



**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 23, 2024  
Our File: EB20220094

**Attn: Nancy Marconi, Registrar**

Dear Ms. Marconi:

**Re: EB-2022-0094 – Natural Gas System Access – Cost Claim**

We are counsel to the School Energy Coalition ("SEC"). Enclosed, please find SEC's cost claim using the OEB's cost claim system.

SEC's involvement in this proceeding changed after the OEB's Decision and Procedural Order No. 3, which significantly altered the scope of the proceeding. From that point on, we participated, but in a more limited role, consistent with the revised scope of the proceedings.

Junior counsel, Fred Zheng, was heavily involved in assisting the undersigned with research and drafting detailed submissions on the two jurisdictional questions asked by the OEB in Procedural Order No. 2. As shown by the difference in the hours claimed in the cost claim form and those included in our detailed dockets, we have not claimed a significant portion of his time. In our view, it did not provide commensurate value, so we treated it as learning time.

Please note all time claimed for the undersigned, as of September 2022, has been included as a separate participant to reflect the change in the hourly rate related to the change in the number of completed years of practicing, pursuant to the *Practice Direction on Cost Awards*.

Yours very truly,  
**Shepherd Rubenstein P.C.**

Mark Rubenstein

cc: Brian MacKay, SEC (by email)

## EB-2022-0094 : 1 : Mark Rubenstein

COST CLAIM NUMBER  
2120

SUBMISSION DEADLINE DATE  
May 24, 2024

CLAIM STATUS  
Approved by Finance

EB#  
EB-2022-0094: Rates: Policy-Related: Ontario  
Energy Board

OTHER EB#S

PHASE #\*  
1

INTERVENOR  
Rubenstein, Mark; +1 (647) 483-0113  
mark@shepherd rubenstein.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@shepherd rubenstein.com	1,966.20	6.00	Submitted
No	,	Rubenstein, Mark; +1 (647) 483-0113 mark@shepherd rubenstein.com	4,184.39	16.10	Submitted
Yes	Fred , Zheng		2,362.83	12.30	Submitted

### ATTACHMENTS

Attachment	Document Type	Import Message
Cover Letter.pdf	Cover Letter	
SEC EB-2022-0094 Cost Claim 052320241236.pdf		

TOTAL LEGAL/CONSULTANT/OTHER FEES  
7,534.00

TOTAL DISBURSEMENTS  
0.00

TOTAL HST  
979.42

TOTAL CLAIM  
8,513.42

TOTAL AMOUNT AWARDED

TOTAL HOURS CLAIMED  
34.40

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  
May 23, 2024

<b>CASE</b> EB-2022-0094: Rates: Policy-Related: Ontario Energy Board	<b>COST CLAIM</b> EB-2022-0094 : 1 : Mark Rubenstein	<b>INTERVENOR NAME</b> Rubenstein, Mark; +1 (647) 483-0113 mark@shepherd Rubenstein.c om	<b>PARTICIPANT CLAIM STATUS</b> Submitted
<b>FILING PARTICIPANT</b> Rubenstein, Mark; +1 (647) 483-0113 mark@shepherd Rubenstein.com	<b>NEW PARTICIPANT</b> No	<b>NON-FILING PARTICIPANT F. NAME</b>	<b>NON-FILING PARTICIPANT L. NAME</b>
<b>SERVICE PROVIDER TYPE*</b> Legal Counsel	<b>YEAR CALLED TO BAR*</b> 2011	<b>COMPLETED YEARS PRACTICING/YEARS OF RELEVANT EXPERIENCE*</b> 11	<b>HOURLY RATE</b> 290
<b>HST RATE CHARGED*</b> 13.00	<b>CV STATUS (FOR CONSULTANT/ANALYST)</b> CV Required	<b>LAST CV DATE</b>	<b>OVERRIDE HOURLY RATE</b> No
<b>HST NUMBER</b> 83673 5464 RT0001	<b>HEARINGS</b> Yes	<b>CONSULTATIONS</b> No	<b>DISBURSEMENTS</b> No

