MOTIONS

	CURRENT PROVISION	PROPOSED MOTION	PLAIN LANGUAGE EXPLANATION
1(1)	**New**	***Insert New – addition to s. 1:*** "readjustment amount" means, in respect of a reference period, the amount, if any, by which the fair allocation amount in respect of the reference period exceeds or would exceed the sum of the following amounts after eliminating any duplication between the two amounts: 1. The clean energy costs allocated to specified consumers in respect of the reference period as a result of a determination of the Board in respect of the reference period under section 9 or 11. 2. The finance amount in respect of the reference period or, if the finance amount has not been determined, the estimated finance amount in respect	The proposed motion would introduce the term "readjustment amount". A "readjustment amount" arises where there is a Part II reduction in rates for a reference period that results in specified consumers paying less than the fair allocation amount plus finance amount for that reference period.

		of 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).	***Replace with:*** **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 determined by the Board under this section and in accordance with the prescribed methodology.	The proposed amendment would provide clearer authority to effect the 25% reduction in rates by regulation.
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	***Replace with:*** **Determination by Board** (2) The rates mentioned in subsection (1) must be the rates that would result in a hypothetical regulated rate consumer who meets	The proposed amendment would provide clearer authority to effect the 25% reduction in rates by regulation.

	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.	the prescribed criteria being invoiced an amount, consisting of such types of amounts as may be prescribed, that is 25 per cent less than the an amount, consisting of such types of amounts as may be prescribed, that the consumer would have been invoiced under the prescribed rates.	
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.	***To be removed.***	The proposed amendment would support the proposed amendment to subsection 7(1) and (2). Treatment of types of amounts will be addressed by regulation.
8 **new**	**Other specified consumers, first adjustments** **8.** (1) For the period beginning on July 1, 2017 and ending on April 30, 2018, the adjustments made by the IESO under section 25.33 of the *Electricity Act, 1998* shall, with respect to specified consumers who are not regulated rate consumers, be further adjusted by electricity vendors in accordance with the determinations of the	**Other specified consumers, first adjustments** **8.** For the period beginning on July 1, 2017 and ending on April 30, 2018, the adjustments made under section 25.33 of the *Electricity Act, 1998* shall, with respect to specified consumers who are not regulated rate consumers, be further adjusted in accordance with the regulations by electricity vendors and subject to determinations made by the Board in accordance with the regulations.	The proposed amendments are intended to reduce redundancy and improve clarity.

	Board under subsection (2). **Board to make determinations** (2) The Board shall, in accordance with the regulations, determine the adjustments to be made by electricity vendors. **Same, regulations** (3) The regulations may specify different adjustments to be made in respect of prescribed classes of specified consumers who are not regulated rate consumers.		
11 **new**	**Subsequent adjustments** **11.** (1) Despite clause 79.16 (1) (b) of the *Ontario Energy Board Act, 1998* and subject to subsection (2), the Lieutenant Governor in Council may prescribe the methodology to be applied by the Board after April 30, 2018 for the purpose of determining, (a) electricity rates for regulated rate consumers; or	**Subsequent adjustments** **11.** (1) Despite clause 79.16 (1) (b) of the *Ontario Energy Board Act, 1998* and subject to subsection (2), the Lieutenant Governor in Council may prescribe methodologies to be applied by the Board and electricity vendors after April 30, 2018 for the purpose of determining, (a) electricity rates for regulated rate consumers; or	The proposed amendment would clarify that regulations may prescribe methodologies to be used by the Board and electricity vendors in determining rates for different prescribed classes of consumers and different adjustments for classes of specified consumers who are not regulated rate consumers.

