



By EMAIL and RESS

**Jay Shepherd**  
jay@shepherdubenstein.com  
Dir. 416-804-2767

May 2, 2023  
Our File: EB20220016

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

**Attn: Nancy Marconi, Registrar**

Dear Ms. Marconi:

**Re: EB-2022-0016 – Bluewater 2023 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 OEB’s form with accompanying detailed dockets.

This was an LDC rebasing application, made somewhat more complicated by the fact that the utility had been on IRM since 2013. The case involved nine years of historical data, as well as the impact of a number of accounting and regulatory changes over that period. The steps included interrogatories and responses, followup questions in ADR, and a successful ADR including a novel mitigation adjustment.

SEC consultant Jane Scott took the lead in this matter, with senior counsel Jay Shepherd assisting. Essentially, the topics in this case were divided between them, but Ms. Scott took the lead in achieving the settlement, and Mr. Shepherd took the lead in negotiating the legal agreement. As the head of SEC, Brian McKay, operates a school board in Bluewater’s service territory, and as the mitigation issue affected schools directly, Mr. Shepherd engaged in interactive client reporting during the ADR process. Time spent by counsel Mark Rubenstein, both docketed and undocketed, has not been claimed.

All of which is respectfully submitted.

Yours very truly,  
**Shepherd Rubenstein Professional Corporation**

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

Jay Shepherd

cc: Brian McKay, SEC (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 shepherdubenstein.com

# EB-2022-0016 : 1 : Glenda Masters

COST CLAIM NUMBER 1302	SUBMISSION DEADLINE DATE May 04, 2023	CLAIM STATUS Approved by Finance
EB# EB-2022-0016: Rates: Distribution: Bluewater Power Distribution Corporation	OTHER EB#S	PHASE #* 1
INTERVENOR Masters, Glenda; +1 (416) 483-3300 Glenda@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	Total (\$)	Total Hours	Participant Claim Status
No	,	Shepherd, Jay; +1 (416) 804-2767 jay@shepherdrubenstein.com	22,560.45	60.50	Submitted
No	,	Scott, Jane ; +1 (647) 271-3174 jane_scott@rogers.com	22,299.42	59.80	Submitted

## ATTACHMENTS

Attachment	Document Type	Import Message
SEC_CoverLtr_Bluewater_20230502.pdf	Cover Letter	
SEC EB-2022-0016 Cost Claim 050220231539.pdf		

TOTAL LEGAL/CONSULTANT/OTHER FEES  
39,699.00

TOTAL DISBURSEMENTS  
0.00

TOTAL HST  
5,160.87

TOTAL CLAIM  
44,859.87

TOTAL AMOUNT AWARDED

TOTAL HOURS CLAIMED  
120.30

TOTAL HOURS DISALLOWED

REASON FOR  
DISALLOWANCE

REASON FOR  
DISALLOWANCE - 2

REASON FOR  
DISALLOWANCE - 3

MAKE CHEQUE PAYABLE TO  
Shepherd Rubenstein Professional Corporation, in Trust

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

ATTENTION

**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  
Glenda Masters

DATE SUBMITTED  
May 02, 2023

<b>CASE</b> EB-2022-0016: Rates: Distribution: Bluewater Power Distribution Corporation	<b>COST CLAIM</b> EB-2022-0016 : 1 : Glenda Masters	<b>INTERVENOR NAME</b> Masters, Glenda; +1 (416) 483-3300 Glenda@shepherdrubenstein .com	<b>PARTICIPANT CLAIM STATUS</b> Submitted
<b>FILING PARTICIPANT</b> Shepherd, Jay; +1 (416) 804-2767 jay@shepherdrubenstein.com	<b>NEW PARTICIPANT</b> No	<b>NON-FILING PARTICIPANT F. NAME</b>	<b>NON-FILING PARTICIPANT L. NAME</b>
<b>SERVICE PROVIDER TYPE*</b> Legal Counsel	<b>YEAR CALLED TO BAR*</b> 1980	<b>COMPLETED YEARS PRACTICING/YEARS OF RELEVANT EXPERIENCE*</b> 41	<b>HOURLY RATE</b> 330
<b>HST RATE CHARGED*</b> 13.00	<b>CV STATUS (FOR CONSULTANT/ANALYST)</b> CV Required	<b>LAST CV DATE</b>	<b>OVERRIDE HOURLY RATE</b> No
<b>HST NUMBER</b> 83673 5464 RT0001	<b>HEARINGS</b> Yes	<b>CONSULTATIONS</b> No	<b>DISBURSEMENTS</b> No

