



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 25, 2025
Our File: EB20240046

Attn: Nancy Marconi, Registrar

Dear Ms. Marconi:

Re: EB-2024-0046 – NOW Inc. 2025 Rates – 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 which were not accounted for in the initial OEB budget, which was informed by historical cost of service proceedings involving small utilities. The components include:

- The Applicant, Northern Ontario Wires Inc. (“NOW”), last filed a rebasing application in 2017.
- A proposal for an Advanced Capital Module (“ACM”) for the new Cochrane Municipal Transformer Station (Issue 7.2), and a related proposal to adjust base distribution rates for Residential customers when the ACM is placed in service, rather than establishing a rate rider in accordance with the ACM policy (Issue 7.3).
- A proposal for a Standby Rate.
- The original application proposed an approximately 82% distribution bill impact increase for GS>50 customers. This was driven in part by the correction of a cost allocation model error in a previous proceeding. A significant amount of time was required to consider this issue, which, through settlement, led to the development of a mitigation measure funded by NOW.²

In addition, SEC notes that the OEB applied the Very Small Utility pilot process to this proceeding, even though NOW’s customer count exceeded the threshold for that process. One aspect of the pilot process that is relevant to the intervenor pilot program was the scheduling of a full-day meeting of the parties, as set out in Procedural Order No. 1. This type of meeting is not part of the historical cost of

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

² Settlement Proposal, p.33



service applications used by the OEB in setting the \$20,000 budget. While the meeting may have resulted in fewer interrogatories for NOW to respond to and may have contributed to overall regulatory efficiency (when considering all parties), it required additional time for SEC's participation than would have otherwise been the case.

SEC divided responsibility for this proceeding between its consultant, Jane Scott, and its counsel, Mark Rubenstein. Ms. Scott had primary responsibility for reviewing the Application, managing the written discovery process, and participating in the Settlement Conference negotiations. Mr. Rubenstein provided overall oversight and advice on technical and strategic issues that arose during the proceeding.

For the purpose of cost claim categorization, where dockets included both reviewing evidence and preparing interrogatories, or reviewing interrogatory responses and preparing for the Settlement Conference, time has been allocated 50% to each applicable activity category. As a practical matter, these tasks are conducted concurrently and cannot be readily separated (e.g., interrogatories are prepared while reviewing evidence). Time spent preparing for and attending the Issues Meeting has been included under the relevant 'Issues List' categories.

SEC submits that its participation in this proceeding was thorough and valuable and was designed to maximize its assistance to the OEB. Accordingly, SEC requests reimbursement of its reasonably incurred costs as set out in this letter and the attached documentation. These costs are commensurate with the scope of the issues and the role SEC played in this proceeding.

Yours very truly,
Shepherd Rubenstein P.C.

Mark Rubenstein

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

EB-2024-0046 : 1 : Mark Rubenstein

COST CLAIM NUMBER
2582

SUBMISSION DEADLINE DATE
March 27, 2025

CLAIM STATUS
Submitted

EB#
EB-2024-0046: Rates: Distribution: Northern
Ontario Wires 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

<u>New</u>	<u>Non-Filing Participant First, Last Name</u>	<u>Filing Participant</u>	<u>Total (\$)</u>	<u>Total Hours</u>	<u>Participant Claim Status</u>
No	,	Rubenstein, Mark; +1 (647) 483-0113 mark@shepherdubenstein.c om	2,654.37	8.10	Submitted
No	,	Scott, Jane ; +1 (647) 271-3174 jane_scott@rogers.com	23,455.43	62.90	Submitted

ATTACHMENTS

<u>Attachment</u>	<u>Document Type</u>	<u>Import Message</u>
NOW Cover Letter .pdf	Cover Letter	

TOTAL LEGAL/CONSULTANT/OTHER FEES
23,106.00

TOTAL DISBURSEMENTS
0.00

TOTAL HST
3,003.80

TOTAL CLAIM
26,109.80

TOTAL AMOUNT AWARDED

TOTAL HOURS CLAIMED
71.00

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
March 25, 2025

CASE EB-2024-0046: Rates: Distribution: Northern Ontario Wires Inc.	COST CLAIM EB-2024-0046 : 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 8.10	Hearings Subtotal (\$) 2,349.00	Hearings Total Tax (\$) 305.37	Hearings Total (\$) 2,654.37
-------------------------------	---	--	--

<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	0.30	290	87.00	13.00	11.31	98.31
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		
Subtotal of DISCOVERY	0.60		174.00		22.62	196.62
PROCEDURAL						
Preparation of Issues List Submission	0.20	290	58.00	13.00	7.54	65.54
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	0.10	290	29.00	13.00	3.77	32.77

