



**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

November 22, 2024  
Our File: EB20240023

**Attn: Nancy Marconi, Registrar**

Dear Ms. Marconi:

**Re: EB-2024-0023 – Festival Hydro 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 (before HST) are above the \$20,000 budget (\$20,733.00). Notwithstanding that we believe the amounts were prudently incurred and the time spent necessary to our participation, in the context of this specific application, **SEC is only requesting reimbursement for \$20,000 (\$22,600 inclusive of HST).**

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 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 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

**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



cc: Brian McKay, SEC (by email)  
Applicant (by email)

# EB-2024-0023 : 1 : Mark Rubenstein

COST CLAIM NUMBER  
2401

SUBMISSION DEADLINE DATE  
November 26, 2024

CLAIM STATUS  
Submitted

EB#  
EB-2024-0023: Rates: Distribution: Festival Hydro  
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

<b>New</b>	<b>Non-Filing Participant First, Last Name</b>	<b>Filing Participant</b>	<b>Total (\$)</b>	<b>Total Hours</b>	<b>Participant Claim Status</b>
No	,	Rubenstein, Mark; +1 (647) 483-0113 mark@shepherdubenstein.com	1,278.03	3.90	Submitted
No	,	Scott, Jane ; +1 (647) 271-3174 jane_scott@rogers.com	22,150.27	59.40	Submitted

## ATTACHMENTS

<b>Attachment</b>	<b>Document Type</b>	<b>Import Message</b>
Festival Cover Letter.pdf	Cover Letter	

TOTAL LEGAL/CONSULTANT/OTHER FEES  
20,733.00

TOTAL DISBURSEMENTS  
0.00

TOTAL HST  
2,695.30

TOTAL CLAIM  
23,428.30

TOTAL AMOUNT AWARDED

TOTAL HOURS CLAIMED  
63.30

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  
November 22, 2024

<b>CASE</b> EB-2024-0023: Rates: Distribution: Festival Hydro Inc.	<b>COST CLAIM</b> EB-2024-0023 : 1 : Mark Rubenstein	<b>INTERVENOR NAME</b> Rubenstein, Mark; +1 (647) 483-0113 mark@shepherdrubenstein.c om	<b>PARTICIPANT CLAIM STATUS</b> Submitted
<b>FILING PARTICIPANT</b> Rubenstein, Mark; +1 (647) 483-0113 mark@shepherdrubenstein.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> 12	<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**

<b>Hearings Hours</b> 3.90	<b>Hearings Subtotal (\$)</b> 1,131.00	<b>Hearings Total Tax (\$)</b> 147.03	<b>Hearings Total (\$)</b> 1,278.03
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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>
<b>DISCOVERY</b>						
Read and Research Application and Evidence	0.60	290	174.00	13.00	22.62	196.62
Preparation of Interrogatories	0.30	290	87.00	13.00	11.31	98.31
Review Interrogatory Responses		290		13.00		
Technical Conference Preparation		290		13.00		
Technical Conference Attendance		290		13.00		
Technical Conference Follow-up		290		13.00		
<b>Subtotal of DISCOVERY</b>	<b>0.90</b>		<b>261.00</b>		<b>33.93</b>	<b>294.93</b>
<b>PROCEDURAL</b>						
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	1.60	290	464.00	13.00	60.32	524.32
Attendance at Settlement Conference		290		13.00		
Preparation of Settlement Proposal	0.40	290	116.00	13.00	15.08	131.08
Attendance at Presentation to Panel		290		13.00		
<b>Subtotal of SETTLEMENT CONFERENCE</b>	<b>2.00</b>		<b>580.00</b>		<b>75.40</b>	<b>655.40</b>
<b>WRITTEN ARGUMENT</b>						
Written Submissions		290		13.00		
<b>Subtotal of WRITTEN ARGUMENT</b>	<b>0.00</b>		<b>0.00</b>		<b>0.00</b>	<b>0.00</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	0.20	290	58.00	13.00	7.54	65.54
Review Rate/Accounting Order		290		13.00		
Prepare Submission on Rate Order		290		13.00		
<b>Subtotal of DECISION</b>	<b>0.20</b>		<b>58.00</b>		<b>7.54</b>	<b>65.54</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>3.90</b>		<b>1,131.00</b>		<b>147.03</b>	<b>1,278.03</b>

## Attachments

<u>Attachment</u>	<u>Document Type</u>	<u>Import Message</u>
Copy of EB-2024-0023 Client Fees Listing.pdf	Time Docket	

