



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

May 7, 2024
Our File: EB20230058

Attn: Nancy Marconi, Registrar

Dear Ms. Marconi:

Re: EB-2023-0058 – Westario Power Inc. 2024 – 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 and strategic 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).

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-2023-0058 : 1 : Mark Rubenstein

COST CLAIM NUMBER
2100

SUBMISSION DEADLINE DATE
May 10, 2024

CLAIM STATUS
Approved by Finance

EB#
EB-2023-0058: Rates: Distribution: Westario
Power 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	2,719.92	8.30	Submitted
No	,	Scott, Jane ; +1 (647) 271-3174 jane_scott@rogers.com	15,885.55	42.60	Submitted

ATTACHMENTS

Attachment	Document Type	Import Message
Westario Cover Letter.pdf	Cover Letter	
SEC EB-2023-0058 Cost Claim 050720240952.pdf		
SEC EB-2023-0058 Cost Claim 050720240959.pdf		

TOTAL LEGAL/CONSULTANT/OTHER FEES
16,465.00

TOTAL DISBURSEMENTS
0.00

TOTAL HST
2,140.47

TOTAL CLAIM
18,605.47

TOTAL AMOUNT AWARDED

TOTAL HOURS CLAIMED
50.90

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
May 07, 2024

CASE EB-2023-0058: Rates: Distribution: Westario Power Inc.	COST CLAIM EB-2023-0058 : 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 8.30	Hearings Subtotal (\$) 2,407.00	Hearings Total Tax (\$) 312.92	Hearings Total (\$) 2,719.92
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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>
DISCOVERY						
Read and Research Application and Evidence	2.25	290	652.50	13.00	84.83	737.33
Preparation of Interrogatories	1.25	290	362.50	13.00	47.13	409.63
Review Interrogatory Responses	1.10	290	319.00	13.00	41.47	360.47
Technical Conference Preparation		290		13.00		
Technical Conference Attendance		290		13.00		
Technical Conference Follow-up		290		13.00		
Subtotal of DISCOVERY	4.60		1,334.00		173.43	1,507.43
PROCEDURAL						
Preparation of Issues List Submission	0.20	290	58.00	13.00	7.54	65.54
Attendance at Issues List Conference		290		13.00		
Preparation for a Confidentiality Request		290		13.00		
Prepare Submissions on Confidentiality		290		13.00		
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		
Review Procedural Documents	0.80	290	232.00	13.00	30.16	262.16

<u>Name</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Sub Total</u>	<u>HST Rate</u>	<u>HST</u>	<u>Total</u>
Subtotal of PROCEDURAL	1.00		290.00		37.70	327.70
INTERVENOR EVIDENCE						
Preparation of Intervenor Evidence		290		13.00		
Interrogatory Responses		290		13.00		
Preparation of Witness(es) for Attendance at Hearing		290		13.00		
Subtotal of INTERVENOR EVIDENCE	0.00		0.00		0.00	0.00
SETTLEMENT CONFERENCE						
Preparation for Settlement Conference	1.80	290	522.00	13.00	67.86	589.86
Attendance at Settlement Conference		290		13.00		
Preparation of Settlement Proposal	0.60	290	174.00	13.00	22.62	196.62
Attendance at Presentation to Panel		290		13.00		
Subtotal of SETTLEMENT CONFERENCE	2.40		696.00		90.48	786.48
WRITTEN ARGUMENT						
Written Submissions		290		13.00		
Subtotal of WRITTEN ARGUMENT	0.00		0.00		0.00	0.00
ORAL ARGUMENT						
Preparation for Oral Hearing		290		13.00		
Attendance at Oral Hearing		290		13.00		
Oral Submissions		290		13.00		
Attendance at Oral Submissions		290		13.00		
Subtotal of ORAL ARGUMENT	0.00		0.00		0.00	0.00
DECISION						
Review Decision	0.30	290	87.00	13.00	11.31	98.31
Review Rate/Accounting Order		290		13.00		
Prepare Submission on Rate Order		290		13.00		
Subtotal of DECISION	0.30		87.00		11.31	98.31
OTHER						
Other Attendance (e.g., Intervenor Conferences)		290		13.00		
Subtotal of OTHER	0.00		0.00		0.00	0.00
TOTAL SERVICE PROVIDER FEES						
Total Service Provider Fees	8.30		2,407.00		312.92	2,719.92

