



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

April 13, 2023
Our File: EB20220059

Attn: Nancy Marconi, Registrar

Dear Ms. Marconi:

Re: EB-2022-0059 – PUC Distribution Inc. 2023 – Cost Claim

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

This was an unusually complex proceeding which involves significantly more work than would otherwise be the case for a cost of service application for a distributor of PUC’s size. As the Settlement Proposal notes¹ as part of the pre-settlement conference clarification responses, filed right before the Settlement Conference was to begin², PUC updated the in-service date for the Sault Smart Grid (“SSG”) Project, and brought forward a proposal for a deferral account to make the company whole for the revenue requirement in 2023 due application of the half-year rule. Ultimately, in the Settlement Proposal, the parties agreed to the SSG Project Recovery Mechanism, which is a unique mechanism, and involved significant work by all parties to design and work through various issues. Additionally, there were a number of other unique issues in this proceeding, including arising from the OEB’s decision in EB-2020-0249/EB2018-0219.³

The undersigned acted as coordinator amongst intervenors, during the settlement process. This includes, for example, communicating on behalf of intervenors with the Applicant’s counsel, organizing meetings with intervenors and OEB Staff, liaising with OEB Staff related to various accounting and technical matters, and coordinating and consolidating comments amongst intervenors and OEB Staff on the draft settlement proposal.

As shown by the accompanying detailed dockets, there was significant discussion between and amongst the parties after the end of the formal settlement conference period (which extended past the initial scheduled three days), but before the filing of the Settlement Proposal. This includes numerous meetings between intervenors and OEB Staff, as well as many phone calls with the Applicant’s counsel on behalf of intervenors, and even a couple additional meetings with the Applicant. This time has been included in the ‘Preparation of Settlement Proposal’ category.

¹ Settlement Proposal, p. 51

² Pre-Settlement Conference Clarification Questions, Appendix I

³ See for example, Settlement Proposal, Appendix G, Sault Smart Grid Project VVO Linkage to ROE



Furthermore, for 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 specific category activity. 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 have also included time under the 'Other Attendance' category for activities related to preparation and attending the pre-filing meeting.

SEC submits that its participation in this proceeding was thorough and valuable and was designed to maximize its assistance to the OEB. SEC therefore requests reimbursement of its reasonably incurred costs as set forth in the attached cost claim, which is commensurate with the scope of the issues and the proceeding.

Yours very truly,
Shepherd Rubenstein P.C.

Mark Rubenstein

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

EB-2022-0059 : 1 : Mark Rubenstein

COST CLAIM NUMBER
1222

SUBMISSION DEADLINE DATE
April 13, 2023

CLAIM STATUS
Approved by Finance

EB#
EB-2022-0059: Rates: Distribution: PUC
Distribution Inc.

OTHER EB#S

PHASE #*
1

INTERVENOR
Rubenstein, Mark; +1 (647) 483-0113
mark@shepherdubenstein.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	,	Rubenstein, Mark; +1 (647) 483-0113 mark@shepherdubenstein.com	34,277.42	104.60	Submitted
No	,	Rubenstein, Mark; +1 (647) 483-0113 mark@shepherdubenstein.com	363.86	1.40	Submitted

ATTACHMENTS

Attachment	Document Type	Import Message
EB-2022-0059 PUC Cover Letter .pdf	Cover Letter	
SEC EB-2022-0059 Cost Claim 041320231204.pdf		

TOTAL LEGAL/CONSULTANT/OTHER FEES
30,656.00

TOTAL DISBURSEMENTS
0.00

TOTAL HST
3,985.28

TOTAL CLAIM
34,641.28

TOTAL AMOUNT AWARDED

TOTAL HOURS CLAIMED
106.00

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
Mark Rubenstein

DATE SUBMITTED
April 13, 2023

CASE EB-2022-0059: Rates: Distribution: PUC Distribution Inc.	COST CLAIM EB-2022-0059 : 1 : Mark Rubenstein	INTERVENOR NAME Rubenstein, Mark; +1 (647) 483-0113 mark@shepherdrubenstein.com	PARTICIPANT CLAIM STATUS Submitted
FILING PARTICIPANT Rubenstein, Mark; +1 (647) 483-0113 mark@shepherdrubenstein.com	NEW PARTICIPANT No	NON-FILING PARTICIPANT F. NAME	NON-FILING PARTICIPANT L. NAME
SERVICE PROVIDER TYPE* Legal Counsel	YEAR CALLED TO BAR* 2011	COMPLETED YEARS PRACTICING/YEARS OF RELEVANT EXPERIENCE* 11	HOURLY RATE 290
HST RATE CHARGED* 13.00	CV STATUS (FOR CONSULTANT/ANALYST) CV Required	LAST CV DATE	OVERRIDE HOURLY RATE No
HST NUMBER 83673 5464 RT0001	HEARINGS Yes	CONSULTATIONS No	DISBURSEMENTS Yes

