



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

September 27, 2023
Our File: EB20230041

Attn: Nancy Marconi, Registrar

Dear Ms. Marconi:

Re: EB-2023-0041 – NOTL 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.

SEC divided up responsibility amongst its consultant Jane Scott and counsel Mark Rubenstein. Ms. Scott had primary responsibility for reviewing the application, the written discovery process, and the settlement conference negotiations. Whereas Mr. Rubenstein had overall oversight, provided legal support and assistance, and advice regarding certain technical issues.

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 in this challenging matter. 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 role that it took in this proceeding.

Yours very truly,
Shepherd Rubenstein P.C.

Mark Rubenstein

cc: Brian McKay, SEC (by email)
Applicant (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 shepherdrubenstein.com

EB-2023-0041 : 1 : Mark Rubenstein

COST CLAIM NUMBER
1649

SUBMISSION DEADLINE DATE
October 02, 2023

CLAIM STATUS
Approved by Finance

EB#
EB-2023-0041: Rates: Distribution:
Niagara-on-the-Lake Hydro 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

			Total (\$)	Total Hours	Participant Claim Status
New	Non-Filing Participant First, Last Name	Filing Participant			
No	,	Rubenstein, Mark; +1 (647) 483-0113 mark@shepherdubenstein.com	2,326.67	7.10	Submitted
No	,	Scott, Jane ; +1 (647) 271-3174 jane_scott@rogers.com	16,631.36	44.60	Submitted

ATTACHMENTS

Attachment	Document Type	Import Message
NOTL Cover Letter.pdf	Cover Letter	
SEC EB-2023-0041 Cost Claim 092720231306.pdf		

TOTAL LEGAL/CONSULTANT/OTHER FEES
16,777.00

TOTAL DISBURSEMENTS
0.00

TOTAL HST
2,181.03

TOTAL CLAIM
18,958.03

TOTAL AMOUNT AWARDED

TOTAL HOURS CLAIMED
51.70

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
September 27, 2023

CASE EB-2023-0041: Rates: Distribution: Niagara-on-the-Lake Hydro Inc.	COST CLAIM EB-2023-0041 : 1 : Mark Rubenstein	INTERVENOR NAME Rubenstein, Mark; +1 (647) 483-0113 mark@shepherd Rubenstein.c om	PARTICIPANT CLAIM STATUS Submitted
FILING PARTICIPANT Rubenstein, Mark; +1 (647) 483-0113 mark@shepherd Rubenstein.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 No

HEARINGS

Hearings Hours		Hearings Subtotal (\$)		Hearings Total Tax (\$)		Hearings Total (\$)	
7.10		2,059.00		267.67		2,326.67	
<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	0.40	290	116.00	13.00	15.08	131.08	
DISCOVERY							
Preparation of Interrogatories	0.70	290	203.00	13.00	26.39	229.39	
Review Interrogatory Responses		290		13.00			
Technical Conference Preparation		290		13.00			
Technical Conference Attendance		290		13.00			
Technical Conference Follow Up		290		13.00			
ISSUES LIST							
Preparation		290		13.00			
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	2.40	290	696.00	13.00	90.48	786.48	
Attendance		290		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	2.10	290	609.00	13.00	79.17	688.17
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	1.20	290	348.00	13.00	45.24	393.24
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	0.30	290	87.00	13.00	11.31	98.31
RATE ORDER						
Review		290		13.00		
Prepare Submission on Rate Order		290		13.00		
TOTAL SERVICE PROVIDER FEES						
Total Service Provider Fees:	7.10		2,059.00		267.67	2,326.67

