



**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

January 10, 2022  
Our File: EB20210011

**Attn: Nancy Marconi, Acting Registrar**

Dear Ms. Marconi:

**Re: EB-2021-0011 – Canadian Niagara Power Inc. 2022 – 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.

As shown by the difference in the hours claimed in the cost claim form and those included in our detailed dockets, we have not claimed a significant portion of time of junior counsel Fred Zheng related to his matter. In our view, he did not provide incremental value to the process and so we treated this as learning time.

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. preparing and filing the notice of intervention, procedural issues list matters, review of OEB Staff submission on the settlement proposal, review of the Board's decision, etc.).

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

Mark Rubenstein

cc: Ted Doherty, SEC (by email)  
Applicant (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>2021-0011</u>	Process:	<u>Canadian Niagara Power Inc. 2022 Rates</u>
Party:	<u>School Energy Coalition</u>	Affiant's Name:	<u>Mark Rubenstein</u>
HST Number:	<u>83673-5464-RT0001</u>	HST Rate Ontario:	<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.

### Signature of Affiant

Sworn or affirmed before me at the City/Town of Toronto (via videoconference),  
in the Province/State of Ontario, on January 7, 2022.  
(date)

Commissioner for taking Affidavits

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



**Affidavit and Summary of Fees and Disbursements**

File # EB- 2021-0011 Process: Canadian Niagara Power Inc. 2022 Rates

Party: School Energy Coalition

**Summary of Fees and Disbursements Being Claimed**

Legal/consultant/other fees	\$	18,418.00
Disbursements	\$	-
HST	\$	2,394.34
<b>Total Cost Claim</b>	<b>\$</b>	<b>20,812.34</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

File # EB- <u>2021-0011</u>	Process: <u>Canadian Niagara Power Inc. 2022 Rates</u>
Party: <u>School Energy Coalition</u>	Service Provider Name: <u>Mark Rubenstein</u>
<div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <p><b>SERVICE PROVIDER TYPE</b> (check one)</p> <p>Legal Counsel <input checked="" type="checkbox"/></p> <p>Articling Student/Paralegal <input type="checkbox"/></p> <p>Consultant <input type="checkbox"/></p> <p>Analyst <input type="checkbox"/></p> </div> <div style="width: 20%;"> <p>Year Called to Bar</p> <p style="border: 1px solid black; padding: 2px; text-align: center;">2011</p> </div> <div style="width: 40%;"> <p>Completed Years Practising/Years of Relevant Experience</p> <p style="border: 1px solid black; padding: 2px; text-align: center;">10</p> </div> </div>	
<p>For Consultant/Analyst: <input type="checkbox"/> CV attached <span style="margin-left: 100px;"><b>HST Rate Charged (enter %):</b></span> <span style="border: 1px solid black; padding: 2px;">13.0%</span></p> <p><input type="checkbox"/> CV provided within previous 24 months</p>	

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	7.20	\$ 230.00	\$ 1,656.00	\$ 215.28	\$ 1,871.28
Responses	7.20	\$ 230.00	\$ 1,656.00	\$ 215.28	\$ 1,871.28
<b>Issues Conference</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>ADR - Settlement Conference</b>					
Preparation	12.30	\$ 230.00	\$ 2,829.00	\$ 367.77	\$ 3,196.77
Attendance	22.30	\$ 230.00	\$ 5,129.00	\$ 666.77	\$ 5,795.77
Proposal Preparation	10.80	\$ 230.00	\$ 2,484.00	\$ 322.92	\$ 2,806.92
<b>Argument</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
<b>Oral Hearing</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>Other Conferences</b>					
Preparation	1.80	\$ 230.00	\$ 414.00	\$ 53.82	\$ 467.82
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>Case Management</b>					
			\$ -	\$ -	\$ -
<b>TOTAL SERVICE PROVIDER FEES</b>			\$ 14,168.00	\$ 1,841.84	\$ 16,009.84

# Ontario Energy Board

## COST CLAIM FOR HEARINGS



### Detail of Fees and Disbursements Being Claimed

File # EB- 2021-0011

Process: Canadian Niagara Power Inc. 2022 Rates

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>2021-0011</u>	<b>Process:</b> <u>Canadian Niagara Power Inc. 2022 Rates</u>
<b>Party:</b> <u>School Energy Coalition</u>	<b>Service Provider Name:</b> <u>Fred Zhang</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"/>	2020	1
Articling Student/Paralegal <input type="checkbox"/>		
Consultant <input type="checkbox"/>		
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		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
<b>Technical Conference</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
<b>Interrogatories</b>					
Preparation	12.50	\$ 170.00	\$ 2,125.00	\$ 276.25	\$ 2,401.25
Responses	7.50	\$ 170.00	\$ 1,275.00	\$ 165.75	\$ 1,440.75
<b>Issues Conference</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
<b>ADR - Settlement Conference</b>					
Preparation	5.00	\$ 170.00	\$ 850.00	\$ 110.50	\$ 960.50
Attendance		\$ 170.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 170.00	\$ -	\$ -	\$ -
<b>Argument</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
<b>Oral Hearing</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
<b>Other Conferences</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
<b>Case Management</b>			\$ -	\$ -	\$ -
<b>TOTAL SERVICE PROVIDER FEES</b>			\$ 4,250.00	\$ 552.50	\$ 4,802.50

