MOTIONS

	CURRENT PROVISION	PROPOSED MOTION	PLAIN LANGUAGE EXPLANATION
1(1)	**New**	"readjustment amount" means, in respect of a reference period in respect of which a determination of the Board under section 9 or 11 has been made, the amount, if any, by which, (a) the fair allocation amount for the reference period, exceeds or would exceed, (b) the sum, without duplication, of, (i) the clean energy costs allocated to specified consumers in respect of the reference period as a result of the determination of the Board under section 9 or 11, and (ii) the finance amount or,	The proposed motion would introduce the term "readjustment amount".

		if the finance amount has not been ascertained, the estimated finance amount, for the reference period;	
7(1)	**Regulated rate consumers, first adjustments** **7.** (1) Despite any order under subsection 78 (3.1) of the *Ontario Energy Board Act, 1998* and despite section 79.16 of that Act, the electricity rates payable by regulated rate consumers for the period beginning on July 1, 2017 and ending on April 30, 2018 are the rates, as determined by the Board, that would result in a hypothetical regulated rate consumer who meets the prescribed criteria being charged an invoice amount that is 25 per cent less than the invoice amount that would have been charged to that consumer under the comparison rates described in subsection (2).		

7(2)	**Comparison rates** (2) The comparison rates are the rates that would have been effective May 1, 2017 if they had been determined by the Board solely using the method prescribed by the regulations made under clause 79.16 (1) (b) of the *Ontario Energy Board Act, 1998*, without taking into account any forecasted impact of any other provisions of this Act.		
7(3)	**Invoice amounts** (3) The types of amounts to be included or excluded in each invoice amount mentioned in subsection (1) are the types of amounts specified in the regulations.		
13(2)	**Same** (2) For greater certainty, subsection (1) applies regardless of, (a) whether the clean energy adjustment was determined in a manner that was inconsistent with this Act; and	***Replace with:*** (2) For greater certainty, subsection (1) applies regardless of whether any estimate, projection or other input in calculating the clean energy adjustment was erroneous or out-of-date at the time of the calculation or is subsequently amended, updated or corrected.	Specified consumers are required to pay amounts included in their invoices as clean energy adjustments. The proposed change to subsection (2) clarifies that the obligation to pay clean energy adjustments applies even if an estimate, projection or other input was wrong or subsequently changed. The proposed provision is narrower than the original provision.

	(b) whether the amount payable in respect of the clean energy adjustment relates to funding obligations that were incurred in a manner that was inconsistent with the Financing Plan, including in a manner that failed to provide for the reasonable alignment of the estimated finance amount with the fair allocation amount.		
18	**Appointment** **18.** Ontario Power Generation Inc. is appointed as the Financial Services Manager for the purposes of this Act.	**Appointment** **18.** Subject to subsection (2), Ontario Power Generation Inc. is appointed as the Financial Services Manager for the purposes of this Act. (2) If Ontario Power Generation Inc. is unable or unwilling to act as Financial Services Manager, the Minister may appoint a new Financial Services Manager in accordance with the regulations.	The proposed amendment would allow for the replacement of OPG if OPG is unable or unwilling to act as Financial Services Manager without amendment to the legislation.
20(1)	**Minister to calculate fair**	**Minister to calculate fair**	The proposed amendment would clarify

	allocation amount **20.** (1) Subject to subsections (2) and (3), before the first funding obligation is incurred, the Minister shall calculate a fair allocation amount in respect of each reference period, applying such method as the Minister considers appropriate and in accordance with the following steps: 1. Determine the estimated clean energy costs and estimated clean energy benefits allocated to specified consumers in respect of the reference period. 2. Determine the estimated reduction in the amounts payable by specified consumers as a result of rates determined under Part II in respect of all previous reference periods, including the estimated reduction in clean energy costs	**allocation amount** **20.** (1) Before the first funding obligation is incurred, the Minister shall calculate a fair allocation amount in respect of each reference period, as follows: 1. Determine the estimated clean energy costs and financing costs to be allocated to specified consumers in respect of the reference period, in accordance with subsection (2). 2. Determine the estimated clean energy costs that would otherwise have been payable by specified consumers in respect of the reference period in the absence of this Act. 3. Determine the amount, if any, by which the determination under paragraph 1 exceeds the determination under paragraph 2. 4. Calculate the sum of the amount determined under paragraph 3 and such other amounts as may be prescribed.	how the Minister is to calculate the fair allocation amount for each reference period by: 1. Determining clean energy costs and financing costs; 2. Determining clean energy costs that would have been payable in the absence of this Act; 3. Determining the amount by which clean energy costs and financing costs exceed the amounts determined under paragraph 2; and 4. Calculating the amount determined under paragraph 3 plus or minus any amount prescribed by regulation.