	(b) adjustments to be applied by electricity vendors to the adjustments made by the IESO under section 25.33 of the *Electricity Act, 1998* in respect of prescribed classes of specified consumers who are not regulated rate consumers. **Limitation** (2) Any prescribed methodology shall have regard to the following: 1. The purposes of this Act. 2. The clean energy costs borne by specified consumers over time. 3. Such other matters as may be prescribed.	(b) adjustments to be applied by electricity vendors to the adjustments made under section 25.33 of the *Electricity Act, 1998* in respect of specified consumers who are not regulated rate consumers. **Regulations** (2) The Lieutenant Governor in Council shall have regard to the following in making the regulations: 1. The purposes of this Act. 2. The clean energy costs borne by specified consumers over time. 3. Such other matters as may be prescribed. **Same** (3) The regulations may prescribe, (a) different methodologies	

		for different prescribed classes of consumers and in respect of different periods of time; and (b) different adjustments to be made in respect of prescribed classes of specified consumers who are not regulated rate consumers.	
12 **new**	**Sub-metering** **12.** (1) This section applies if a specified consumer provides to another person electricity in respect of which a determination of the Board referred to in section 9 or 11 applies. **Same** (2) If an invoice for the electricity is issued to the person by the specified consumer or a unit sub-meter provider providing unit sub-metering for the specified consumer, the amount payable for the electricity by the person who is liable to pay the invoice shall be determined in accordance with the	***Replace (2) and include new (3):*** **Regulated rate consumer** (2) In the case of a specified consumer who is a regulated rate consumer, if an invoice for the electricity is issued to the person by the specified consumer or a unit sub-meter provider providing unit sub-metering for the specified consumer, the rates payable for the electricity by the person who is liable to pay the invoice shall be determined in accordance with the regulations. **Other specified consumer** (3) In the case of a specified consumer who is not a regulated rate	The proposed motions would clarify how specified consumers apply benefits and clean energy adjustments to sub-meter consumers.

	regulations.	consumer, if an invoice for the electricity is issued to the person by the specified consumer or a unit sub-meter provider providing unit sub-metering for the specified consumer, the specified consumer and every unit sub-meter provider providing unit sub-metering for the specified consumer shall ensure that the person receives a credit, determined in accordance with the regulations, in respect of the amount otherwise payable by the person for the electricity.	
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 (b) whether the amount payable in respect of the clean energy adjustment relates to funding obligations that were	***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 and regardless of whether [the clean energy adjustment? any of those estimates, projections or other inputs?] 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) would clarify 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.

	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 without amending the Act if OPG is unable or unwilling to act as Financial Services Manager.
20(1)	**Minister to calculate fair allocation amount** **20.** (1) Subject to subsections (2) and (3), before the first funding obligation is incurred, the Minister shall calculate a fair	**Minister to calculate fair allocation amount** **20.** (1) Before the first funding obligation is incurred, the Minister shall calculate a fair allocation amount in respect of each reference	The proposed amendment would clarify that the way the Minister is to calculate the fair allocation amount for each reference period by: 1. Allocating clean energy costs and financing costs under subsection

	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 described in clause (a) of the definition of "clean energy costs" in subsection 1 (1) that would otherwise have	period, as follows: 1. Subject to subsection (2), determine, in accordance with the steps set out in the regulations and by applying such method as the Minister considers appropriate, the estimated clean energy costs and financing costs to be allocated to specified consumers in respect of the reference period. 2. Determine the estimated clean energy costs that would have been payable, in the absence of this Act, by specified consumers in respect of the reference period. 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.	(x.1); 2. Determining clean energy costs that would have been payable in the absence of this Act; 3. Determining the amount by which the allocated 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.

	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:*** **Part II adjustments** (2) If the Board has made a determination under section 9 or 11 in respect of a reference period or in respect of a prior reference period, 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 (x.1).	New subsection (2) would allow for regulations to prescribe how the Minister would account for the Part II "fair adjustment" in the determination of the fair allocation amount for each reference period.
20(2)	**Principles** (2) In calculating the fair	**Principles** (2) In calculating the fair	This proposed motion would combine the original (2) and (3) and require the

	allocation amount, the Minister shall have regard to the following principles: 1. The purpose of 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	allocation amount, the Minister shall . (a) have regard to the purposes of this Act and such other principles as may be prescribed; and (b) make such assumptions as the Minister considers to be reasonable regarding, (i) the time value of money, the rate of inflation and the expected financing costs, for the purpose of equating nominal amounts over time, (ii) the expected number of specified consumers in respect of each reference period, (iii) the expected electricity consumption rates in respect of each reference period, and (iv) such other matters as may be prescribed.	Minister to have regard to the purposes of the Act and make reasonable assumptions, including assumptions about the time value of money, the rate of inflation, the financing amount, the number of consumers, electricity consumption rates and such other matters that may be prescribed.

