



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

July 20, 2022
Our File: EB20210016

Attn: Nancy Marconi, Registrar

Dear Ms. Marconi:

Re: EB-2021-0016 – E.L.K. Energy Inc. 2022 – SEC Cost Claim

We are counsel to the School Energy Coalition (“SEC”). Attached, please find SEC’s cost claim using the OEB’s new cost claim system.

SEC submits there were number of unique aspects to this application which made review more complex as compared to applications of similar size distributors. Many of those issues are addressed by the various commitments and provisions included in the approved Settlement Proposal that were noted in the OEB’s decision. In addition, as the OEB is aware, E.L.K. Energy’s last Board approved amounts underlying was 2012. SEC was thus required, consistent with the OEB’s April 12, 2021, letter regarding modified filing requirements, required to review the record from EB-2016-0066 (pre-filed evidence and interrogatory responses).

For the purposes of cost claim categorization, where dockets include both reviewing evidence and preparing interrogatories, or reviewing interrogatory responses and preparing for the settlement conference, we have allocated 50% to each category. As a practical matter, each set of activities are done at the same time and so cannot be readily extricable (e.g. we are preparing IRs as we review the evidence). We also note that we have included time in the ‘Other Attendance’ category for preparing and attending the April 29, 2021, pre-application meeting.

Yours very truly,
Shepherd Rubenstein P.C.

Mark Rubenstein

cc: Brian McKay, SEC (by email)
Applicant (by email)

EB-2021-0016 : 1 : Mark Rubenstein

COST CLAIM NUMBER 563	SUBMISSION DEADLINE DATE July 21, 2022	CLAIM STATUS Submitted
EB# EB-2021-0016: Rates: Distribution: E.L.K. Energy Inc.	OTHER EB#S	PHASE #* 1
INTERVENOR Rubenstein, Mark; +1 (647) 483-0113 mark@shepherdrubenstein.com	INTERVENOR COMPANY* School Energy Coalition, Toronto: Corporation	INTERVENOR TYPE Full Registrant
HST RATE ONTARIO 13.00	EXCHANGE RATE	COUNTRY
HST NUMBER 83673 5464 RT0001	LATE SUBMISSION ALLOWED No	EXTENSION DEADLINE DATE

PARTICIPANTS

New	Non-Filing Participant First, Last Name	Filing Participant	Participant Total (\$)	Participant Claim Status
No	,	Rubenstein, Mark; +1 (647) 483-0113 mark@shepherdrubenstein.com	21,285.82	Submitted

ATTACHMENTS

Attachment	Attachment Date	Participant	Document Type	Claim Type	Import Message
Cover Letter.pdf			Cover Letter		

TOTAL LEGAL/CONSULTANT/OTHER FEES 18,837.00	TOTAL DISBURSEMENTS 0.00	TOTAL HST 2,448.82
TOTAL CLAIM 21,285.82	TOTAL AMOUNT AWARDED	

REASON FOR DISALLOWANCE	REASON FOR DISALLOWANCE - 2	REASON FOR DISALLOWANCE - 3
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MAKE CHEQUE PAYABLE TO
Shepherd Rubenstein Professional Corporation, in trust

SEND PAYMENT TO ADDRESS 2200 Yonge Street Suite 1302 Toronto, ON M4S 2C6	ATTENTION
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SUBMIT SECTION

I am a representative of the Party. I have examined all of the documentation in support of this cost claim. The costs incurred and time spent are directly related to the Party's participation in the OEB Process referred to above.

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 section 6.05 and 6.09 of the OEB's Practice Direction on Cost Awards.

The information (fees and disbursements) filed in this cost claim is complete and accurate and in accordance with the OEB's Practice Direction for Cost Awards and Appendix A, the Cost Awards Tariff.

SUBMITTED BY Mark Rubenstein	DATE SUBMITTED July 20, 2022
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Mark Rubenstein

CASE	COST CLAIM	INTERVENOR NAME	PARTICIPANT CLAIM STATUS
EB-2021-0016: Rates: Distribution: E.L.K. Energy Inc.	EB-2021-0016 : 1 : Mark Rubenstein	Rubenstein, Mark; +1 (647) 483-0113 mark@shepherdrubenstein.com	Submitted

FILING PARTICIPANT	NEW PARTICIPANT	NON-FILING PARTICIPANT F. NAME	NON-FILING PARTICIPANT L. NAME
Rubenstein, Mark; +1 (647) 483-0113 mark@shepherdrubenstein.com	No		

SERVICE PROVIDER TYPE	YEAR CALLED TO BAR	COMPLETED YEARS PRACTICING/YEARS OF RELEVANT EXPERIENCE	HOURLY RATE
Legal Counsel	2011	10	230