	described in clause (a) of the definition of "clean energy costs" in subsection 1 (1) that would otherwise have been payable by specified consumers in the absence of this Act. 3. Determine the amount, if any, by which the determination under paragraph 1 exceeds the determination under paragraph 2. 4. Calculate the sum of the amount determined under paragraph 3 and such other amounts as may be prescribed.		
New		***Insert New – addition to s. 20:*** **Estimated Costs to be Allocated** (x.1) Subject to subsections (2.1), (3) and (4), the Minister shall make the determination mentioned in paragraph 1 of subsection (1) in respect of each reference period in accordance with the prescribed steps and by applying such method as the Minister considers appropriate.	New subsection (x.1) would allow steps and methods to determine estimated clean energy costs and financing amounts to be prescribed by regulation. New subsection (x.2) would allow for regulations to prescribe how the Minister

		Part II adjustments (2.1) If the Board has made a determination under section 9 or 11 in respect of a reference period prior to or in which the calculation mentioned in subsection (1) is made, and as a result of the determination the prescribed circumstances arise, the Minister shall take the prescribed steps to make the prescribed adjustments to the determination made under subsection (2).	will account for the "fair adjustment" in the determination of the fair allocation.
20(2)	**Principles** (2) In calculating the fair allocation amount, the Minister shall have regard to the following principles: 1. The purpose of	**Principles** (3) In calculating the fair allocation amount, the Minister shall have regard to the the purposes of this Act and such other principles as may be prescribed.	This proposed motion would require the Minister to have regard to the purposes of the Act and any principles that may be prescribed in calculating the fair allocation amount.

	calculating the fair allocation amount is to measure and allocate the estimated clean energy costs and estimated clean energy benefits fairly among the specified consumers in respect of each reference period. 2. Calculations should be made having regard to the need to align each fair allocation amount with the estimated finance amount payable during the reference period. 3. Estimated clean energy costs allocated to specified consumers in respect of a reference period should be allocated in proportion to the estimated clean energy benefits attributed to the specified consumers in respect of the reference		

	period. 4. Such other principles as may be prescribed.		
20(3)	**Assumptions** (3) In calculating the fair allocation amount, the Minister shall make such assumptions as the Minister considers to be reasonable regarding the following: 1. The time value of money or the rate of inflation, for the purpose of equating nominal amounts over time. 2. The expected number of specified consumers in respect of each reference period. 3. The expected electricity consumption rates in respect of each reference period. 4. Such other assumptions	**Assumptions** In making the calculations under subsections (1) and (2), the Minister shall make such assumptions as the Minister considers to be reasonable regarding the following: 1. The time value of money, the rate of inflation and the expected financing costs, for the purpose of equating nominal amounts over time. 2. The expected number of specified consumers in respect of each reference period. 3. The expected electricity consumption rates in respect of each reference period. 4. Such other assumptions as may be prescribed.	The proposed motion would clarify that the Minister should make reasonable assumptions about financing amounts, in addition to the other matters already listed, in determining the fair allocation amount.

	as may be prescribed.		
20(5)	**Recalculation** (5) A calculation of the fair allocation amount under this Part may be changed by such person as may be prescribed in accordance with such requirements as may be prescribed.	**Recalculation** (6) A calculation of the fair allocation amounts under this Part may be changed by such person as may be prescribed by applying such method as the person considers appropriate, provided that such method, (a) updates the calculations, determinations and assumptions contemplated in subsections (1), (2) and (4); (b) is otherwise consistent with the principles mentioned in subsection (3); and (c) addresses such additional requirements as may be prescribed.	The proposed motion would clarify how recalculations of the fair allocation amount may be made.
20	**New**	***Insert New:*** (6.1) Where a change mentioned in subsection (6) is made by a person, all references in this section to "Minister" shall be deemed to be references to the person.	The proposed motion would clarify that if the fair allocation amount is recalculated by another person, the same requirements that apply to the Minister would apply to the other person.
20(6)	**Same**	**Same**	The proposed motion clarifies that

