



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

January 14, 2025
Our File: EB20240007

Attn: Nancy Marconi, Registrar

Dear Ms. Marconi:

Re: EB-2024-0007 – Algoma 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.

Pursuant to Procedural Order No.1, this Application is subject to the OEB's intervenor pilot program. As seen in the attached documents, SEC's incurred costs are above the \$20,000 budget.

SEC submits that reimbursement above the budgeted amount is appropriate in the circumstances of this proceeding.¹ The Application involved several components that were both complex and atypical and were not accounted for in the initial OEB budget, which was informed by historical cost of service proceedings involving small utilities. These components include:

- Consideration and settlement of the in-service addition of two previous ACMs (Issues 1.3 and 1.4). Specifically, Issue 1.4 (Echo River TS) presented challenges, as indicated by the agreed-upon wording in the approved Settlement Proposal. Issues arose regarding Hydro One Sault Ste. Marie's reluctance to provide information about the cost overrun "both from API during the course of project construction and from the Parties throughout this proceeding."² Related to the ICM were unique issues concerning the interaction between the previous ACM true-up and RRRP funding (see Issues 5.7 and 6.1).³
- The consideration and settlement of the proposed unique Land Use Revenue Requirement Variance Account.⁴
- As part of the proposed disposition of Accounts 1588 and 1589, the request for an order under section 36.1.1 of the *Electricity Act* (Issue 6.2). This issue required considerable time, as it was the first time the OEB had considered such a request. It involved novel legal questions that were subject to written submissions pursuant to the Decision on Issues List.

¹ OEB Letter, Re: [Filing Requirements for Electricity Distribution Rate Applications for 2025 Rates \(April 11, 2024\)](#), p.2

² Settlement Proposal, p.18 (section 1.4)

³ Settlement Proposal, p.37, p.39 (section 6.1e)

⁴ Settlement Proposal, p. p.39-44 (section 6.1g)



With respect to the first two bullets above, as well as the Settlement Conference more generally, SEC is limited in what it can disclose as it is confidential. However, we note, as evidenced in our detailed dockets, that the Settlement Conference extended beyond the scheduled time and included additional settlement discussions over three extra days. Furthermore, SEC's consultant acted as the intervenor spokesperson during the settlement process, which involves additional work. Ultimately, a full settlement was reached on eligible issues, likely resulting in a significant reduction in regulatory costs compared to if the matter had proceeded to an oral or written hearing. Regarding the third bullet, the typical small utility proceeding, on which the OEB's budget determination was based, does not involve any written submissions.

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, and advice regarding certain technical, strategic and legal issues that arose during the proceedings. Due to the factual and legal nature of the written argument, both Ms. Scott and Mr. Rubenstein were involved.

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 matter. SEC therefore requests reimbursement of its reasonably incurred costs as set out in this letter and supported by the attached information, 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-2024-0007 : 1 : Mark Rubenstein

COST CLAIM NUMBER
2466

SUBMISSION DEADLINE DATE
January 16, 2025

CLAIM STATUS
Submitted

EB#
EB-2024-0007: Rates: Distribution: Algoma Power
Inc.

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.c om	2,883.76	8.80	Submitted
No	,	Scott, Jane ; +1 (647) 271-3174 jane_scott@rogers.com	28,340.42	76.00	Submitted

ATTACHMENTS

Attachment	Document Type	Import Message
API Cover Letter.pdf	Cover Letter	

TOTAL LEGAL/CONSULTANT/OTHER FEES
27,632.00

TOTAL DISBURSEMENTS
0.00

TOTAL HST
3,592.18

TOTAL CLAIM
31,224.18

TOTAL AMOUNT AWARDED

TOTAL HOURS CLAIMED
84.80

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
January 14, 2025

CASE EB-2024-0007: Rates: Distribution: Algoma Power Inc.	COST CLAIM EB-2024-0007 : 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* 12	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 (\$)	
8.80		2,552.00		331.76		2,883.76	
Name	Hours	Hourly Rate	Sub Total	HST Rate	HST	Total	
DISCOVERY							
Read and Research Application and Evidence	1.10	290	319.00	13.00	41.47	360.47	
Preparation of Interrogatories		290		13.00			
Review Interrogatory Responses	0.50	290	145.00	13.00	18.85	163.85	
Technical Conference Preparation		290		13.00			
Technical Conference Attendance		290		13.00			
Technical Conference Follow-up		290		13.00			
Subtotal of DISCOVERY	1.60		464.00		60.32	524.32	
PROCEDURAL							
Preparation of Issues List Submission	0.10	290	29.00	13.00	3.77	32.77	
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	0.30	290	87.00	13.00	11.31	98.31	

