 1,782.00	\$ 231.66	\$ 2,013.66
Argument					
Preparation	26.5	\$ 330.00	\$ 8,745.00	\$ 1,136.85	\$ 9,881.85
Oral Hearing					
Preparation	17.8	\$ 330.00	\$ 5,874.00	\$ 763.62	\$ 6,637.62
Attendance	7.0	\$ 330.00	\$ 2,310.00	\$ 300.30	\$ 2,610.30
Other Conferences					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Case Management		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 36,036.00	\$ 4,684.68	\$ 40,720.68

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



File # EB- 2020-0043

Process: North Bay 2021 Rates

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



Ontario Energy Board

COST CLAIM FOR HEARINGS



Detail of Fees and Disbursements Being Claimed

File # EB- <u>2020-0043</u>	Process: <u>North Bay 2021 Rates</u>
Party: <u>School Energy Coalition</u>	Service Provider Name: <u>Fred Zheng</u>

SERVICE PROVIDER TYPE (check one)	Year Called to Bar	Completed Years Practising/Years of Relevant Experience
Legal Counsel <input checked="" type="checkbox"/>	2020	1
Articling Student/Paralegal <input type="checkbox"/>		
Consultant <input type="checkbox"/>		
Analyst <input type="checkbox"/>		
For Consultant/Analyst: <input type="checkbox"/> CV attached		Hourly Rate: <u>\$170</u>
<input type="checkbox"/> CV provided within previous 24 months		HST Rate Charged (enter %): <u>13.0%</u>

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
Pre-hearing Conference					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
Technical Conference					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
Interrogatories					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Responses		\$ 170.00	\$ -	\$ -	\$ -
Issues Conference					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
ADR - Settlement Conference					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
Proposal Preparation	4.0	\$ 170.00	\$ 680.00	\$ 88.40	\$ 768.40
Argument					
Preparation	10.3	\$ 170.00	\$ 1,751.00	\$ 227.63	\$ 1,978.63
Oral Hearing					
Preparation	7.8	\$ 170.00	\$ 1,326.00	\$ 172.38	\$ 1,498.38
Attendance		\$ 170.00	\$ -	\$ -	\$ -
Other Conferences					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
Case Management		\$ 170.00	\$ -	\$ -	\$ -
TOTAL SERVICE PROVIDER FEES			\$ 3,757.00	\$ 488.41	\$ 4,245.41

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



File # EB- 2020-0043

Process: North Bay 2021 Rates

Party: School Energy Coalition

Service Provider Name: Fred Zheng

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	JCS	MR	FZ
20210127	Various emails, Review notice	JCS	0.2		
20210129	Initial review of Application, Revise and file Notice of Intervention	JCS	1.7		
20210219	Review PO #1 and scheduling	JCS	0.3		
20210305	Review evidence	JCS	1.5		
20210312	Review evidence	JCS	1.1		
20210313	Review evidence, Draft interrogatories, Many emails, Review interrogatories of others	JCS	4.3		
20210314	Finalize and file interrogatories	JCS	6.2		
20210329	Review extension letter, Various emails	JCS	0.1		
20210330	Review Board letter	JCS	0.1		
20210402	Initial review of IRR, Various emails, Review additional documents	JCS	2.4		
20210403	Review IRR	JCS	1.6		
20210405	Evidence review and issues analysis	JCS	0.5		
20210406	Review issues list, Propose new issue, Many emails	JCS	1.1		
20210407	Many emails re issues list	JCS	0.5		
20210407	emails	MR		0.2	
20210409	Review OEB Staff issues list filing	JCS	0.3		
20210412	Various emails, Review PO #2 and scheduling	JCS	0.3		
20210413	Various emails	JCS	0.1		
20210414	Outline submissions, Review interaction of proceedings, Review VECC clarification questions	JCS	0.8		
20210415	Draft and file submissions, Review submissions of others, Many emails, Review decision	JCS	1.4		
20210416	Many emails, Review clarification questions	JCS	0.4		
20210417	Review evidence and IRR	JCS	5		
20210418	Review evidence and IRR	JCS	2.1		
20210419	Review issues list decision, Prep for ADR, Many emails	JCS	3		
20210420	Attend at ADR, Prep, Many emails, Review summary and prep for Day 2, Review new materials from utility	JCS	4.6		
20210421	Attend at ADR, Prep, Many emails	JCS	5.1		
20210423	Many emails re hearing	JCS	0.4		
20210427	Review order	JCS	0.1		
20210505	Many emails	JCS	0.1		
20210506	Various emails	JCS	0.1		
20210507	Many emails	JCS	0.1		
20210509	Comments on agreement, Many emails	JCS	1.5		
20210511	Meeting with Fred, Review models, Many emails, Client reporting	JCS	0.4		
20210512	Many emails, Review Staff comments, Finalize intervenor edits and send agreement to company	JCS	1.4		
20210512	Review comments to draft Settlement Proposal and email chain	FZ			0.5
20210513	Many emails, Telephone conversation with John Vellone, Meeting with Fred, Review and comment on new changes	JCS	1.1		
20210513	Review Exhibit 1 and 4 of application, Analyze OM&A variance, Review emails re comments on Settlement Proposal	FZ			2.6
20210514	Many emails, Review revised agreement	JCS	0.7		
20210514	Review Exhibit 1 and 4 of application, Analyze OM&A, Review emails re comments on Settlement Proposal	FZ			3.9
20210516	Various emails	JCS	0.1		
20210517	Final sign-off, Many emails	JCS	0.2		
20210521	Review Staff submission	JCS	0.2		
20210525	Review Board letter, Various emails, Scheduling	JCS	0.2		
20210528	Review evidence update, Many emails and scheduling	JCS	0.7		
20210528	Review emails re scheduling hearing and evidence update	FZ			0.2
20210529	Benchmarking spreadsheets, Analysis of comparator group, Analysis of 2019 OM&A performance	JCS	4.8		
20210531	Review decision and scheduling	JCS	0.3		
20210531	Review decision PO3	FZ			0.2
20210602	Meet with Fred	JCS	0.3		
20210604	Review new evidence and compare to external data, Review alternate data set, Draft and file interrogatories, Many emails, Review interro	JCS	4.2		