**Hearings, Consultations, Disbursements Attachments**

**Attachment**

Copy of EB-2024-0023 Client Fees  
Listing.pdf

**Document Type**

Time Docket

**Claim Type**

Hearings

**Import Message**

Date	Explanation	Lwyr	Hours
20240524	review Notice	MR	0.1
20240602	Review Application and prepare interrogatories	JS	2
20240604	Review Application and prepare interrogatories	JS	1.5
20240606	Review Application and prepare interrogatories	JS	1
20240607	Review Applicaton and prepare interrogatories	JS	3
20240607	prelim. review of Application/file Intervention Form	MR	0.4
20240608	Review Application and prepare interrogatories	JS	2
20240609	Review Application and prepare interrogatories	JS	2
20240612	meeting with JS to discuss	MR	0.1
20240614	Review Application and prepare interrogatories	JS	1
20240617	Review Application and prepare interrogatories	JS	2
20240618	Review Application and prepare interrogatories	JS	2
20240619	Review Application and prepare interrogatories; review issues list	JS	2
20240620	Review Application and prepare interrogatories; review issues list	JS	1
20240623	Review Application and prepare interrogatories	JS	2
20240703	Review Application and prepare interrogatories	JS	1
20240703	review draft IRs/review Application/provide comments	MR	0.6
20240709	Confidentiality request	JS	0.4
20240709	emails and sign D&U	MR	0.1
20240711	Review of confidentiality information	JS	0.5
20240727	Review IRR and Prep for settlement	JS	2
20240728	Review IRR and Prep for settlement	JS	3.5
20240729	Review IRR and Prep for settlement	JS	2
20240730	Review IRR and Prep for settlement	JS	2.5
20240731	Review IRR and Prep for settlement	JS	1
20240801	Prep for Settlement - call with Mark R	JS	1.5
20240801	meeting prep and meeting w. JS re: settlement conference	MR	1.1
20240807	Clarification questions and prep for Settlement	JS	0.5
20240808	Clarification questions and prep for Settlement	JS	1.5
20240809	Prep for Settlement	JS	1
20240810	Prep for Settlement	JS	2.5
20240812	Attend Settlement Conference	JS	7
20240813	Attend Settlement Conference	JS	5
20240813	emails/p. call w. J. Scott re: settlement conference advice	MR	0.5
20240814	Attend Settlement Conference	JS	3
20240828	Review Festival Settlement Proposal	JS	1.5
20240910	Review Settlement Proposal	JS	0.5
20240910	review SP/emails	MR	0.2
20240911	emails/disc. w. MG and OEB Staff re: settlement/review further draft of SP	MR	0.3
20240912	emails	MR	0.1



20240913	review final Settlement Proposal/emails	MR	0.2
20241112	review decision	MR	0.2
20241126	Review DRO (see OEB decision)	JS	1
			63.3

<b>CASE</b> EB-2024-0023: Rates: Distribution: Festival Hydro Inc.	<b>COST CLAIM</b> EB-2024-0023 : 1 : Mark Rubenstein	<b>INTERVENOR NAME</b> Rubenstein, Mark; +1 (647) 483-0113 mark@shepherdrubenstein.c om	<b>PARTICIPANT CLAIM STATUS</b> Submitted
<b>FILING PARTICIPANT</b> Scott, Jane ; +1 (647) 271-3174 jane_scott@rogers.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> Consultant	<b>YEAR CALLED TO BAR*</b>	<b>COMPLETED YEARS PRACTICING/YEARS OF RELEVANT EXPERIENCE*</b> 20	<b>HOURLY RATE</b> 330
<b>HST RATE CHARGED*</b> 13.00	<b>CV STATUS (FOR CONSULTANT/ANALYST)</b> CV Provided within Previous 24 Months	<b>LAST CV DATE</b> August 04, 2023	<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**

<b>Hearings Hours</b> 59.40	<b>Hearings Subtotal (\$)</b> 19,602.00	<b>Hearings Total Tax (\$)</b> 2,548.27	<b>Hearings Total (\$)</b> 22,150.27
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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>
<b>DISCOVERY</b>						
Read and Research Application and Evidence	11.75	330	3,877.50	13.00	504.08	4,381.58
Preparation of Interrogatories	11.25	330	3,712.50	13.00	482.63	4,195.13
Review Interrogatory Responses	5.50	330	1,815.00	13.00	235.95	2,050.95
Technical Conference Preparation		330		13.00		
Technical Conference Attendance		330		13.00		
Technical Conference Follow-up		330		13.00		
<b>Subtotal of DISCOVERY</b>	<b>28.50</b>	<b>330</b>	<b>9,405.00</b>		<b>1,222.66</b>	<b>10,627.66</b>
<b>PROCEDURAL</b>						
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	0.40	330	132.00	13.00	17.16	149.16