<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	0.40		116.00		15.08	131.08
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	3.70	290	1,073.00	13.00	139.49	1,212.49
Attendance at Settlement Conference		290		13.00		
Preparation of Settlement Proposal	0.80	290	232.00	13.00	30.16	262.16
Attendance at Presentation to Panel		290		13.00		
Subtotal of SETTLEMENT CONFERENCE	4.50		1,305.00		169.65	1,474.65
WRITTEN ARGUMENT						
Written Submissions	1.90	290	551.00	13.00	71.63	622.63
Subtotal of WRITTEN ARGUMENT	1.90		551.00		71.63	622.63
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	0.10	290	29.00	13.00	3.77	32.77
Subtotal of DECISION	0.40		116.00		15.08	131.08
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	8.80		2,552.00		331.76	2,883.76

Attachments

<u>Attachment</u>	<u>Document Type</u>	<u>Import Message</u>
EB-2024-0007 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-2024-0007 Client Fees Listing.pdf	Time Docket	Hearings	

Date	Explanation	Lwyr	Hours
20240628	review Notice/prelim. review of Application	MR	0.5
20240704	emails/Notice	MR	0.1
20240709	emails	MR	0.1
20240711	Review Application and prepare interrogatories	JS	3
20240711	preliminary review of Application and file Intervention letter	MR	0.5
20240715	Review Application and prepare interrogatories	JS	2
20240716	Review Application and prepare interrogatories	JS	3
20240717	Review Application and prepare interrogatories	JS	2
20240718	Review Application and prepare interrogatories	JS	1
20240722	Review Application and prepare interrogatories	JS	2
20240722	review PO	MR	0.1
20240723	Review Application and prepare interrogatories	JS	2
20240724	Review Application and prepare interrogatories	JS	2
20240725	Review Application and prepare interrogatories,	JS	0.7
20240725	Review Issues List	JS	0.3
20240725	emails re: issues list	MR	0.1
20240726	Review Application and prepare interrogatories, review Issues List	JS	1
20240803	review Issues List Decision	MR	0.1
20240811	Prepare interrogatories	JS	1.3
20240813	Prepare interrogatories	JS	1
20240905	Review Algoma interrogatory responses and prep for settlement	JS	4
20240906	Review Algoma interrogatory responses and prep for settlement	JS	2
20240909	Review Algoma interrogatory responses and prep for settlement, call with Mark R.	JS	2
20240909	emails/review IRR/p. call w. JS	MR	0.5
20240910	Review Algoma interrogatory responses and prep for settlement	JS	1.3
20240912	emails	MR	0.1
20240916	Review Algoma interrogatory responses and prep for settlement	JS	1.7
20240917	Review Algoma interrogatory responses and prep for settlement, including call with Mark R.	JS	1.5
20240917	review evidence/ emails/meeting with Jane Scott to discuss Settlement Conference issues	MR	1.5
20240918	Attend Settlement Conference	JS	8.5
20240919	Attend Settlement Conference	JS	5
20240920	Attend Settlement Conference	JS	7.5
20240920	emails/p. call. w. Jane Scott	MR	0.1
20240921	Prepare for continuing Algoma settlement including call with Mark R.	JS	2

20240921	emails/Zoom meeting w. Jane Scott re: API Settlement Conference	MR	1.1
20240922	Prepare for continuing Algoma settlement	JS	1
20240922	emails	MR	0.3
20240923	Attend Settlement Conference	JS	1.5
20240924	Attend Settlement Conference	JS	3.5
20240924	emails/analysis/p. call w. JS re: settlement	MR	0.5
20240925	Attend Settlement Conference	JS	4
20240925	emails	MR	0.1
20240926	emails re: settlement debrief	MR	0.1
20241002	Review settlement proposal	JS	1
20241005	1588/1589 submission	JS	1
20241009	Submission on Issue 6.2 1588 and 1589	JS	2
20241015	Submission on Issue 6.2 1588 and 1589	JS	1
20241015	Review second draft of settlement proposal	JS	1
20241016	review draft argument/provide comments and edits/p. call w. JS	MR	0.7
20241016	Call w. Mark R.	JS	0.1
20241017	Submission on Issue 6.2 1588 and 1589	JS	0.5
20241018	Review draft of settlement proposal	JS	0.5
20241018	review and edit draft of API arg	MR	0.5
20241020	edit submission	MR	0.3
20241021	finalize sub	MR	0.2
20241022	Review draft settlement proposal	JS	1.6
20241022	review parties submissions	MR	0.3
20241023	review sub	MR	0.2
20241105	review reply submissions	MR	0.3
20241119	email	MR	0.1
20241127	Review rate order - no comments	JS	0.5
20241129	emails/review and sign draft DRO letter	MR	0.1
20250109	review decision/emails	MR	0.3
			84.8

