



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

April 10, 2013

Reply To: Thomas Brett
Direct Dial: 416.941.8861
E-mail: tbrett@foglers.com
Our File No. 132473

VIA EMAIL AND REGULAR MAIL

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

Attention: Ms. Kirsten Walli
Board Secretary

Dear Ms. Walli:

Re: EB-2012-0394 – Separation of Settlement Agreement into 2013 and 2014

BOMA is writing in response to the Board's invitation in Procedural Order No. 1 to parties to comment as to whether it would be possible to sever the 2013 part of the agreement from the 2014 part of the agreement.

In BOMA's view, it would not be appropriate to separate the settlement agreement into two parts, since the two year term was an integral part of the agreement, and BOMA strongly supported the two year feature.

CDM programs should, whenever possible, be multi-year in nature to allow for proper ramp up, time to properly market the program, and a reasonable time over which to measure results.

For these reasons, BOMA would prefer to see the two year agreement remain intact.

Yours truly,

FOGLER, RUBINOFF LLP



Thomas Brett

TB/dd

cc: All Parties