



## Jay Shepherd

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

**BY EMAIL and RESS**

May 2, 2013  
Our File No. 20120064

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-2012-0064 – Toronto IRM/ICM – 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 this was a complex and difficult proceeding, with substantial potential rate impacts and many significant projects in issue. SEC's approach was to divide the work between Mark Rubenstein of our office, who took the lead on most of the individual projects except Bremner, and Jay Shepherd, who took the lead on Bremner, as well as on the many policy issues that arose. The time and effort was split accordingly, and we were careful to ensure that there was no duplication.

All of which is respectfully submitted.

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

Jay Shepherd

cc: Wayne McNally, SEC (email)  
Interested Parties

**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 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 present in the document to assist with the calculation of the cost claim.
- 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 consultant or lawyer/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 must be attached unless, for a given consultant, a CV has been provided to the Board in another process within the last 24 months.
- **Except as provided in section 7.03 of the Practice Direction on Cost Awards, itemized receipts must be provided.**

<b>File # EB-</b>	2012-0064	<b>Process:</b>	Toronto IRM/ICM
<b>Party:</b>	School Energy Coalition	<b>Affiant's Name:</b>	Jay Shepherd
<b>HST Number:</b>	_____	<b>HST Rate Ontario:</b>	_____
	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 May-02-13.  
(date)

**Ontario Energy Board  
COST CLAIM FOR HEARINGS**



**Affidavit and Summary of Fees and Disbursements**

**Commissioner for taking Affidavits**

**File # EB-** 2012-0064 **Process:** Toronto IRM/ICM

**Party:** School Energy Coalition

**Summary of Fees and Disbursements Being Claimed**

Legal/consultant fees	\$105,665.00
Disbursements	\$0.00
HST	\$0.00
<b>Total Cost Claim</b>	<b>\$105,665.00</b>

**Ontario Energy Board  
COST CLAIM FOR HEARINGS**



**Detail of Fees and Disbursements Being Claimed**

File # EB-	<b>2012-0064</b>	Process:	Toronto IRM/ICM
Party:	<b>School Energy Coalition</b>	Name:	Jay Shepherd
		Completed Years Practising/Years of relevant experience	<b>33</b>
Counsel/Articling Student/Paralegal:	<input checked="" type="checkbox"/>		
Consultant:	<input type="checkbox"/>		
CV attached:	<input type="checkbox"/>	CV not required:	<input checked="" type="checkbox"/>

**Statement of Fees Being Claimed**

	Hours	Hourly rate	Subtotal	HST	Total
Preparation	91.50	\$330.00	\$30,195.00	\$0.00	\$30,195.00
Attendance - Technical Conference	3.40	\$330.00	\$1,122.00	\$0.00	\$1,122.00
Attendance - Settlement Conference	4.00	\$330.00	\$1,320.00	\$0.00	\$1,320.00
Attendance - Oral Hearing	18.80	\$330.00	\$6,204.00	\$0.00	\$6,204.00
Argument	75.10	\$330.00	\$24,783.00	\$0.00	\$24,783.00
Case Management		\$170.00	\$0.00	\$0.00	\$0.00
<b>TOTAL LEGAL/CONSULTANT FEES</b>			<b>\$63,624.00</b>	<b>\$0.00</b>	<b>\$63,624.00</b>

**Statement of Disbursements Being Claimed**

	Net Cost	HST	Total
Photocopies		\$0.00	\$0.00
Printing		\$0.00	\$0.00
Fax		\$0.00	\$0.00
Courier		\$0.00	\$0.00
Telephone		\$0.00	\$0.00
Postage		\$0.00	\$0.00
Transcripts		\$0.00	\$0.00
Travel: Air		\$0.00	\$0.00
Travel: Car		\$0.00	\$0.00
Travel: Rail		\$0.00	\$0.00
Travel (Other):		\$0.00	\$0.00
Parking		included	\$0.00
Taxi or Airport Limo		\$0.00	\$0.00
Accommodation		\$0.00	\$0.00
Meals		\$0.00	\$0.00
Other:		\$0.00	\$0.00
<b>TOTAL DISBURSEMENTS:</b>		<b>\$0.00</b>	<b>\$0.00</b>