Attachments

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

Hearings, Consultations, Disbursements Attachments

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

Date	Explanation	Lwyr	Hours
20230411	email re: stakeholder meeting	MR	0.1
20230418	prepare for meeting	MR	0.5
20230419	attend pre-application meeting	MR	0.6
20230512	review Notice	MR	0.1
20230518	Review application and prepare interrogatories	JS	2
20230518	emails	MR	0.1
20230519	Review application and prepare interrogatories	JS	3
20230520	Review application and prepare interrogatories	JS	2
20230523	Review application and prepare interrogatories	JS	2
20230528	Review application and prepare interrogatories	JS	1
20230531	Review application and prepare interrogatories	JS	1
20230605	Review Application and prepare interrogatories	JS	1
20230607	Review Application and prepare interrogatories	JS	1
20230609	review PO	MR	0.1
20230610	Review Application and prepare interrogatories	JS	1
20230612	emails	MR	0.1
20230612	Review Application and prepare interrogatories	JS	1.5
20230613	emails	MR	0.1
20230620	review draft IRs/emails	MR	0.4
20230626	emails	MR	0.1
20230626	Review Application and prepare interrogatories	JS	1
20230706	emails	MR	0.1
20230711	Prepare for settlement (including call with Mark R)	JS	1
20230711	meeting w. JS	MR	0.3
20230718	Review IRRs and prep for settlement	JS	2
20230719	Review IRRs and prep for settlement	JS	2
20230719	emails	MR	0.1
20230720	Review IRRs and prep for settlement	JS	1.5
20230723	Review IRRs and prep for settlement	JS	2
20230723	preliminary review of JS analysis/emails	MR	0.3
20230728	Call with Mark R re prep for ADR/review clarification questions responses	JS	1
20230728	prepare and attend meeting with JS re: NOTL settlement prep	MR	1.2
20230731	Prep for NOTL settlement including call with other intervenor	JS	1.5
20230802	Attend Settlement Conference (including call with Mark R)	JS	8
20230802	emails/p. call w. JS re settlement conference advice and issues	MR	0.5
20230803	Attend Settlement Conference	JS	5
20230803	emails/p. call w. JS re settlement conference	MR	0.4
20230812	Review of draft settlement and discussion with VECC	JS	2
20230813	review draft settlement proposal/emails	MR	0.8
20230822	Review Settlement Proposal	JS	0.5
20230822	emails re settlement draft	MR	0.2
20230823	Review Settlement Proposal	JS	0.3
20230823	review and provide comment on second draft of settlement/emails	MR	0.4
20230824	Review Settlement Proposal	JS	0.3
20230825	emails	MR	0.1
20230901	review Staff sub/emails	MR	0.2
20230921	review decision/emails	MR	0.3
20230921	Review DRO - see Decision and Order pg. 7	JS	1

CASE EB-2023-0041: Rates: Distribution: Niagara-on-the-Lake Hydro Inc.	COST CLAIM EB-2023-0041 : 1 : Mark Rubenstein	INTERVENOR NAME Rubenstein, Mark; +1 (647) 483-0113 mark@shepherdubenstein.c om	PARTICIPANT CLAIM STATUS Submitted
FILING PARTICIPANT Scott, Jane ; +1 (647) 271-3174 jane_scott@rogers.com	NEW PARTICIPANT No	NON-FILING PARTICIPANT F. NAME	NON-FILING PARTICIPANT L. NAME
SERVICE PROVIDER TYPE* Consultant	YEAR CALLED TO BAR*	COMPLETED YEARS PRACTICING/YEARS OF RELEVANT EXPERIENCE* 20	HOURLY RATE 330
HST RATE CHARGED* 13.00	CV STATUS (FOR CONSULTANT/ANALYST) CV Provided within Previous 24 Months	LAST CV DATE August 04, 2023	OVERRIDE HOURLY RATE No
HST NUMBER 83673 5464 RT0001	HEARINGS Yes	CONSULTATIONS No	DISBURSEMENTS No

HEARINGS

Hearings Hours	Hearings Subtotal (\$)		Hearings Total Tax (\$)		Hearings Total (\$)	
44.60	14,718.00		1,913.36		16,631.36	
<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	8.25	330	2,722.50	13.00	353.93	3,076.43
DISCOVERY						
Preparation of Interrogatories	8.25	330	2,722.50	13.00	353.93	3,076.43
Review Interrogatory Responses	3.75	330	1,237.50	13.00	160.88	1,398.38
Technical Conference Preparation		330		13.00		
Technical Conference Attendance		330		13.00		
Technical Conference Follow Up		330		13.00		
ISSUES LIST						
Preparation		330		13.00		
Attendance at Issues Conference		330		13.00		
INTERVENOR EVIDENCE						
Preparation		330		13.00		
Interrogatory Responses		330		13.00		
Preparation of Witness(es) for Attendance at Hearing		330		13.00		
SETTELEMENT CONFERENCE / ADR						
Preparation	7.25	330	2,392.50	13.00	311.03	2,703.53
Attendance	13.00	330	4,290.00	13.00	557.70	4,847.70