<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		87.00		11.31	98.31
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	5.40	290	1,566.00	13.00	203.58	1,769.58
Attendance at Settlement Conference		290		13.00		
Preparation of Settlement Proposal	1.50	290	435.00	13.00	56.55	491.55
Attendance at Presentation to Panel		290		13.00		
Subtotal of SETTLEMENT CONFERENCE	6.90		2,001.00		260.13	2,261.13
WRITTEN ARGUMENT						
Written Submissions		290		13.00		
Subtotal of WRITTEN ARGUMENT	0.00		0.00		0.00	0.00
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		290		13.00		
Subtotal of DECISION	0.30		87.00		11.31	98.31
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	8.10		2,349.00		305.37	2,654.37

Attachments

<u>Attachment</u>	<u>Document Type</u>	<u>Import Message</u>
EB-2024-0046 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-2024-0046 Client Fees Listing.pdf	Time Docket	Hearings	

Date	Explanation	Lwyr	Hours
20241004	preliminary review of Application	MR	0.3
20241006	Review Application and prepare IRs	JS	2
20241019	Review Application and prepare IRs	JS	1
20241023	Review Application and prepare for Issues Day	JS	3
20241024	Review Application and prepare for Issues Day	JS	1
20241025	Review Application and prepare for Issues Day including call with Mark R	JS	1.7
20241025	emails/p. call w. JS	MR	0.2
20241028	Review Application and prepare for Issues Day	JS	2
20241029	Review Application and prepare for Issues Day including call with other intervenor	JS	2.5
20241030	Issues Day	JS	6
20241103	Review summary of commitments from NOW issue day and provide comments	JS	0.5
20241108	Review Application and prepare IRs	JS	1
20241109	Review Application and prepare IRs	JS	1.5
20241111	Review Application and prepare IRs	JS	2
20241112	Review Application and prepare IRs	JS	2
20241114	Review Application and prepare IRs	JS	1
20241114	review IR/emails	MR	0.3
20241203	Review of IRRs and clarification questions, prepare for Settlement Conference	JS	2
20241203	disc w. JS	MR	0.1
20241205	Review of IRRs and clarification questions, prepare for Settlement Conference	JS	1
20241205	emails/sign and file DU	MR	0.1
20241206	Review of IRRs and clarification questions, prepare for Settlement Conference	JS	3.7
20241209	Prepare for Settlement Conference	JS	1
20241209	prepare for meeting with JS	MR	1.5
20241210	Prepare for Settlement Conference, including call with Mark R.	JS	1.5
20241210	meeting w. JS	MR	0.7
20241212	Review settlement clarification questions and attend Settlement Conference, including call with Mark R.	JS	8.2
20241212	emails/p. call w. J. Scott	MR	0.3
20241213	Attend Settlement Conference, including two calls with Mark R.	JS	7
20241213	p. call. w. JS/emails	MR	0.5
20241220	Call with Mark R., emails	JS	0.1
20241220	meeting w. JS	MR	0.1
20250103	Review of proposal for settlement	JS	1.3
20250103	emails	MR	0.1
20250104	undertake offer analysis/emails	MR	0.8

20250105	Review of proposal for settlement - call with Mark R.	JS	0.5
20250105	Zoom call w. JS to discuss offer	MR	0.5
20250106	Continued settlement	JS	3.5
20250106	multiple calls with JS/attend Settlement Conference/emails	MR	0.8
20250111	Review of rate mitigation model	JS	1
20250112	Review of rate mitigation model	JS	1.2
20250112	emails/review model	MR	0.3
20250114	Review of rate mitigation model	JS	0.6
20250114	emails	MR	0.2
20250119	Review Settlement Proposal	JS	1.2
20250123	Review Settlement Proposal	JS	0.5
20250123	emails/review Settlement Proposal re: legal issues	MR	0.4
20250124	Review Settlement Proposal	JS	0.2
20250128	REview Settlement Proposal issue 7.2	JS	0.2
20250201	Review latest Settlement Proposal draft	JS	0.3
20250203	Review latest Settlement Proposal draft, including discussion with Mark R	JS	0.4
20250203	emails/review next draft/disc. w. JS	MR	0.3
20250206	Final review and sign off on settlement	JS	0.3
20250215	review staff sub/email	MR	0.3
20250318	review decisions/email	MR	0.3
			71

CASE EB-2024-0046: Rates: Distribution: Northern Ontario Wires Inc.	COST CLAIM EB-2024-0046 : 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 62.90	Hearings Subtotal (\$) 20,757.00	Hearings Total Tax (\$) 2,698.43	Hearings Total (\$) 23,455.43
--------------------------------	--	--	---

