



April 28, 2008

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street
27th floor
Toronto, ON M4P 1E4

Re: EB-2007-0672 Regulated Price Plan
Consultation on Time of Use Pricing Framework

Dear Ms. Walli:

Following from your notice of April 17, 2008 the Building Owners and Managers Association of the Greater Toronto Area (BOMA Toronto), together with the Federation of Rental-housing Providers of Ontario (FRPO), wishes to indicate our interest in participating in this consultation.

Also, BOMA hereby requests consideration for cost award eligibility with this initiative.

The Building Owners and Managers Association is an international organization of 18,000 commercial real estate professionals. BOMA Toronto, with a network of over 650 members, represents the association in the Greater Toronto Area. BOMA has consistently represented the voice of large commercial energy consumers in Ontario.

BOMA directly represents the views of the largest single class of customers paying electricity distribution charges. Our volunteer Strategic Energy Committee operates to develop policy and solicit input from our broader membership on energy matters affecting them. With this structure we provide for a robust and inclusive representation of the views of the large commercial electricity consumers.

BOMA had the privilege of participating in the OEB's original RPP working group and would appreciate the opportunity to build on that experience by participating in this review. While BOMA members typically have large accounts, they often have smaller accounts that would be subject to RPP.

We have a continued interest in furthering the proper functioning of the Ontario electricity market, with rates that are practical, representative of real costs, while providing proper price signals to encourage demand responsive behaviour.

Consistent with the stated desire of the Board for consumer groups to coordinate efforts where possible, we have been in communication with the Federation of Rental Providers of Ontario (FRPO) regarding this review. The Federation of Rental-housing Providers of Ontario (FRPO) is the province's leading advocate for quality rental housing. They represent a wide range of multi-residential housing providers, from the smallest landlords to the largest property management firms, as well as related industry suppliers and professionals from across Ontario. FRPO represents over 800 members who supply and manage homes for over 250,000 households.

FRPO and BOMA have agreed to collaborate on this consultation. FRPO members typically operate under the RPP and so may have additional or specific comments related to RPP TOU framework. To the extent that FRPO comments diverge from BOMA comments we will make this distinction clear in our submission.

As a not for profit entity, BOMA undertakes to serve its members utilizing volunteer committee work to the greatest extent possible. However participating in more substantive initiatives, such as involved here, would require us to engage outside consultants, the cost of which are not included in BOMA's operating budget.

The credentials of our designated expert consultants, Mr. William Houston of Energy Advantage Inc. and Mr. Michael McGee of Energy Profiles Limited are attached.

Yours truly,

A handwritten signature in black ink, appearing to read 'Chuck Stradling', with a stylized flourish at the end.

Chuck Stradling
Executive Vice President
BOMA Toronto

William T. Houston

PERSONAL PROFILE

Bill Houston joined Energy Advantage as General Counsel in February 2004. His work at Energy Advantage has touched on all aspects of the company's business, including assisting many larger commercial energy clients with electricity purchases, regulatory issues and other related topics.

Formerly, as a partner at Fraser Milner Casgrain LLP in Ottawa, he specialized in the practice of Energy and Public Utilities Law. In his 30-year legal career, he has acted as special counsel to the Barber Commission on the proposed privatization of Saskatchewan Energy Corporation and represented American and Canadian gas utilities with respect to NEB export and toll proceedings. Recently he represented the City of Mississauga and the City of Ottawa with respect to the interests of their newly established electric utility companies.

With many published works on the legal aspects of the energy industry to his credit, he has chaired conferences on the deregulated natural gas market and spoken at energy conferences in Canada and the United States with respect to both gas and electricity issues. Bill holds degrees in Economics from Queen's and Cornell Universities and is a graduate of Osgoode Hall Law School. He is a member of the Toronto Board of Trade's Electricity Policy Task Force.

CAREER HISTORY

Energy Advantage Inc. - BURLINGTON, ONTARIO AND CALGARY, ALBERTA

Vice President & General Counsel: February 2004 – Present

- Energy Advantage is Canada's largest independent energy advisory firm representing the interests of energy end-users in dealings with energy suppliers and public utilities. Company services include energy commodity procurement and transportation, hedging strategies, gas-electricity interface, energy efficiency, web reporting, and emissions trading.

Fraser Milner Casgrain LLP, Barristers & Solicitors,
PARTNER – OTTAWA AND TORONTO, ONTARIO: 1984 – 2004

- Major practice areas – Energy and Public Utilities Law/Insolvency Law. Acted for numerous large natural gas and electricity purchasers with respect to contract negotiations 1987-2004.

Represented major gas broker before Ontario Energy Board and National Energy Board (“NEB”), and Director of Investigation and Research/Competition Act and a Northern Ontario First Nation before National Energy Board.

Acted as special counsel to the “Barber Commission” on the proposed privatization of Saskatchewan Energy Corporation, including conduct of public hearings at Saskatoon and Regina.

Represented U.S. gas distribution utility with respect to NEB export proceedings and Canadian interests generally for several years.

Member of **IESO** sponsored industry committee which prepared the “Ontario Standard Physical Bi-lateral Electricity Contract”

Represented a Northern Ontario First Nation with respect to intervention in TCPL facilities application to NEB

Soloway Wright LLP, Barristers & Solicitors

Associate and Partner - Ottawa, Ontario: 1976 - 1984

Associate special counsel to National Energy Board for Mackenzie Valley-Yukon Gas Pipeline Hearings. Toured far north with NEB on two occasions. 1976-78

Acted for major U.S. interstate gas transmission company with respect to Canadian interests, including representation before NEB. 1978-1984

Acted for Canadian gas transmission company in NEB toll proceedings and in preparation of Federal Court appeals.

