



**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: EB20210076

**Attn: Nancy Marconi, Acting Registrar**

Dear Ms. Marconi:

**Re: EB-2021-0076– Small Utilities Filing Requirements Working Group – 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.

In the OEB's May 11th, 2021 letter, it noted that "[t]he maximum number of cost eligible hours per participant to prepare for, attend and report on working group meetings is 1.5 times the time spent by the participant's representative in each meeting." SEC has docketed 5.55hrs more than the maximum number of eligible hours based on the Board's formula. We ask that the Board exercise its discretion and grant this additional time.

The work undertaken by all members of the working group, including the undersigned, included more than simply preparing, attending, and reporting on working group meetings. There was a requirement for extensive review and line-by-line edits of the proposed new filing requirements, and significant discussion amongst members through email, including after the final meeting, that may have not been contemplated by the Board at the start of the process. SEC submits that these tasks were integral to the success of the working group, the revised filing requirement, and as recognition in the OEB's most recent letter, the expectation that certain learnings from the process could be applied to all distributors.

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.**

<b>File # EB-</b>	<b>2021-0076</b>	<b>Process:</b>	<b>Small Utilities Filing Req Working Group</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="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- 2021-0076 **Process:** Small Utilities Filing Req Working Group

**Party:** School Energy Coalition

**Summary of Fees and Disbursements Being Claimed**

Legal/consultant/other fees	\$	14,076.00
Disbursements	\$	-
HST	\$	1,829.88
<b>Total Cost Claim</b>	<b>\$</b>	<b>15,905.88</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>2021-0076</u>	<b>Process:</b> <u>Small Utilities Filing Req Working Group</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"/>	2011	10
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		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>Technical Conference</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>Interrogatories</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Responses		\$ 230.00	\$ -	\$ -	\$ -
<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		\$ 230.00	\$ -	\$ -	\$ -
<b>Oral Hearing</b>					
Preparation		\$ 230.00	\$ -	\$ -	\$ -
Attendance		\$ 230.00	\$ -	\$ -	\$ -
<b>Other Conferences</b>					
Preparation	24.10	\$ 230.00	\$ 5,543.00	\$ 720.59	\$ 6,263.59
Attendance	37.10	\$ 230.00	\$ 8,533.00	\$ 1,109.29	\$ 9,642.29
<b>Case Management</b>			\$ -	\$ -	\$ -
<b>TOTAL SERVICE PROVIDER FEES</b>			\$ 14,076.00	\$ 1,829.88	\$ 15,905.88

# Ontario Energy Board

## COST CLAIM FOR HEARINGS



### Detail of Fees and Disbursements Being Claimed

File # EB- 2021-0076

Process: Small Utilities Filing Req Working Group

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>	\$ -	\$ -	\$ -

Date	Explanation	Lwyr	Hours
20210517	review agenda and materials	MR	0.4
20210526	prepare for meeting/review previous case files and consider filing req	MR	1.5
20210527	attend working group meeting	MR	4.1
20210622	review documents provided/review Manuela's draft Chapter 2 materials/emails	MR	2.5
20210623	attend meeting	MR	4
20210624	prepare for meeting/review Manuela's comments on checklist	MR	0.7
20210624	attend meeting	MR	3.2
20210706	review CHEC material and OEB Staff material	MR	0.7
20210707	review filing guidelines/prepare for meeting	MR	1
20210708	Attend small utilities working group	MR	4
20210723	emails/review revised notes	MR	0.2
20210809	review draft Chapter 1 filing guideline revisions/review CHEC material and prepare for meeting	MR	1.8
20210811	prepare for meeting	MR	0.3
20210812	attend meeting	MR	3.5
20210813	draft some language for general section/emails/review MRS summary document draft	MR	0.5
20210817	emails	MR	0.3
20210820	emails	MR	0.1
20210823	emails	MR	0.1
20210824	prepare for meeting	MR	1
20210825	emails/prepare for meeting/review CHEC comments	MR	0.7
20210826	attend working group meeting	MR	4.4
20210908	emails	MR	0.1
20210913	review ppt and email comments	MR	0.4
20210915	review CHEC spreadsheet/emails	MR	0.5
20210920	emails	MR	0.1
20210922	prepare for meeting	MR	1.7
20210923	attend meeting	MR	4.3
20210929	emails	MR	0.3
20210930	emails	MR	0.4
20211001	emails	MR	0.1
20211004	emails	MR	0.3
20211005	emails	MR	0.1
20211012	emails/disc. w. Bill Harper and MG	MR	0.3
20211013	provide detail comments and edits on chapter filing requirement proposal	MR	2.8
20211014	emails	MR	0.1
20211018	emails	MR	0.1
20211019	emails	MR	0.1
20211020	emails	MR	0.1
20211022	review draft chapter 5 and provide comments/emails	MR	1.7

20211027	emails/review MG comments	MR	0.3
20211102	attend meeting	MR	6.9
20211109	emails	MR	0.1
20211110	review revised Chapter 2 and Chapter 5 and provide edits and comments/emails	MR	1.5
20211111	emails	MR	0.1
20211112	emails	MR	0.1
20211115	emails	MR	0.1
20211125	meeting w. OEB Staff and consumer IWG members re: increase threshold	MR	0.5
20211126	emails	MR	0.1
20211203	emails/review agenda for webinar	MR	0.1
20211207	attend webinar	MR	1.4
20211208	emails	MR	0.1
20211210	emails/Zoom call meeting re: materiality threshold issue	MR	0.8
20211210	emails	MR	0.2
20211211	emails	MR	0.1
20211213	emails	MR	0.1
20211216	review final filing requirements/letter	MR	0.2
			61.20