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March 6, 2014

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Our File No. 137258

VIA RESS, EMAIL AND COURIER

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

Attention: Kirsten Walli,
Board Secretary

Dear Ms. Walli:

**Re: Enbridge Gas Distribution Inc., DSM Variance Accounts
Board File No. EB-2013-0352**

Please find attached BOMA's Submissions, as per Procedural Order No. 4.

Yours truly,

FOGLER, RUBINOFF LLP

A handwritten signature in blue ink that reads "Tom Brett per: [initials]".

Thomas Brett

TB/dd

Encl.

cc: All Parties (*via email*)

IN THE MATTER OF the Ontario Energy Board Act 1998, S.O. 1998, c.15, (Schedule B);

AND IN THE MATTER OF an application by Enbridge Gas Distribution Inc. for an order or orders approving the final balances and for clearance of certain Demand Side Management Variance Accounts into rates, within the next available QRAM following the Board's approval.

**Submissions of Building Owners and Managers Association,
Greater Toronto ("BOMA")**

Enbridge Gas Distribution Inc. ("Enbridge") has filed an application with the Ontario Energy Board (the "Board") dated October 24, 2013 under section 36 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, (Schedule B) (the "Act"), for an order or orders approving the final balances in certain 2012 Demand Side Management ("DSM") Deferral and Variance Accounts. On January 21, 2014, Enbridge filed a revised application due to inadvertent miscalculations in the original application that was filed on October 24, 2013.

On February 10, 2014, the School Energy Coalition ("SEC") filed a letter with the Board regarding the redaction of information by Enbridge due to confidentiality issues. On February 11, 2014, the Green Energy Coalition filed a letter that supported SEC. On February 13, 2014, Enbridge filed a letter in response to the SEC and GEC letters.

The Board understands that unredacted materials have been provided to counsel for parties that have signed the Board's form of Declaration and Undertaking which should allow parties to view the full record and provide final submissions on that record.

In terms of whether the information which is currently redacted should be made public, the Board is seeking submissions from parties as part of the final submissions on the application.

BOMA wishes to strongly present its position on this matter. We are entirely in disagreement that such materials should or could be made public. When our members participate in DSM or CDM programs offered by the utilities or the Ontario Power Authority, they do so understanding the important role of monitoring and verification, but also on the understanding that customer details remain confidential. Like the industrial sector, the commercial building is sector is highly competitive. While our members collaborate on many fronts, exposing commercially sensitive data about individual members' facilities and progress in making energy efficient improvements must remain confidential.

Further, BOMA is concerned that other parties to these hearings that support making such information public are appearing to ride roughshod over standards and practices that were previously agreed to by members of the DSM Consultative and subsequently approved by the Board.

As Enbridge Gas Distribution pointed out in its letter to the Board of February 13, 2014:

This engagement with stakeholders occurs on an ongoing basis, both through the Enbridge DSM Consultative and the Joint Technical Evaluation Committee, both of which are established by the Terms of Reference for Stakeholder Engagement ("ToR") dated November 4, 2011, which were approved by the Board in EB-2011-0295.

In terms of the steps leading up to a DSM variance account clearance application, stakeholders are engaged in the early stages with the election by the DSM Consultative of a three-person Audit Committee ("AC") which will become specifically engaged in the review of the Company's DSM results for a particular year. In this case, the DSM Consultative selected representatives from each of GEC, the Low Income Energy Network ("LIEN"), and the Canadian Manufacturers and Exporters ("CME"). The AC was then engaged in respect of the selection of the Independent Auditor and the terms of

reference under which the auditor would undertake its review of the Company's DSM results for 2012.

Members of the AC were each required to execute a Declaration and Undertaking to maintain confidentiality. Under the terms of this, members of the AC were provided with unredacted complete copies of the reports of the three CPSV contractors: MMM Group ("MMM"); Bryon J. Landry ("Landry"); and Building Innovation Inc. ("Innovation"). These reports were also made available to the Independent Auditor. The findings of the Independent Auditor have been filed in support of this application. It is therefore clear that there has never been any intent on the part of the Company to withhold information. Indeed, quite the opposite has occurred in that there has been significant engagement with DSM stakeholders during the steps leading up to the filing of the clearance application.

BOMA suggests that the Schools Energy Coalition is trying to create an additional audit committee over and above the one agreed to in the approved Terms of Reference, i.e., an audit committee of the whole intervenor group. This is needless, costly and inappropriate.

BOMA is a not for profit industry association representing over 80% of commercial real estate sector in the GTA and beyond. The membership consists of the most influential property management professionals, asset managers, development owners, corporate facility managers, leasing professionals, senior managers from all three levels of government, and a variety of companies that provide products or services to the commercial real estate industry. BOMA's goal is to actively and responsibly represent and promote the interests of the commercial real estate industry through effective leadership, advocacy, standard setting, environmental designations, awards and professional development. In the GTA alone, BOMA represents over 150 million square feet of commercial office space.