	(6) No change under subsection (5) shall affect any clean energy adjustment that has already been determined under section 15 or any funding obligations that have already been incurred before the change.	(7) No change under subsection (6) shall affect any clean energy adjustment that arises as a result of a funding obligation that has been incurred before the change.	changes to the fair allocation amount do not affect clean energy adjustments arising from funding obligations that have already been incurred.
21(1)	**Financial Services Manager to prepare Financing Plan** 21. (1) The Financial Services Manager shall prepare a written plan entitled the Financing Plan to be used by the Financial Services Manager to evaluate whether potential funding obligations should be incurred for the purposes of acquiring and financing an investment asset in accordance with this Act or for the purposes of a refinancing.	**Financial Services Manager to prepare Financing Plan** 21. (1) The Financial Services Manager shall prepare a written plan entitled the Financing Plan to be used by the Financial Services Manager to evaluate whether potential funding obligations should be incurred for the purposes of a financing entity acquiring and financing an investment interest in accordance with this Act or for the purposes of a refinancing.	The proposed motion clarifies that the Financing Plan shall address the acquisition of an investment interest by a financing entity.
21(3)	**Principles** (3) In preparing the Financing Plan, the Financial Services Manager shall have regard to the following principles: 1. Funding obligations should be incurred such that, along with any funding obligations	**Principles** (3) In preparing the Financing Plan, the Financial Services Manager shall have regard to the following principles: 1. Funding obligations should be incurred such that, along with any funding obligations already	The proposed motion clarifies how the Financing Plan should have regard for the fair allocation and any readjustment amount.

	already incurred, the estimated finance amount that would, subject to any refinancing, become due and payable during a reference period will reasonably align with the fair allocation amount determined in respect of the reference period, in each case after reducing the fair allocation amount to reflect determinations of the Board under Part II in respect of the reference period. 2. Incurrences should be implemented in a manner that, in the opinion of the Financial Services Manager, is reasonable, cost effective and that reflects prevailing market terms and conditions. 3. Reasonable assumptions should be made	incurred, the estimated finance amount that would, subject to any refinancing, become due and payable during a reference period will reasonably align with the fair allocation amount determined in respect of the reference period, in each case after reducing the fair allocation amount by the amount of any readjustment amount in respect of the reference period. 2. Incurrences should be implemented in a manner that, in the opinion of the Financial Services Manager, is reasonable, cost effective and that reflects prevailing market terms and conditions. 3. Reasonable assumptions should be made regarding such matters as may be prescribed. 6. Such other principles as may be prescribed.	

	regarding such matters as may be prescribed. 5. Such other principles as may be prescribed.		
21(4)	**Limitation** (4) In respect of each reference period from July 1, 2017 to April 30, 2021, no funding obligation shall be incurred that would result in amounts payable in respect of the clean energy adjustment in respect of the reference period unless, (a) the amounts are payable in respect of a reference period in respect of which the Board has not made any determinations under Part II; or (b) if the Board has made a determination under Part II in respect of the reference period, the funding obligations incurred would not result in amounts payable in respect of the clean energy adjustment	**Limitation** (4) In respect of each reference period from July 1, 2017 to April 30, 2021, no funding obligation shall be incurred that would result in amounts payable in respect of the clean energy adjustment in respect of the reference period unless, (a) the amounts are payable in respect of a reference period in respect of which the Board has not made any determinations under Part II that result in a readjustment amount; or (b) if the Board has made a determination under Part II in respect of the reference period that results in a readjustment amount, the amounts payable in respect of the clean energy adjustment in respect of the	The proposed motion would clarify that clean energy adjustments are not payable until after April 30, 2021 while specified consumers receive fair adjustments.

	during the reference period in an amount that exceeds the limit determined in accordance with the regulations.	reference period do not exceed the fair allocation amount for the reference period less the readjustment amount .	
New - 21		***Insert new - addition to s. 21 (6.1):*** No amendment under subsection (6) shall affect any clean energy adjustment that has already been determined under s. 15 or any funding obligation that have already been incurred before the charge.	Intended to work with the revised s. 8.2 above, this proposed addition would clarify that amendments to the Financing Plan do not affect any clean energy adjustment or funding obligation.
New - 21		***Insert New:*** Where an electricity vendor, the IESO or the Financial Services Manager does not comply with this Act or the regulations, an investment interest owner may, in addition to any other right the investment interest owner has, apply to the Superior Court of Justice for an order directing the person to comply with, or restraining the person from non-compliance with, any provisions thereof , and for an order to compensating the investment interest owner.	The proposed amendment would allow investment interest owners to enforce compliance with the Act or the regulations through an application to the Superior Court of Justice.

41(1) 8.	8. Providing for a right of compensation for investment interest owners affected by a breach under section 29 and the manner in which such a right may be enforced under this Act.	8. Providing for a right of compensation for investment interest owners affected non-compliance with this Act and the manner in which such a right may be enforced under this Act.	The proposed amendment would clarify that regulations may allow for a right of compensation for investment interest owners for non-compliance with the Act.