



Fogler, Rubinoff LLP

Lawyers

77 King Street West

Suite 3000, PO Box 95

TD Centre

Toronto, ON M5K 1G8

t: 416.864.9700 | f: 416.941.8852

foglers.com

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Reply To: Thomas Brett

Direct Dial: 416.941.8861

E-mail: tbrett@foglers.com

Our File No. 131682

VIA EMAIL AND COURIER

Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, Ontario
M4P 1E4

Attention: Ms. Kirsten Walli,
Board Secretary

Dear Ms. Walli:

**Re: Review of Certain Amendments to Market Rules made by the IESO
Board File No. EB-2013-0029/0010: BOMA's Declaration and Undertaking**

Further to Procedural Order No. 2 in this proceeding, Rule 10 of the Rules of Practice and s.6.1.2 of the Practice Direction on Confidential Filings, attached please find executed Declarations of Undertaking from counsel for the Building Owners and Managers Association - Toronto (BOMA).

There has not yet been an application to treat any documents as confidential, and the Board has therefore not ruled that any documents are confidential. The Declaration and Undertakings are therefore provided on a without-prejudice basis and the applicants do not waive any objection to a claim that any documents are confidential.

Nonetheless, in the interests of time, the attached Declarations of Undertaking are provided in advance so that the Board may provide copies of any documents that may be subject to claims for confidentiality to the signatories of the Declarations and Undertakings pending the determination of a claim for confidentiality, if any.

Yours truly,

FOGLER, RUBINOFF LLP

Thomas Brett

TB/dd

Encl.

CC: All Parties

IN THE MATTER of the *Electricity Act, 1998*, c.15, Schedule A;

AND IN THE MATTER of the *Ontario Energy Board Act, 1998*, s. 21;

AND IN THE MATTER of an Application made collectively by entities that have renewable energy supply contracts with the Ontario Power Authority in respect of wind generation facilities for an Order revoking certain amendments to the market rules and referring the amendments back to the Independent Electricity System Operator for further consideration.

DECLARATION AND UNDERTAKING

I, Tom Brett, am counsel of record for Building Owners and Managers Association - Toronto ("BOMA").

DECLARATION

I declare that:

1. I have read the *Rules of Practice and Procedure* of the Ontario Energy Board (the "Board") and all Orders of the Board that relate to this proceeding.
2. I am not a director or employee of a party to this proceeding for which I act or of any other person known by me to be a party in this proceeding.
3. I understand that this Declaration and Undertaking applies to all information that I receive in this proceeding and that has been designated by the Board as confidential and to all documents that contain or refer to that confidential information ("Confidential Information").
4. I understand that execution of this Declaration and Undertaking is a condition of an Order of the Board, that the Board may apply to the Superior Court of Justice to enforce it.

UNDERTAKING

I undertake that:

1. I will use Confidential Information exclusively for duties performed in respect of this proceeding.

2. I will not divulge Confidential Information except to a person granted access to such Confidential Information or to the Board.
3. I will not reproduce, in any manner, Confidential Information without the prior written approval of the Board. For this purpose, reproducing Confidential Information includes scanning paper copies of Confidential Information, copying the Confidential Information onto a diskette or other machine-readable media and saving the Confidential Information onto a computer system.
4. I will protect Confidential Information from unauthorized access.
5. With respect to Confidential Information other than in electronic media, I will, promptly following the end of this proceeding or within 10 days after the end of my participation in this proceeding:
 - (a) return to the Board Secretary, under the direction of the Board Secretary, all documents and materials in all media containing Confidential Information, including notes, charts, memoranda, transcripts and submissions based on such Confidential Information; or
 - (b) destroy such documents and materials and file with the Board Secretary a certification of destruction in the form prescribed by the Board pertaining to the destroyed documents and materials.
6. With respect to Confidential Information in electronic media, I will:
 - (a) promptly following the end of this proceeding or within 10 days after the end of my participation in this proceeding, expunge all documents and materials containing Confidential Information, including notes, charts, memoranda, transcripts and submissions based on such Confidential Information, from all electronic apparatus and data storage media under my direction or control and file with the Board Secretary a certificate of destruction in the form prescribed by the Board pertaining to the expunged documents and materials; and
 - (b) continue to abide by the terms of this Declaration and Undertaking in relation to any such documents and materials to the extent that they subsist in any electronic apparatus and data storage media under my direction or control and cannot reasonably be expunged in a manner that ensures that they cannot be retrieved.
7. For the purposes of paragraphs 5 and 6, the end of this proceeding is the date on which the period for filing a review or appeal of the Board's final order in this proceeding expires or, if a review or appeal is filed, upon issuance of a final decision on the review or appeal from which no further review or appeal can or has been taken.

8. I will inform the Board Secretary immediately of any changes in the facts referred to in this Declaration and Undertaking.

Dated at Toronto, this 5th day of February, 2013.

Signature:

Name:


Tom Brett

Company/Firm:

Address:

Fogler, Rubinooff LLP
77 King Street West, Suite 3000
Toronto, ON M5K 1G8

Telephone:

Fax:

E-mail:

(416) 941-8861
(416) 941-8852
tbrett@foglers.com