Attachments

<u>Attachment</u>	<u>Document Type</u>	<u>Import Message</u>
EB-2023-0058 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-2023-0058 Client Fees Listing.pdf	Time Docket	Hearings	

Explanation	Lwyr	Hours
Review Application and prepare IRs	JS	1.5
preliminary review of Application	MR	1
Review Application and prepare IRs	JS	1.3
Review Application and prepare IRs	JS	1
prepare and send Intervention Form	MR	0.2
Review Application and prepare IRs	JS	2.5
Review Application and prepare IRs	JS	0.5
review PO	MR	0.2
Review Application and prepare interrogatories	JS	2
Review Application and prepare interrogatories	JS	2
emails re: issues list	MR	0.2
Review Application and prepare interrogatories	JS	2
Review Application and prepare interrogatories	JS	1
Review Application and prepare interrogatories	JS	0.7
Review Application and prepare interrogatories	JS	1
review Application/draft IRs/review JS IRs and emails	MR	2.5
emails	MR	0.1
Review IRRs and prep for settlement	JS	3
Review IRRs and prep for settlement	JS	3
Review IRRs and prep for settlement	JS	1.8
emails	MR	0.1
Preparation for Settlement Conference	JS	3
review IRR and prepare fore meeting with JS/attend meeting w. JS to discuss settlement	MR	2.2
review pre-settlement clarification questions/emails	MR	0.3
Attendance at Settlement Conference	JS	8
Attendance at Settlement Conference	JS	5
emails re: settlement	MR	0.3
Preparation of Settlement Proposal	JS	1.2
emails	MR	0.1
Preparation of Settlement Proposal	JS	0.5
emails/review settlement proposal draft	MR	0.3
emails	MR	0.1
Preparation of Settlement Proposal	JS	1.1
emails	MR	0.1
Preparation of Settlement Proposal	JS	0.5
review Westario staff sub/email	MR	0.3
review decision/emails	MR	0.3
		50.9

CASE EB-2023-0058: Rates: Distribution: Westario Power Inc.	COST CLAIM EB-2023-0058 : 1 : Mark Rubenstein	INTERVENOR NAME Rubenstein, Mark; +1 (647) 483-0113 mark@shepherdrubenstein.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 42.60	Hearings Subtotal (\$) 14,058.00	Hearings Total Tax (\$) 1,827.55	Hearings Total (\$) 15,885.55
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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>
DISCOVERY						
Read and Research Application and Evidence	7.75	330	2,557.50	13.00	332.48	2,889.98
Preparation of Interrogatories	7.75	330	2,557.50	13.00	332.48	2,889.98
Review Interrogatory Responses	3.90	330	1,287.00	13.00	167.31	1,454.31
Technical Conference Preparation		330		13.00		
Technical Conference Attendance		330		13.00		
Technical Conference Follow-up		330		13.00		
Subtotal of DISCOVERY	19.40		6,402.00		832.27	7,234.27
PROCEDURAL						
Preparation of Issues List Submission		330		13.00		
Attendance at Issues List Conference		330		13.00		
Preparation for a Confidentiality Request		330		13.00		
Prepare Submissions on Confidentiality		330		13.00		
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		
Review Procedural Documents		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>
Subtotal of PROCEDURAL	0.00		0.00		0.00	0.00
INTERVENOR EVIDENCE						
Preparation of Intervenor Evidence		330		13.00		
Interrogatory Responses		330		13.00		
Preparation of Witness(es) for Attendance at Hearing		330		13.00		
Subtotal of INTERVENOR EVIDENCE	0.00		0.00		0.00	0.00
SETTLEMENT CONFERENCE						
Preparation for Settlement Conference	6.90	330	2,277.00	13.00	296.01	2,573.01
Attendance at Settlement Conference	13.00	330	4,290.00	13.00	557.70	4,847.70
Preparation of Settlement Proposal	3.30	330	1,089.00	13.00	141.57	1,230.57
Attendance at Presentation to Panel		330		13.00		
Subtotal of SETTLEMENT CONFERENCE	23.20		7,656.00		995.28	8,651.28
WRITTEN ARGUMENT						
Written Submissions		330		13.00		
Subtotal of WRITTEN ARGUMENT	0.00		0.00		0.00	0.00
ORAL ARGUMENT						
Preparation for Oral Hearing		330		13.00		
Attendance at Oral Hearing		330		13.00		
Oral Submissions		330		13.00		
Attendance at Oral Submissions		330		13.00		
Subtotal of ORAL ARGUMENT	0.00		0.00		0.00	0.00
DECISION						
Review Decision		330		13.00		
Review Rate/Accounting Order		330		13.00		
Prepare Submission on Rate Order		330		13.00		
Subtotal of DECISION	0.00		0.00		0.00	0.00
OTHER						
Other Attendance (e.g., Intervenor Conferences)		330		13.00		
Subtotal of OTHER	0.00		0.00		0.00	0.00
TOTAL SERVICE PROVIDER FEES						
Total Service Provider Fees	42.60		14,058.00		1,827.55	15,885.55

