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September 20, 2011

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

Dear Ms. Walli:

Re: EB-2011-0008 Decision and Order on Cost Awards for Building Owners and Managers Association of the Greater Toronto Area ("BOMA")

I am writing today on behalf of the Building Owners and Managers Association (BOMA) in regard to the EB-2011-0008 Decision and Order on Cost Awards dated September 19, 2011. In particular, BOMA is asking that the Board review the Decision that BOMA's cost claim related to disbursements for meals did not comply with the OEB's *Practice Direction on Cost Awards*.

The cost decision appears to have reduced the meal disbursement from \$23.78 to \$20.00. It is my understanding that the \$20.00 figure is based on the Board's letter to Applicants and Intervenors in Board Proceedings re Practice Direction on Cost Awards dated June 24, 2011. A copy of this letter has been attached this letter.

In the June 24, 2011 letter the Board advised intervenors and applicants "that, effective in respect of **disbursements incurred on or after July 1, 2011**, the Board will assess the reasonableness of all disbursements regarding travel, accommodation and meals in accordance with the Travel Meal and Hospitality Directive dated April 1, 2010. The Board will only award reimbursement to intervenors for the amounts allowed under the Directive." (emphasis added)

The Board was, in effect, advising parties of a prospective change in the policy with respect to disbursements.

A review of the BOMA cost claim in the EB-2011-0008 proceeding shows that the claim of \$23.78 was for a meal on June 21, 2011. As a result, it appears that the Board's cost decision in this instance was applied retroactively and does not reflect the Board's policy in effect at the time the expense was incurred.

The Board's review of this matter would be appreciated.

Sincerely,

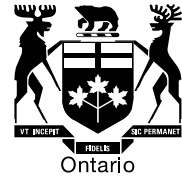
Randy Aiken

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Attachment

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June 24, 2011

To Applicants and Intervenors in Board proceedings

Re: Practice Direction on Cost Awards

The Ontario Energy Board (the “Board”) wishes to provide further guidance to intervenors and applicants with respect to its Practice Direction on Cost Awards.

The Practice Direction provides for reimbursement in respect of “reasonable” disbursements. The Board wishes to advise intervenors and applicants that, effective in respect of disbursements incurred on or after July 1, 2011, the Board will assess the reasonableness of all disbursements regarding travel, accommodation and meals in accordance with the Travel Meal and Hospitality Directive dated April 1, 2010. The Board will only award reimbursement to intervenors for the amounts allowed under the Directive.

The Directive is posted on the Board's website and is also accessible through the following link:

<http://www.mgs.gov.on.ca/stdprodconsume/groups/content/@mgs/@home/documents/resourcelist/276507.pdf>

The following is a summary of the Directive:

1. Claimants should choose the most economical option available for travel, accommodations and meals.
2. Claimants must submit itemized receipts with all claims (credit card slips are not sufficient).
3. There is no reimbursement for alcohol.
4. Meal expenses are capped by the amounts in the directive (\$8.75 – breakfast, \$11.25 – lunch, and \$20.00 – dinner). The capped amount includes taxes and tip.

5. Itemized costs must be provided in respect of all the individuals (lawyers, case managers, consultants, etc) whose travel, accommodation and meal disbursements are included in the claim for costs.

Further information can be found in the frequently asked questions document located on the Board's website and also accessible through the following link:

http://www.mgs.gov.on.ca/en/Spotlight2/STDPROD_080845.html

Any questions can be directed to Mark Johnston, Manager, Finance at 416 440-7725.

Yours truly,

Original signed by

Kirsten Walli
Board Secretary