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VIA RESS, EMAIL AND COURIER

Ontario Energy Board

2300 Yonge Street

27th Floor

Toronto, Ontario

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Attention: Kirsten Walli
Board Secretary

Dear Ms. Walli:

Re: EB-2017-0319: Enbridge Gas Distribution Inc. ("EGD"), Application for Renewable Natural Gas Enabling Program and Geothermal Energy Service Program

BOMA apologizes for its late response to EGD's letter of objection to its cost claim, dated December 14, 2018, and appreciates the opportunity to file the reply now.

EGD objected to BOMA's cost claim on the grounds that it was "excessively high" because it was 34% higher than the second highest claim and 116% above the average claim.

BOMA does not believe that the differential above the second highest claim, of approximately \$7,000.00, is in itself, a valid reason for reducing the higher claim. Nor does BOMA accept that using the fact that BOMA's cost claim is above the average cost claim is a valid basis for the Board to disallow a portion of such claim.

BOMA submits that to not allow a portion of a cost claim on the basis that the claim substantially exceeded the average or mean cost claim is not consistent with the Board's policy on costs, namely that eligible intervenors are to receive their reasonably incurred costs of participating in the proceeding. The policy does not contemplate each intervenor claiming or receiving the same amount. A decision to deny a claim in whole or in part because of the fact that that claim was substantially in excess of the average claim, is not correct, is discriminatory, and likely an error of law. Intervenor submissions are individual in nature, reflect the

intervenors' priorities, and need to be assessed on an individual basis. Intervenors have greater or lesser interests in the various cases. Furthermore, some intervenors typically put in issue-specific submissions. For these submissions, their cost claims are relatively small. If these smaller claims are part of the determination of the mean or average cost claims and a claim was judged unreasonable only because it substantially exceeded the average claim determined in that manner, the party with the larger claim would be denied its reasonably-incurred costs of participation, and would be treated unfairly. Moreover, the Board's costs policy, as set out at pp 5-6 of its Direction, does not speak of average or mean costs. The Board in many previous cases, including the most recent Hydro One Transmission case (EB-2016-0160), approved a wide range of cost claim amounts from different intervenors, based, at least in part, on the depth and breadth of their participation in the proceeding.

Moreover, unlike most intervenors, BOMA conducted a detailed review of the draft contract which underpinned the program, and concluded that the provisions in the contract were not sufficient to protect ratepayers from incremental risks arising from the program. BOMA recommended that the Board direct EGD to take steps to protect ratepayers from program-related risks. The Board agreed with BOMA's comments about the need to protect its ratepayers from such risks (see, for example, EB-2017-0319, at p19 of its Decision). Consequently, the Board required EGD to provide such safeguards.

In conclusion, BOMA respectfully suggests that its claim of \$27,691.75 is reasonable and should be approved.

Yours truly,

FOGLER, RUBINOFF LLP



Thomas Brett

TB/dd

cc: All Parties (*via email*)