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April 6, 2022

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Our File No. 221741

VIA RESS AND EMAIL

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

Attention: Nancy Marconi,
Registrar

Dear Ms. Marconi:

Re: EB-2022-0011: OEB Framework for Review of Intervenor Processes and Cost Awards – BOMA Notice of Intent to Request an Award of Costs

1. The Building Owners and Managers Association ("BOMA") seeks cost award eligibility in the above noted proceeding in accordance with the Board's letter of [March 31, 2022](#).

Description of the Intervenor and its Membership

2. BOMA represents over 800 Ontario Property and Facility Owners, Managers, Developers, Leasing Agents, and Commercial Real Estate Professionals. Its members account for 80 per cent of all commercial and industrial real estate companies throughout Ontario. BOMA's members are large consumers of energy throughout the province, and are affected by any changes in rates and terms of services.
3. Over the years, BOMA has been active in protecting and advancing the interests of its members on such important policy issues as energy pricing and supply, property taxes, labour requirements, building materials and equipment regulations. BOMA continues to work at all levels of government providing a voice for Commercial Property owners throughout Ontario.
4. BOMA has been a major and constructive participant in numerous previous cases.

Nature of BOMA's interest in the review

5. BOMA is a frequent intervenor in board proceedings. As such, it is interested in providing input on potential changes to improve both the efficiency and effectiveness of external participation in the adjudicative process.
6. BOMA intends to participate in this review by providing its views on the issues and addressing the 15 questions posed in the [*Framework for Review of Intervenor Processes and Cost Awards EB-2022-0011 dated March 2022*](#) ("*Framework*"), a summary list of which is provided at Appendix B of the *Framework* by April 21, 2022.

Grounds for Cost Award Eligibility

7. BOMA believes that it is eligible for an award of costs pursuant to section 3.03(a), as a representative of a large sector of energy consumers throughout Ontario, the commercial, office, retail and institutional building owners and managers, in relation to services that are regulated by the Board.

Explanation of any other funding to which BOMA has access

8. BOMA does not have access to any other funding.

Name and Credentials of any lawyer, analyst or consultant that BOMA intends to retain

9. If eligible for costs, BOMA intends to retain the following individuals to prepare its April 21, 2022 submission in this matter:

| Name | Credentials |
|---|--|
| Ian Jarvis, President Enerlife Consulting Inc. | Professional engineer in Ontario Participant in OEB hearings and achievable potential studies Expert in energy efficiency for commercial sector buildings |
| Gillian Henderson, Vice-President Enerlife Consulting Inc. | MBA with extensive experience in commercial sector energy efficiency, strategic energy management and program design Participant in OEB hearings |
| Albert Engel, Partner, Fogler, Rubinoff LLP | Called to the Ontario Bar in 2002 Certified as a Specialist in Environmental Law by the Law Society of Ontario Has represented various stakeholders in numerous regulatory proceedings before various administrative tribunals in Ontario, including the OEB |
| Matthew Rutledge, Associate, Fogler, Rubinoff LLP | Called to the Ontario Bar in 2021 BSc – Environmental Sciences & Geography from McMaster University [2016]; Juris Doctor from University of New Brunswick [2020] Has represented parties before various administrative tribunals in Ontario |

Addresses of Representatives

10. BOMA requests that further communications with respect to this matter be sent to the following representatives in electronic form only:

| | | | |
|--|--|--|--|
| Albert Engel, Partner | Ian Jarvis, President | Gillian Henderson, Vice-President | Matthew Rutledge, Associate |
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BOMA respectfully requests your confirmation that it will be eligible for costs.

Yours truly,

FOGLER, RUBINOFF LLP



Albert M. Engel

AME/dd