# Ontario Energy Board COST CLAIM FOR HEARINGS



## Detail of Fees and Disbursements Being Claimed

File # EB-	<b>2012-0064</b>	Process:	Toronto IRM/ICM
Party:	<b>School Energy Coalition</b>	Name:	Mark Rubenstein
		Completed Years Practising/Years of relevant experience	<b>1</b>
Counsel/Articling Student/Paralegal:	<input checked="" type="checkbox"/>		
Consultant:	<input type="checkbox"/>		
CV attached:	<input type="checkbox"/>	CV not required:	<input checked="" type="checkbox"/>

### Statement of Fees Being Claimed

	Hours	Hourly rate	Subtotal	HST	Total
Preparation	116.10	\$170.00	\$19,737.00	\$0.00	\$19,737.00
Attendance - Technical Conference	24.50	\$170.00	\$4,165.00	\$0.00	\$4,165.00
Attendance - Settlement Conference	21.60	\$170.00	\$3,672.00	\$0.00	\$3,672.00
Attendance - Oral Hearing	31.90	\$170.00	\$5,423.00	\$0.00	\$5,423.00
Argument	53.20	\$170.00	\$9,044.00	\$0.00	\$9,044.00
Case Management		\$170.00	\$0.00	\$0.00	\$0.00
<b>TOTAL LEGAL/CONSULTANT FEES</b>			<b>\$42,041.00</b>	<b>\$0.00</b>	<b>\$42,041.00</b>

### Statement of Disbursements Being Claimed

	Net Cost	HST	Total
Photocopies		\$0.00	\$0.00
Printing		\$0.00	\$0.00
Fax		\$0.00	\$0.00
Courier		\$0.00	\$0.00
Telephone		\$0.00	\$0.00
Postage		\$0.00	\$0.00
Transcripts		\$0.00	\$0.00
Travel: Air		\$0.00	\$0.00
Travel: Car		\$0.00	\$0.00
Travel: Rail		\$0.00	\$0.00
Travel (Other):		\$0.00	\$0.00
Parking		included	\$0.00
Taxi or Airport Limo		\$0.00	\$0.00
Accommodation		\$0.00	\$0.00
Meals		\$0.00	\$0.00
Other:		\$0.00	\$0.00
<b>TOTAL DISBURSEMENTS:</b>		<b>\$0.00</b>	<b>\$0.00</b>

Date	Explanation	Lwyr	Rubenstein					Shepherd							
			Prep	Tech	ADR	Hear.	Arg	Total	Prep	Tech	ADR	Hear.	Arg	Total	
20120511	review application/managers report	MR	1.2						1.2						
20120524	emails	MR	0.3						0.3						
20120530	Various emails, review Board letter	JCS								0.1					0.1
20120604	Meeting with Mark Rubenstein	JCS								0.1					0.1
20120612	review letter from Board/emails	MR	0.5						0.5						
20120612	Review letter, review notices	JCS								0.6					0.6
20120613	review Notice of Appeal in EB-2011-0144/emails	MR	0.3						0.3						
20120620	emails/review correspondence	MR	0.8						0.8						
20120620	Review letter, many emails, draft response letter	JCS								1.8					1.8
20120621	emails	MR	0.1						0.1						
20120621	Revise and file submissions, many emails, telephone call with Julie Girvan	JCS								0.9					0.9
20120703	Review NOA	JCS								0.2					0.2
20120706	Review materials	JCS								0.3					0.3
20120709	review Notice of Application/emails/draft and submit Nol	MR	0.5						0.5						
20120709	Many emails, meeting with Mark Rubenstein	JCS								0.3					0.3
20120713	review application/review 3rd Gen IRM issues/discusion w JCS	MR	2.5						2.5						
20120713	Meeting with Mark Rubenstein	JCS								0.3					0.3
20120716	review application	MR	1.2						1.2						
20120726	review application/research IRM issues/review THESL motion to review docs	MR	2.5						2.5						
20120731	review and consider PO + issues list	MR	1.2						1.2						
20120808	draft issues list comments/review VECC submission	MR	1.2						1.2						
20120808	Meeting with Mark Rubenstein, review issues list and comments	JCS								0.5					0.5
20120809	review correspondence/submissions from parties/draft submissions/emails	MR	2.5						2.5						

