



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

December 8, 2023
Our File: EB20230033

Attn: Nancy Marconi, Registrar

Dear Ms. Marconi:

Re: EB-2023-0033 – InnPower 2024 Rates – Cost Claim

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

This proceeding involved a full settlement reached after a three-day settlement conference. SEC divided up responsibility amongst its consultant Jane Scott and counsel Mark Rubenstein. Ms. Scott had primary responsibility of reviewing the application and the written discovery process. Mr. Rubenstein had responsibility for discovery related to the proposed BATU Deferral Account, settlement conference negotiations and proposal drafting, and intervention management.

The undersigned acted as spokesman and coordinator amongst the two intervenors during the settlement process. As shown in the detailed dockets, preparation time was required in the evenings of the settlement conference period, as well as time and coordinating and consolidating comments amongst intervenors and OEB Staff on the draft settlement proposal. Additionally, the settlement proposal drafting process involved more time than usual and involved several meetings of all parties and OEB Staff.

We have claimed attendance time by Ms. Scott on the first day of the settlement conference. While SEC is limited regarding what it can say, we can assure the OEB that this time was necessary and primarily involved issues relating to responses to clarification questions and related issues for which Ms. Scott attendance was required because of her areas of responsibility.

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 attendance at the pre-filing meeting as well as other matters that do not fall under any other category (i.e. reviewing procedural orders, and Staff submissions).

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)

EB-2023-0033 : 1 : Mark Rubenstein

COST CLAIM NUMBER
1761

SUBMISSION DEADLINE DATE
December 08, 2023

CLAIM STATUS
Submitted

EB#
EB-2023-0033: Rates: Distribution: InnPower Corporation

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	Total (\$)	Total Hours	Participant Claim Status
No	,	Rubenstein, Mark; +1 (647) 483-0113 mark@shepherdrubenstein.com	17,007.64	51.90	Submitted
No	,	Scott, Jane ; +1 (647) 271-3174 jane_scott@rogers.com	12,231.14	32.80	Submitted
No	,	Shepherd, Jay; +1 (416) 804-2767 jay@shepherdrubenstein.com	261.03	0.70	Submitted

ATTACHMENTS

Attachment	Document Type	Import Message
EB-2023-0033 Cover Letter.pdf	Cover Letter	

TOTAL LEGAL/CONSULTANT/OTHER FEES
26,106.00

TOTAL DISBURSEMENTS
0.00

TOTAL HST
3,393.81

TOTAL CLAIM
29,499.81

TOTAL AMOUNT AWARDED

TOTAL HOURS CLAIMED
85.40

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
December 08, 2023

CASE EB-2023-0033: Rates: Distribution: InnPower Corporation	COST CLAIM EB-2023-0033 : 1 : Mark Rubenstein	INTERVENOR NAME Rubenstein, Mark; +1 (647) 483-0113 mark@shepherdrubenstein.c om	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 No

HEARINGS

Hearings Hours 51.90	Hearings Subtotal (\$) 15,051.00	Hearings Total Tax (\$) 1,956.64	Hearings Total (\$) 17,007.64
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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	2.70	290	783.00	13.00	101.79	884.79
DISCOVERY						
Preparation of Interrogatories	2.70	290	783.00	13.00	101.79	884.79
Review Interrogatory Responses	2.25	290	652.50	13.00	84.83	737.33
Technical Conference Preparation		290		13.00		
Technical Conference Attendance		290		13.00		
Technical Conference Follow Up		290		13.00		
ISSUES LIST						
Preparation	0.40	290	116.00	13.00	15.08	131.08
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	11.95	290	3,465.50	13.00	450.52	3,916.02
Attendance	17.30	290	5,017.00	13.00	652.21	5,669.21

<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	11.50	290	3,335.00	13.00	433.55	3,768.55
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	2.50	290	725.00	13.00	94.25	819.25
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	0.30	290	87.00	13.00	11.31	98.31
Prepare Submission on Rate Order		290		13.00		
TOTAL SERVICE PROVIDER FEES						
Total Service Provider Fees:	51.90		15,051.00		1,956.64	17,007.64

Attachments

<u>Attachment</u>	<u>Document Type</u>	<u>Import Message</u>
EB-2023-0033 Client Fees Listing.pdf	Time Docket	

Hearings, Consultations, Disbursements Attachments

<u>Attachment</u>	<u>Document Type</u>	<u>Claim Type</u>	<u>Import Message</u>
EB-2023-0033 Client Fees Listing.pdf	Time Docket	Hearings	