<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>0.40</b>	<b>330</b>	<b>132.00</b>		<b>17.16</b>	<b>149.16</b>
<b>INTERVENOR EVIDENCE</b>						
Preparation of Intervenor Evidence		330		13.00		
Interrogatory Responses		330		13.00		
Preparation of Witness(es) for Attendance at Hearing		330		13.00		
<b>Subtotal of INTERVENOR EVIDENCE</b>	<b>0.00</b>	<b>330</b>	<b>0.00</b>		<b>0.00</b>	<b>0.00</b>
<b>SETTLEMENT CONFERENCE</b>						
Preparation for Settlement Conference	12.50	330	4,125.00	13.00	536.25	4,661.25
Attendance at Settlement Conference	15.00	330	4,950.00	13.00	643.50	5,593.50
Preparation of Settlement Proposal	2.00	330	660.00	13.00	85.80	745.80
Attendance at Presentation to Panel		330		13.00		
<b>Subtotal of SETTLEMENT CONFERENCE</b>	<b>29.50</b>	<b>330</b>	<b>9,735.00</b>		<b>1,265.55</b>	<b>11,000.55</b>
<b>WRITTEN ARGUMENT</b>						
Written Submissions		330		13.00		
<b>Subtotal of WRITTEN ARGUMENT</b>	<b>0.00</b>	<b>330</b>	<b>0.00</b>		<b>0.00</b>	<b>0.00</b>
<b>ORAL ARGUMENT</b>						
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		
<b>Subtotal of ORAL ARGUMENT</b>	<b>0.00</b>	<b>330</b>	<b>0.00</b>		<b>0.00</b>	<b>0.00</b>
<b>DECISION</b>						
Review Decision		330		13.00		
Review Rate/Accounting Order	1.00	330	330.00	13.00	42.90	372.90
Prepare Submission on Rate Order		330		13.00		
<b>Subtotal of DECISION</b>	<b>1.00</b>	<b>330</b>	<b>330.00</b>		<b>42.90</b>	<b>372.90</b>
<b>OTHER</b>						
Other Attendance (e.g., Intervenor Conferences)		330		13.00		
<b>Subtotal of OTHER</b>	<b>0.00</b>	<b>330</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>59.40</b>		<b>19,602.00</b>		<b>2,548.27</b>	<b>22,150.27</b>

## Attachments

<u>Attachment</u>	<u>Document Type</u>	<u>Import Message</u>
Docket Notice.pdf	Time Docket	
EB-204-0023 PJScott Invoices.pdf	Invoice	

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**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-204-0023 PJScott Invoices.pdf	Invoice	Hearings	

**See Participant – Mark Rubenstein**



**By Email**

**INVOICE**

July 10, 2024

Ontario Education Services Corporation

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

ATTN: Diana Hong

**Re: Festival Hydro 2025 EB-2024-0023**

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

JS	21.50	hours at \$330.00 per hour	\$7,095.00
MR	0.50	hours at \$290.00 per hour	\$145.00
Total Fees			\$7,240.00
Disbursements			\$0.00
HST (Registration #83673 5464 RT0001)			\$941.20
Total Amount of this Invoice			\$8,181.20

E&OE

Please make cheque payable to: **Shepherd Rubenstein Professional Corp**  
Invoice # 240708



**By Email**

**INVOICE**

August 9, 2024

Ontario Education Services Corporation

439 University Ave.

18th Floor

Toronto, ON M5G 1Y8

ATTN: Diana Hong

**Re: Festival Hydro 2025 EB-2024-0023**

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

JS	12.90	hours at	\$330.00	per hour	\$4,257.00
MR	0.70	hours at	\$290.00	per hour	\$203.00
Total Fees					\$4,460.00
Disbursements					\$0.00
HST (Registration #83673 5464 RT0001)					\$579.80
Total Amount of this Invoice					\$5,039.80

E&OE

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

Invoice # 240817



**By Email**

**INVOICE**

September 10, 2024

Ontario Education Services Corporation

439 University Ave.

18th Floor

Toronto, ON M5G 1Y8

ATTN: Diana Hong

**Re: Festival Hydro 2025 EB-2024-0023**

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

JS	23.50	hours at \$330.00 per hour	\$7,755.00
MR	1.60	hours at \$290.00 per hour	\$464.00
Total Fees			\$8,219.00
Disbursements			\$0.00
HST (Registration #83673 5464 RT0001)			\$1,068.47
Total Amount of this Invoice			\$9,287.47

E&OE

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

Invoice # 240911





**By Email**

**INVOICE**

October 10, 2024

Ontario Education Services Corporation

439 University Ave.

18th Floor

Toronto, ON M5G 1Y8

ATTN: Diana Hong

**Re: Festival Hydro 2025 EB-2024-0023**

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

JS	0.50	hours at \$330.00 per hour	\$165.00
MR	0.80	hours at \$290.00 per hour	\$232.00
Total Fees			\$397.00
Disbursements			\$0.00
HST (Registration #83673 5464 RT0001)			\$51.61
Total Amount of this Invoice			\$448.61

E&OE

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

Invoice # 241011



**By Email**

**INVOICE**

November 26, 2024

Ontario Education Services Corporation

439 University Ave.

18th Floor

Toronto, ON M5G 1Y8

ATTN: Diana Hong

**Re: Festival Hydro 2025 EB-2024-0023**

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

JS	1.00	hours at \$330.00 per hour	\$330.00
Total Fees			\$330.00
Disbursements			\$0.00
HST (Registration #83673 5464 RT0001)			\$42.90
Total Amount of this Invoice			\$372.90

E&OE

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

Invoice # 241102