	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. **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 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. **Same** (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. **Information** (7) The Minister, the IESO, the Financial Services Manager, the Board and electricity vendors shall provide such information as may be prescribed in accordance	**Recalculation** (4) The calculation of a fair allocation amount under this Part may be changed by such person as may be prescribed, subject to the following requirements: 1. The prescribed person shall comply with such requirements as may be prescribed. 2. Subsections (1), (2) and (3) apply to the new calculation, with necessary modifications, as if that person were the Minister. **Same** (5) No change under subsection (4) shall affect any clean energy adjustment that arises as a result of a funding obligation that has been	The proposed motion would clarify how recalculations of the fair allocation amount may be made and clarify that subsections (1), (2) and (3) apply a prescribed person as if that person were the Minister. The proposed motion also clarifies that recalculations do not affect any clean energy adjustment already made.

	with the regulations for the purposes of facilitating a change to a calculation of the fair allocation amount.	incurred before the change. **Information** (6) The Minister, the IESO, the Financial Services Manager, the Board and electricity vendors shall provide such information as may be prescribed in accordance with the regulations for the purposes of facilitating a change under subsection (4).	
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 would clarify that the Financing Plan would 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:	**Principles** (3) In preparing the Financing Plan, the Financial Services Manager shall have regard to the following principles:	The proposed motion would clarify how the Financing Plan should have regard for the fair allocation and any readjustment amount.

	1. Funding obligations should be incurred such that, along with any funding obligations 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	1. Funding obligations should be incurred such that, along with any funding obligations 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 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	

	prevailing market terms and conditions. 3. Reasonable assumptions should be made regarding such matters as may be prescribed. 4. Such other principles as may be prescribed.	such matters as may be prescribed. 4. 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	**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	The proposed motion would clarify that clean energy adjustments are not payable until after April 30, 2021 unless: (i) they are payable in reference periods that do not involve Part II adjustments that result in a readjustment amount, or (ii) if the reference period does involve Part II adjustments that result in a readjustment amount, the clean energy adjustment is not more than the fair allocation amount for that reference period minus the readjustment amount for that reference period.

	period, the funding obligations incurred would not result in amounts payable in respect of the clean energy adjustment during the reference period in an amount that exceeds the limit determined in accordance with the regulations.	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 reference period do not exceed the fair allocation amount for the reference period less the readjustment amount .	
21(6)	**Amendments to plan** (6) The Financial Services Manager may amend the Financing Plan at any time.	**Amendments to plan** (6) The Financial Services Manager may amend the Financing Plan at any time but no such amendment 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 amendment.	This proposed addition would clarify that amendments to the Financing Plan do not affect any clean energy adjustment or funding obligation.
22(3)	**Prohibition** (3) The Financial Services Manager shall not provide for funding obligations to be incurred with any recourse to any assets of an electricity vendor, the Board, Ontario Power Generation Inc., the Province or the Lieutenant Governor in Council, except to the	**Prohibition** (3) Neither the Financial Services Manager nor a financing entity shall provide for funding obligations to be incurred with any recourse to any assets of an electricity vendor, the Board, Ontario Power Generation Inc., the Province or the Lieutenant Governor	The proposed motion would clarify that a financing entity, in addition to the Financial Services Manager, may not allow for recourse against the assets of an electricity vendor, the Board, OPG or the Province.

	extent that any of these persons or entities may be liable to perform obligations or duties arising under this Act or under the express terms of a funding obligation or other agreement.	in Council, except to the extent that any of these persons or entities may be liable to perform obligations or duties arising under this Act or under the express terms of a funding obligation or other agreement.	
New – 40.1		***Insert New:*** **40.1** (1) On the application of an investment asset owner, the Superior Court of Justice may make an order, (a) directing an electricity vendor, the IESO or the Financial Services Manager to comply with this Act or the regulations; (b) restraining an electricity vendor, the IESO or the Financial Services Manager from acting in breach of this Act or the regulations; or (c) for compensation by electricity vendor, the IESO or the Financial Services Manager to 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.

		Same (2) An application under subsection (1) may be made by an investment asset owner in addition to exercising any other right of the investment interest owner.	
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 failure to give effect to the rights and interests provided under s. 29 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.