



## Jay Shepherd

Professional Corporation  
2300 Yonge Street,  
Suite 806  
Toronto, Ontario M4P 1E4

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AUG 18 2014

ONTARIO ENERGY BOARD

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**BY EMAIL and RESS**

August 15, 2014  
Our File No. 20140155

Ontario Energy Board  
2300 Yonge Street  
27<sup>th</sup> Floor  
Toronto, Ontario  
M4P 1E4

**Attn: Kirsten Walli, Board Secretary**

Dear Ms. Walli:

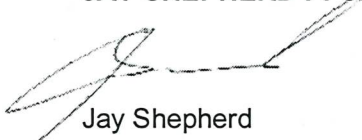
**Re: EB-2014-0155 – Kitchener-Wilmot Motion for Review – SEC Cost Claim**

We are counsel for the School Energy Coalition. We enclose the cost claim of the School Energy Coalition, on the Board's form and enclosing docket details.

We note that Mark Rubenstein had primary responsibility for this matter, and that the role of senior counsel Jay Shepherd was limited to supervision and editing, mostly with respect to the submissions. By dividing the responsibilities in this manner, it is possible to reduce the overall cost of SEC's participation while still maintaining the highest possible quality in the work done. Thus, while the legal issue raised was an important one, the cost of SEC's participation is relatively low.

All of which is respectfully submitted.

Yours very truly,  
**JAY SHEPHERD P. C.**



Jay Shepherd

cc: Wayne McNally, SEC (email)  
Interested Parties

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[jay.shepherd@canadianenergylawyers.com](mailto:jay.shepherd@canadianenergylawyers.com)  
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Ontario Energy Board  
COST CLAIM FOR HEARINGS



Affidavit and Summary of Fees and Disbursements

This form should be used by a party to a hearing before the Board to identify the fees and disbursements that form the party's cost claim. Paper and electronic copies of this form and itemized receipts must be filed with the Board and served on one or more other parties as directed by the Board in the applicable Board order. Please ensure all required (yellow-shaded) fields are filled in and the Affidavit portion is signed and sworn or affirmed.

Instructions

- Required data input is indicated by yellow-shaded fields. Formulas are embedded in the form to assist with calculations.
- All claims must be in Canadian dollars. If applicable, state exchange rate and country of initial currency.  
Rate: \_\_\_\_\_ Country: \_\_\_\_\_
- A separate "Detail of Fees and Disbursements Being Claimed" (comprising a "Statement of Fees Being Claimed" and a "Statement of Disbursements Being Claimed") is required for each lawyer, analyst/consultant and articling student/paralegal. However, only one "Summary of Fees and Disbursements" covering the whole of the party's cost claim should be provided.
- The cost claim must be supported by a completed Affidavit signed by a representative of the party.
- A CV for each consultant/analyst must be attached unless provided to the Board as prescribed on the Cost Award Tariff.

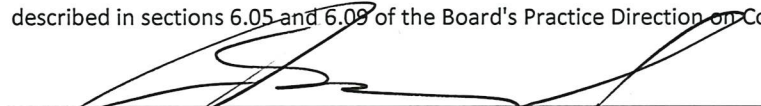
Except as provided in section 7.03 of the Practice Direction on Cost Awards, itemized receipts must be provided.

File # EB- <u>2014-0155</u>	Process: <u>Kitchener-Wilmot Motion for Review</u>
Party: <u>School Energy Coalition</u>	Affiant's Name: <u>Jay Shepherd</u>
HST Number: <u>83673-5464-RT0001</u>	HST Rate Ontario: <u>13.00%</u>
Full Registrant <input checked="" type="checkbox"/>	Qualifying Non-Profit <input type="checkbox"/>
Unregistered <input type="checkbox"/>	Tax Exempt <input type="checkbox"/>
Other <input type="checkbox"/>	


Affidavit

I, Jay Shepherd, of the City/Town of Toronto  
in the Province/State of Ontario, swear or affirm that:

1. I am a representative of the above-noted party (the "Party") and as such have knowledge of the matters attested to herein.
2. I have examined all of the documentation in support of this cost claim, including the attached "Summary of Fees and Disbursements Being Claimed", "Statement(s) of Fees Being Claimed" and "Statement(s) of Disbursements Being Claimed".
3. The attached "Summary of Fees and Disbursements Being Claimed", "Statement(s) of Fees Being Claimed" and "Statement(s) of Disbursements Being Claimed" include only costs incurred and time spent directly for the purposes of the Party's participation in the Ontario Energy Board process referred to above.
4. 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 sections 6.05 and 6.09 of the Board's Practice Direction on Cost Awards.

