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Our File No. 202969

VIA RESS AND EMAIL

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
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Attention: Christine E. Long,
Registrar and Board Secretary

Dear Ms. Long:

Re: EB-2020-0133: Consultation on the Deferral Account – Impacts Arising from the COVID-19 Emergency

Below are comments on discrete aspects of the OEB Staff Proposal Consultation on the Deferral Account – Impacts Arising from the COVID-19 Emergency dated December 16, 2020 ("Proposal"), submitted on behalf of BOMA:

Reference: Proposal, page 18

BOMA submits that the five-year average of historical actuals baseline approach is more appropriately reflecting causation to the pandemic as opposed to a five-year high/low.

Reference: Proposal, page 23

BOMA suggests that the proposal define what is meant by the "lower end of the dead band". Assuming that the "lower end of the dead band" refers to 0 to 100 bps from a utility's approved ROE then, BOMA agrees that recoveries should be limited so that the

lower end of the dead band of 300 bps from a utility's approved ROE is not exceeded as a result of any amount recovered. BOMA agrees that limiting any recoveries up to the lower end of the dead band is an important element to avoid the potential that utilities that under-earn end up in a better financial position, after having their claims approved, that those operating within the dead band. BOMA agrees that the lower boundary (assuming this refers to lower end) of the OEB's typical dead band is appropriate for the purposes of cost recovery eligibility.

Reference: Proposal, page 24

BOMA submits that for increased transparency, a discrete sub-account should be created for impacts such as any waiving/lowering of certain service charges that may have been recorded in the Lost Revenues sub-account and bad debts directly attributable to the extension of the winter disconnection ban that may have been recorded in the Bad Debt sub-account. BOMA also suggests that a further subaccount be created to track OM&A or other savings.

Reference: Proposal, page 27

BOMA is unclear on why, to the extent that any revenue gains attributable to the pandemic exceed the incremental costs, OEB staff submits that utilities should not be obliged to bring those amounts forward for disposition.

Yours truly,

FOGLER, RUBINOFF LLP

Albert M. Engel

AME/dd

cc: All Parties (*via email*)