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March 8, 2018

Reply To: Thomas Brett  
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Our File No. 177214

**VIA RESS, EMAIL AND COURIER**

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

Attention: Kirsten Walli,  
Board Secretary

Dear Ms. Walli:

**Re: EB-2017-0323: Union Gas Limited, Application to dispose of balances in certain  
deferral and variance accounts related to the delivery of conservation programs in 2015**

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Pursuant to Procedural Order No. 1, please find enclosed herewith BOMA's Interrogatories.

Yours truly,

**FOGLER, RUBINOFF LLP**

A handwritten signature in dark ink, appearing to read "Tom Brett per TB", written over a horizontal line.

Thomas Brett

TB/dd

Encls.

cc: All Parties (*via email*)

**ONTARIO ENERGY BOARD**

**Union Gas Limited**

**Application to dispose of balances in certain deferral and variance accounts  
related to the delivery of conservation programs in 2015**

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**INTERROGATORIES OF  
BUILDING OWNERS AND MANAGERS ASSOCIATION, GREATER TORONTO  
("BOMA")**

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March 8, 2018

**Tom Brett**  
Fogler, Rubinoff LLP  
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Counsel for BOMA

## **Interrogatories of BOMA**

1. ***Ref: EB-2017-0323, Exhibit A Tab 2, Page 1 of 41***

*Preamble: Union's three primary concerns with the OEB Staff-coordinated 2015 DSM EM&V process and results are:*

- *The retroactive application of the results of the Evaluation Contractor's (EC) incomplete and ongoing commercial and industrial Custom Project NTG study ("NTG Study") to Union's 2015 DSM program results;*
- *The lack of efficiency, collaboration, transparency, stability and predictability in the coordination of the 2015 EM&V process; and,*
- *EC work deliverables deviated from the Scope of Work, led to delays, and contributed to customer complaints.*

2. ***Ref: EB-2017-0323, Exhibit A, Tab 1, Page 5 of 9***

*Preamble: The approximate one-year delay of the EM&V results is excessive and is in part due to the prolonged time taken to finalize the EM&V Plan, and excessive project sampling relative to prior audits for the 2015 Custom Project Savings Verification ("CPSV") Process. As a result of this lack of EM&V process efficiency, Union's customers will bear the burden of disposition of 2015 deferral balances no sooner than in 2018.*

## **Interrogatories**

1. Please confirm Union Gas's understanding of that when the latest DSM guidelines called for 2015 to be a transition year, "all" of the elements included in the term "program parameters" including the use of the previous audits to establish targets as the basis for review of performance of the 2015 program year were included.
2. Please explain why the use of a proxy deemed spillover value from another jurisdiction and another study is not appropriate.
3. Please explain the feature, "Secondary Attribution" and indicate the impact of the Evaluation Contractor not applying it to the 2015 results.
4. Please outline how the evaluation deviates from best practices with reference to the designation of free riders.

5. Please confirm that in previous evaluation processes, the company was able to replicate the calculations used by the EC and understand how participant responses were used in the scoring algorithm.
6. Please confirm whether Union Gas was aware if the EAC members had received a copy of the May 23, 2017 email from Board Staff to the Evaluation Contractor with on the topic of the evaluation report.
7. Please provide a typical schedule for annual reporting and evaluation when it was managed by the utilities.
8. Please confirm that a key element of the 2011 Charter was the use of a consensus-based process to govern EM&V.
9. Please outline how Union Gas managed its evaluation budget when it managed the evaluation process. Please indicate the approved evaluation budgets and actual spending for the evaluations completed after the 2011 Terms of Reference were established until the completion of the 2014 evaluation. Please provide the current status of the costs of the 2015 evaluation and indicate how it compares to the OEB approved budget under the most recent DSM Framework.
10. Please comment on Union Gas's understanding of how or if the contractors who delivered the survey were briefed with respect to the nature of Union Gas Programs. Did Union Gas understand if they were fully briefed on the multi-faceted nature of the Union Gas's Custom Programs which differ substantially from the prescriptive programs (which a generally composed of a higher efficiency product and an incentive with generic information about the use of such a product.)?
11. Union has proposed a Terms of Reference for the Evaluation Advisory Committee.

Would Union Gas be agreeable to the following roles and responsibilities of a committee chair to address some of the shortfalls of the current committee structure and operational processes?

Board or Committee Chair Responsibilities<sup>1</sup>: The chair's duties and responsibilities include, but are not limited to, the following:

- In consultation with the Executive Director, CEO or other board or committee members, schedule dates, times and location for meetings
- Ensure meeting are called and held in accordance with the organizations' mandate, terms of reference or by-laws
- In consultation with the Executive Director or CEO, and/or other board or committee members establish and confirm an agenda for each meeting
- Ensure the meeting agenda and relevant documents are circulated to the members of the committee 3-5 days in advance of the meeting
- Officiate and conduct meetings
- Provide leadership & ensure committee members are aware of their obligations and that the committee complies with its responsibilities
- Ensure there is sufficient time during the meeting to fully discuss agenda items
- Ensure that discussion on agenda items is on topic, productive and professional

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<sup>1</sup><https://www.mycommittee.com/BestPractice/Committees/Chairingacommittee/ChairResponsibilities/tabid/264/Default.aspx>

- Ensure minutes are complete and accurate, retained, included and reviewed at the next meeting
- Chair in camera meetings as required.