

Re: Ad Standards Council - Fair Hydro Plan

From: "Schlaepfer, Martin (ENERGY)" <martin.schlaepfer@ontario.ca>
To: "Berry, James (ENERGY)" <james.berry5@ontario.ca>
Cc: "Imbrogno, Serge (ENERGY)" <serge.imbrogno@ontario.ca>, "Whittington, Matt (ENERGY)" <matt.whittington@ontario.ca>, "Tresise, Landon (ENERGY)" <landon.tresise@ontario.ca>, "Berg, Denna (ENERGY)" <denna.berg@ontario.ca>, "Perkins, Michael (ENERGY)" <michael.perkins@ontario.ca>, "Armstrong, Hillary (ENERGY)" <hillary.armstrong@ontario.ca>, "Baker, Carys (ENERGY)" <carys.baker@ontario.ca>
Date: Wed, 17 Jan 2018 20:51:37 -0500

Thanks, James. CO/MAG is good with this version as well. Folks will be instructing Blakes to submit.

From: Berry, James (ENERGY)
Sent: Wednesday, January 17, 2018 8:48 PM
To: Schlaepfer, Martin (ENERGY)
Cc: Imbrogno, Serge (ENERGY); Whittington, Matt (ENERGY); Tresise, Landon (ENERGY); Berg, Denna (ENERGY); Perkins, Michael (ENERGY); Armstrong, Hillary (ENERGY); Baker, Carys (ENERGY)
Subject: Re: Ad Standards Council - Fair Hydro Plan

PO has signed off on the letter, Martin. Someone may want to connect with CO to ensure the final version is shared with Blakes.

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Schlaepfer, Martin (ENERGY)
Sent: Wednesday, January 17, 2018 7:22 PM
To: Berry, James (ENERGY)
Cc: Imbrogno, Serge (ENERGY); Whittington, Matt (ENERGY); Tresise, Landon (ENERGY); Berg, Denna (ENERGY); Perkins, Michael (ENERGY); Armstrong, Hillary (ENERGY); Baker, Carys (ENERGY)
Subject: Re: Ad Standards Council - Fair Hydro Plan

The letter has been shared with CO.

From: Berry, James (ENERGY)
Sent: Wednesday, January 17, 2018 7:04 PM
To: Schlaepfer, Martin (ENERGY)
Cc: Imbrogno, Serge (ENERGY); Whittington, Matt (ENERGY); Tresise, Landon (ENERGY); Berg, Denna (ENERGY); Perkins, Michael (ENERGY); Armstrong, Hillary (ENERGY); Baker, Carys (ENERGY)
Subject: Re: Ad Standards Council - Fair Hydro Plan

Can you please confirm once the letter has been shared with CO, Martin?

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Schlaepfer, Martin (ENERGY)
Sent: Wednesday, January 17, 2018 6:59 PM
To: Berry, James (ENERGY)
Cc: Imbrogno, Serge (ENERGY); Whittington, Matt (ENERGY); Tresise, Landon (ENERGY); Berg, Denna (ENERGY); Perkins, Michael (ENERGY); Armstrong, Hillary (ENERGY); Baker, Carys (ENERGY)
Subject: RE: Ad Standards Council - Fair Hydro Plan

Great. Thanks, James. Yes, we are sharing with CO as well.

From: Berry, James (ENERGY)
Sent: January 17, 2018 6:57 PM
To: Schlaepfer, Martin (ENERGY) <Martin.Schlaepfer@ontario.ca>
Cc: Imbrogno, Serge (ENERGY) <Serge.Imbrogno@ontario.ca>; Whittington, Matt (ENERGY) <Matt.Whittington@ontario.ca>; Tresise, Landon (ENERGY) <Landon.Tresise@ontario.ca>; Berg, Denna (ENERGY) <Denna.Berg@ontario.ca>; Perkins, Michael (ENERGY) <Michael.Perkins@ontario.ca>; Armstrong, Hillary (ENERGY) <Hillary.Armstrong@ontario.ca>; Baker, Carys (ENERGY) <Carys.Baker@ontario.ca>
Subject: Re: Ad Standards Council - Fair Hydro Plan

Works for me. PO/CO will likely have a position on this as well. Will MAG be sharing with CO? I know MAG's MO is working with PO currently.