**HEARINGS**

<b>Hearings Hours</b>	<b>Hearings Subtotal (\$)</b>	<b>Hearings Total Tax (\$)</b>	<b>Hearings Total (\$)</b>			
60.50	19,965.00	2,595.45	22,560.45			
<u>Name</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Sub Total</u>	<u>HST Rate</u>	<u>HST</u>	<u>Total</u>
<b>REVIEW APPLICATION AND EVIDENCE</b>						
Review Application and Evidence	5.50	330	1,815.00	13.00	235.95	2,050.95
<b>DISCOVERY</b>						
Preparation of Interrogatories	2.40	330	792.00	13.00	102.96	894.96
Review Interrogatory Responses	7.00	330	2,310.00	13.00	300.30	2,610.30
Technical Conference Preparation		330		13.00		
Technical Conference Attendance		330		13.00		
Technical Conference Follow Up		330		13.00		
<b>ISSUES LIST</b>						
Preparation		330		13.00		
Attendance at Issues Conference		330		13.00		
<b>INTERVENOR EVIDENCE</b>						
Preparation		330		13.00		
Interrogatory Responses		330		13.00		
Preparation of Witness(es) for Attendance at Hearing		330		13.00		
<b>SETTELEMENT CONFERENCE / ADR</b>						
Preparation	6.60	330	2,178.00	13.00	283.14	2,461.14
Attendance	18.00	330	5,940.00	13.00	772.20	6,712.20

<u>Name</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Sub Total</u>	<u>HST Rate</u>	<u>HST</u>	<u>Total</u>
Preparation of Settlement Proposal	15.00	330	4,950.00	13.00	643.50	5,593.50
Attendance at Presentation to Panel		330		13.00		
<b>ORAL HEARING</b>						
Preparation		330		13.00		
Attendance at Oral Hearing		330		13.00		
<b>SUBMISSIONS</b>						
Written Submissions		330		13.00		
Oral Submissions		330		13.00		
Attendance at Oral Submissions		330		13.00		
<b>OTHER ATTENDANCE</b>						
Other Attendance		330		13.00		
<b>COMMUNICATION</b>						
With Client	6.00	330	1,980.00	13.00	257.40	2,237.40
With Other Parties		330		13.00		
<b>MOTIONS</b>						
Preparation of Motion(s) Materials		330		13.00		
Prepare Submissions on the Motion(s)		330		13.00		
Attendance at Hearing on Motion(s)		330		13.00		
<b>CONFIDENTIALITY</b>						
Preparation of Application for Confidentiality		330		13.00		
Prepare Submissions on Confidentiality		330		13.00		
Attendance at Hearing on Confidentiality		330		13.00		
<b>DECISION</b>						
Review		330		13.00		
<b>RATE ORDER</b>						
Review		330		13.00		
Prepare Submission on Rate Order		330		13.00		
<b>TOTAL SERVICE PROVIDER FEES</b>						
<b>Total Service Provider Fees:</b>	<b>60.50</b>		<b>19,965.00</b>		<b>2,595.45</b>	<b>22,560.45</b>

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## Attachments

<u>Attachment</u>	<u>Document Type</u>	<u>Import Message</u>
SEC_Dockets_Bluewater_20230502.pdf	Time Docket	

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## Hearings, Consultations, Disbursements Attachments

