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Our File No. 117021

VIA EMAIL AND COURIER

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

Dear Ms. Walli:

Re: EB-2011-0210 – BOMA's Comments on TCPL's Motion

I am counsel to the Building Owners and Managers Association, Greater Toronto ("BOMA") and am writing in general support of TransCanada Pipeline Limited ("TCPL") motion to compel Union to provide more fulsome answers to the TCPL interrogatories specified in Appendix A to TCPL's motion filed on May 17, 2012.

BOMA has the following specific comments on the interrogatories:

1. Exhibit J.B-1-7-21(b): Assuming that by "service class" TCPL means firm or interruptible transportation rates, then BOMA supports the question as relevant and reasonable.
2. Exhibit J.B-1-7-5(d) and (g): BOMA believes Union should provide the requested data for the earlier years. In particular, Union must have information available to respond to (g), which I interpret is the number of times the existing LCU protection schemes were used at Parkway to prevent curtailments of firm services.
3. Exhibit J.B-1-7-6(c): Union should provide a more complete explanation as to why it does not have such data for the years requested, or provide the information. Union should provide data for at least the most recent few years prior to 2011.
4. Exhibit J.B-1-7-8(b): Union must have data for the fifteen year period, as it will have done their calculations to justify the project to senior management. It should also separate the two items. Union can place whatever caveat it wishes on the utility of breaking out the information.



5. Exhibit J.B-1-7-8(c) and (d): Union's evidence suggests that approximately \$37 million of engineering and planning work for the project will be done in 2012, and more work in 2013 (the test year). Union should explain more fully why it cannot estimate rate impacts at this stage, or provide rough estimate, qualified as it sees fit.
6. Exhibit J.B-1-7-8(e): Union should state clearly whether or not it made any presentation(s) to Enbridge and if it has made presentation(s), it should provide a representative one. It should provide the redacted information in the attachments to the IR.
7. Exhibit J.B-7-1(a): BOMA is not clear on what else TCPL is seeking here. Diagram elsewhere in evidence shows lines to Enbridge (Albion) and on to Maple.
8. Exhibit J.B-7-3(a): The amount of information requested seems excessive. TCPL should explain fully why it requires such information.
9. Exhibit J.B-7-4(f): Union should provide the forecast annual deliveries for the year in question, as requested.
10. Exhibit J.B-7-1(a): BOMA thinks this reference may be erroneous. The information requested in respect of industrial users needs to be more focused. All lines of a certain size that service some industrial customers would be too much information. Does Union mean lines earmarked for just large industrial customers, or almost exclusively for such customers? That would be a more reasonable request.
11. Exhibit J.B-4-7-1(b)(v): BOMA has no comment on this item, other than to note that Union has stated that the Parkway West Project is not intended to provide incremental capacity, so that the underpinning of earlier expansions by contracts does not seem relevant.
12. Exhibit J.B-1-7-11: Union should provide the requested data. It would also be helpful to define what is meant by Dawn-Dawn TCPL capacity.

Yours truly,

FOGLER, RUBINOFF LLP

Thomas Brett
TB/dd