Education

Graduated 1976 with degree of **Barrister-at-Law** from Law Society of Upper Canada Bar Admission Course, Ottawa

Graduated 1974 with **Bachelor of Laws** (LL.B.) degree from Osgoode Hall Law School, York University, Toronto

Graduated 1971 with **Master of Science** (M.S.) degree in Economics from Cornell University, Ithaca, New York

Graduated 1969 with **Bachelor of Arts** (B.A.) degree in Economics from Queen’s University, Kingston

Selected Publications

- “Customized vs. Standard Electricity Contracts”- Paper presented to 4th and 5th annual Insight Energy Contracting Conference, Calgary, September, 2005 and September, 2006
- “Ontario Electricity Markets”, - Paper presented to Forum Québécois sur L’Energie, Montréal, September , 2002.
 - “Gas Supply Contract Risk Allocation in an Uncertain Market” - Paper presented to Gas Purchasing Strategies conference arranged through The Canadian Institute, Toronto, September, 1993.
 - “Natural Gas Direct Sales Contracts – Marking the Best Deal” – Paper presented to Gas Market Strategies – Optimizing the Gas Buyer’s Options, Toronto, June, 1992.
 - “Canadian Gas Supply for U.S. Independent Power Projects” – Paper presented to Gas Supplies for Power Generation Projects Conference, Washington, D.C., November 1991 published in “Public Utilities Fortnightly” January, 1992.
 - “The Canada-United States Free Trade Agreement – Energy Implications” - Paper presented to Canadian Gas Exchange ’90, Toronto, November, 1990.
 - “Making the Market Work – a Buyer’s View” - Paper presented to Annual Meeting Canadian Gas Association, Toronto, June, 1990.

Michael John McGee, P.Eng.

President
Energy Profiles Limited
295 The West Mall, Suite 503
Toronto, ON M9C 4Z4
p 416 440 1323
f 416 440 0301

Email: mmcgee@energyprofiles.com

Mr. McGee brings 27 years of broad experience in utility operations, energy management and energy performance contracting. This was gained through senior technical and marketing positions at public utility companies, an energy management contracting company, and the consulting firm, Energy Profiles Limited.

While at Ontario Hydro as Superintendent – Commercial Programs (1986-1992), Mr. McGee had prime responsibility for the development, Board approval and delivery of Hydro's first Demand Side Management incentive based programs to the Commercial sector - Energy Efficient Lighting, Savings By Design, and Thermal Cool Storage. He also represented Ontario Hydro at regulatory hearings held by the Ontario Energy Board.

Mr. McGee then served as Sr. VP - Canadian Operations for a U.S. based energy services company. In this capacity he oversaw the negotiation, execution and ongoing management of energy performance contracts totaling \$6.7 Million in construction value. These projects involved lighting, building automation systems and mechanical system retrofits.

Through Energy Profiles Limited Mr. McGee continues to provide energy accounting services and energy management consulting, primarily to large end-use commercial office and multi-residential customers. These services include utility cost accounting, load aggregation, rate analysis, submetering, verification of energy savings and energy purchasing.

Other current projects of note include providing extended consulting services to the People's Republic of China in establishing three new Energy Management Companies to conduct performance contracting in their new market economy. This occurred extensively throughout 1997 and again in 2002 and involved technical and financial evaluation of individual projects, formal training in technical subjects and project management, and recommendations regarding staffing and organization of the new EMC's. The three fledging EMC's are now well established and undertaking substantial energy management projects.

In the fall of 2000 Mr. McGee conducted an extensive workshop in Uruguay for the World Bank - “Operating Utility DSM Programs in a Restructuring Electricity Environment”. Delegates from 12 countries discussed ways of maintaining DSM in their de-regulating electricity markets. Mr. McGee had full responsibility for the coordination of preparatory materials, facilitation of the workshop, and producing the summary report (available at <http://www.worldbank.org/html/fpd/esmap/dsm.pdf>). He also assisted in the delivery of course material and workshop facilitation to a seminar in Sao Paulo, Brazil for utility staff and industrial customers regarding the development and delivery of performance based energy management programs.

Toronto Hydro retained Mr. McGee in 1997 to establish a Key Account team. This group provided energy services to existing large commercial / industrial customers in advance of a competitive electricity market in Ontario and was the precursor to Toronto Hydro Energy Services, the utility’s unregulated retail subsidiary.

At Enbridge Consumers Gas and Union Gas, Mr. McGee has provided program design and marketing services related to increased usage of efficient gas applications for commercial customers.

Mr. McGee is a former member of Ontario’s IMO Technical Panel (Independent Electricity Market Operator) representing commercial customers. He is the past Treasurer of the Canadian Association of Energy Service Companies (CAESCO), a member of the Association of Energy Engineers, the Building Owners and Managers Association (BOMA) of Toronto, and has received the designation of “*Certified Energy Procurement Professional*” from the Association of Energy Engineers (AEE).

Education

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| 1978 | Bachelor of Applied Science (Electrical Engineering) , University of Toronto. |
| 1986 | “Industrial Marketing Strategies” (executive program), The Wharton School at the University of Pennsylvania, Philadelphia. |
| 1992 | “The Art of Venturing - Entrepreneurship in Corporate Settings” (executive program), Kellogg Graduate School, Northwestern University, Chicago. |