



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

February 12, 2020

Reply To: Thomas Brett
Direct Dial: 416.941.8861
E-mail: tbrett@foglers.com
Our File No. 195391

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-2019-0247: Enbridge Gas Inc., 2020 Federal Carbon Pricing Program Application

BOMA is writing to request the Board to amend its decision in Procedural Order No. 1, to not allow BOMA intervenor status in this proceeding, and to accord BOMA intervenor status and eligibility for costs in this proceeding.

BOMA apologizes for its failure to indicate sufficient evidence of its substantial interest in this proceeding, and provides an explanation of that interest in the following paragraphs.

Issues To Be Addressed

BOMA is interested in the following specific aspects of the proceeding:

- The calculation and recovery of applicant's carbon pricing-related costs which it is obliged to pay the federal government, pursuant to the Greenhouse Gas Pollution Pricing Act (the "Act"), including the applicant's facilities-related obligations and OPBS costs under the Act.
- The proposed disposition and allocation of the 2019 costs in the six variance and deferral accounts, which the Board established in the EB-2018-0205 proceeding, including prudence of the costs incurred, the timing, allocation of, and recovery period for, such

costs. The Board noted in Procedural Order No. 2 in EB-2018-0205 that it would not be approving the forecast administration costs in that proceeding, and that the actual administration costs would be subject to review for prudence upon disposition of the deferral accounts. Enbridge is seeking to dispose of, inter alia, 2019 deferral account balances in the GGEIDA for each of the EGD rate zone and the Union rate zones in this proceeding.

BOMA submits that this proceeding is only the second of what will likely be a series of proceedings on how Enbridge will recover from ratepayers amounts payable to either the federal or Ontario governments, or both, in respect of the evolving greenhouse gas emissions policies.

As Enbridge noted in its Reply Argument in EB-2018-0205 (p5), the costs to manage such programs will evolve over time, and may well increase beyond current levels. Given that BOMA's customers pay a very large share of such costs, given their very large share of gas consumption in Ontario, BOMA has a substantial interest in this proceeding. BOMA believes it should be an intervenor in this proceeding

Finally, BOMA appreciates that the Board does not wish to consider ab initio, and in great detail, the fundamental principles of, and legislative support for, the Federal Carbon Pricing Program in each annual case, and BOMA will tailor its participation in this and similar future proceedings accordingly.

Intended Participation

BOMA intends to participate in all pre-hearing procedures, including such interrogatories, technical conferences, or settlement conferences, as the Board may direct. It also intends to participate in any written or oral hearing for which the Board may provide. BOMA notes that it was an active participant in the EB-2018-0205 proceeding. For example, the Board approved, following suggestions by BOMA and some other intervenors, GGEIDA deferral accounts be established for each of the EGD rate zone and the Union rate zones, contrary to the applicant's proposal for one account, to recover administration costs (EB-2018-0205, pp 9 and 11).

Yours sincerely,

FOGLER, RUBINOFF LLP



Thomas Brett

TB/dd

cc: All Parties (*via email*)