



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-2009-0172**

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: Norm Ryckman, Enbridge Gas Distribution Inc.  
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 natural gas service from Enbridge Gas Distribution Inc. 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, Enbridge Gas and all other parties provide it with copies of all evidence and correspondence related to the Application and the Hearing.

**Written or Oral Hearing**

7. BOMA Toronto believes that there should be a provision made by the Board for a Settlement Conference in this proceeding. Many of the issues may be able to be resolved without the need for a written or oral hearing. Depending on the nature of the remaining unresolved issues, an oral hearing may or may not be necessary. At this point, BOMA Toronto believes that the Board reserve its decision on whether or not an oral hearing is required.

**Two-Phased Approach**

8. Enbridge has proposed a two-phased approach to the review of the application. BOMA Toronto supports this approach as it may enable Enbridge to have rates approved and in place by January 1, 2010. The Phase 2 items can be dealt with at a later date.

**Cost Eligibility**

9. 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 BOMA's operating budget.

10. 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.

11. As indicated above, BOMA Toronto is comprised of commercial customers of Enbridge Gas Distribution Inc. that take regulated services from Enbridge. Its members have a substantial interest in these proceedings, including all issues that affect rates and services available to them.

12. 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.

13. 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**

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

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Toronto, Ontario, M5H 3R3

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

Telephone: 519-351-8624  
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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