



August 11, 2010

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street
27th floor
Toronto, ON M4P 1E4

Re: Request for Funding EB-2010-0245
Consultation on Implementation of the Energy Consumer Protection Act

Dear Ms. Walli:

This letter is in response to the Board's August 4, 2010 notice whereby groups requesting funding in this consultation are to submit such requests.

Statement of Interest:

The Building Owners and Managers Association of the Greater Toronto Area ("BOMA Toronto") is an international organization of 18,000 commercial real estate professionals. BOMA Toronto, with a network of over 750 members, represents the association in the Greater Toronto area. BOMA Toronto has consistently represented the voice of large commercial energy consumers in Ontario. Our volunteer Strategic Energy Committee operates to develop policy and solicit input from our broader membership on energy matters affecting them. This structure provides for a robust and inclusive representation of the views of large commercial customers.

BOMA Toronto represents more than 400 companies serving the commercial real estate market. Member companies manage over 150 million square feet of industrial, commercial and institutional properties throughout the Greater Toronto Area and beyond.

BOMA Toronto is requesting funding in this proceeding as the subject is of direct relevance to our members. The large commercial market segment is substantially engaged in the consideration and execution of retail energy supply contracts, both gas and electricity. We can provide perspective from our experience and can offer practical suggestions to reasonably protect the interests of all consumers, especially those large consumers who are not generally covered by existing codes and regulations. Participating in this process will allow BOMA to coordinate information for the benefit of its member base. And it is hoped that we can contribute meaningfully to any resultant discussion by providing the perspective of large energy consumers who are actively engaged in retail energy supply transactions.

Cost Eligibility

BOMA Toronto intends to seek an award of costs. BOMA Toronto is a not for profit entity. It undertakes to serve its members utilizing volunteer committee work to the greatest extent possible. However, participating in more substantive processes, such as that involved here, requires us to engage outside consultants, the cost of which are not included in the operating budget for the organization.

The Board's cost eligibility criteria, found in Section 3 of the Practice Directions on Cost Awards includes a number of criteria related to BOMA Toronto. Specifically, Section 3.03 states that a party is eligible to apply for a cost award where the party primarily represents the direct interests of consumers (e.g. ratepayers) in relation to regulated services. As indicated above, BOMA Toronto is intervening on behalf of its members which are consumers (i.e. ratepayers) in relation to regulated services provided by regulated electricity and natural gas distributors. As such, BOMA Toronto submits that it is eligible for a cost award under Section 3.03.

BOMA Toronto notes that it has been found to be eligible for an award of costs in other proceedings before the Ontario Energy Board.

Costs of an Expert

BOMA has yet to confirm the specific consultant who will represent and coordinate our interests in this process. We anticipate being able to provide the credentials of a selected knowledgeable consultant in short order.

Thank you for your consideration of this request.

Sincerely,



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