HEARINGS

Hearings Hours 104.60	Hearings Subtotal (\$) 30,334.00	Hearings Total Tax (\$) 3,943.42	Hearings Total (\$) 34,277.42
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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>
REVIEW APPLICATION AND EVIDENCE						
Review Application and Evidence	7.60	290	2,204.00	13.00	286.52	2,490.52
DISCOVERY						
Preparation of Interrogatories	5.80	290	1,682.00	13.00	218.66	1,900.66
Review Interrogatory Responses	7.20	290	2,088.00	13.00	271.44	2,359.44
Technical Conference Preparation		290		13.00		
Technical Conference Attendance		290		13.00		
Technical Conference Follow Up		290		13.00		
ISSUES LIST						
Preparation	0.60	290	174.00	13.00	22.62	196.62
Attendance at Issues Conference		290		13.00		
INTERVENOR EVIDENCE						
Preparation		290		13.00		
Interrogatory Responses		290		13.00		
Preparation of Witness(es) for Attendance at Hearing		290		13.00		
SETTELEMENT CONFERENCE / ADR						
Preparation	18.10	290	5,249.00	13.00	682.37	5,931.37
Attendance	30.00	290	8,700.00	13.00	1,131.00	9,831.00

<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	34.70	290	10,063.00	13.00	1,308.19	11,371.19
Attendance at Presentation to Panel		290		13.00		
ORAL HEARING						
Preparation		290		13.00		
Attendance at Oral Hearing		290		13.00		
SUBMISSIONS						
Written Submissions		290		13.00		
Oral Submissions		290		13.00		
Attendance at Oral Submissions		290		13.00		
OTHER ATTENDANCE						
Other Attendance		290		13.00		
COMMUNICATION						
With Client		290		13.00		
With Other Parties		290		13.00		
MOTIONS						
Preparation of Motion(s) Materials		290		13.00		
Prepare Submissions on the Motion(s)		290		13.00		
Attendance at Hearing on Motion(s)		290		13.00		
CONFIDENTIALITY						
Preparation of Application for Confidentiality		290		13.00		
Prepare Submissions on Confidentiality		290		13.00		
Attendance at Hearing on Confidentiality		290		13.00		
DECISION						
Review	0.60	290	174.00	13.00	22.62	196.62
RATE ORDER						
Review		290		13.00		
Prepare Submission on Rate Order		290		13.00		
TOTAL SERVICE PROVIDER FEES						
Total Service Provider Fees:	104.60		30,334.00		3,943.42	34,277.42

Attachments

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

DISBURSEMENTS

Disbursement Subtotal(\$)	Disbursement Total Tax(\$)	Other Taxes/Tips Total(\$)	Disbursement Total(\$)
0.00	0.00	0.00	0.00

<u>Name</u>	<u>ATT. REQ'D</u>	<u>ATT. PROV</u>	<u>Qty</u>	<u>\$/Unit</u>	<u>Net Cost</u>	<u>HST Rate</u>	<u>HST</u>	<u>Other Taxes/Tip</u>	<u>Total</u>	<u>Rationale/Comment</u>
Scanning/Photocopy (Internal)						13.00				
Scanning/Photocopy (External)						13.00				
Printing (Internal)						13.00				
Printing (External)						13.00				
Courier						13.00				
Teleconference						13.00				
Travel: Air						13.00				
Travel: Car Rental						13.00				
Travel: Gas						13.00				
Travel: Car Mileage – Southern Ontario				0.40						
Travel: Car Mileage – Northern Ontario				0.41						
Travel: Rail						13.00				
Travel (Other)						13.00				
Parking						13.00				
Taxi						13.00				
Accommodation						13.00				
Other						13.00				

