



43 Stewart Road  
Collingwood, Ontario  
L9Y 4M7 Canada  
[epcor.com](http://epcor.com)

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**Sent by EMAIL and RESS e-Filing**

Nancy Marconi, Registrar  
Ontario Energy Board  
2300 Yonge Street, Suite 2700  
Toronto, ON M4P 1E4

Dear Nancy Marconi:

**Re: EB-2022-0028: EPCOR Electricity Distribution Ontario Inc. (EEDO), Cost Claim Objection**

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In accordance with the Decision and Order dated June 15, 2023 for the above-noted proceeding, EEDO is in receipt of and has reviewed the cost claim submissions from Environmental Defense (ED), School Energy Coalition (SEC), Vulnerable Energy Consumers Coalition (VECC), and Small Business Utility Alliance (SBUA).

EEDO does not object to the cost claim of Environmental Defense. EEDO objects to certain amounts claimed by SEC (Jane Scott, Consultant), VECC and SBUA (Legal Counsel) and will outline the specific objections below.

**School Energy Coalition Cost Claim**

EEDO appreciates that SEC divided up responsibilities amongst its consultants Jane Scott and legal counsel Mark Rubenstein in order to create efficiencies. SEC stated that Ms. Scott had primary responsibility for reviewing the application and the written discovery process; whereas, Mr. Rubenstein had primary responsibility for the settlement conference negotiations, settlement proposal review, the oral hearing, and preparing the written argument.

On review of the SEC cost claim, EEDO submits that certain time claimed by Ms. Scott appears to be either redundant in light of her assigned areas of responsibility or disproportionate considering the time spent on similar tasks by other intervenors, as demonstrated by Table 1 below.

**Table 1: Hours spent by Intervenor on certain cost categories**

	<b>SEC (Mark Rubenstein)</b>	<b>SEC (Jane Scott)</b>	<b>VECC (Mr. Harper and Mr. Garner combined)</b>	<b>SBUA</b>	<b>ED</b>
<b>Interrogatories (Review Responses)</b>	0.75	8.15	3.0	3.08	3.60
<b>Settlement Conference Preparation</b>	9.25	7.9	9.75	3.0	1.20
<b>Oral Hearing Preparation</b>	10.3	7.0	13.35	4.9	3.8

EEDO proposes that Ms. Scott's claim should be reduced as follows:

- Time claimed for review of interrogatory responses should be reduced by 5 hours to align with time spent by other intervenors which was consistently around the 3 hour mark.
- Time claimed for settlement conference preparation should be reduced by 75% or 6 hours as this was Mr. Rubenstein's primary area of responsibility and to the best of EEDO's recollection, Ms. Scott was not an active participant at the settlement conference. In addition, a reduction of Ms. Scott's claim for settlement conference preparation would result in SEC's overall time spent on this task being consistent with the total time spent by VECC's two consultants.
- Time claimed for oral hearing preparation should be reduced by 75% or 5 hours as this was Mr. Rubenstein's primary area of responsibility and to the best of EEDO's recollection, Ms. Scott was not an active participant at the oral hearing. In addition, a reduction of Ms. Scott's claim for oral hearing preparation would result in SEC's overall time spent on this task being consistent with the total time spent by VECC's two consultants.

**Therefore, EEDO is proposing a total reduction of 16 hours of time for Ms. Scott at a rate of \$330/hour amounting to a reduction of \$5,280.00 + HST to SEC's cost claim.**

**Vulnerable Energy Consumers Coalition Cost Claim**

EEDO acknowledges that VECC responsibly split attendance costs for the settlement conference and oral hearing between its two consultants, Mr. Garner and Mr. Harper.

However, VECC's claim for time spent preparing interrogatories appears excessive and disproportionate compared to the amount of time spent by SEC, which is a comparable intervenor for this cost category.

**Table 2: Total Hours spent by VECC vs. SEC in preparing interrogatories**

	<b>VECC</b>	<b>SEC</b>
<b>Preparing Interrogatories</b>	19.0	9.8
<b># of Interrogatories filed</b>	56	49

**Therefore, EEDO proposes that VECC's total time for the preparation of interrogatories be reduced by 9 hours at a rate of \$330/hour amounting to a total reduction of \$2,970.00 + HST.**

**Small Business Utility Alliance Cost Claim**

The Practice Direction on Cost Awards states at section 5.01 that in determining the amount of a cost award to a party, the Board may consider, amongst other things, whether the party has demonstrated through its participation and documented in its cost claim that it has “participated responsibly in the process”.

In EEDO’s view, SBUA failed to participate responsibly in the settlement conference. Notably, SBUA was for some time absent from the process and unreachable which caused confusion amongst participants and contributed to delays in the process. Furthermore, in EEDO’s view, SBUA was not an active participant in the settlement process and their limited attendance was neither meaningful nor helpful to the resolution of issues addressed in that process.

For this reason, EEDO objects to paying any amounts claimed by SBUA related to the settlement conference which is inclusive of 6.17 hours of Mr. Mello’s time and 0.33 hours of Ms. Seer’s time for a proposed reduction of \$1,144.60 + HST.

In addition, the 2.17 hours claimed by Mr. Mello for review of the Board’s decision is disproportionate to the amount of time spent by other intervener groups such as SEC (0.6 hours), VECC (0.5 hours) and ED (0.9 hours). EEDO proposes that this claim should be reduced to 0.6 hours for a proposed reduction of \$266.90 + HST.

Finally, Mr. Mello’s time breakdown indicates that he included 1.5 hours of time to prepare SBUA’s cost claim. EEDO proposes that SBUA’s claim be reduced by this amount for a proposed reduction of \$255.00 + HST.

**Therefore, EEDO is proposing a total reduction of the SBUA claim of \$1,666.50 + HST.**

EEDO awaits the recommendations and/or cost award of the Board with respect to the noted objections.

Regards,

**Tim Hesselink, CPA**

Senior Manager, Regulatory Affairs  
EPCOR Electricity Distribution Ontario Inc.  
Phone: (705) 445-1800 ext. 2274  
Email: [THesselink@EEDO.com](mailto:THesselink@EEDO.com)

cc: Mark Rubenstein (SEC) – via email  
Mark Garner (VECC) – via email  
Sebastian Melo (SBUA) – via email  
Kent Elson (ED) – via email