



September 18, 2009

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

Dear Ms. Walli:

**RE: BOMA Toronto Notice of Intervention – EB-2009-0139**

Please find attached a Notice of Intervention of BOMA Toronto in the above noted application.

Sincerely,

Chuck Stradling  
Executive Vice President  
BOMA Toronto

Encl.

cc: Toronto Hydro-Electric System Limited  
Randy Aiken, Aiken & Associates

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**NOTICE OF INTERVENTION  
OF THE  
BUILDING OWNERS AND MANAGERS ASSOCIATION OF THE GREATER TORONTO AREA**

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**Statement of Interest**

1. 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 750 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.
2. 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.
3. BOMA Toronto members receive regulated electricity distribution service from Toronto Hydro. BOMA Toronto wishes to intervene in this proceeding because the issues, methodologies and impacts raised by these applications may result in changes to regulated rates.

**Intervention**

4. BOMA Toronto hereby gives notice of its intention to intervene in, and appear at, all phases of the public Hearing.
5. BOMA Toronto reserves the right to be heard, to appear by or with counsel and/or consultant, to ask interrogatories and to cross-examine on all matters raised during the proceeding that may relate to its interests, to adduce evidence on specific matters of its choice related to the Applications, and to present argument.
6. BOMA Toronto hereby requests that the Board, Toronto Hydro and all other parties provide it with copies of all evidence and correspondence related to the Application and the Hearing.

**Oral Hearing**

7. BOMA Toronto agrees with the Board that an oral hearing for this application is appropriate. An oral hearing allows for a more comprehensive review of the evidence and the drivers that result in significant distribution rate changes.

**Cost Eligibility**

8. 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 costs of which are not included in BOMA's operating budget.
9. As per Section 4.01 of the current Practice Directions on Cost Awards, BOMA Toronto believes that it is eligible for an award of costs based on the Board's eligibility criteria and requests the Board's determination of such cost eligibility.

10. As indicated above, BOMA Toronto is comprised of commercial customers of Toronto Hydro that take regulated services from the distributor. Its members have a substantial interest in these proceedings, including all issues that affect rates and services available to them.

11. 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 Toronto Hydro. As such, BOMA Toronto submits that it is eligible for a cost award under Section 3.03.

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

### **Communications**

13. All communications related to this Notice of Intervention and to this proceeding should be directed to:

Mr. Chuck Stradling  
Executive Vice President  
BOMA Toronto  
20 Queen Street West  
Suite 2012  
Toronto, Ontario, M5H 3R3

Telephone: 416-596-8065  
Facsimile: 416-596-1085  
E-mail: [cstradling@bomatoronto.org](mailto:cstradling@bomatoronto.org)

AND Mr. Randy Aiken  
Aiken & Associates  
578 McNaughton Ave. West  
Chatham, Ontario, N7L 4J6

Telephone: 519-351-8624  
Facsimile: 519-351-4331  
E-mail: [raiken@xcelco.on.ca](mailto:raiken@xcelco.on.ca)

DATED at Toronto, Ontario this 18<sup>th</sup> day of September, 2009.

Yours truly,



Chuck Stradling  
Executive Vice President  
BOMA Toronto