



Fogler, Rubinoff LLP

Lawyers

77 King Street West

Suite 3000, PO Box 95

TD Centre North Tower

Toronto, ON M5K 1G8

t: 416.864.9700 | f: 416.941.8852

foglers.com

May 26, 2016

Reply To: Thomas Brett

Direct Dial: 416.941.8861

E-mail: tbrett@foglers.com

Our File No. 163510

VIA EMAIL, RESS AND COURIER

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

Attention: Kirsten Walli
Board Secretary

Dear Ms. Walli:

Re: Intervenor Status and Cost Eligibility Request on Behalf of the Building Owners and Managers Association Toronto (BOMA) with respect to Union Gas Limited, 2015 Deferral Account Balances and 2015 Utility Earnings; Board File No. EB-2016-0118

Further to my intervention request letter yesterday, there were three factors that led me to overlook the May 16, 2016 deadline for interventions in EB-2016-0118. First, over the period when I would normally prepare and file the intervention, I was attending the EB-2016-0004 proceeding on Monday, May 9, 2016 through Thursday, May 12, 2016. I cross-examined three witnesses over that period of that week. My assistant was ill on Friday, May 13, 2016. On Tuesday, May 17, 2016 in the early morning, my daughter underwent surgery to remove a brain aneurism, and I spent time with her at the hospital on Monday afternoon and evening.

This confluence of events was the reason we missed the date. In over thirty years of practice before the Board, I have almost never missed an intervention deadline.

I respectfully request that the Board approve my late intervention in this instance.

Yours truly,

FOGLER, RUBINOFF LLP

Thomas Brett

TB/dd

cc: Lawrie Gluck, OEB (*by email*)
Michael Millar, OEB (*by email*)