## HEARINGS

Hearings Hours		Hearings Subtotal (\$)		Hearings Total Tax (\$)		Hearings Total (\$)	
6.00		1,740.00		226.20		1,966.20	
<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	1.70	290	493.00	13.00	64.09	557.09	
Preparation of Interrogatories		290		13.00			
Review Interrogatory Responses	0.80	290	232.00	13.00	30.16	262.16	
Technical Conference Preparation		290		13.00			
Technical Conference Attendance		290		13.00			
Technical Conference Follow-up		290		13.00			
Subtotal of DISCOVERY	2.50		725.00		94.25	819.25	
PROCEDURAL							
Preparation of Issues List Submission		290		13.00			
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>
<b>Subtotal of PROCEDURAL</b>	<b>0.80</b>		<b>232.00</b>		<b>30.16</b>	<b>262.16</b>
<b>INTERVENOR EVIDENCE</b>						
Preparation of Intervenor Evidence		290		13.00		
Interrogatory Responses		290		13.00		
Preparation of Witness(es) for Attendance at Hearing		290		13.00		
<b>Subtotal of INTERVENOR EVIDENCE</b>	<b>0.00</b>		<b>0.00</b>		<b>0.00</b>	<b>0.00</b>
<b>SETTLEMENT CONFERENCE</b>						
Preparation for Settlement Conference		290		13.00		
Attendance at Settlement Conference		290		13.00		
Preparation of Settlement Proposal		290		13.00		
Attendance at Presentation to Panel		290		13.00		
<b>Subtotal of SETTLEMENT CONFERENCE</b>	<b>0.00</b>		<b>0.00</b>		<b>0.00</b>	<b>0.00</b>
<b>WRITTEN ARGUMENT</b>						
Written Submissions	1.70	290	493.00	13.00	64.09	557.09
<b>Subtotal of WRITTEN ARGUMENT</b>	<b>1.70</b>		<b>493.00</b>		<b>64.09</b>	<b>557.09</b>
<b>ORAL ARGUMENT</b>						
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		
<b>Subtotal of ORAL ARGUMENT</b>	<b>0.00</b>		<b>0.00</b>		<b>0.00</b>	<b>0.00</b>
<b>DECISION</b>						
Review Decision	1.00	290	290.00	13.00	37.70	327.70
Review Rate/Accounting Order		290		13.00		
Prepare Submission on Rate Order		290		13.00		
<b>Subtotal of DECISION</b>	<b>1.00</b>		<b>290.00</b>		<b>37.70</b>	<b>327.70</b>
<b>OTHER</b>						
Other Attendance (e.g., Intervenor Conferences)		290		13.00		
<b>Subtotal of OTHER</b>	<b>0.00</b>		<b>0.00</b>		<b>0.00</b>	<b>0.00</b>
<b>TOTAL SERVICE PROVIDER FEES</b>						
<b>Total Service Provider Fees</b>	<b>6.00</b>		<b>1,740.00</b>		<b>226.20</b>	<b>1,966.20</b>

## Attachments

<u>Attachment</u>	<u>Document Type</u>	<u>Import Message</u>
EB-2022-0094 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-2022-0094 Client Fees Listing.pdf	Time Docket	Hearings	

