



August 7, 2009

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
Suite 2700
Toronto, Ontario, M4P 1E4

Dear Ms. Walli:

Re: EB-2009-0084 – Notice of Participation and Request for Cost Eligibility Determination for the Building Owners and Managers Association of the Greater Toronto Area - Consultation Process on Cost of Capital Review

This letter is in response to the Board's July 30, 2009 letter related to the Consultation Process on Cost of Capital - Issues List (EB-2009-0084). Three paper copies have been provided to the Board and an electronic version has been filed through the Board's web portal at www.errr.oeb.gov.on.ca.

Statement of Interest

The Building Owners and Managers Association of the Greater Toronto Area ("BOMA Toronto") is an international organization of 18,000 commercial real estate professionals. BOMA Toronto, with a network of over 800 members, represents the association in the Greater Toronto area. BOMA Toronto has consistently represented the voice of large commercial energy consumers in Ontario. Our volunteer Strategic Energy Committee operates to develop policy and solicit input from our broader membership on energy matters affecting them. This structure provides for a robust and inclusive representation of the views of large commercial customers.

BOMA Toronto represents more than 350 companies serving the commercial real estate market. Member companies manage over 150 million square feet of industrial, commercial and institutional properties throughout the Greater Toronto Area and beyond.

BOMA Toronto wishes to participate in this consultative because the Board's determination in this proceeding will have an effect on the rates to be paid by the BOMA members that currently receive regulated services from electricity and natural gas distributors.

Cost Eligibility

BOMA Toronto intends to seek an award of costs. BOMA Toronto is a not for profit entity. It undertakes to serve its members utilizing volunteer committee work to the greatest extent possible. However, participating in more substantive proceedings, such as that involved here, requires us to engage outside consultants, the cost of which are not included in the operating budget for the organization.

As indicated above, BOMA Toronto is comprised of commercial customers of electricity and natural gas distributors that take regulated services from these utilities. Its members have a substantial interest in these proceedings, including all issues that affect rates and services available to them.

The Board's cost eligibility criteria, found in Section 3 of the Practice Directions on Cost Awards includes a number of criteria related to BOMA Toronto. Specifically, Section 3.03 states that a party is eligible to apply for a cost award where the party primarily represents the direct interests of consumers (e.g. ratepayers) in relation to regulated services. As indicated above, BOMA Toronto is intervening on behalf of its members which are consumers (i.e. ratepayers) in relation to regulated services provided by Enbridge. As such, the BOMA Toronto submits that it is eligible for a cost award under Section 3.03.

BOMA Toronto notes that it has been found to be eligible for an award of costs in other proceedings before the Ontario Energy Board.

Communications

All communications related to this process should be directed to:

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Yours truly,



Chuck Stradling
Executive Vice President
BOMA Toronto