<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	3.10	330	1,023.00	13.00	132.99	1,155.99
Attendance at Presentation to Panel		330		13.00		
ORAL HEARING						
Preparation		330		13.00		
Attendance at Oral Hearing		330		13.00		
SUBMISSIONS						
Written Submissions		330		13.00		
Oral Submissions		330		13.00		
Attendance at Oral Submissions		330		13.00		
OTHER ATTENDANCE						
Other Attendance		330		13.00		
COMMUNICATION						
With Client		330		13.00		
With Other Parties		330		13.00		
MOTIONS						
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		
CONFIDENTIALITY						
Preparation of Application for Confidentiality		330		13.00		
Prepare Submissions on Confidentiality		330		13.00		
Attendance at Hearing on Confidentiality		330		13.00		
DECISION						
Review		330		13.00		
RATE ORDER						
Review	1.00	330	330.00	13.00	42.90	372.90
Prepare Submission on Rate Order		330		13.00		
TOTAL SERVICE PROVIDER FEES						
Total Service Provider Fees:	44.60		14,718.00		1,913.36	16,631.36

Attachments

<u>Attachment</u>	<u>Document Type</u>	<u>Import Message</u>
Docket Notice.pdf	Time Docket	
PJScott Invoices EB-2023-0041.pdf	Invoice	

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	
PJScott Invoices EB-2023-0041.pdf	Invoice	Hearings	

Combined detailed dockets attached to Participant - Mark Rubenstein



By Email

INVOICE

June 9, 2023

Ontario Education Services Corporation

439 University Ave.

18th Floor

Toronto, ON M5G 1Y8

ATTN: Diana Hong

Re: NOTL 2024 EB-2023-0041

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

JS	11.00	hours at	\$330.00 per hour	\$3,630.00
MR	0.20	hours at	\$290.00 per hour	\$58.00
Total Fees				\$3,688.00
Disbursements				\$0.00
HST (Registration #83673 5464 RT0001)				\$479.44
Total Amount of this Invoice				\$4,167.44

E&OE

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

Invoice # 230608



By Email

INVOICE

July 10, 2023

Ontario Education Services Corporation

439 University Ave.

18th Floor

Toronto, ON M5G 1Y8

ATTN: Diana Hong

Re: NOTL 2024 EB-2023-0041

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

JS	5.50	hours at \$330.00 per hour	\$1,815.00
MR	0.80	hours at \$290.00 per hour	\$232.00
Total Fees			\$2,047.00
Disbursements			\$0.00
HST (Registration #83673 5464 RT0001)			\$266.11
Total Amount of this Invoice			\$2,313.11

E&OE

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

Invoice # 230707



By Email

INVOICE

August 10, 2023

Ontario Education Services Corporation

439 University Ave.

18th Floor

Toronto, ON M5G 1Y8

ATTN: Diana Hong

Re: NOTL 2024 EB-2023-0041

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

JS	11.00	hours at	\$330.00 per hour	\$3,630.00
MR	2.00	hours at	\$290.00 per hour	\$580.00
Total Fees				\$4,210.00
Disbursements				\$0.00
HST (Registration #83673 5464 RT0001)				\$547.30
Total Amount of this Invoice				\$4,757.30

E&OE

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

Invoice # 230807



By Email

INVOICE

September 8, 2023

Ontario Education Services Corporation

439 University Ave.

18th Floor

Toronto, ON M5G 1Y8

ATTN: Diana Hong

Re: NOTL 2024 EB-2023-0041

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

JS	16.10	hours at	\$330.00 per hour	\$5,313.00
MR	2.40	hours at	\$290.00 per hour	\$696.00
Total Fees				\$6,009.00
Disbursements				\$0.00
HST (Registration #83673 5464 RT0001)				\$781.17
Total Amount of this Invoice				\$6,790.17

E&OE

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

Invoice # 230904



By Email

INVOICE

October 10, 2023

Ontario Education Services Corporation

439 University Ave.

18th Floor

Toronto, ON M5G 1Y8

ATTN: Diana Hong

Re: NOTL 2024 EB-2023-0041

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

JS	1.00	hours at \$330.00 per hour	\$330.00
MR	0.50	hours at \$290.00 per hour	\$145.00
Total Fees			\$475.00
Disbursements			\$0.00
HST (Registration #83673 5464 RT0001)			\$61.75
Total Amount of this Invoice			\$536.75

E&OE

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

Invoice # 231001