20120809	Review issues list and submissions, meeting with Mark Rubenstein (several), edit submissions, review application, review submissions of	JCS								3.4					3.4
20120813	review material/prepare + attend issues day hearing/emails	MR	4.0						4.0						
20120813	Attend Issues Day (internet), many emails	JCS										1.5			1.5
20120816	review PO/discussion w JCS	MR	0.2						0.2						
20120816	Review decision, various emails	JCS								0.5					0.5
20120820	review THESL ltr/discussion w JCS	MR	0.5						0.5						
20120820	Review letter, various emails	JCS								0.1					0.1
20120821	review application	MR	1.2						1.2						
20120822	review PO #2	MR	0.2						0.2						
20120823	review 3GIRM IRM proceeding	MR	2.5						2.5						
20120829	emails	MR	0.1						0.1						
20120830	emails	MR	0.1						0.1						
20120831	review application	MR	0.9						0.9						
20120907	review application	MR	2.6						2.6						
20120910	review application/draft IRs/create background tables	MR	3.0						3.0						
20120910	Various emails	JCS								0.2					0.2
20120911	review application/draft IRs/emails	MR	3.5						3.5						
20120912	review material/emails/draft IRs/review EB-2010-0142 and EB-2011-0144 materials	MR	4.5						4.5						
20120913	review application/prepare IRs/review THESL correspondence/discussion w. B.Harper	MR	4.4						4.4						
20120914	draft cov ltr/emails/review other parties IRs/review + edit + finalize and file IRs	MR	2.1						2.1						
20120918	emails	MR	0.1						0.1						
20120919	emails	MR	0.1						0.1						
20121005	emails/preliminary review of IRRs	MR	1.0						1.0						
20121005	Review IR responses	JCS								0.2					0.2
20121006	Review IR responses	JCS								2.1					2.1
20121016	review IRR	MR	2.0						2.0						
20121017	Review Anthony Haines presentation	JCS								0.3					0.3

20121018	Background research on policy, meeting with Mark Rubenstein	JCS							1.3					1.3
20121019	Review new material, meeting with Mark Rubenstein	JCS							1.0					1.0
20121021	Many emails	JCS							0.2					0.2
20121022	review Ltr/discussion w JCS	MR	0.5						0.5					
20121031	review correspondence/review update managers summary/emails/disc w JCS re: call from P. Summerville	MR	1.3						1.3					
20121031	Telephone call with Paul Sommerville, meeting with Mark Rubenstein, review new filing	JCS							1.1					1.1
20121101	Review new filing	JCS							2.0					2.0
20121102	Review PP letter, meeting with Mark Rubenstein, many emails, review evidence	JCS							2.0					2.0
20121102	review correspondence from PP/THESL	MR	0.2						0.2					
20121105	Review Environmental defence, many emails, meeting with Mark Rubenstein	JCS							0.4					0.4
20121105	review evidence corrections/discussion w JCS	MR	0.7						0.7					
20121106	Meeting with Mark Rubenstein, review evidence	JCS							1.7					1.7
20121107	Review evidence/IRs	JCS							1.3					1.3
20121107	emails/review updated evidence	MR	3.5						3.5					
20121108	Review PO#3 and scheduling, many emails, review evidence	JCS							1.0					1.0
20121108	discussion w JCS	MR	0.5						0.5					
20121109	Many emails, meeting with Mark Rubenstein	JCS							0.3					0.3
20121109	emails/discussion w JCS	MR	0.1						0.1					
20121112	review material/prepare for lunch meeting w THESL/discussion w JCS/working lunch w JCS and THESL (P. Summerville and A. Klein) debrief	MR	3.7						3.7					
20121112	Analysis and proposal, meeting with THESL and SEC, many emails, telephone call with Julie Girvan, meeting with Mark Rubenstein	JCS							4.1					4.1
20121113	Meeting with Mark Rubenstein	JCS							0.3					0.3