CASE EB-2024-0007: Rates: Distribution: Algoma Power Inc.	COST CLAIM EB-2024-0007 : 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	Hearings Subtotal (\$)	Hearings Total Tax (\$)	Hearings Total (\$)			
76.00	25,080.00	3,260.42	28,340.42			
<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	9.35	330	3,085.50	13.00	401.12	3,486.62
Preparation of Interrogatories	11.65	330	3,844.50	13.00	499.79	4,344.29
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		
Subtotal of DISCOVERY	27.25		8,992.50		1,169.04	10,161.54
PROCEDURAL						
Preparation of Issues List Submission	0.30	330	99.00	13.00	12.87	111.87
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	0.30		99.00		12.87	111.87
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	9.25	330	3,052.50	13.00	396.83	3,449.33
Attendance at Settlement Conference	30.00	330	9,900.00	13.00	1,287.00	11,187.00
Preparation of Settlement Proposal	2.10	330	693.00	13.00	90.09	783.09
Attendance at Presentation to Panel		330		13.00		
Subtotal of SETTLEMENT CONFERENCE	41.35		13,645.50		1,773.92	15,419.42
WRITTEN ARGUMENT						
Written Submissions	6.60	330	2,178.00	13.00	283.14	2,461.14
Subtotal of WRITTEN ARGUMENT	6.60		2,178.00		283.14	2,461.14
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	0.50	330	165.00	13.00	21.45	186.45
Prepare Submission on Rate Order		330		13.00		
Subtotal of DECISION	0.50		165.00		21.45	186.45
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	76.00		25,080.00		3,260.42	28,340.42

Attachments

<u>Attachment</u>	<u>Document Type</u>	<u>Import Message</u>
Docket Notice.pdf	Time Docket	
EB-2024-0007 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-2024-0007 PJScott Invoices.pdf	Invoice	Hearings	

See Participant – Mark Rubenstein



By Email

INVOICE

August 9, 2024

Ontario Education Services Corporation

439 University Ave.

18th Floor

Toronto, ON M5G 1Y8

ATTN: Diana Hong

Re: Algoma 2025 EB-2024-0007

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

JS	19.00	hours at	\$330.00 per hour	\$6,270.00
MR	0.90	hours at	\$290.00 per hour	\$261.00
Total Fees				<hr/> \$6,531.00
Disbursements				\$0.00
HST (Registration #83673 5464 RT0001)				\$849.03
Total Amount of this Invoice				<hr/> \$7,380.03

E&OE

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

Invoice # 240816



By Email

INVOICE

September 10, 2024

Ontario Education Services Corporation

439 University Ave.

18th Floor

Toronto, ON M5G 1Y8

ATTN: Diana Hong

Re: Algoma 2025 EB-2024-0007

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

JS	2.30	hours at \$330.00 per hour	\$759.00
MR	0.10	hours at \$290.00 per hour	\$29.00
Total Fees			\$788.00
Disbursements			\$0.00
HST (Registration #83673 5464 RT0001)			\$102.44
Total Amount of this Invoice			\$890.44

E&OE

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

Invoice # 240907



By Email

INVOICE

October 10, 2024

Ontario Education Services Corporation

439 University Ave.

18th Floor

Toronto, ON M5G 1Y8

ATTN: Diana Hong

Re: Algoma 2025 EB-2024-0007

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

JS	45.50	hours at	\$330.00 per hour	\$15,015.00
MR	4.30	hours at	\$290.00 per hour	\$1,247.00
				<hr/>
Total Fees				\$16,262.00
Disbursements				\$0.00
HST (Registration #83673 5464 RT0001)				\$2,114.06
				<hr/>
Total Amount of this Invoice				\$18,376.06

E&OE

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

Invoice # 241007



By Email

INVOICE

November 8, 2024

Ontario Education Services Corporation

439 University Ave.

18th Floor

Toronto, ON M5G 1Y8

ATTN: Diana Hong

Re: Algoma 2025 EB-2024-0007

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	2.20	hours at \$290.00 per hour	\$638.00
Total Fees			\$3,509.00
Disbursements			\$0.00
HST (Registration #83673 5464 RT0001)			\$456.17
Total Amount of this Invoice			\$3,965.17

E&OE

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

Invoice # 241109



By Email

INVOICE

December 10, 2024

Ontario Education Services Corporation

439 University Ave.

18th Floor

Toronto, ON M5G 1Y8

ATTN: Diana Hong

Re: Algoma 2025 EB-2024-0007

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

JS	0.50	hours at \$330.00 per hour	\$165.00
MR	0.50	hours at \$290.00 per hour	\$145.00
Total Fees			\$310.00
Disbursements			\$0.00
HST (Registration #83673 5464 RT0001)			\$40.30
Total Amount of this Invoice			\$350.30

E&OE

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

Invoice # 241210