

RE: !URGENT - FW: Your Client: Next Steps

From: "McKenzie, Ashley (MAG)" <ashley.mckenzie2@ontario.ca>
To: "Bromm, William (CAB)" <william.bromm2@ontario.ca>
Date: Fri, 15 Dec 2017 20:06:06 -0500

Ok thanks!

Ashley McKenzie
Counsel to the Deputy Attorney General

From: Bromm, William (CAB) <William.Bromm2@ontario.ca>
Date: Friday, Dec 15, 2017, 7:42 PM
To: McKenzie, Ashley (MAG) <Ashley.McKenzie2@ontario.ca>
Subject: Re: !URGENT - FW: Your Client: Next Steps

No questions or concerns from me, thanks. Essentially a political decision.

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: McKenzie, Ashley (MAG)
Sent: Friday, December 15, 2017 7:18 PM
To: Bromm, William (CAB)
Subject: FW: !URGENT - FW: Your Client: Next Steps

Hi William,

Below is the ASC's offer regarding the two outstanding fair hydro advertising issues (reliability and affordability). Essentially, they are prepared to drop their review if we confirm that we haven't aired the advertisements and don't intend to air the same advertisements now or in the future. We could work with them on future advertisements.

Blakes recommends that we accept the offer.

We understand that accepting the offer would mean that ASC will not identify this complaint in their annual report, but we are confirming with Blakes now.

I have also shared this with MAG MO. I understand that they will connect with PO.

Please let me know if you have any questions. The offer closes at 5pm Monday. I will forward the advice regarding the annual reports as soon as I have it.

Ashley McKenzie
Counsel to the Deputy Attorney General

From: Mallen, Jane (MAG) <Jane.N.Mallen@ontario.ca>
Date: Friday, Dec 15, 2017, 6:24 PM
To: McKenzie, Ashley (MAG) <Ashley.McKenzie2@ontario.ca>
Cc: Phan, Cathy (MAG) <Cathy.Phan2@ontario.ca>
Subject: FW: !URGENT - FW: Your Client: Next Steps

Hi Ashley, the offer from ASC is below. Energy's response is due by 5:00 p.m. Monday.

This seems quite reasonable. Blakes is recommending that Energy accept the offer.

I didn't quite follow the reference to ASC not being prepared to include additional language on the 25% claim. Maud understands this to mean that ASC has addressed the issue in its November letter and considers this particular matter to be resolved.

Jane

From: Murray, Maud (ENERGY/MEDG/MRIS/MOI)
Sent: December-15-17 5:20 PM
To: Mallen, Jane (MAG)
Cc: Phan, Cathy (MAG)
Subject: FW: !URGENT - FW: Your Client: Next Steps
Importance: High
Sensitivity: Confidential

Here it is.

Please see below. The response is due by Monday at 5pm.

Sent with BlackBerry Work
(www.blackberry.com)

From: Thouin, Alena (ENERGY) <Alena.Thouin@ontario.ca>
Date: Friday, Dec 15, 2017, 5:02 PM
To: Schlaepfer, Martin (ENERGY) <Martin.Schlaepfer@ontario.ca>, Chatterjee, Jeet (ENERGY) <Jeet.Chatterjee@ontario.ca>, Lyon, Sam (ENERGY) <Sam.Lyon@ontario.ca>
Cc: Murray, Maud (ENERGY/MEDG/MRIS/MOI) <Maud.Murray3@ontario.ca>, Kacaba, Jennifer (ENERGY) <Jennifer.Kacaba@ontario.ca>
Subject: FW: !URGENT - FW: Your Client: Next Steps

Please see below.

Please advise. We are available for a call if needed.

Alena

From: KRANE, JOSHUA [<mailto:JOSHUA.KRANE@blakes.com>]
Sent: December 15, 2017 5:00 PM
To: Thouin, Alena (ENERGY)
Subject: !URGENT - FW: Your Client: Next Steps
Importance: High
Sensitivity: Confidential

Privileged and Confidential

Hi Alena,

Please see below from the ASC. The ASC is asking for a response by 5 pm Monday.

I also spoke with Rafe.

He/the ASC is not prepared to include additional language on the 25% claim (although given Rafe's prior memo, we should be fairly comfortable this issue has been addressed).

The unresolved issues are the specific words used in the 30-second radio spot around affordability and reliability, particularly the claims that "hydro bills are more affordable" and "the electricity system is more reliable for all Ontarians".

Can I please trouble you to get back to me Monday with instructions on whether we can accept this?

I recommend we do so.

Let me know if you want to speak. I am on cell and available any time, including over the weekend.

Josh

Joshua A. Krane
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From: Rafe Engle [<mailto:counsel@rsengle.ca>]
Sent: Friday, December 15, 2017 4:52 PM
To: KRANE, JOSHUA
Subject: Your Client: Next Steps
Importance: High
Sensitivity: Confidential

STRICTLY CONFIDENTIAL

Josh:

I invite you, on behalf of your client, to write me, on behalf of my client, for receipt by not later than 5:00 p.m. on Monday, December 18, 2017 and say:

"Since the advertising in question is not now being circulated or distributed anywhere to the public, and has not over the past several months, the advertiser has decided not to revive the same advertising now, or in the future."

I am authorized to tell you that on that basis, my client will close its file on this matter and not proceed further with it, except to tell the complainants that the file is now closed for the reasons noted in the immediately foregoing paragraph above.

When your client has developed new advertising, but before releasing the advertising to the public, your client would be well advised to consult with my client for its advice on whether, in my client's opinion, the new advertising may raise issues under the Code.

Warm regards,

Rafe Engle

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Thank you for your co-operation.