20121113	draft submission re: confidential filings/discussion w JCS	MR	1.5						1.5					
20121114	Many emails, meeting with Mark Rubenstein, meeting with Julia Girvan	JCS								0.5				0.5
20121114	edit+finalize+file submissions	MR	0.3						0.3					
20121114	emails/review Powerstream and Enersource argue: issues on year end rate base	MR	0.7						0.7					
20121115	Meeting with Julia Girvan, meeting with Mark Rubenstein, many emails	JCS								0.4				0.4
20121115	emails	MR	0.1						0.1					
20121116	discussion w JCS/review confidentiality reply subscriptions, review updated IRR	MR	1.2						1.2					
20121119	Draft TC question, many emails, review TCQs of others	JCS									1.6			1.6
20121119	review JCS TCQs/review materials/prepare TC/draft Ltr re: TC issues/review updated information	MR		3.5					3.5					
20121120	review material/prepare for TC/review other parties TCQ and correspondence/discussion w JCS	MR		5.0					5.0					
20121121	attend technical conference/discussion w other intervenors	MR		7.5					7.5					
20121122	review ED Ltr to OPA/review day 1 TC transcript/prepare for TC day 2	MR	1.8						1.8					
20121123	Many emails	JCS								0.3				0.3
20121123	attend technical conference	MR		7.5					7.5					
20121124	Many emails, analysis of positions, review TC transcript	JCS									1.8			1.8
20121124	review transcript day 2/send settlement proposed settlement positions to JCS	MR		1.0					1.0					
20121126	Many emails, review decision	JCS								0.4				0.4
20121126	review confidentiality decision/emails	MR	0.2						0.2					
20121127	Many emails, review u/t responses, issue of ADR protocols	JCS								0.8				0.8

20121127	emails/prepare for set conference/review corr from P. Summerville/review code of conduct issues/review undertaking responses	MR	5.5						5.5					
20121128	Meeting with Mark Rubenstein (many), many emails, review documents	JCS								1.8				1.8
20121129	Meeting with Mark Rubenstein (several), many emails	JCS								0.6				0.6
20121129	attend settlement conference/discussion w JCS	MR			8.6				8.6					
20121130	Attend at ADR, meeting with Mark Rubenstein, review u/t responses	JCS									1.7			1.7
20121130	attend settment conference	MR			6.5				6.5					
20121202	Various emails	JCS								0.2				0.2
20121203	review offer/conference call w intervenors/prepare discussion paper for intervenors for next intervenor meeting/discussion w JCS	MR			2.5				2.5					
20121203	Review offer, many emails, meeting with Mark Rubenstein	JCS								2.1				2.1
20121204	attend settlement conference intervenor meeting/conf call w THESL	MR			4.0				4.0					
20121204	emails/review witness list/discussion w JCS	MR	0.6						0.6					
20121204	Attend at ADR, meeting with Mark Rubenstein, many emails	JCS									2.3			2.3
20121205	emails/discussion w JCS/prep for hearing	MR	1.5						1.5					
20121205	Meeting with Mark Rubenstein, many emails	JCS								1.0				1.0
20121206	prepare for hearing/emails	MR	5.0						5.0					
20121206	Many emails, review new materials	JCS								1.2				1.2
20121207	prepare for hearing/discussion w JCS/emails/review correspondence from THESL/conf call w intervenors	MR	3.5						3.5					
20121207	Many emails, meeting with Mark Rubenstein (several), cross preparation, review letter	JCS								2.0				2.0
20121208	prepare for hearing panel 1A/emails/prepare panel 1A compendium	MR	9.0						9.0					
20121208	Many emails, review evidence	JCS								1.4				1.4



