



**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

March 21, 2025  
Our File: EB20240331

**Attn: Nancy Marconi, Registrar**

Dear Ms. Marconi:

**Re: EB-2024-0331 – NQS Generation Group Market Rule Appeal – SEC Cost Claim**

We are counsel to the School Energy Coalition (“SEC”). Attached, please find the cost claim submitted using the OEB’s cost claim system.

The Application was important to electricity consumers, such as SEC, as the NQS Generation Group sought an order revoking the Market Rule amendments implementing the Market Renewal Program (“MRP” and the “MRP Amendments”). The Applicants themselves noted that this case differed from other Market Rule reviews which dealt with discrete changes. In this case, the MRP Amendments involved “fundamental and significant changes” to the market and that the “Market Rules have been entirely rewritten.”<sup>1</sup>This proceeding required the review and analysis of a considerable amount of complex documentation and evidence, including the substantial filings pursuant to the IESO license, regarding the IESO-Administered Markets and MRP. It also involved a Pre-Hearing Conference, a two-day Technical Conference, a three-day Oral Hearing, and written argument.

As reflected in the detailed dockets, SEC coordinated extensively throughout the entire proceeding with the Consumers Council of Canada (“CCC”) to promote regulatory efficiency. This included SEC acting as the only intervenor to participate fully in the hearing and cross-examine both IESO and NQS Generation Group witnesses (for both parties). SEC also filed an extensive final argument on the material issues in the proceeding, which was relied upon by CCC.

SEC notes that for cost claim categorization purposes, time preparing and attending the Pre-Hearing Conference, were included under the relevant Issues List categories. Also time spent reviewing the many procedural submissions filed by both NQS Generation Group and the IESO throughout the proceeding related to the scope of the proceeding, document production, IESO’s motion to strike, witness qualifications, and the motion to review, have been categorized under the ‘Review Procedural Documents’ category.

SEC notes that, for cost claim categorization purposes, time spent preparing for and attending the Pre-Hearing Conference was included under the relevant Issues List categories. Time spent reviewing

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<sup>1</sup> NQS Generation Group Reply Argument, para. 115



the numerous procedural submissions filed by both NQS Generation Group and the IESO throughout the proceeding, relating to the scope of the proceeding, document production, the IESO's motion to strike, witness qualifications, and the NQS Generation Group motion to review, has been categorized under the "Review Procedural Documents" category.

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 its cost claim 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-2024-0331 : 1 : Mark Rubenstein

COST CLAIM NUMBER 2562	SUBMISSION DEADLINE DATE March 21, 2025	CLAIM STATUS Approved by Finance
EB# EB-2024-0331: Rates: Generation: NQS Generation Group	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

New	Non-Filing Participant First, Last Name	Filing Participant	Total (\$)	Total Hours	Participant Claim Status
No	,	Rubenstein, Mark; +1 (647) 483-0113 mark@shepherdubenstein.com	37,325.03	113.90	Submitted

## ATTACHMENTS

Attachment	Document Type	Import Message
NQS Cover Letter.pdf	Cover Letter	
SEC EB-2024-0331 Cost Claim 032120251101.pdf		

TOTAL LEGAL/CONSULTANT/OTHER FEES 33,031.00	TOTAL DISBURSEMENTS 0.00	TOTAL HST 4,294.03
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TOTAL CLAIM 37,325.03	TOTAL AMOUNT AWARDED
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TOTAL HOURS CLAIMED 113.90	TOTAL HOURS DISALLOWED
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REASON FOR DISALLOWANCE	REASON FOR DISALLOWANCE - 2	REASON FOR DISALLOWANCE - 3
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MAKE CHEQUE PAYABLE TO  
Shepherd Rubenstein Profession Corporation, in trust

SEND PAYMENT TO ADDRESS ATTENTION

2200 Yonge Street  
Suite 1302  
Toronto, ON  
M4S 2C6

**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**  
March 21, 2025

<b>CASE</b> EB-2024-0331: Rates: Generation: NQS Generation Group	<b>COST CLAIM</b> EB-2024-0331 : 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> 113.90	<b>Hearings Subtotal (\$)</b> 33,031.00	<b>Hearings Total Tax (\$)</b> 4,294.03	<b>Hearings Total (\$)</b> 37,325.03
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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	15.70	290	4,553.00	13.00	591.89	5,144.89
Preparation of Interrogatories		290		13.00		
Review Interrogatory Responses		290		13.00		
Technical Conference Preparation	5.50	290	1,595.00	13.00	207.35	1,802.35
Technical Conference Attendance	13.40	290	3,886.00	13.00	505.18	4,391.18
Technical Conference Follow-up	0.60	290	174.00	13.00	22.62	196.62
<b>Subtotal of DISCOVERY</b>	<b>35.20</b>		<b>10,208.00</b>		<b>1,327.04</b>	<b>11,535.04</b>
<b>PROCEDURAL</b>						
Preparation of Issues List Submission	1.70	290	493.00	13.00	64.09	557.09
Attendance at Issues List Conference	3.50	290	1,015.00	13.00	131.95	1,146.95
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	4.10	290	1,189.00	13.00	154.57	1,343.57