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Schlaepfer, Martin (ENERGY)
Sent: Wednesday, January 17, 2018 6:55 PM
To: Berry, James (ENERGY)
Cc: Imbrogno, Serge (ENERGY); Whittington, Matt (ENERGY); Tresise, Landon (ENERGY); Berg, Denna (ENERGY); Perkins, Michael (ENERGY); Armstrong, Hillary (ENERGY); Baker, Carys (ENERGY)
Subject: RE: Ad Standards Council - Fair Hydro Plan

Thanks, James. Yes, folks have consulted with Blakes on recommendations for next steps and they would recommend submitting the current draft this evening. It sounds like you are in agreement. Below is the advice they provided.

Let us know if you are comfortable with this approach.

Thanks
Martin

OPTIONS

Option	Pros	Cons
1. No response: “My client declines to respond to the complaint.”	- No admission or acknowledgment regarding the nature of the tweet - Possibility, though remote, Ad Standards declines to pursue this further - If the matter is referred to a Standards Council, our Oct. 31 submission may be included	- Inability to argue that the tweet and related communications are not reviewable - Leaves the allegation regarding a breach of MOE's undertaking on the record without response - Damages the government's relationship with Ad Standards
2. Submit revised letter	- Gives the policy context for the tweet and allows Ad Standards to assess reviewability in light of this context - Puts our Oct. 31 submission and Nov. 13 memo from Ad Standards on the record - Distinguishes the tweet from the FHP campaign in issue in the prior matter	- Ad Standards may not accept the submission if submitted Jan. 18 or later - Ad Standards may not provide the Oct. 31 submission or Nov. 13 memo to the Standards Council - Ad Standards may view a late submission negatively
3. Propose a call with Ad Standards; no letter	- Issues can be discussed in an informal manner without a written record - Allows for participation across multiple agencies - Direct communication with Ad Standards management	- Ad Standards may decline a call without a written response - No written submission to go before a Standards Council - Ad Standards may view a request for a call without a submission negatively
4. Ask for an extension	- Gives more time to consider options and refine the current draft	- Very unlikely to receive an acknowledgement on Jan 17 - Low likelihood of any material extension (beyond a day) - Ad Standards may view the request negatively

On a related note, Ad Standards does not function like a court. It operates on the basis of goodwill and participation from industry and counsel. Part of the reason why Ad Standards has afforded us flexibility is due to our relationship with its counsel. To not provide a response when we committed to doing so undermines that goodwill.

Accordingly, while we would have preferred the longer (unedited) submission which presents stronger arguments, our view is that proceeding on the basis of Option 2 – i.e., submitting the abridged letter tonight – provides the best prospect for resolution at this stage without the matter being referred to a Standards Council for adjudication and prejudicing our relationship with Ad Standards and its counsel.

From: Berry, James (ENERGY)

Sent: January 17, 2018 6:45 PM

To: Schlaepfer, Martin (ENERGY) <Martin.Schlaepfer@ontario.ca>

Cc: Imbrogno, Serge (ENERGY) <Serge.Imbrogno@ontario.ca>; Whittington, Matt (ENERGY) <Matt.Whittington@ontario.ca>; Tresise, Landon (ENERGY) <Landon.Tresise@ontario.ca>; Berg, Denna (ENERGY) <Denna.Berg@ontario.ca>; Perkins, Michael (ENERGY) <Michael.Perkins@ontario.ca>; Armstrong, Hillary (ENERGY) <Hillary.Armstrong@ontario.ca>; Baker, Carys (ENERGY) <Carys.Baker@ontario.ca>

Subject: Re: Ad Standards Council - Fair Hydro Plan

This is fine. MAG MO has said they're still tracking the letter to be finalized tonight. Can you confirm, Martin? Below email that mentions a regroup tomorrow morning would seem to imply it won't be.

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Schlaepfer, Martin (ENERGY)

Sent: Wednesday, January 17, 2018 6:16 PM

To: Berry, James (ENERGY)

Cc: Imbrogno, Serge (ENERGY); Whittington, Matt (ENERGY); Tresise, Landon (ENERGY); Berg, Denna (ENERGY); Perkins, Michael (ENERGY); Armstrong, Hillary (ENERGY); Baker, Carys (ENERGY)

Subject: RE: Ad Standards Council - Fair Hydro Plan

Hi James,

Attached is the updated version. This includes changes to the overall framing of the argument that come from CO/PO. Staff are still reviewing and will be regrouping with Blakes tomorrow morning.

