



Fogler, Rubinoff LLP
Lawyers

77 King Street West
Suite 3000, PO Box 95
TD Centre North Tower
Toronto, ON M5K 1G8
t: 416.864.9700 | f: 416.941.8852
foglers.com

May 21, 2020

Reply To: Albert M. Engel
Direct Dial: 416.864.7602
E-mail: aengel@foglers.com
Our File No. 202969

VIA RESS AND EMAIL

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
M4P 1E4

Attention: Christine E. Long,
Registrar and Board Secretary

Dear Ms. Long:

Re: EB-2020-0133: Consultation on the Deferral Account – Impacts Arising from the COVID-19 Emergency

1. The Building Owners and Managers Association ("BOMA") is interested in participating in the above-noted stakeholder consultation activities.
2. BOMA is frequently participates in Board proceedings.

Description of the Intervenor and its Membership

3. BOMA represents over 800 Ontario Property and Facility Owners, Managers, Developers, Leasing Agents, and Commercial Real Estate Professionals. Its members account for 80 per cent of all commercial and industrial real estate companies in the Greater Toronto Area and many others throughout Ontario. BOMA's members are large consumers of electricity and natural gas.
4. Over the years, BOMA has been active in protecting and advancing the interests of its members on such important policy issues as energy pricing and supply, property taxes, labour requirements, building materials and equipment regulations. BOMA continues to work at all levels of government providing a voice for Commercial Property owners throughout Ontario.
5. BOMA has been a major and constructive participant in numerous previous cases.

BOMA's Interest in the Consultation Activities

6. BOMA is particularly interested in the following aspects of the consultation:
- (a) Bill impacts on customers that may result from the review and disposition of Account 1509 – Impacts Arising from the COVID-19 Emergency ("Account");
 - (b) The accounting guidance and policy direction that the OEB is contemplating issuing with respect to applications for review and disposition of the Account including:
 - (i) Rules on the operations of the three sub-accounts;
 - (ii) The nature of the costs/revenue to be recorded;
 - (iii) Recovery mechanism and timing;
 - (iv) How materiality will be assessed;
 - (v) Whether any additional revenues or offsetting cost savings need to be considered;
 - (vi) Rate impacts and rate mitigation consideration.
 - (c) How the impact on the different rate zones and customer classes should be reflected in the Account, particularly when the Utilities seek recovery of the Account, including proposed bill impact and cost allocation issues;
 - (d) Whether the OEB should consider a cost-sharing model between the Utilities' ratepayers and shareholders regarding the recovery of the Account;
 - (e) The factors that the OEB should take into consideration in considering any cost sharing, such as the impact of the COVID-19 emergency on the broader Ontario business environment;
 - (f) The basis upon which allocation of cost-sharing should be considered, if a cost sharing model should be considered;
 - (g) Generally to represent the interests of commercial, office, retail and institutional consumers in this process.

Nature and Scope of BOMA's Intended Participation

7. BOMA intends to participate in all aspects of the consultation process, including the preliminary stakeholder meeting scheduled for May 28, 2020 and providing written comments on the Draft Issues List by June 11, 2020.

Intention to Seek an Award of Costs

8. As a representative of a large sector of energy consumers throughout Ontario, the commercial, office, retail and institutional building owners and managers, BOMA intends to request an award of costs in this consultation process.

Addresses of Representatives

9. BOMA requests that further communications with respect to this matter be sent to the following representatives in electronic form only:

Thomas Brett, Partner	Albert Engel, Partner	Marion Fraser, President
Fogler, Rubinoff LLP	Fogler, Rubinoff LLP	Fraser & Company
77 King Street West	77 King Street West	65 Harbour Square
Suite 3000	Suite 3000	Suite 1005
Toronto, Ontario	Toronto, Ontario	Toronto, Ontario
M5K 1G8	M5K 1G8	M5J 2L4
Tel: (416) 941-8861	Tel: (416) 864-7602	Tel: (416) 941-9729
tbrett@foglers.com	aengel@foglers.com	marion.fraser@rogers.com

BOMA respectfully requests your acceptance of this stakeholder consultation participation request and confirmation that it will be eligible for costs.

Yours truly,

FOGLER, RUBINOFF LLP

Albert M. Engel

AME/dd

cc: Fiona O'Connell, OEB (*via email*)