|FZ WO

0.5

1.6

3

0.2

0.3

20210604	Review North Bay Settlement Proposal, Review email and additional interrogatories	FZ			1.3
20210607	Review Exhibit 1 and 4	FZ			2.8
20210608	Review Exhibit 1 and 4 and interrogatories, Analyze NBHDL benchmarking table, Analyze management compensation	FZ			3
20210609	Emails re backup info	JCS	0.1		
20210609	Review evidence, Analyze OM&A and Management Compensation variance	FZ			2.3
20210614	Review additional materials	JCS	1		
20210614	Analyze response to updated interrogatories, Provide comment on North Bay's response	FZ			2.5
20210615	Many emails, Scheduling	JCS	0.3		
20210615	Analyze responses to updated interrogatories, Calculate and compare proposed management compensation against comparators	FZ			2.7
20210616	Review interrogatory responses, Zoom w Jay re NBHDL hearing, Review emails, scheduling and attachments	FZ			3.5
20210617	Many emails	JCS	0.1		
20210617	Review emails on hearing schedule, Review Exhibit 1 and 4, Review NBHDL's interrogatory responses, Prepare evidence review report for h	FZ			5.7
20210618	Many emails, Scheduling, Cross estimate revision, Review direct evidence, CVs, Review Rennick materials	JCS	0.8		
20210618	Analyze Exhibit 1 and 4, Review NBHDL's interrogatory responses, Prepare questions for hearing, Draft evidence review report, Many email	FZ			4.2
20210619	Review Fred's hearing prep, Various emails, Prep for hearing	JCS	1.5		
20210619	Revise evidence review report in preparation for hearing	FZ			0.4
20210621	Prep for hearing, Prepare and circulate compendium, Review materials from others, Many emails	JCS	8.2		
20210621	Discussion with Jay re hearing on Tuesday, Review hearing compendium and emails	FZ			0.7
20210622	Attend at hearing, Prep, Many emails, Review transcripts	JCS	9.1		
20210622	Attend OM&A Oral Hearing	FZ			7.4
20210629	Initial review of AIC, Many emails, Review undertakings	JCS	0.4		
20210701	Detailed review of AIC	JCS	1.1		
20210706	Many emails, Review issues for argument	JCS	0.4		
20210707	Review materials and instructions to Fred	JCS	1		
20210707	Review NBHDL's Argument-in-Chief, Study Final Argument precedent, Discussion with Jay	FZ			1.2
20210708	Analyze Argument-in-Chief, Review hearing transcript, Analyze exhibits, Research application concept and terminologies, Draft Final Arg	FZ			6.9
20210709	Outline of argument, Various emails	JCS	0.5		
20210709	Zoom discussion with Jay, Further analyze Argument-in-Chief, Review hearing transcript, interrogatories and Exhibit 4, Draft final argu	FZ			9.5
20210710	Analyze Exhibit 4, Argument-in-Chief, hearing transcripts and interrogatories, Research and analyze NBHDL's previous Applications, Draft	FZ			10.7
20210711	Many emails	JCS	0.1		
20210711	Analyze exhibits, Argument-in-Chief, hearing transcript and interrogatories, Calculate OM&A details, Draft Final Argument	FZ			8.4
20210712	Draft and edit Final Argument	FZ			4.4
20210712	Review transcript, Initial review of Fred's draft Final Argument	JCS	2		
20210713	Review evidence, Drafting Final Argument, Many emails	JCS	6.3		
20210714	Drafting and finalizing Final Argument, Many emails, Review Staff submission	JCS	10.3		
20210714	Review email	FZ			0.1
20210715	Many emails	FZ			0.4
20210715	Many emails, Review Final Arguments of others	JCS	0.7		
20210716	Review and study Final Argument submission	FZ			3.5
20210728	Review reply submissions	JCS	2		
20210911	Review decision, Client reporting, Various emails	JCS	1.4		
20210920	Review DRO, Review staff submission	JCS	0.3		
20210921	Review OEB decision	FZ			0.4
			109.2	0.2	89.4
	Gross time		36036	46	15198

198.8 67.3

		15198		
		51280		
		6666.4		
		57946.4		
Net time	Reduction	0	0.2	67.3
	Net	109.2	0	22.1
	Value	36036	0	3757
		0		
		3757		
	Total	39793		
		5173.09		
		44966.09		