<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>9.30</b>		<b>2,697.00</b>		<b>350.61</b>	<b>3,047.61</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	35.50	290	10,295.00	13.00	1,338.35	11,633.35
<b>Subtotal of WRITTEN ARGUMENT</b>	<b>35.50</b>		<b>10,295.00</b>		<b>1,338.35</b>	<b>11,633.35</b>
<b>ORAL ARGUMENT</b>						
Preparation for Oral Hearing	14.30	290	4,147.00	13.00	539.11	4,686.11
Attendance at Oral Hearing	18.50	290	5,365.00	13.00	697.45	6,062.45
Oral Submissions		290		13.00		
Attendance at Oral Submissions		290		13.00		
<b>Subtotal of ORAL ARGUMENT</b>	<b>32.80</b>		<b>9,512.00</b>		<b>1,236.56</b>	<b>10,748.56</b>
<b>DECISION</b>						
Review Decision	1.10	290	319.00	13.00	41.47	360.47
Review Rate/Accounting Order		290		13.00		
Prepare Submission on Rate Order		290		13.00		
<b>Subtotal of DECISION</b>	<b>1.10</b>		<b>319.00</b>		<b>41.47</b>	<b>360.47</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>113.90</b>		<b>33,031.00</b>		<b>4,294.03</b>	<b>37,325.03</b>

## Attachments

<u>Attachment</u>	<u>Document Type</u>	<u>Import Message</u>
EB-2024-0331 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-2024-0331 Client Fees Listing.pdf	Time Docket	Hearings	

Date	Explanation	Lwyr	Hours
20241118	review materials/p. call w. LG	MR	0.5
20241119	review materials/review PO/emails	MR	0.5
20241120	emails/p. call w. J. Girvan (CCC)/p. call w. P. Duffy (Counsel to IESO)	MR	0.5
20241121	emails/p. call w. M. Bell (OEB Staff)	MR	0.3
20241122	emails/review NQS ltr/prelim review of IESO material	MR	2.5
20241124	research/review materials	MR	1.5
20241125	prepare submissions for PHC/review NQS sub/p. call w. LG	MR	1.7
20241126	attend PHC/review transcript	MR	3.5
20241128	emails	MR	0.1
20241202	review PO	MR	0.3
20241211	emails/preliminary review of IESO filing	MR	0.7
20241212	review IESO doc/review FL corr	MR	2.5
20241216	review IESO letter	MR	0.1
20241217	review corr	MR	0.1
20241218	emails	MR	0.1
20241223	review IESO motion/review NQS motion to review/emails	MR	0.8
20241223	review PO3	MR	0.1
20241227	emails	MR	0.2
20241229	review First Light evidence	MR	0.1
20241230	review NQS reply to IESO motion	MR	0.3
20250102	review NQS evidence/research and analysis	MR	4.5
20250103	review decision on motions/emails	MR	0.3
20250106	emails/p. call w. LG (CCC)/draft corr re: TC	MR	1
20250107	emails/p. call w. LG (CCC)/review IESO evidence	MR	2.1
20250108	review IESO evidence/research/prepare for TC	MR	4.5
20250109	attend TC	MR	7.1
20250110	attend TC	MR	6.3
20250110	p. call w. LG (CCC)/emails	MR	0.1
20250110	emails	MR	0.2
20250111	emails	MR	0.3
20250112	emails	MR	0.1
20250113	review UT responses	MR	0.5
20250113	prepare for hearing	MR	3
20250113	review IESO document submission/emails/Teams meeting with IESO counsel/p. call w. L. Gluck (CCC)/review NQS reply to IESO document sub	MR	1
20250114	review NQS docs/prepare for hearing/p. call w. L. Gluck (CCC)/review PO/prepare compendium/prepare IESO cross-examination	MR	6.8
20250115	attend hearing/disc. w. parties	MR	7.5
20250115	prepare for Day 2/prepare NQS cross/emails/review transcript	MR	2.2
20250116	attend hearing/disc. w. parties	MR	7.5
20250116	emails/prepare for Day 3/review transcript/revise NQS cross	MR	1.8
20250117	attend hearing/disc. w. parties	MR	3.5
20250121	research for arg draft/review IT	MR	2.5

20250122	research for arg draft/review IT	MR	2.7
20250123	emails/draft arg/p. call w. L. Gluck (CCC)	MR	3.4
20250124	draft submission	MR	3.8
20250125	draft submission	MR	2
20250127	draft submission/review NQS argument	MR	5.7
20250128	draft submission/p. call w. LG(CCC)	MR	6.3
20250129	edit submission/emails	MR	0.5
20250130	emails	MR	0.3
20250131	edit submission	MR	2.2
20250202	edit and revise submissions	MR	2
20250203	finalize and file sub/review other parties sub	MR	1.6
20250207	review OEB letter	MR	0.1
20250210	review IESO arg/emails	MR	1
20250211	emails	MR	0.1
20250212	review OEB corr	MR	0.1
20250218	review NQS reply arg/emails	MR	1.2
20250219	emails/p. call w. LG (CCC) re: IESO comment on reply	MR	0.3
20250220	emails	MR	0.2
20250221	review OEB corr	MR	0.1
20250306	review decision/emails	MR	1
20250307	emails	MR	0.1
			113.9