<u>Attachment</u>	<u>Document Type</u>	<u>Claim Type</u>	<u>Import Message</u>
SEC_Dockets_Bluewater_20230502.pdf	Time Docket	Hearings	

Date	Explanation	Lwyr	Hours	Hours	Hours
20221124	Meet with Jane and Mark	JCS	0.3		
20221125	Various emails	JCS	0.1		
20221125	Review Application	JS		2.0	
20221128	Review report from Jane, Review issues	JCS	0.5		
20221129	Filed Notice of Intervention	JCS	0.3		
20221129	Review Application and prepare IRs	JS		2.0	
20221201	Review Application and prepare IRs	JS		2.5	
20221207	Review Application and prepare IRs	JS		1.0	
20221208	Review Application and prepare IRs	JS		2.0	
20221209	Review Application and prepare IRs	JS		1.0	
20221210	Review Application and prepare IRs	JS		1.0	
20221211	Review Application and prepare IRs	JS		1.0	
20221212	Review Application, prepare IRs, review confidentiality request	JS		2.0	
20221212	Review PO#1 and scheduling	JCS	0.3		
20221215	Review Application and prepare IRs	JS		2.5	
20221216	Review Application and prepare IRs, review issues list	JS		2.0	
20221216	Various emails re issues list	JCS	0.1		
20221218	Review draft issues list	JCS	0.1		
20221219	Many emails	JCS	0.1		
20230109	Review Staff submissions on issues and confidentiality	JCS	0.2		
20230119	Finalize IRs	JS		0.5	
20230119	Review drafting interrogatories, Analysis of evidence	JCS	1.5		
20230120	Review evidence	JCS	3.0		
20230123	Many emails, Review interrogatories, Model relative performance and add further interrogatories	JCS	2.4		
20230124	Review interrogatories of others, Many emails	JCS	0.5		
20230125	Meet with Jane re ADR	JCS	0.3		
20230125	Meeting with J. Shepherd re Bluewater ADR	JS		0.3	
20230131	Review Board decision	JCS	0.2		
20230210	Many emails, ADR planning	JCS	0.2		
20230213	Review Bluewater IRRs and prep for ADR	JS		1.0	
20230214	Many emails	JCS	0.2		
20230216	Review Bluewater IRRs and prep for ADR	JS		3.0	
20230216	Many emails, Review interrogatory responses	JCS	2.5		
20230217	Review Bluewater IRRs and prep for ADR	JS		3.0	
20230217	Many emails	JCS	0.2		
20230218	Review Bluewater IRRs and prep for ADR	JS		2.0	
20230219	Review Bluewater IRRs and Prep for ADR	JS		2.0	
20230219	Review Jane's questions, Many emails	JCS	0.8		
20230220	Call with intervenors re prep for Bluewater ADR	JS		1.0	
20230220	Intervenor meeting, Prep for ADR, Review notes from Jane, Many emails	JCS	4.7		
20230221	Review Bluewater IRRs and prep for ADR	JS		1.0	

