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Our File No. 131682

VIA EMAIL AND COURIER

Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, Ontario
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Attention: Ms. Kirsten Walli,
Board Secretary

Dear Ms. Walli:

**Re: Intervenor Status and Cost Eligibility Request on Behalf of the Building Owners
and Managers Association of Greater Toronto (BOMA) for EB-2013-0029/0010:
Review of Certain Amendments to Market Rules made by the IESO**

Further to my letter on behalf of BOMA of January 29, 2013 and the Board's Procedural Order No. 2 in this case, BOMA is writing to clarify its Notice of Intervention letter of January 29, 2013. In Procedural Order No. 2, the Board stated, in respect of BOMA's application for costs, that,

"based on BOMA's request [*for costs*], it appears that the position that BOMA intends to take in the proceeding may be fully aligned with that of the applicants. It is not clear to the Board how BOMA's interest will, in the context of this proceeding, contribute to a better understanding of the issues".

BOMA is writing in response to that comment, and apologizes for the lack of clarity in its January 29, 2013 letter, which apparently has led the Board to make that observation.

The use of the word "fair" in the second paragraph of BOMA's letter was intended to convey the idea that BOMA supported a fair resolution of the issue raised by the application, with respect to the adoption of the market amendment rules in question. In BOMA's view, a fair resolution is one which would:

- (a) take into account the fundamental principles that are relevant, including reliable and cost-effective energy service to its commercial customers, fair treatment of all types of generators, the impacts on the renewable energy generation industry in Ontario, and the maintenance of a favourable investment climate for energy generation projects in the province;
- (b) respect the relevant statutory objectives of the IESO, the OPA, and the OEB set out in the Electricity Act and the Ontario Energy Board Act.


BOMA does not consider its interests to be "fully aligned" with that of the applicants. Rather, it wishes to assist the Board to determine whether the proposed amendments support or detract from the principles outlined above.

BOMA intends to fully participate in the oral proceeding, including settlement conferences and pre-hearing processes.

BOMA is eligible for a cost award because it "primarily represents the interests of consumers in relation to regulated services". BOMA members' facilities are among the largest consumers of electricity in the province.

Yours truly,

FOGLER, RUBINOFF LLP



Thomas Brett
TB/dd

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