<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	10.85	330	3,580.50	13.00	465.47	4,045.97
Preparation of Interrogatories	5.25	330	1,732.50	13.00	225.23	1,957.73
Review Interrogatory Responses	3.35	330	1,105.50	13.00	143.72	1,249.22
Technical Conference Preparation		330		13.00		
Technical Conference Attendance		330		13.00		
Technical Conference Follow-up		330		13.00		
Subtotal of DISCOVERY	19.45		6,418.50		834.42	7,252.92
PROCEDURAL						
Preparation of Issues List Submission	5.10	330	1,683.00	13.00	218.79	1,901.79
Attendance at Issues List Conference	6.00	330	1,980.00	13.00	257.40	2,237.40
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	11.10		3,663.00		476.19	4,139.19
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	7.75	330	2,557.50	13.00	332.48	2,889.98
Attendance at Settlement Conference	18.70	330	6,171.00	13.00	802.23	6,973.23
Preparation of Settlement Proposal	5.90	330	1,947.00	13.00	253.11	2,200.11
Attendance at Presentation to Panel		330		13.00		
Subtotal of SETTLEMENT CONFERENCE	32.35		10,675.50		1,387.82	12,063.32
WRITTEN ARGUMENT						
Written Submissions		330		13.00		
Subtotal of WRITTEN ARGUMENT	0.00		0.00		0.00	0.00
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		330		13.00		
Prepare Submission on Rate Order		330		13.00		
Subtotal of DECISION	0.00		0.00		0.00	0.00
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	62.90		20,757.00		2,698.43	23,455.43

Attachments

<u>Attachment</u>	<u>Document Type</u>	<u>Import Message</u>
Docket Notice.pdf	Time Docket	
EB-2024-0046 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-2024-0046 PJScott Invoices.pdf	Invoice	Hearings	

See Participant – Mark Rubenstein



By Email

INVOICE

November 8, 2024

Ontario Education Services Corporation

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

ATTN: Diana Hong

Re: Northern Ontario Wires 2025 EB-2024-0046

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

JS	19.20	hours at \$330.00 per hour	\$6,336.00
MR	0.50	hours at \$290.00 per hour	\$145.00
Total Fees			\$6,481.00
Disbursements			\$0.00
HST (Registration #83673 5464 RT0001)			\$842.53
Total Amount of this Invoice			\$7,323.53

E&OE

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

Invoice # 241113



By Email

INVOICE

December 10, 2024

Ontario Education Services Corporation

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

ATTN: Diana Hong

Re: Northern Ontario Wires 2025 EB-2024-0046

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

JS	8.00	hours at \$330.00 per hour	\$2,640.00
MR	0.30	hours at \$290.00 per hour	\$87.00
Total Fees			\$2,727.00
Disbursements			\$0.00
HST (Registration #83673 5464 RT0001)			\$354.51
Total Amount of this Invoice			\$3,081.51

E&OE

Please make cheque payable to: **Shepherd Rubenstein Professional Corp**
Invoice # 241203



By Email

INVOICE

January 10, 2025

Ontario Education Services Corporation

439 University Ave.

18th Floor

Toronto, ON M5G 1Y8

ATTN: Diana Hong

Re: Northern Ontario Wires 2025 EB-2024-0046

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

JS	24.50	hours at \$330.00 per hour	\$8,085.00
MR	3.30	hours at \$290.00 per hour	\$957.00
Total Fees			\$9,042.00
Disbursements			\$0.00
HST (Registration #83673 5464 RT0001)			\$1,175.46
Total Amount of this Invoice			\$10,217.46

E&OE

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

Invoice # 250111



By Email

INVOICE

February 10, 2025

Ontario Education Services Corporation

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

ATTN: Diana Hong

Re: Northern Ontario Wires 2025 EB-2024-0046

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

JS	10.20	hours at \$330.00 per hour	\$3,366.00
MR	3.10	hours at \$290.00 per hour	\$899.00
Total Fees			\$4,265.00
Disbursements			\$0.00
HST (Registration #83673 5464 RT0001)			\$554.45
Total Amount of this Invoice			\$4,819.45

E&OE

Please make cheque payable to: **Shepherd Rubenstein Professional Corp**
Invoice # 250203



By Email

INVOICE

March 10, 2025

Ontario Education Services Corporation

439 University Ave.

18th Floor

Toronto, ON M5G 1Y8

ATTN: Diana Hong

Re: Northern Ontario Wires 2025 EB-2024-0046

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

JS	1.00	hours at \$330.00 per hour	\$330.00
MR	0.30	hours at \$290.00 per hour	\$87.00
Total Fees			\$417.00
Disbursements			\$0.00
HST (Registration #83673 5464 RT0001)			\$54.21
Total Amount of this Invoice			\$471.21

E&OE

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

Invoice # 250303



By Email

INVOICE

March 24, 2025

Ontario Education Services Corporation

439 University Ave.

18th Floor

Toronto, ON M5G 1Y8

ATTN: Diana Hong

Re: Northern Ontario Wires 2025 EB-2024-0046

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

JS	0.30	hours at \$330.00 per hour	\$99.00
MR	0.30	hours at \$290.00 per hour	\$87.00
Total Fees			\$186.00
Disbursements			\$0.00
HST (Registration #83673 5464 RT0001)			\$24.18
Total Amount of this Invoice			\$210.18

E&OE

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

Invoice # 250401