20230221	Prep for ADR, Many emails, Review analysis from other intervenors	JCS	5.0		
20230222	ADR	JS		8.0	
20230222	Attend at ADR, Many emails, Review ADR question responses	JCS	8.2		
20230223	ADR	JS		4.5	
20230223	Attend at ADR, Many emails, Impact analysis, Cost of capital research	JCS	6.9		
20230224	ADR	JS		4.5	
20230224	emails	MR			0.30
20230224	Attend at ADR, Many emails, Discussion with Jane, Draft report to client	JCS	7.3		
20230225	Many emails, Review Jane's ADR breakdown, Finalize and send Report to client	JCS	1.2		
20230226	emails	MR			0.10
20230226	Meet with Client, Many emails	JCS	1.4		
20230227	ADR	JS		0.5	
20230227	Many emails, Attend ADR, Client reporting	JCS	1.3		
20230228	Many emails	JCS	0.1		
20230309	Many emails	JCS	0.1		
20230309	Review Bluewater settlement	JS		3.0	
20230310	Review draft report, Many emails, Review impacts	JCS	0.6		
20230310	Review Bluewater settlement	JS		0.7	
20230313	Review models, Email re arrangement problem, Many further emails, Meet with parties	JCS	2.2		
20230313	Review Bluewater settlement	JS		0.3	
20230314	Many emails	JCS	0.3		
20230315	Attend at ADR, Many emails, Review additional calculations	JCS	2.0		
20230315	Reconvene ADR	JS		1.5	
20230316	Attend at ADR, Review materials and bill impacts, Many emails, Analysis of solution, Client reporting	JCS	1.3		
20230316	Reconvene ADR	JS		1.5	
20230317	Many emails	JCS	0.2		
20230317	Review draft settlement	JS		0.5	
20230319	Review and comment on draft agreement, Many emails	JCS	1.7		
20230320	Review OEB letter, Many emails, Review comments from others	JCS	0.2		
20230321	Many emails	JCS	0.1		
20230321	Review draft settlement	JS		0.3	
20230322	Various emails	JCS	0.1		
20230323	Review OEB comments, Many emails	JCS	0.3		
20230323	Review draft settlement	JS		0.3	
20230327	Review letter, many emails	JCS	0.1		

20230328	Review new agreement draft, Many emails	JCS	0.6		
20230328	Review draft settlement	JS		1.5	
20230330	Many emails, Review final filing	JCS	0.3		
20230331	Various emails	JCS	0.1		
20230406	Review Staff submission	JCS	0.1		
20230427	Review Decision and Rate Order, Client reporting	JCS	0.3		
			60.5	59.8	0.40

TOTAL 120.7







<b>CASE</b> EB-2022-0016: Rates: Distribution: Bluewater Power Distribution Corporation	<b>COST CLAIM</b> EB-2022-0016 : 1 : Glenda Masters	<b>INTERVENOR NAME</b> Masters, Glenda; +1 (416) 483-3300 Glenda@shepherdrubenstein .com	<b>PARTICIPANT CLAIM STATUS</b> Submitted
<b>FILING PARTICIPANT</b> Scott, Jane ; +1 (647) 271-3174 jane_scott@rogers.com	<b>NEW PARTICIPANT</b> No	<b>NON-FILING PARTICIPANT F. NAME</b>	<b>NON-FILING PARTICIPANT L. NAME</b>
<b>SERVICE PROVIDER TYPE*</b> Consultant	<b>YEAR CALLED TO BAR*</b>	<b>COMPLETED YEARS PRACTICING/YEARS OF RELEVANT EXPERIENCE*</b> 20	<b>HOURLY RATE</b> 330
<b>HST RATE CHARGED*</b> 13.00	<b>CV STATUS (FOR CONSULTANT/ANALYST)</b> CV Attached	<b>LAST CV DATE</b> May 02, 2023	<b>OVERRIDE HOURLY RATE</b> No
<b>HST NUMBER</b> 83673 5464 RT0001	<b>HEARINGS</b> Yes	<b>CONSULTATIONS</b> No	<b>DISBURSEMENTS</b> No

**HEARINGS**

<b>Hearings Hours</b> 59.80	<b>Hearings Subtotal (\$)</b> 19,734.00	<b>Hearings Total Tax (\$)</b> 2,565.42	<b>Hearings Total (\$)</b> 22,299.42
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<u>Name</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Sub Total</u>	<u>HST Rate</u>	<u>HST</u>	<u>Total</u>
<b>REVIEW APPLICATION AND EVIDENCE</b>						
Review Application and Evidence	12.00	330	3,960.00	13.00	514.80	4,474.80
<b>DISCOVERY</b>						
Preparation of Interrogatories	7.50	330	2,475.00	13.00	321.75	2,796.75
Review Interrogatory Responses	8.00	330	2,640.00	13.00	343.20	2,983.20
Technical Conference Preparation		330		13.00		
Technical Conference Attendance		330		13.00		
Technical Conference Follow Up		330		13.00		
<b>ISSUES LIST</b>						
Preparation		330		13.00		
Attendance at Issues Conference		330		13.00		
<b>INTERVENOR EVIDENCE</b>						
Preparation		330		13.00		
Interrogatory Responses		330		13.00		
Preparation of Witness(es) for Attendance at Hearing		330		13.00		
<b>SETTELEMENT CONFERENCE / ADR</b>						
Preparation	7.30	330	2,409.00	13.00	313.17	2,722.17
Attendance	20.50	330	6,765.00	13.00	879.45	7,644.45