CV STATUS (FOR CONSULTANT/ANALYST)	LAST CV DATE	HST RATE CHARGED
CV Required		13.00

HEARINGS	CONSULTATIONS	DISBURSEMENTS
Yes	No	No

HEARINGS

<u>Name</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Sub Total</u>	<u>HST Rate</u>	<u>HST</u>	<u>Total</u>
Review Application and Evidence						
Review Application and Evidence	12.25	230	2,817.50	13.00	366.28	3,183.78
Discovery						
Preparation of Interrogatories	10.15	230	2,334.50	13.00	303.49	2,637.99
Review Interrogatory Responses	10.60	230	2,438.00	13.00	316.94	2,754.94
Technical Conference Preparation		230		13.00		
Technical Conference Attendance		230		13.00		
Technical Conference Follow Up		230		13.00		
Issues List						
Preparation	0.50	230	115.00	13.00	14.95	129.95
Attendance at Issues Conference		230		13.00		
Intervenor Evidence						
Preparation		230		13.00		
Interrogatory Responses		230		13.00		
Preparation of Witness(es) for Attendance at Hearing		230		13.00		
Settlement Conference / ADR						
Preparation	13.70	230	3,151.00	13.00	409.63	3,560.63
Attendance	20.90	230	4,807.00	13.00	624.91	5,431.91
Preparation of Settlement Proposal	11.70	230	2,691.00	13.00	349.83	3,040.83
Attendance at Presentation to Panel		230		13.00		
Oral Hearing						
Preparation		230		13.00		
Attendance at Oral Hearing		230		13.00		
Submissions						
Written Submissions		230		13.00		
Oral Submissions		230		13.00		
Attendance at Oral Submissions		230		13.00		
Other Attendance						
Other Attendance	1.80	230	414.00	13.00	53.82	467.82
Communication						
With Client		230		13.00		
With Other Parties		230		13.00		
Motions						
Preparation of Motion(s) Materials		230		13.00		
Prepare Submissions on the Motion(s)		230		13.00		
Attendance at Hearing on Motion(s)		230		13.00		
Confidentiality						

Preparation of Application for Confidentiality		230		13.00		
Prepare Submissions on Confidentiality		230		13.00		
Attendance at Hearing on Confidentiality		230		13.00		
Decision						
Review	0.30	230	69.00	13.00	8.97	77.97
Rate Order						
Review		230		13.00		
Prepare Submission on Rate Order		230		13.00		
Total Service Provider Fees						
Total Service Provider Fees:			18,837.00		2,448.82	21,285.82

Attachments

<u>Attachment</u>	<u>Document Type</u>	<u>Import Message</u>
Client Fees Listing Sheet.pdf	Time Docket	

Hearings, Consultations, Disbursements Attachments

<u>Attachment</u>	<u>Related Disbursement Claim</u>	<u>Document Type</u>	<u>Claim Type</u>	<u>Import Message</u>
Client Fees Listing Sheet.pdf		Time Docket	Hearings	

Date	Explanation	Lwyr	Hours
20210420	emails re: Stakeholder meeting	MR	0.1
20210429	prepare for and attend meeting with Board Staff, intervenors and ELK	MR	1.7
20220224	preliminary review of Application/emails/prepare NOI	MR	2
20220225	review Application/review last proceeding record	MR	3.5
20220228	review Application and draft IRs	MR	3
20220301	review Application and draft IRs	MR	4.5
20220314	review AVC and draft IRs	MR	1.5
20220322	review PO	MR	0.2
20220328	review Application/review previous application record/prepare IRs	MR	2
20220328	emails/preliminary review of draft issues list	MR	0.1
20220331	p. call w. Donald Lau/review issues list/emails	MR	0.3
20220403	review 2016-0066 record to review 2012-2016 information/draft IRs	MR	4.9
20220404	review evidence/finalize IRs/draft cover letter to file	MR	0.7
20220405	emails/file IRs	MR	0.1
20220406	review issues list decision/interim order	MR	0.1
20220427	review E.L.K. corr/emails	MR	0.5
20220428	emails/review VECC corr	MR	0.3
20220429	review corr	MR	0.1
20220502	review IRR	MR	5.1
20220503	review IRR/draft pre-ADR questions/prepare for settlement	MR	7.2
20220504	review IRR/finalize and send clarification questions/emails/review APB report as it relates to E.L.K.	MR	1
20220509	prepare for Settlement Conference/review OEB Staff pre-settlement questions/provide E.L.K. with further pre-ADR questions	MR	4.6
20220510	emails/review clarification question responses and revised models/prepare for Settlement Conference	MR	3.7
20220511	prepare for Settlement Conference (am before it starts)	MR	0.7
20220511	attend Settlement Conference	MR	8.1
20220512	prepare for Settlement Conference (am before it starts)	MR	0.5
20220512	attend Settlement Conference	MR	7.3
20220513	prepare for Settlement Conference (am before it starts)	MR	0.6
20220513	attend Settlement Conference	MR	5.5
20220516	emails	MR	0.1
20220517	emails/review 48 hr letter draft	MR	0.1
20220519	emails	MR	0.1
20220520	emails/review HONI one-page document/attend meeting with parties regarding implementation of HONI-E.L.K. billing issue	MR	1
20220524	emails	MR	0.1
20220525	emails/prelim review of Settlement Proposal	MR	0.3
20220526	emails/review Settlement Proposal and prepare extensive edits and comments	MR	2.1
20220527	review Settlement Proposal and prepare edits and comments/emails	MR	0.9
20220531	review HO comments on settlement and make further edits/emails/prelim review of updated Settlement Proposal filed by E.L.K. and new mod	MR	0.5
20220601	emails/review VECC comments and proposed edits	MR	0.3
20220602	consolidated comments from intervenors and Staff/p. call w. Clement Li/emails/review E.L.K. corr	MR	0.6
20220603	emails/review OEB corr	MR	0.1
20220606	emails/preliminary review of version 2 of Settlement Proposal/p. call w. C. Li (Hydro One)	MR	0.3

20220607	review version 2 of settlement and provide edits and comments/review revised models/emails	MR	1.5
20220608	review and consolidate second round of intervenor and Staff comments/p. call w. L. Murray	MR	1.3
20220609	review version 3 of Settlement Proposal and provide further comments and edits/emails/consolidate edits and comments	MR	0.9
20220610	review final version of Settlement Proposal and sign off/emails	MR	0.3
20220617	review Staff sub	MR	0.3
20220620	emails from OEB Staff re: settlement issues/review issues/emails/p. call w. D. Lau	MR	0.4
20220621	p. call w. Mark G./p. call w. Donald Lau/emails	MR	0.3
20220622	emails	MR	0.1
20220623	review draft of letter and settlement amendment/emails	MR	0.1
20220630	review decisions/emails	MR	0.3
			81.9