

RE: ASC Update

From: "Imbrogno, Serge (ENERGY)" <"/o=govon/ou=ontario public sector - iserv
ems/cn=recipients/cn=imbrogno">
To: "Armstrong, Hillary (ENERGY)" <hillary.armstrong@ontario.ca>
Cc: "Schlaepfer, Martin (ENERGY)" <martin.schlaepfer@ontario.ca>
Date: Fri, 05 Jan 2018 11:24:44 -0500

Ok. Thanks

Sent with BlackBerry Work
(www.blackberry.com)

From: Armstrong, Hillary (ENERGY) <Hillary.Armstrong@ontario.ca>
Date: Friday, Jan 05, 2018, 11:24 AM
To: Imbrogno, Serge (ENERGY) <Serge.Imbrogno@ontario.ca>
Cc: Schlaepfer, Martin (ENERGY) <Martin.Schlaepfer@ontario.ca>
Subject: RE: ASC Update

Hi Deputy,

Legal has asked Blakes to draft a response that we can circulate for review. Legal is proposing a due date of January 15 to get this back to the ASC, at Blakes recommendation.

Ok to flag that for MO?

Thanks,
Hillary

From: Armstrong, Hillary (ENERGY)
Sent: January-04-18 8:59 PM
To: Imbrogno, Serge (ENERGY)
Cc: Schlaepfer, Martin (ENERGY)
Subject: RE: ASC Update

Hi Deputy,

I'll let folks know your preferred approach for the letter. We'll loop in MO and CO comms as well.

Thanks,
Hillary

From: Imbrogno, Serge (ENERGY)
Sent: January 4, 2018 8:54 PM
To: Armstrong, Hillary (ENERGY)
Cc: Schlaepfer, Martin (ENERGY)
Subject: RE: ASC Update

Hi. We should draft a letter from blakes to asc. I don't think we should say this is not an ENERGY issue but rather should emphasize the points about political speech etc. Letter should be as aggressive as blakes believes appropriate. MO should be looped in as well as C O comms

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From: Armstrong, Hillary (ENERGY) <Hillary.Armstrong@ontario.ca>
Date: Thursday, Jan 04, 2018, 8:47 PM
To: Imbrogno, Serge (ENERGY) <Serge.Imbrogno@ontario.ca>
Cc: Schlaepfer, Martin (ENERGY) <Martin.Schlaepfer@ontario.ca>
Subject: ASC Update

Hi Deputy,

Legal and comms have provided an update on the OFHP ASC issue. Apparently one of the original complainants has issued another complaint to the ASC that the original claim was revived in a tweet at the end of last year. This was a tweet from the Premier about the 25%.

Legal has heard from Blakes, who was in contact with Rafe on this. It sounds like the ASC believes that explanatory or disclaimer language was missing from the Premier's tweet. They believe that if requested, the Council could adjudicate on this complaint.

Blakes has reviewed and advised that the ASC has overstepped, and has given a few reasons, which I've pasted below:

1. This is not an MOE issue since the message was from the Premier's twitter account and was not an MOE-authorized advertisement. Moreover, the Premier's tweets arguably fall within the scope of "political advertising"), which is expressly excluded from the Code (see <http://www.adstandards.com/en/Standards/canCodeOfAdStandards.aspx#non-reviewable>). The memo I circulated earlier today shows that the other major party leaders are making substantially similar claims as part of their electoral campaigns.
2. Rafe's characterization of the 25% Reduction Claim is incorrect. Our letter to the ASC of October 31 described the 25% Reduction Claim as follows: "Household electricity bills will be an average of 25% less". There was no reference in our letter to qualifying language as part of this claim. I see no reason why this language should have to be included now.
3. Rafe's insinuation that there was a breach of the commitment is outrageous. This is not the same advertising that was in issue in the prior campaign. The tweet was from the Premier not the MOE. The ASC did not raise any concerns over tweets in the August/September complaints. The undertaking applied to the advertising "in question", which did not include any tweets from the Premier.

Blakes has advised that one of our options for proceeding would be to consider sending a letter to Rafe indicating:

- a) This is not an issue with the MOE or MOE-related advertising
- b) This is a matter of political speech/debate being engaged in by all provincial party leaders
- c) If the ASC has a concern, they should direct their attention to the Premier's office.

Legal and comms are looking for some direction on next steps. If you'd like, we could schedule a call on this to discuss.

Thanks,
Hillary