Date	Explanation	Lwyr	Hours
20220207	review Notice/emails	MR	0.3
20220208	emails	MR	0.2
20220218	draft and file NOI/review historical issues from GS consultation	MR	1
20220304	review PO	MR	0.2
20220304	emails	MR	0.2
20220307	emails re: issues list	MR	0.4
20220311	review issues list/draft letter/review other parties sub	MR	0.5
20220413	emails	MR	0.1
20220414	review FZ questions/finalize SEC questions/review other parties questions	MR	1.5
20220417	emails/review other parties questions	MR	0.3
20220503	review PO	MR	0.2
20220524	emails/prelim review of OPI sub	MR	0.3
20220530	review OPI submissions; research case law and decisions	FZ	6.3
20220531	research and draft memo	FZ	7.5
20220601	research and draft memo	FZ	8
20220602	emails/prel review of FZ memo	MR	0.2
20220602	draft and edit memo	FZ	4
20220606	review research memo/review OPI sub/research	MR	1
20220609	meeting w. FZ to discuss memo and next steps	MR	1
20220609	discuss with Mark	FZ	1
20220610	review precedent decisions and submissions	FZ	1
20220613	draft submission	FZ	4
20220614	draft submission	FZ	5
20220616	Review draft submissions, Analysis and research, Many emails	JCS	2
20220616	review FZ draft/undertake legal research/prepare revised version	MR	3.8
20220617	draft submissions/disc w. JCS/p. call w. S. Pollock	MR	3
20220618	edit submissions	MR	0.5
20220621	finalize and file submissions/review other parties submissions	MR	0.9
20220621	discussion with Mark	FZ	0.5
20220622	review IGUA sub	MR	0.2
20220712	review reply sub	MR	0.3
20221117	review decision/emails	MR	0.3
20221209	review corr	MR	0.1
20230113	review corr from OPI	MR	0.1
20230117	review EGI corr	MR	0.1
20230207	review decision and PO4	MR	0.1
20230224	review PO	MR	0.1
20230303	emails/preliminary review of OPI evidence	MR	0.3
20230310	review EGI letter	MR	0.1
20230313	review PO	MR	0.1
20230317	review evidence/determine no IRs needed/review other parties IRs	MR	0.5
20230417	review IRR	MR	0.5

20230614	review EGI evidence/consider no IRs required/review other parties IRs	MR	0.4
20230629	emails/review EGI IRR	MR	0.3
20230711	review PO	MR	0.1
20230728	preliminary review of Argument-in-Chief	MR	0.2
20230825	review material and draft letter/review other parties sub	MR	1.3
20230908	review reply arg	MR	0.2
20231026	review decision/emails	MR	0.4
20231101	emails	MR	0.1
20240124	review corr	MR	0.1
20240305	review settlement/determine no submissions needed	MR	0.3
20240306	emails/review submission on settlement	MR	0.2
20240514	review decision	MR	0.2
			61.5

<b>CASE</b> EB-2022-0094: Rates: Policy-Related: Ontario Energy Board	<b>COST CLAIM</b> EB-2022-0094 : 1 : Mark Rubenstein	<b>INTERVENOR NAME</b> Rubenstein, Mark; +1 (647) 483-0113 mark@shepherd Rubenstein.c om	<b>PARTICIPANT CLAIM STATUS</b> Submitted
<b>FILING PARTICIPANT</b> Rubenstein, Mark; +1 (647) 483-0113 mark@shepherd Rubenstein.com	<b>NEW PARTICIPANT</b> No	<b>NON-FILING PARTICIPANT F. NAME</b>	<b>NON-FILING PARTICIPANT L. NAME</b>
<b>SERVICE PROVIDER TYPE*</b> Legal Counsel	<b>YEAR CALLED TO BAR*</b> 2011	<b>COMPLETED YEARS PRACTICING/YEARS OF RELEVANT EXPERIENCE*</b> 10	<b>HOURLY RATE</b> 230
<b>HST RATE CHARGED*</b> 13.00	<b>CV STATUS (FOR CONSULTANT/ANALYST)</b> CV Required	<b>LAST CV DATE</b>	<b>OVERRIDE HOURLY RATE</b> No
<b>HST NUMBER</b> 83673 5464 RT0001	<b>HEARINGS</b> Yes	<b>CONSULTATIONS</b> No	<b>DISBURSEMENTS</b> No