Date	Explanation	Lwyr	Hours
20230420	emails	MR	0.1
20230424	emails	MR	0.1
20230502	prepare for pre-application meeting	MR	0.5
20230503	attend pre-application meeting	MR	1.1
20230605	emails	MR	0.1
20230605	Review Application, Calculate bill impacts for schools, Analysis of issues for Mark and Jane, Many emails	JCS	0.7
20230619	prelim. review of Application/prepare and file intervenor form/emails	MR	0.3
20230623	review PO	MR	0.2
20230625	emails re: issues list	MR	0.2
20230626	emails	MR	0.1
20230627	Review Application and interrogatories	JS	1
20230628	p. call w. D. Lau re: issues list	MR	0.1
20230628	Review Application and interrogatories	JS	2
20230704	Review Application and interrogatories	JS	1.5
20230706	Review Application and interrogatories	JS	1
20230706	emails/review Application and draft IRs	MR	2
20230711	disc. w. JS	MR	0.3
20230713	Review Application and interrogatories	JS	3
20230714	Review Application and interrogatories	JS	2.5
20230715	Review Application and interrogatories	JS	1.5
20230716	review JS IRs/review evidence and draft additional IRs on certain areas	MR	2
20230717	Review Application and interrogatories	JS	1
20230717	emails	MR	0.2
20230718	emails	MR	0.1
20230719	emails/review other parties IRs	MR	0.4
20230809	emails/review OEB letter	MR	0.1
20230813	Review IRRs and strategy for settlement	JS	3
20230814	Review IRRs and strategy for settlement	JS	4
20230814	emails	MR	0.1
20230815	Review IRRs and strategy for settlement	JS	4
20230815	emails	MR	0.2
20230816	Review IRRs and strategy for settlement	JS	1
20230816	review IRRs/review JS settlement notes/review material/prepare for settlement conference/prepare and CQ	MR	4.5
20230817	Review IRRs and prep for settlement (including call with Mark R)	JS	0.5
20230817	review material and prepare for Settlement Conference/meeting w. JS to discuss case	MR	2.5
20230818	review material/undertake analysis/prepare for Settlement Conference	MR	0.5
20230820	prepare for Settlement Conference	MR	0.5

20230821	Settlement - review of presettlement clarification questions	JS	6.8
20230821	attend Settlement Conference	MR	7.8
20230821	prepare for SC before day 1/review material sent, write-up offer/prepare for day 2	MR	2.7
20230822	attend Settlement Conference	MR	4
20230822	prepare for day 3	MR	3.2
20230824	attend Settlement Conference	MR	5.5
20230824	review settlement letter/email	MR	0.1
20230825	review corr	MR	0.1
20230904	emails	MR	0.1
20230907	emails	MR	0.1
20230908	preliminary review of Settlement Proposal and begin to provide comments and edits	MR	1.1
20230911	further review of Settlement Proposal and comment, provided proposed edits	MR	1
20230912	review and consolidated comments and edit on draft	MR	0.6
20230913	emails	MR	0.2
20230914	emails	MR	0.1
20230918	emails	MR	0.1
20230920	emails	MR	0.1
20230921	review Staff comments and edits/review second draft of settlement and provide comments and edits	MR	1.3
20230922	emails	MR	0.2
20230925	prepare for meeting/attend meeting with parties re: settlement	MR	1.1
20230926	attend meeting with parties re:accounting issues/p. call w. C. Boyle x2/emails	MR	1.3
20230927	emails/review corr draft	MR	0.1
20231003	preliminary review of next draft of settlement/attend meeting with all parties re: accounting issue/emails	MR	1.1
20231004	emails	MR	0.1
20231006	emails/review Staff comments and edits/make SEC proposed comments and edits	MR	1
20231010	emails	MR	0.1
20231011	review material/meeting w. C. Boyle re: settlement proposal/emails	MR	0.4
20231012	final review and final edits to settlement proposal and accounting orders/emails	MR	0.6
20231013	final review and sign-off/emails	MR	0.3
20231023	review Staff submission	MR	0.3
20231101	emails	MR	0.1
20231102	review revised agreement/emails	MR	0.2
20231103	emails	MR	0.1
20231123	review decision/emails	MR	0.3
20231123	review DRO	MR	0.3
			85.4

CASE EB-2023-0033: Rates: Distribution: InnPower Corporation	COST CLAIM EB-2023-0033 : 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 (\$)			
32.80	10,824.00	1,407.14	12,231.14			
<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	6.75	330	2,227.50	13.00	289.58	2,517.08
DISCOVERY						
Preparation of Interrogatories	6.75	330	2,227.50	13.00	289.58	2,517.08
Review Interrogatory Responses	6.25	330	2,062.50	13.00	268.13	2,330.63
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	6.25	330	2,062.50	13.00	268.13	2,330.63
Attendance	6.80	330	2,244.00	13.00	291.72	2,535.72

<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		330		13.00		
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		330		13.00		
Prepare Submission on Rate Order		330		13.00		
TOTAL SERVICE PROVIDER FEES						
Total Service Provider Fees:	32.80		10,824.00	1,407.14		12,231.14

Attachments

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

Combined detailed dockets attached to Participant - Mark Rubenstein

CASE EB-2023-0033: Rates: Distribution: InnPower Corporation	COST CLAIM EB-2023-0033 : 1 : Mark Rubenstein	INTERVENOR NAME Rubenstein, Mark; +1 (647) 483-0113 mark@shepherdubenstein.c om	PARTICIPANT CLAIM STATUS Submitted
FILING PARTICIPANT Shepherd, Jay; +1 (416) 804-2767 jay@shepherdubenstein.com	NEW PARTICIPANT No	NON-FILING PARTICIPANT F. NAME	NON-FILING PARTICIPANT L. NAME
SERVICE PROVIDER TYPE* Legal Counsel	YEAR CALLED TO BAR* 1980	COMPLETED YEARS PRACTICING/YEARS OF RELEVANT EXPERIENCE* 41	HOURLY RATE 330
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 0.70	Hearings Subtotal (\$) 231.00	Hearings Total Tax (\$) 30.03	Hearings Total (\$) 261.03
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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	0.70	330	231.00	13.00	30.03	261.03
DISCOVERY						
Preparation of Interrogatories		330		13.00		
Review Interrogatory Responses		330		13.00		
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		330		13.00		
Attendance		330		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		330		13.00		
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		330		13.00		
Prepare Submission on Rate Order		330		13.00		
TOTAL SERVICE PROVIDER FEES						
Total Service Provider Fees:	0.70		231.00		30.03	261.03

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