

FW: MOE/ASC - Letter for Review and Sign-off

From: "McKenzie, Ashley (MAG)" <ashley.mckenzie2@ontario.ca>
To: "Bromm, William (CAB)" <william.bromm2@ontario.ca>
Date: Wed, 17 Jan 2018 12:45:19 -0500
Attachments: Letter to Ad Standards - For review and sign off.docx (2.89 MB)

Hi William,

Attached is the final version of the ASC submission. It reflects a lot of engagement among CLB, ENE LSB and Blakes. There are two main adjustments from the last draft you saw: (1) a disclaimer about the *Government Advertising Act* at the bottom of page 1, and (2) we have removed the arguments regarding the substance of the 25% off claim out of this document in order to focus on our main argument about the application of the Code, but have incorporated by reference our past submissions on the 25% off claim.

Please let me know if you want to discuss. Our submission is due by close of business today, so Blakes has asked for final comments/approval by 4:30.

I have also shared this with MAG MO, who will be connecting with ENE MO and PO.

Ashley McKenzie

Counsel to the Deputy Attorney General
Tel.: 416-326-2055

From: Phan, Cathy (MAG)
Sent: January 17, 2018 12:40 PM
To: McKenzie, Ashley (MAG)
Subject: FW: MOE/ASC - Letter for Review and Sign-off

Hi – attached is the approved ASC response.

In order to address Joshua's concern about deleting the arguments re: the validity of the 25% reduction claim, we are proposing that a sentence be added –something like "In the event that the ASC disagrees with our view that the Premier's tweet is excluded from the Code, we reiterate our earlier submissions with respect to the 25% reduction claim, which were accepted by the ASC. We have attached our letter dated xx and the ASC's response dated xx for your convenience". Jane has confirmed that Joshua is fine with the addition.

From: KRANE, JOSHUA <JOSHUA.KRANE@blakes.com>
Date: Tuesday, Jan 16, 2018, 11:00 PM
To: Thouin, Alena (ENERGY) <Alena.Thouin@ontario.ca>
Subject: Re: MOE/ASC - Letter for Review and Sign-off

Privileged and Confidential

Alena,

Attached is a revised version of the letter to Ad Standards for review and sign-off along with a blackline showing the changes following the comments from the various offices.

Please note:

1. I have removed the second argument regarding the validity of the 25% claim. Please be advised, however, that there is a risk that Ad Standards could treat the tweet as a separate complaint/matter. If, upon reading this letter, Ad Standards still decides to refer the matter to a Standards Council, we cannot be certain that our prior submission on the accuracy of the claim and, more importantly, Ad Standards' acknowledgement of its agreement with our position in its Nov. 13 memo, will be given to the Standards Council members for their review and consideration.
2. I have included the disclaimer language requested. While I am open to suggestions, I am not sure we can make more (or wish to make more) of the GAA in this letter.
3. This is a friendly reminder that the submission is due by close of business tomorrow. As such, I would be grateful for any final comments and sign-off by 4:30 p.m. so that I can prep the letter for transmission to Ad Standards.

I am available throughout the day tomorrow for a call and to make any last minute revisions.

Best regards,

Josh

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