  
Signature of Affiant

Sworn or affirmed before me at the City/Town of Toronto,  
in the Province/State of Ontario, on August-15-14.  
(date)

  
SABA PARKAR

**Ontario Energy Board  
COST CLAIM FOR HEARINGS**



**Affidavit and Summary of Fees and Disbursements**

**Commissioner for taking Affidavits**

File # EB- 2014-0155 Process: Kitchener-Wilmot Motion for Review

Party: School Energy Coalition

<b>Summary of Fees and Disbursements Being Claimed</b>		
Legal/consultant/other fees	\$	7,623.00
Disbursements	\$	-
HST	\$	990.99
<b>Total Cost Claim</b>	<b>\$</b>	<b>8,613.99</b>

**Payment Information**

Make cheque payable to: Jay Shepherd Professional Corporation, in trust

Send payment to this address: 2300 Yonge Street  
Suite 806  
Toronto, Ontario  
M4P1E4

**Ontario Energy Board**  
**COST CLAIM FOR HEARINGS**  
**Affidavit and Summary of Fees and Disbursements**



**Ontario Energy Board  
COST CLAIM FOR HEARINGS**



**Detail of Fees and Disbursements Being Claimed**

<b>File # EB-</b> <u>2014-0155</u>	<b>Process:</b> <u>Kitchener-Wilmot Motion for Review</u>
<b>Party:</b> <u>School Energy Coalition</u>	<b>Service Provider Name:</b> <u>Jay Shepherd</u>
<b>SERVICE PROVIDER TYPE</b> (check one)	<b>Year Called to Bar</b>
Legal Counsel <input checked="" type="checkbox"/>	<input type="text" value="1980"/>
Articling Student/Paralegal <input type="checkbox"/>	
Consultant <input type="checkbox"/>	
Analyst <input type="checkbox"/>	
Completed Years Practising/Years of Relevant Experience	<input type="text" value="34"/>
Hourly Rate:	<input type="text" value="\$330"/>
For Consultant/Analyst: <input type="checkbox"/> CV attached	HST Rate Charged (enter %): <input type="text" value="13.0%"/>
<input type="checkbox"/> CV provided within previous 24 months	

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
<b>Pre-hearing Conference</b>					
Preparation	1.1	\$ 330.00	\$ 363.00	\$ 47.19	\$ 410.19
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Technical Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Interrogatories</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Responses		\$ 330.00	\$ -	\$ -	\$ -
<b>Issues Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>ADR - Settlement Conference</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 330.00	\$ -	\$ -	\$ -
<b>Argument</b>					
Preparation	5.0	\$ 330.00	\$ 1,650.00	\$ 214.50	\$ 1,864.50
<b>Oral Hearing</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Other Conferences</b>					
Preparation		\$ 330.00	\$ -	\$ -	\$ -
Attendance		\$ 330.00	\$ -	\$ -	\$ -
<b>Case Management</b>		\$ 170.00	\$ -	\$ -	\$ -
<b>TOTAL SERVICE PROVIDER FEES</b>			\$ 2,013.00	\$ 261.69	\$ 2,274.69

**Ontario Energy Board**  
**COST CLAIM FOR HEARINGS**  
**Detail of Fees and Disbursements Being Claimed**



File # EB- 2014-0155

Process: Kitchener-Wilmot Motion for Review

Party: School Energy Coalition

Service Provider Name: Jay Shepherd

Statement of Disbursements Being Claimed				
		Net Cost	HST	Total
Scanning/Photocopy				\$ -
Printing				\$ -
Courier				\$ -
Telephone/Fax				\$ -
Transcripts				\$ -
Travel: Air				\$ -
Travel: Car				\$ -
Travel: Rail				\$ -
Travel (Other):				\$ -
Parking				\$ -
Taxi				\$ -
Accommodation				\$ -
Meals				\$ -
Other:				\$ -
Other:				\$ -
Other:				\$ -
<b>TOTAL DISBURSEMENTS:</b>		\$ -	\$ -	\$ -

**Ontario Energy Board**  
**COST CLAIM FOR HEARINGS**  
**Detail of Fees and Disbursements Being Claimed**



**Ontario Energy Board  
COST CLAIM FOR HEARINGS**



**Detail of Fees and Disbursements Being Claimed**

<b>File # EB-</b> <u>2014-0155</u>	<b>Process:</b> <u>Kitchener-Wilmot Motion for Review</u>
<b>Party:</b> <u>School Energy Coalition</u>	<b>Service Provider Name:</b> <u>Mark Rubenstein</u>
<b>SERVICE PROVIDER TYPE</b> (check one)	<b>Year Called to Bar</b>
Legal Counsel <input checked="" type="checkbox"/>	<input type="text" value="2011"/>
Articling Student/Paralegal <input type="checkbox"/>	<input type="text" value="2"/>
Consultant <input type="checkbox"/>	<b>Hourly Rate:</b> <input type="text" value="\$170"/>
Analyst <input type="checkbox"/>	<b>HST Rate Charged (enter %):</b> <input type="text" value="13.0%"/>
For Consultant/Analyst: <input type="checkbox"/> CV attached	
<input type="checkbox"/> CV provided within previous 24 months	