20121220	discussion w JCS	MR	0.2					0.2						
20121222	Review argument in chief, review u/t responses	JCS											1.0	1.0
20121226	Outline and issues analysis, reviewing evidence	JCS											1.7	1.7
20121227	review undertaking responses/review argument-in-chief	MR					1.7	1.7						
20121228	Review evidence	JCS											3.1	3.1
20121229	Reviewing evidence	JCS											1.5	1.5
20121231	Preparing argument	JCS											2.0	2.0
20130101	Prepare final argument	JCS											3.6	3.6
20130102	review JCS docs/discussion w JCS	MR	0.5					0.5						
20130102	Drafting final argument, meeting with Mark Rubenstein, various emails	JCS											9.2	9.2
20130103	review JCS section 2 argument/draft argument	MR					2.6	2.6						
20130104	review transcript notes/prepare argument outline/consider position/review THESL undertakings/emails	MR					4.5	4.5						
20130104	Many emails, review argument	JCS											1.0	1.0
20130107	draft argument	MR					4.0	4.0						
20130107	Review comparison document	JCS											0.5	0.5
20130108	draft argument/emails/p.call w D. Crocker	MR					3.2	3.2						
20130108	Many emails, drafting argument	JCS											2.4	2.4
20130109	review JCS draft/draft argument/intervenor conference call	MR					3.7	3.7						
20130109	Review Bremner IRR/emails	MR	1.0					1.0						
20130109	Telephone call with all intervenors, many emails, drafting argument, meeting with Mark Rubenstein (several)	JCS							4.7				2.0	6.7
20130110	draft argument/review Board Staff argument/review EP partial draft argument/emails/discussion w JCS	MR	1.5				4.0	5.5						
20130110	Meeting with other intervenors, many emails, drafting argument, review argument in chief	JCS							2.3				1.0	3.3
20130111	draft argument/review draft argument of VECC/review EP spreadsheets/emails	MR					7.2	7.2						



20130217	Review Bremner evidence and IRs, prepare cross, various emails	JCS							4.0					4.0
20130218	emails	MR	0.1					0.1						
20130218	Prepare for hearing, cross questions, many emails	JCS							1.7					1.7
20130219	discussion w JCS re: oral hearing	MR	0.3					0.3						
20130219	Attend at oral hearing (in person and internet), prepare for day 2, many emails	JCS							6.1					6.1
20130220	emails/discussion w JCS	MR	0.2					0.2						
20130220	Attend at oral hearing (in person and internet), many emails, review u/t responses, prepare and send compendium	JCS										6.0		6.0
20130221	Review THESL Bremner argument, many emails, review u/t response	JCS											1.0	1.0
20130222	Review u/t response	JCS							0.2					0.2
20130225	Review transcript, argument outline	JCS											1.4	1.4
20130226	Many emails, review correspondence, meeting with Julie Glrvan	JCS							0.4					0.4
20130227	emails	MR	0.1					0.1						
20130228	emails/review CCC, BOMA, ED submissions	MR	0.4					0.4						
20130228	Revise and finalize argument, many emails, review THESL submissions on confidentiality, review ED submissions	JCS											2.5	2.5
20130301	Prepare and present final argument, evidentiary references, many emails, file footnoted transcript	JCS											2.7	2.7
20130301	review SEC argument	MR					0.8	0.8						
20130302	Review arguments of other parties	JCS											1.0	1.0
20130304	Review reply argument	JCS											1.0	1.0
20130312	Review letter	JCS							0.1					0.1
20130312	email/review THESL correspondence	MR	0.2					0.2						
20130328	review lockup letter	MR	0.1					0.1						
20130402	Review decision	JCS							2.0					2.0
20130402	Review decision, emails	MR	1.2					1.2						
20130405	Emails, telephone call with Jay Shepherd, Create table for decision results	MR	1.6					1.6						

20130405	Review correspondence and PO #5, Many emails, Detailed analysis of decision	JCS								1.4					1.4
20130406	Many emails	MR	0.2						0.2						
20130408	Review THESL letter, Review PO, emails	MR	0.2						0.2						
20130412	Initial review of DRO material	MR	1.0						1.0						
20130412	Review DRO materials for customer reporting, Many emails	JCS								1.0					1.0
20130415	Review DRO Material and ICM models	MR	1.5						1.5						
20130416	Review DRO, emails, draft comments	MR	0.5						0.5						
20130417	Many emails, Review corrections, Report to client	JCS								2.2					2.2
20130417	Emails, Review THESL response to question asked, Revise submissions	MR	0.7						0.7						
20130418	Review draft comments, Many emails, Review staff comments.	JCS								0.8					0.8
20130418	Emails, Finalize, edit and file comments, Review Staff submission	MR	0.4						0.4						
20130423	Bill impacts spreadsheet	JCS								1.2					1.2
20130426	Review reply on DRO	JCS								0.4					0.4
20130426	Review DRO reply	MR	0.7						0.7						
			116.1	24.5	21.6	31.9	53.2	247.3		91.5	3.4	4.0	18.8	75.1	192.8