

FW: Your submissions on October 31, 2017 - Privileged and Confidential

From: "McKenzie, Ashley (MAG)" <ashley.mckenzie2@ontario.ca>
To: "Bromm, William (CAB)" <william.bromm2@ontario.ca>
Date: Mon, 20 Nov 2017 10:32:11 -0500
Attachments: 13-Nov-17 Memo Regarding Ontario's Fair Hydro Plan.pdf (245.46 kB)

Hi William,

FYI on the Advertising Standards Council's response to our submission on the Fair Hydro advertising. You may already have this but I wanted to send it out of an abundance of caution.

The ASC has accepted our explanation of the "25% off claim". However, they have asked for further information on the reliability and affordability claims. These two remaining claims may be referred for adjudication, but the Council is open to further staff-level conversations before that decision is made.

I understand that ENE LSB is working with Blakes to provide advice and recommendations. I'll send that as soon as I receive it.

Ashley McKenzie

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

From: KRANE, JOSHUA [<mailto:JOSHUA.KRANE@blakes.com>]

Sent: November-13-17 6:45 PM

To: Thouin, Alena (ENERGY)

Subject: FW: Your submissions on October 31, 2017

Sensitivity: Confidential

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Alena,

Please see the attached letter received this evening from the ASC.

Here is a brief summary, but happy to provide more detail and discuss next steps on a call.

ASC is satisfied with our position on the **25% claim** and the issue is not going to Council. This is subject to us confirming the ASC's understanding below is correct:

- electricity bills to hydro's customers will be lowered, on average, by 25% effective now; and, for the next four years, any increases to these reduced rates will not exceed the annual rate of inflation

ASC indicated we did not provide adequate evidence of the **reliability claim**, namely info on outages.

ASC indicated while the **affordability claim** is literally true, the advertising does not satisfactorily disclose the longer term costs of the program.

The ASC will not refer the reliability or affordability claims to Council without us having an opportunity to make further representations or discuss amendments to the advertising, which they have invited us to do.

Please let me know when you/the team are available for a call. I am travelling/out of the office for much of the week, but can make myself available (other than Friday).

We should aim to get the ASC a preliminary note within the next day or so acknowledging receipt of the decision and indicating we are preparing a response.

Best regards,

Josh

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