Hearings, Consultations, Disbursements Attachments

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

Date	Explanation	Lwyr	Hours
20220421	emails re: pre-application meeting	MR	0.1
20220620	review presentation and prepare for stakeholder meeting	MR	0.5
20220620	attend Stakholder meeting	MR	0.8
20221006	preliminary review of Application/draft and file NOI	MR	1.3
20221018	emails	MR	0.1
20221019	review PO/emails/preliminary review of draft issues list	MR	0.3
20221021	review issues list/emails	MR	0.2
20221021	preliminary review of Application	MR	0.9
20221025	emails/review Applciation and draft IRs	MR	4.5
20221027	emails/ review PUC corr	MR	0.2
20221027	review issues list decision	MR	0.1
20221031	emails/review Application and draft IRs	MR	2.5
20221101	review evidence and draft IRs	MR	3.2
20221108	edit, finalize and file IRs/review other parties IR	MR	0.7
20221128	emails/preliminary review of IRR	MR	0.8
20221202	review IRR and prepare for Settlement Conference	MR	5.5
20221205	review IRR/prepare for Settlement Conference/prepare pre-settlement conference clarification questions	MR	3.5
20221206	review IRR/prepare for Settlement Conference/prepare revise pre-settlement clarification questions	MR	3.8
20221207	review Staff and VECC clarification questions/emails	MR	0.1
20221208	p. call w. S. Grice/prepare for Settlement Conference	MR	1.6
20221209	emails	MR	0.1
20221210	emails	MR	0.3
20221211	emails/prepare for Settlement Conference	MR	2.9
20221212	attend Settlement Conference	MR	7.8
20221212	preliminary review of DQ response and prepare before SC/prepare for day 2 after SC	MR	3.6
20221213	emails/prepare fo Settlement Conference (before meeting)/review document from PUC sent this morning/prepare for day 3/p. call. w. J. Girvan	MR	1.5
20221213	attend Settlement Conference	MR	7.5
20221214	attend Settlement Conference	MR	8.5
20221215	emails	MR	0.2
20221216	emails/p. call w. J Girvan	MR	0.3
20221216	attend Settlement Conference/emails	MR	3.4
20221216	p. call . KW (Facilitator)/emails/review letter	MR	0.3
20221219	prepare for day 5	MR	0.8
20221220	attend Settlement Conference	MR	2.8
20221221	email/review letter	MR	0.1
20221222	email	MR	0.1
20230113	emails	MR	0.1
20230116	review SSG settlement implementation proposal outline and mode/emails	MR	1.6
20230117	emails	MR	0.1
20230118	emails	MR	0.3
20230119	Zoom meeting with intervenors and OEB Staff/draft and send response to PUC/p. call w. CM (BLG for PUC)	MR	1.9
20230120	emails	MR	0.1
20230122	emails	MR	0.1
20230124	review PUC letter	MR	0.1
20230130	emails	MR	0.1