# Ontario Energy Board

## COST CLAIM FOR HEARINGS



### Detail of Fees and Disbursements Being Claimed

File # EB- 2021-0011

Process: Canadian Niagara Power Inc. 2022 Rates

Party: School Energy Coalition

Service Provider Name: Fred Zhang

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
20210803	draft NOI/emails	MR	0.4
20210805	p. call w. FZ	MR	0.1
20210810	prel review of corrections	MR	0.1
20210813	emails	MR	0.2
20210813	Discussion with Mark, review procedural order	FZ	0.6
20210816	Review filed evidence	FZ	1
20210816	emails/review draft issues list	MR	0.3
20210817	Review filed evidence and draft interrogatories	FZ	6.3
20210817	emails re: draft issues list	MR	0.2
20210818	emails re: draft issues list	MR	0.1
20210818	Review issue list, review exhibits and draft interrogatories	FZ	3.8
20210819	Review exhibitis and draft interrogatories	FZ	1.2
20210820	Review exhibits and draft interrogatories	FZ	1.3
20210823	Review exhibits and draft interrogatories	FZ	6.3
20210827	review application/disc w. FZ/review issues list decision	MR	0.7
20210831	review application/draft IRs	MR	3.2
20210901	review evidence and draft IRs	MR	1
20210902	emails	MR	0.2
20210903	revise IRs/emails	MR	0.3
20210903	Review evidence and revised version of IR	FZ	2
20210907	finalize IRs/Zoom call w. FZ/emails/review other parties IRs	MR	1.5
20210907	discussion with Mark, Edit and file Interrogatories	FZ	1.6
20210927	preliminary review of IRR	MR	0.9
20210928	emails	MR	0.1
20210928	Review responses to interrogatories	FZ	3.1
20210929	Review responses to interrogatories	FZ	4.3
20211004	Review CNPI's response to interrogatories	FZ	3.1
20211005	review IRR	MR	6.2
20211005	Review CNPI's response to interrogatories, negotiation preperation	FZ	5
20211006	emails/send clarification questions/review IRR and prepare for Settlement Conference	MR	4.4
20211006	Review exhibits filed, review CNPI's response to interrogatories, negotiation preperation	FZ	6
20211007	disc w. FZ/emails/prepare for Settlement Conference	MR	1.1
20211007	Discussion with Mark re settlement preparation, review IR responses and prepare for discussion	FZ	2.5
20211008	prepare for Settlement Conference	MR	2.5
20211010	emails/review CNPI pre-ADR clarification questions/undertake anyalysis in preparation for Settlement Conference	MR	1.7
20211011	prepare for Settlement Conference	MR	1



20211011	Attend Settlement Conference	FZ	5
20211012	Attend Settlement Conference	MR	8.1
20211012	prepare for Day 2 re: consideration of outstanding issues raised by OEB Staff	MR	1
20211012	Attend Settlement Conference	FZ	5
20211013	attend Settlement Conference	MR	3.5
20211013	emails/prepare for Day 3	MR	0.6
20211014	attend Settlement Conference	MR	5.5
20211020	emails	MR	0.2
20211029	emails/preliminary review of settlement proposal	MR	0.5
20211101	review Settlement Proposal and provide comments and edits/emails/review other parties edits and comments	MR	2.5
20211102	emails	MR	0.1
20211103	review models/emails	MR	1.3
20211104	emails/p. call. w. D. Lau/p. call w. Trevor Wilde (CNPI)/review Staff comments and edits	MR	0.8
20211105	review Staff revised review of proposal/consolidate comments and edits to send to CNPI	MR	0.7
20211108	Review email	FZ	0.1
20211108	emails	MR	0.3
20211109	emails/disc w. B. Harper/review OEB letter	MR	0.3
20211110	emails	MR	0.1
20211111	emails	MR	0.1
20211112	emails/preliminary review of revised Settlement Proposal	MR	0.1
20211115	review second version of settlement and provide edits and comments/emails and review spreadsheet re issues	MR	1.3
20211116	many emails on new issues that have arisen/p. call w. Karen (Facilitator) meeting with intervenors/meeting with all parties	MR	5.2
20211116	consolidate further comments and edits on draft proposal	MR	0.5
20211117	p. call w. KW (Facilitator)/emails/review extension letter	MR	0.7
20211118	emails/review OEB ltr/p. call w. KW (Facilitator)	MR	0.4
20211119	review and provide edits on 3rd draft of Settlement Proposal with revised section	MR	0.4
20211122	final review of Settlement Proposal and sign off/emails	MR	0.5
20211123	emails	MR	0.1
20211130	review Staff submission on Settlement Proposal	MR	0.3
20211203	review OEB corr	MR	0.1
20211216	review OEB decision/emails	MR	0.2
			119.8