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Reply To: Thomas Brett
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Our File No. 171236

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: EB-2016-0137/0138/0139: EPCOR Southern Bruce Gas Inc., Applications for approval of Franchise Agreements and Certificates of Public Convenience and Necessity for Municipality of Arran-Elderslie, Municipality of Kincardine and Township of Huron-Kinloss – Clarification of Eligibility for Costs

BOMA is writing to seek clarification of the Board's Procedural Order No. 2, issued on Friday, March 3, 2017, as it relates to cost awards for Phase I (generic) phase of the proceeding.

At p3 of the Procedural Order, the Board states:

"Intervenor status is hereby granted to each of the parties listed above. The list of parties in this proceeding is attached as Schedule A to this Procedural Order. Given the generic nature of the preliminary issues to be considered in the first phase of this proceeding, intervenors are welcome to make submissions on the Issues List as they see fit. However, costs will not be awarded at this stage of the proceeding".

BOMA is not clear on whether the Board's statement in the last line of the quote "*However, costs will not be awarded at this stage of the proceeding*" (our emphasis) should be read to that intervenor who applied for cost award eligibility on Phase I will be awarded costs at the end of Phase II of the hearing for their reasonable time spent, or that only the intervenors found eligible for Phase II costs will be eligible to recover costs for Phase I, at the end of Phase II, or that no costs will be awarded for work done in Phase I, regardless of the intervenor's cost eligibility for Phase II. If the third interpretation reflects the Board's intent, BOMA questions why the Board

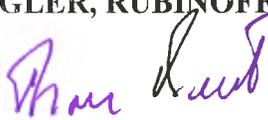
would invite submissions on the generic phase of this proceeding, while refusing to provide eligible intervenors cost recovery for that work.

BOMA notes that the Preliminary Issues on which the Board desires comment (feedback) are not trivial, and, as they would set the framework for any competition to provide gas service to substantial parts of Ontario which remain without such service, are of considerable importance.

BOMA would, respectfully, request the Board to clarify its intent in this matter.

Yours sincerely,

FOGLER, RUBINOFF LLP



Thomas Brett

TB/dd

cc: All Parties (*by email*)