20230131	emails	MR	0.1
20230201	emails/review settlement proposal and make substantial edits and comments/p. call w. B. Harper	MR	3.6
20230202	emails/review other parties comments on settlements/follow-up with PUC	MR	0.4
20230203	emails/review CCC comments and edits	MR	0.3
20230205	review models/emails re: issues	MR	1.6
20230210	preliminary review of OEB Staff comments and proposed edits to settlement proposal/p. call w. C. Boyle (counsel to PUC) x2/p. call w. GV (OEB Staff) emails	MR	0.5
20230211	review Staff comments and proposed edits/consolidate and highlight comments for interevnor & Staff meeting	MR	1.4
20230213	attend intervenor and Staff meeting/make revision to settlement proposal based on discussion/finalzie and return to PUC	MR	2.2
20230216	review PO	MR	0.1
20230217	emails	MR	0.1
20230220	emails	MR	0.2
20230221	review second draft of settlement/review other parties comments and emails/p. call w. KW (facilitator)	MR	2
20230222	emails/conference call w. Georgette V & Donna Kwann/draft revised DVA wording/p. call w. CB (BLG) x2	MR	1.5
20230223	emails/review Staff's comments and proposed edits on proposal/meeting w. MG and BH (VECC) to discuss Staff edits/p. call w. Colm Boyle/consolidate comments and edits and send back to PUC	MR	1.6
20230224	p. call w. C. Boyle to discuss outstanding issues in settlement/emails to intervenors/p. call w. D. Lau (OEB Staff)	MR	0.9
20230225	emails	MR	0.1
20230226	review third-draft/many emails/p. call w. KW (facilitator)	MR	0.8
20230227	Zoom meeting with intervenors + Staff/p. call w. J Vellone x3/p. call w. D. Lau (Staff)/Zoom call with MG and JG/emails/p. call w. GV (Staff)/p. call w. KW (facilitator)	MR	3.9
20230227	further p. call w. GV (Staff)/p. call w. J. Vellone/emails/p. call w. D. Lau (Staff)/review PUC corr	MR	1.3
20230228	emails/Zoom meeting with MG to discuss path forward and response to PUC	MR	1.5
20230301	emails	MR	0.1
20230302	emails/Zoom meeting with intervenors and OEB Staff to discuss PUC email	MR	0.5
20230303	emails/furter edits and comments on settlement proposal/Zoom call w. JG/emails/p. call w. C. Boyle	MR	1.5
20230306	emails/p. call w. KW (faciliator)/review next version of settlement proposal/p. call CB (PUC)/p. call w. JG/teams meeting with CB and PUC Team to discuss AO issues/further consolidate and edits/p. call w. D. Lau (Staff)/p. call w. GV (Staff)	MR	1.2
20230306	emails/teams meeting with C. Boyle, J. Vellone, PUC team at their request to discuss further VVO-ROE issues/debrief to others	MR	0.6
20230307	Zoom meeting with intervenors and OEB Staff to discuss latest PUC proposal/review PUC letter/p. call w. C. Boyle to provide intervenor position	MR	0.8
20230308	rview PO/p. call w. KW (facilitator) re: status update	MR	0.3
20230309	emails	MR	0.1
20230310	emails/review final version of settlement/proposed final edits and sign off/emails	MR	0.8
20230316	review OEB letter	MR	0.1
20230317	review OEB Staff sub/emails	MR	0.4
20230406	emails/review decision	MR	0.2

CASE EB-2022-0059: Rates: Distribution: PUC Distribution Inc.	COST CLAIM EB-2022-0059 : 1 : Mark Rubenstein	INTERVENOR NAME Rubenstein, Mark; +1 (647) 483-0113 mark@shepherdrubenstein.com	PARTICIPANT CLAIM STATUS Submitted
FILING PARTICIPANT Rubenstein, Mark; +1 (647) 483-0113 mark@shepherdrubenstein.com	NEW PARTICIPANT No	NON-FILING PARTICIPANT F. NAME	NON-FILING PARTICIPANT L. NAME
SERVICE PROVIDER TYPE* Legal Counsel	YEAR CALLED TO BAR* 2011	COMPLETED YEARS PRACTICING/YEARS OF RELEVANT EXPERIENCE* 10	HOURLY RATE 230
HST RATE CHARGED* 13.00	CV STATUS (FOR CONSULTANT/ANALYST) CV Required	LAST CV DATE	OVERRIDE HOURLY RATE No
HST NUMBER 83673 5464 RT0001	HEARINGS Yes	CONSULTATIONS No	DISBURSEMENTS No

HEARINGS

Hearings Hours 1.40	Hearings Subtotal (\$) 322.00	Hearings Total Tax (\$) 41.86	Hearings Total (\$) 363.86
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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>
REVIEW APPLICATION AND EVIDENCE						
Review Application and Evidence		230		13.00		
DISCOVERY						
Preparation of Interrogatories		230		13.00		
Review Interrogatory Responses		230		13.00		
Technical Conference Preparation		230		13.00		
Technical Conference Attendance		230		13.00		
Technical Conference Follow Up		230		13.00		
ISSUES LIST						
Preparation		230		13.00		
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		
SETTELEMENT CONFERENCE / ADR						
Preparation		230		13.00		
Attendance		230		13.00		

<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		230		13.00		
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	1.40	230	322.00	13.00	41.86	363.86
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		230		13.00		
RATE ORDER						
Review		230		13.00		
Prepare Submission on Rate Order		230		13.00		
TOTAL SERVICE PROVIDER FEES						
Total Service Provider Fees:	1.40		322.00		41.86	363.86

Attachments

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

Hearings, Consultations, Disbursements Attachments

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

Combined detailed dockets attached to Participant - Mark Rubenstein