Attachments

<u>Attachment</u>	<u>Document Type</u>	<u>Import Message</u>
Docket Notice.pdf	Time Docket	
EB-2023-0058 PJScott Invoices.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	
EB-2023-0058 PJScott Invoices.pdf	Invoice	Hearings	

Combined detailed dockets attached to Participant - Mark Rubenstein



By Email

INVOICE

December 8, 2023

Ontario Education Services Corporation

439 University Ave.

18th Floor

Toronto, ON M5G 1Y8

ATTN: Diana Hong

Re: Westario 2024 EB-2023-0058

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

JS	1.50	hours at \$330.00 per hour	\$495.00
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Total Fees			\$495.00
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Disbursements			\$0.00
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HST (Registration #83673 5464 RT0001)			\$64.35
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Total Amount of this Invoice			\$559.35
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E&OE

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

Invoice # 231214



By Email

INVOICE

January 10, 2024

Ontario Education Services Corporation

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

ATTN: Diana Hong

Re: Westario 2024 EB-2023-0058

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

JS	5.30	hours at \$330.00 per hour	\$1,749.00
MR	1.20	hours at \$290.00 per hour	\$348.00
Total Fees			\$2,097.00
Disbursements			\$0.00
HST (Registration #83673 5464 RT0001)			\$272.61
Total Amount of this Invoice			\$2,369.61

E&OE

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

Invoice # 240116



By Email

INVOICE

February 9, 2024

Ontario Education Services Corporation

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

ATTN: Diana Hong

Re: Westario 2024 EB-2023-0058

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

JS	8.70	hours at \$330.00 per hour	\$2,871.00
MR	2.90	hours at \$290.00 per hour	\$841.00
Total Fees			\$3,712.00
Disbursements			\$0.00
HST (Registration #83673 5464 RT0001)			\$482.56
Total Amount of this Invoice			\$4,194.56

E&OE

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

Invoice # 240213



By Email

INVOICE

March 10, 2024

Ontario Education Services Corporation

439 University Ave.

18th Floor

Toronto, ON M5G 1Y8

ATTN: Diana Hong

Re: Westario 2024 EB-2023-0058

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

JS	7.80	hours at \$330.00 per hour	\$2,574.00
MR	0.10	hours at \$290.00 per hour	\$29.00
Total Fees			\$2,603.00
Disbursements			\$0.00
HST (Registration #83673 5464 RT0001)			\$338.39
Total Amount of this Invoice			\$2,941.39

E&OE

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

Invoice # 240315



By Email

INVOICE

April 10, 2024

Ontario Education Services Corporation

439 University Ave.

18th Floor

Toronto, ON M5G 1Y8

ATTN: Diana Hong

Re: Westario 2024 EB-2023-0058

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

JS	18.80	hours at \$330.00 per hour	\$6,204.00
MR	3.40	hours at \$290.00 per hour	\$986.00
Total Fees			<hr/> \$7,190.00
Disbursements			\$0.00
HST (Registration #83673 5464 RT0001)			\$934.70
Total Amount of this Invoice			<hr/> \$8,124.70

E&OE

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

Invoice # 240403



By Email

INVOICE

May 10, 2024

Ontario Education Services Corporation

439 University Ave.

18th Floor

Toronto, ON M5G 1Y8

ATTN: Diana Hong

Re: Westario 2024 EB-2023-0058

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

JS	0.50	hours at \$330.00 per hour	\$165.00
MR	0.70	hours at \$290.00 per hour	\$203.00
Total Fees			\$368.00
Disbursements			\$0.00
HST (Registration #83673 5464 RT0001)			\$47.84
Total Amount of this Invoice			\$415.84

E&OE

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

Invoice # 240501