Statement of Fees Being Claimed					
	Hours	Hourly Rate	Subtotal	HST	Total
<b>Pre-hearing Conference</b>					
Preparation	8.3	\$ 170.00	\$ 1,411.00	\$ 183.43	\$ 1,594.43
Attendance		\$ 170.00	\$ -	\$ -	\$ -
<b>Technical Conference</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
<b>Interrogatories</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Responses		\$ 170.00	\$ -	\$ -	\$ -
<b>Issues Conference</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
<b>ADR - Settlement Conference</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
Proposal Preparation		\$ 170.00	\$ -	\$ -	\$ -
<b>Argument</b>					
Preparation	24.7	\$ 170.00	\$ 4,199.00	\$ 545.87	\$ 4,744.87
<b>Oral Hearing</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
<b>Other Conferences</b>					
Preparation		\$ 170.00	\$ -	\$ -	\$ -
Attendance		\$ 170.00	\$ -	\$ -	\$ -
<b>Case Management</b>		\$ 170.00	\$ -	\$ -	\$ -
<b>TOTAL SERVICE PROVIDER FEES</b>			\$ 5,610.00	\$ 729.30	\$ 6,339.30

**Ontario Energy Board**  
**COST CLAIM FOR HEARINGS**  
**Detail of Fees and Disbursements Being Claimed**



File # EB- 2014-0155

Process: Kitchener-Wilmot Motion for Review

Party: School Energy Coalition

Service Provider Name: Mark Rubenstein

Statement of Disbursements Being Claimed				
		Net Cost	HST	Total
Scanning/Photocopy				\$ -
Printing				\$ -
Courier				\$ -
Telephone/Fax				\$ -
Transcripts				\$ -
Travel: Air				\$ -
Travel: Car				\$ -
Travel: Rail				\$ -
Travel (Other):				\$ -
Parking				\$ -
Taxi				\$ -
Accommodation				\$ -
Meals				\$ -
Other:				\$ -
Other:				\$ -
Other:				\$ -
<b>TOTAL DISBURSEMENTS:</b>		\$ -	\$ -	\$ -

**Ontario Energy Board**  
**COST CLAIM FOR HEARINGS**  
**Detail of Fees and Disbursements Being Claimed**



Date	Explanation	Lwyr	Jay Shepherd			Mark Rubenstein		
			Prep	Arg	Total	Prep	Arg	Total
20140320	review decision/emails to JCS re: potential next steps	MR				0.8		0.8
20140321	research/discuss with JCS/email	MR				1.0		1.0
20140323	research/emails/draft Notice of Motion	MR				3.5		3.5
20140329	research	MR				0.6		0.6
20140403	complete draft/email/edit and file Motion	MR				1.8		1.8
20140403	Review Notice, many emails	JCS	0.4		0.4			
20140404	draft submissions	MR					1.5	1.5
20140501	reivew PO	MR				0.2		0.2
20140501	Review PO#1 and scheduling	JCS	0.3		0.3			
20140506	draft submissions	MR					2.5	2.5
20140507	research/draft submissions/emails	MR					3.5	3.5
20140507	Review draft submission	JCS		0.2	0.2			
20140511	Review submissions	JCS		0.8	0.8			
20140512	prepare appendicies/edit, finalize and file submissions/draft cover letter	MR					0.8	0.8
20140512	Review and edit motion submissions, many emails	JCS		1.4	1.4			
20140514	review draft EP argument/emails	MR					0.4	0.4
20140521	emails/review Staff submission/dis w JCS	MR					0.5	0.5
20140521	Review EP submissions, review staff submissions	JCS		0.5	0.5			
20140522	review VECC and KWHI submissions	MR					0.9	0.9
20140522	Review KW submissions	JCS		0.5	0.5			
20140523	research/draft sub	MR					1.6	1.6
20140524	research/draft reply argument	MR					2.6	2.6
20140525	draft argument	MR					1.6	1.6
20140526	draft reply argument/edit/emails	MR					2.3	2.3
20140527	Detailed review and edit of reply, many emails	JCS		1.3	1.3			
20140527	edit reply arg/review JCS edits and comments/revise	MR					2.7	2.7
20140528	revise reply argument	MR					1.6	1.6
20140530	prepare appendix/edits	MR					0.4	0.4
20140602	Review reply	JCS		0.3	0.3			
20140602	edit, finalize, prepare and finalize appendixes/file/emails	MR					1.8	1.8
20140731	Review Decision, M/Mark	JCS	0.4		0.4			
20140731	review decision/emails/disc w JCS	MR				0.4		0.4
			1.1	5.0	6.1	8.3	24.7	33.0