<u>Name</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Sub Total</u>	<u>HST Rate</u>	<u>HST</u>	<u>Total</u>
Preparation of Settlement Proposal	4.50	330	1,485.00	13.00	193.05	1,678.05
Attendance at Presentation to Panel		330		13.00		
<b>ORAL HEARING</b>						
Preparation		330		13.00		
Attendance at Oral Hearing		330		13.00		
<b>SUBMISSIONS</b>						
Written Submissions		330		13.00		
Oral Submissions		330		13.00		
Attendance at Oral Submissions		330		13.00		
<b>OTHER ATTENDANCE</b>						
Other Attendance		330		13.00		
<b>COMMUNICATION</b>						
With Client		330		13.00		
With Other Parties		330		13.00		
<b>MOTIONS</b>						
Preparation of Motion(s) Materials		330		13.00		
Prepare Submissions on the Motion(s)		330		13.00		
Attendance at Hearing on Motion(s)		330		13.00		
<b>CONFIDENTIALITY</b>						
Preparation of Application for Confidentiality		330		13.00		
Prepare Submissions on Confidentiality		330		13.00		
Attendance at Hearing on Confidentiality		330		13.00		
<b>DECISION</b>						
Review		330		13.00		
<b>RATE ORDER</b>						
Review		330		13.00		
Prepare Submission on Rate Order		330		13.00		
<b>TOTAL SERVICE PROVIDER FEES</b>						
<b>Total Service Provider Fees:</b>	<b>59.80</b>		<b>19,734.00</b>		<b>2,565.42</b>	<b>22,299.42</b>

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## Attachments

<u>Attachment</u>	<u>Document Type</u>	<u>Import Message</u>
CV for PJScott.pdf	CV	
Docket Attachment.pdf	Time Docket	
PJScott_Bluewater_Invoices.pdf	Invoice	

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## Hearings, Consultations, Disbursements Attachments

<u>Attachment</u>	<u>Document Type</u>	<u>Claim Type</u>	<u>Import Message</u>
CV for PJScott.pdf	CV	Hearings	
Docket Attachment.pdf	Time Docket	Hearings	
PJScott_Bluewater_Invoices.pdf	Invoice	Hearings	

**Combined detailed dockets attached to Participant – Jay Shepherd**

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# Curriculum Vitae

Patricia Jane Scott, P.Eng. MBA, LLM

48 Fentiman Ave.

Ottawa, Ontario

K1S 0T6

[Jane\\_scott@rogers.com](mailto:Jane_scott@rogers.com)

647-271-3174

## ***Work Experience***

### **Ontario Energy Board 2015 to 2021**

- Manager of Major Applications
- Project Advisor

### **Hydro Ottawa Limited 2000 to 2001, 2005 to 2014**

- Acting Director, Regulatory Affairs
- Manager, Rates and Revenue
- Manager of Regulatory Affairs

### **City of Ottawa 2002 to 2004**

- Program Manager, Water Environment Protection

### **Ottawa Hydro 1990 to 1999**

- Planning Engineer

## ***Education***

- Solar Photovoltaic Design and Installation Workshop, Canadian Solar Institute, December 8-12, 2014
- Osgoode Hall Law School, York University, Master of Law in Energy and Infrastructure (LLM), 2014
- Schulich School of Business, York University, Masters Certificate in Energy Sector Leadership, 2011
- University of Toronto, Master of Business Administration (MBA), 1986
- Queen's University, B.Sc. (Honours), Electrical Engineering, 1979



