v. 18	v. 21	BILL PROVISION	MOTION
8xx(2)	**13**	**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 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.	**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of whether any estimate, projection or other input in calculating the clean energy adjustment was erroneous or out-of-date at the time of the calculation or is subsequently amended, updated or corrected.
15xx(1)	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 allocation amount in respect of each reference period, applying such method as the Minister considers appropriate and in accordance with the following steps:	**Replace subparagraphs with:** **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 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.	1. Determine the actual and estimated nominal clean energy costs. 2. Determine the estimated reduction in the amounts payable by specified consumers as a result of rates determined under Part II. 3. Attribute expected clean energy benefits to specified consumers in respect of each reference period, having regard to the purposes of this Act set out in section 3. 4. Allocate the sum of the amounts determined under paragraphs 1 and 2 across all reference periods based on the benefits determined under paragraph 3. 5. Estimate the financing costs that would become payable during each reference period, assuming: i. IESO deferrals and funding rebates are incurred; ii. the regulatory asset is transferred in accordance with section 26; and iii. principal is repaid in accordance with the allocations determined at step 4; 6. Calculate the sum of the amounts determined under paragraphs 4 and 5 plus or minus such other amounts as may be

			prescribed.
15xx(2)	20(2)	**Principles** (2) In calculating the fair 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 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.	**Replace with:** (2) In calculating the fair allocation amount, the Minister shall have regard to the the purposes of this Act as set out in section 3 and such other principles as may be prescribed.

15xx(3)	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 as may be prescribed.	**Amend subparagraph 1. The rest remains the same.** 1. The time value of money, the rate of inflation and the expected cost of financing for the purpose of equating nominal amounts over time.
15xx.(5)	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.	**Amend:** **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 [the steps in] ss. (1), [the principles in] ss. (2) and [the assumptions in] (3) and such other requirements as may be prescribed.
16xx.	New - 21		**Addition to s. 21 (6.1)** ***[ntd: this is intended to work with new 8.2]***

			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.
	New		**Addition:** 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 [acting in breach of], any provisions thereof , and for an order to compensating the investment interest owner.
38xx(1) (9.1)	41(1)7.	7. 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.	**Amend:** Providing for a right of compensation for investment interest owners affected non-compliance with [by a breach of] this Act and the manner in which such a right may be enforced under this Act.