## HEARINGS

Hearings Hours		Hearings Subtotal (\$)		Hearings Total Tax (\$)		Hearings Total (\$)	
16.10		3,703.00		481.39		4,184.39	
<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	1.50	230	345.00	13.00	44.85	389.85	
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			
Subtotal of DISCOVERY	1.50		345.00		44.85	389.85	
PROCEDURAL							
Preparation of Issues List Submission	1.10	230	253.00	13.00	32.89	285.89	
Attendance at Issues List Conference		230		13.00			
Preparation for a Confidentiality Request		230		13.00			
Prepare Submissions on Confidentiality		230		13.00			
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			
Review Procedural Documents	0.20	230	46.00	13.00	5.98	51.98	



<u>Name</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Sub Total</u>	<u>HST Rate</u>	<u>HST</u>	<u>Total</u>
<b>Subtotal of PROCEDURAL</b>	<b>1.30</b>		<b>299.00</b>		<b>38.87</b>	<b>337.87</b>
<b>INTERVENOR EVIDENCE</b>						
Preparation of Intervenor Evidence		230		13.00		
Interrogatory Responses		230		13.00		
Preparation of Witness(es) for Attendance at Hearing		230		13.00		
<b>Subtotal of INTERVENOR EVIDENCE</b>	<b>0.00</b>		<b>0.00</b>		<b>0.00</b>	<b>0.00</b>
<b>SETTLEMENT CONFERENCE</b>						
Preparation for Settlement Conference		230		13.00		
Attendance at Settlement Conference		230		13.00		
Preparation of Settlement Proposal		230		13.00		
Attendance at Presentation to Panel		230		13.00		
<b>Subtotal of SETTLEMENT CONFERENCE</b>	<b>0.00</b>		<b>0.00</b>		<b>0.00</b>	<b>0.00</b>
<b>WRITTEN ARGUMENT</b>						
Written Submissions	13.30	230	3,059.00	13.00	397.67	3,456.67
<b>Subtotal of WRITTEN ARGUMENT</b>	<b>13.30</b>		<b>3,059.00</b>		<b>397.67</b>	<b>3,456.67</b>
<b>ORAL ARGUMENT</b>						
Preparation for Oral Hearing		230		13.00		
Attendance at Oral Hearing		230		13.00		
Oral Submissions		230		13.00		
Attendance at Oral Submissions		230		13.00		
<b>Subtotal of ORAL ARGUMENT</b>	<b>0.00</b>		<b>0.00</b>		<b>0.00</b>	<b>0.00</b>
<b>DECISION</b>						
Review Decision		230		13.00		
Review Rate/Accounting Order		230		13.00		
Prepare Submission on Rate Order		230		13.00		
<b>Subtotal of DECISION</b>	<b>0.00</b>		<b>0.00</b>		<b>0.00</b>	<b>0.00</b>
<b>OTHER</b>						
Other Attendance (e.g., Intervenor Conferences)		230		13.00		
<b>Subtotal of OTHER</b>	<b>0.00</b>		<b>0.00</b>		<b>0.00</b>	<b>0.00</b>
<b>TOTAL SERVICE PROVIDER FEES</b>						
<b>Total Service Provider Fees</b>	<b>16.10</b>		<b>3,703.00</b>		<b>481.39</b>	<b>4,184.39</b>

## 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**

**Fred Zheng**

<b>CASE</b> EB-2022-0094: Rates: Policy-Related: Ontario Energy Board	<b>COST CLAIM</b> EB-2022-0094 : 1 : Mark Rubenstein	<b>INTERVENOR NAME</b> Rubenstein, Mark; +1 (647) 483-0113 mark@shepherdubenstein.c om	<b>PARTICIPANT CLAIM STATUS</b> Submitted
<b>FILING PARTICIPANT</b>	<b>NEW PARTICIPANT</b> Yes	<b>NON-FILING PARTICIPANT F. NAME</b> Fred	<b>NON-FILING PARTICIPANT L. NAME</b> Zheng
<b>SERVICE PROVIDER TYPE*</b> Legal Counsel	<b>YEAR CALLED TO BAR*</b> 2021	<b>COMPLETED YEARS PRACTICING/YEARS OF RELEVANT EXPERIENCE*</b> 1	<b>HOURLY RATE</b> 170
<b>HST RATE CHARGED*</b> 13.00	<b>CV STATUS (FOR CONSULTANT/ANALYST)</b> CV Required	<b>LAST CV DATE</b>	<b>OVERRIDE HOURLY RATE</b> No
<b>HST NUMBER</b> 83673 5464 RT0001	<b>HEARINGS</b> Yes	<b>CONSULTATIONS</b> No	<b>DISBURSEMENTS</b> Yes