**By Email**

**INVOICE**

December 9, 2022

Ontario Education Services Corporation

439 University Ave.  
18th Floor  
Toronto, ON M5G 1Y8

ATTN: Diana Hong

**Re: Bluewater Power 2023 EB-2022-0016**

FOR: Work done and professional services rendered as per detailed dockets attached:

JCS	1.20	hours at \$330.00 per hour	\$396.00
JS	4.00	hours at \$330.00 per hour	\$1,320.00
Total Fees			\$1,716.00
Disbursements			\$0.00
HST (Registration #83673 5464 RT0001)			\$223.08
Total Amount of this Invoice			\$1,939.08

E&OE

Please make cheque payable to: **Shepherd Rubenstein Professional Corp**  
Invoice # 221205



**By Email**

**INVOICE**

January 10, 2023

Ontario Education Services Corporation

439 University Ave.

18th Floor

Toronto, ON M5G 1Y8

ATTN: Diana Hong

**Re: Bluewater Power 2023 EB-2022-0016**

FOR: Work done and professional services rendered as per detailed dockets attached:

JCS	0.60	hours at \$330.00 per hour	\$198.00
JS	15.00	hours at \$330.00 per hour	\$4,950.00
Total Fees			\$5,148.00
Disbursements			\$0.00
HST (Registration #83673 5464 RT0001)			\$669.24
Total Amount of this Invoice			\$5,817.24

E&OE

Please make cheque payable to: **Shepherd Rubenstein Professional Corp**

Invoice # 230115



**By Email**

**INVOICE**

February 10, 2023

Ontario Education Services Corporation

439 University Ave.  
18th Floor  
Toronto, ON M5G 1Y8

ATTN: Diana Hong

**Re: Bluewater Power 2023 EB-2022-0016**

FOR: Work done and professional services rendered as per detailed dockets attached:

JCS	8.10	hours at \$330.00 per hour	\$2,673.00
JS	0.80	hours at \$330.00 per hour	\$264.00
Total Fees			\$2,937.00
Disbursements			\$0.00
HST (Registration #83673 5464 RT0001)			\$381.81
Total Amount of this Invoice			\$3,318.81

E&OE

Please make cheque payable to: **Shepherd Rubenstein Professional Corp**  
Invoice # 230207



**By Email**

**INVOICE**

March 10, 2023

Ontario Education Services Corporation

439 University Ave.  
18th Floor  
Toronto, ON M5G 1Y8

ATTN: Diana Hong

**Re: Bluewater Power 2023 EB-2022-0016**

FOR: Work done and professional services rendered as per detailed dockets attached:

JCS	40.00	hours at \$330.00 per hour	\$13,200.00
JS	30.50	hours at \$330.00 per hour	\$10,065.00
MR	0.40	hours at \$290.00 per hour	\$116.00
Total Fees			\$23,381.00
Disbursements			\$0.00
HST (Registration #83673 5464 RT0001)			\$3,039.53
Total Amount of this Invoice			\$26,420.53

E&OE

Please make cheque payable to: **Shepherd Rubenstein Professional Corp**  
Invoice # 230306



**By Email**

**INVOICE**

April 10, 2023

Ontario Education Services Corporation

439 University Ave.  
18th Floor  
Toronto, ON M5G 1Y8

ATTN: Diana Hong

**Re: Bluewater Power 2023 EB-2022-0016**

FOR: Work done and professional services rendered as per detailed dockets attached:

JCS	10.20	hours at \$330.00 per hour	\$3,366.00
JS	9.50	hours at \$330.00 per hour	\$3,135.00
Total Fees			\$6,501.00
Disbursements			\$0.00
HST (Registration #83673 5464 RT0001)			\$845.13
Total Amount of this Invoice			\$7,346.13

E&OE

Please make cheque payable to: **Shepherd Rubenstein Professional Corp**  
Invoice # 230414