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**VIA ELECTRONIC MAIL AND COURIER**

Ontario Energy Board  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, Ontario  
M4P 1E4

Attention: Ms. Kirsten Walli,  
Board Secretary

Dear Ms. Walli:

**Re: EB-2011-0327; Demand Side Management Plan; Union Gas Request for Interim Approval**

I am writing on behalf of The Building Owners and Managers Association of Greater Toronto ("BOMA").

BOMA supports Union's proposal for interim approval of the low income program, the program budget, and the resource acquisition programs, with the exception of the Large Industrial Rate T1/Rate 100 Program. Union is seeking what it considers to be a certain level of comfort to permit it to continue existing contracts for programs that will carry on from 2011 into 2012 and beyond, as opposed to having to retender and restart the programs. BOMA supports their approach as it does not want to have existing programs stop/start, with consequent loss of momentum and market interest.

BOMA's support is based on the understanding that Union's request is for an interim approval, and not a "partial final approval", that the matters which will receive interim approval are subject to a full and complete determination in the proceeding, and that the Board's interim approval in no way prejudices the Board's decision on whether or not to approve the programs, or the budgets, after the hearing. We also agree with deferral account treatment for any amounts expended, after interim approval, but ultimately not approved, on the understanding that a particular program were not approved in the hearing, and it was one which Union had already spent money on in the period between interim approval and final decision, Union would bear the onus of persuading the Board that the amount in question should be recovered from ratepayers.

Yours truly,

**FOGLER, RUBINOFF LLP**

Thomas Brett  
TB/dd

CC: Marion Fraser, Fraser & Company  
Chris Conway, Building Owners and Managers – Toronto