

Con Law risk re: bill presentment

From: "Chatterjee, Jeet (ENERGY)" <jeet.chatterjee@ontario.ca>
To: "Imbrogno, Serge (ENERGY)" <serge.imbrogno@ontario.ca>
Cc: "Schlaepfer, Martin (ENERGY)" <martin.schlaepfer@ontario.ca>
Date: Mon, 11 Dec 2017 21:54:30 -0500
Attachments: CLB Opinion on proposed Fair Hydro Plan invoicing regulations - 8 Dec 201....docx (40.24 kB)

Deputy,

In response to CO asking us for se background on when the legal opinion was requested (please see email below), LSB proposed the below response and attached opinion.

OK to share with MO/CO?

The approved legal risk assessment is attached.

- Here is a summary of the events that led to the receipt of the legal opinion:
 - As a practice, MAG Briefing Notes are prepared on matters that are going before LRC or Cabinet committee, which have legal risks or MAG impacts. Due to the legal risks that have been identified in relation to Ontario Fair Hydro Plan (OFHP) MAG Briefing notes relating to OFHP matters, including bill presentment, have been sent to CLB for review and approval before they are submitted. As part of the process and in an abundance of caution, Energy LSB requested a CLB review of the amending Regulation late Thursday evening. CLB promptly identified a new issue for Energy LSB in relation to the invoicing regulations – under section 2(b) of the Charter. Once the issue was identified, CLB quickly drafted (on Friday) and sought approval for the legal opinion and the risk assessment bullets to be inserted in the MAG Briefing Note (over the weekend).
 - A similar opinion was not provided for the original regulation as the issue had not been previously identified by Energy LSB.

From: Moore, Karen (CAB)
Sent: December 11, 2017 4:19 PM
To: Schlaepfer, Martin (ENERGY) <Martin.Schlaepfer@ontario.ca>
Cc: Hindmarch-Watson, Tim (CAB) <Tim.Hindmarch-Watson2@ontario.ca>
Subject: Con Law risk re: bill presentment
Importance: High

Hi Martin,

Following the discussion at LRC today, could you please share a copy of the legal risk assessment and a brief summary of the events that led to the receipt of the legal opinion? In particular, PO is interested to know when it was requested and received and whether a similar opinion was received when the addition of the 25% line to the bill was directed by Cabinet.

Please send ASAP today.

Thanks,

Karen

Karen Moore

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