**HEARINGS**

Hearings Hours	Hearings Subtotal (\$)	Hearings Total Tax (\$)	Hearings Total (\$)			
12.30	2,091.00	271.83	2,362.83			
<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		170		13.00		
Preparation of Interrogatories		170		13.00		
Review Interrogatory Responses		170		13.00		
Technical Conference Preparation		170		13.00		
Technical Conference Attendance		170		13.00		
Technical Conference Follow-up		170		13.00		
Subtotal of DISCOVERY	0.00		0.00		0.00	0.00
PROCEDURAL						
Preparation of Issues List Submission		170		13.00		
Attendance at Issues List Conference		170		13.00		
Preparation for a Confidentiality Request		170		13.00		
Prepare Submissions on Confidentiality		170		13.00		
Preparation of Motion(s) Materials		170		13.00		
Prepare Submissions on the Motion(s)		170		13.00		
Attendance at Hearing on Motion(s)		170		13.00		
Review Procedural Documents		170		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>
<b>Subtotal of PROCEDURAL</b>	<b>0.00</b>		<b>0.00</b>		<b>0.00</b>	<b>0.00</b>
<b>INTERVENOR EVIDENCE</b>						
Preparation of Intervenor Evidence		170		13.00		
Interrogatory Responses		170		13.00		
Preparation of Witness(es) for Attendance at Hearing		170		13.00		
<b>Subtotal of INTERVENOR EVIDENCE</b>	<b>0.00</b>		<b>0.00</b>		<b>0.00</b>	<b>0.00</b>
<b>SETTLEMENT CONFERENCE</b>						
Preparation for Settlement Conference		170		13.00		
Attendance at Settlement Conference		170		13.00		
Preparation of Settlement Proposal		170		13.00		
Attendance at Presentation to Panel		170		13.00		
<b>Subtotal of SETTLEMENT CONFERENCE</b>	<b>0.00</b>		<b>0.00</b>		<b>0.00</b>	<b>0.00</b>
<b>WRITTEN ARGUMENT</b>						
Written Submissions	12.30	170	2,091.00	13.00	271.83	2,362.83
<b>Subtotal of WRITTEN ARGUMENT</b>	<b>12.30</b>		<b>2,091.00</b>		<b>271.83</b>	<b>2,362.83</b>
<b>ORAL ARGUMENT</b>						
Preparation for Oral Hearing		170		13.00		
Attendance at Oral Hearing		170		13.00		
Oral Submissions		170		13.00		
Attendance at Oral Submissions		170		13.00		
<b>Subtotal of ORAL ARGUMENT</b>	<b>0.00</b>		<b>0.00</b>		<b>0.00</b>	<b>0.00</b>
<b>DECISION</b>						
Review Decision		170		13.00		
Review Rate/Accounting Order		170		13.00		
Prepare Submission on Rate Order		170		13.00		
<b>Subtotal of DECISION</b>	<b>0.00</b>		<b>0.00</b>		<b>0.00</b>	<b>0.00</b>
<b>OTHER</b>						
Other Attendance (e.g., Intervenor Conferences)		170		13.00		
<b>Subtotal of OTHER</b>	<b>0.00</b>		<b>0.00</b>		<b>0.00</b>	<b>0.00</b>
<b>TOTAL SERVICE PROVIDER FEES</b>						
<b>Total Service Provider Fees</b>	<b>12.30</b>		<b>2,091.00</b>		<b>271.83</b>	<b>2,362.83</b>

## 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**