Let us know if you have any comments or concerns.

Thanks,
Martin

From: Berry, James (ENERGY)

Sent: January 17, 2018 5:51 PM

To: Schlaepfer, Martin (ENERGY) <Martin.Schlaepfer@ontario.ca>

Cc: Imbrogno, Serge (ENERGY) <Serge.Imbrogno@ontario.ca>; Whittington, Matt (ENERGY) <Matt.Whittington@ontario.ca>; Tresise, Landon (ENERGY) <Landon.Tresise@ontario.ca>; Berg, Denna (ENERGY) <Denna.Berg@ontario.ca>; Perkins, Michael (ENERGY) <Michael.Perkins@ontario.ca>; Armstrong, Hillary (ENERGY) <Hillary.Armstrong@ontario.ca>; Baker, Carys (ENERGY) <Carys.Baker@ontario.ca>

Subject: Re: Ad Standards Council - Fair Hydro Plan

From what I'm told by MAG MO, a new draft will be circulated tonight with a request for speedy turnaround. There was a concern regarding some of the language.

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Berry, James (ENERGY)
Sent: Wednesday, January 17, 2018 4:44 PM
To: Schlaepfer, Martin (ENERGY)
Cc: Imbrogno, Serge (ENERGY); Whittington, Matt (ENERGY); Tresise, Landon (ENERGY); Berg, Denna (ENERGY); Perkins, Michael (ENERGY); Armstrong, Hillary (ENERGY); Baker, Carys (ENERGY)
Subject: RE: Ad Standards Council - Fair Hydro Plan

We're fine with this.

From: Schlaepfer, Martin (ENERGY)
Sent: January-17-18 11:38 AM
To: Berry, James (ENERGY)
Cc: Imbrogno, Serge (ENERGY); Whittington, Matt (ENERGY); Tresise, Landon (ENERGY); Berg, Denna (ENERGY); Perkins, Michael (ENERGY); Armstrong, Hillary (ENERGY); Baker, Carys (ENERGY)
Subject: RE: Ad Standards Council - Fair Hydro Plan

Hi James,

Attached is the revised letter. This is also being reviewed by MAG and CO.

Thanks,
Martin

From: Berry, James (ENERGY)
Sent: January 17, 2018 11:34 AM
To: Schlaepfer, Martin (ENERGY) <Martin.Schlaepfer@ontario.ca>
Cc: Imbrogno, Serge (ENERGY) <Serge.Imbrogno@ontario.ca>; Whittington, Matt (ENERGY) <Matt.Whittington@ontario.ca>; Tresise, Landon (ENERGY) <Landon.Tresise@ontario.ca>; Berg, Denna (ENERGY) <Denna.Berg@ontario.ca>; Perkins, Michael (ENERGY) <Michael.Perkins@ontario.ca>; Armstrong, Hillary (ENERGY) <Hillary.Armstrong@ontario.ca>; Baker, Carys (ENERGY) <Carys.Baker@ontario.ca>
Subject: RE: Ad Standards Council - Fair Hydro Plan

Ministry comms is saying a revised ASC letter is coming. When can MO review, Martin?

From: Schlaepfer, Martin (ENERGY)
Sent: January-16-18 9:22 PM
To: Berry, James (ENERGY)
Cc: Imbrogno, Serge (ENERGY); Whittington, Matt (ENERGY); Tresise, Landon (ENERGY); Berg, Denna (ENERGY); Perkins, Michael (ENERGY); Armstrong, Hillary (ENERGY); Baker, Carys (ENERGY)
Subject: Re: Ad Standards Council - Fair Hydro Plan

Hi James,

Attached is the ASC letter with Blakes' comments. We don't specifically have a track change version.

Thanks,
Martin

From: Berry, James (ENERGY)
Sent: January 16, 2018 6:02 PM
To: Schlaepfer, Martin (ENERGY) <Martin.Schlaepfer@ontario.ca>; Whittington, Matt (ENERGY) <Matt.Whittington@ontario.ca>; Tresise, Landon (ENERGY) <Landon.Tresise@ontario.ca>
Cc: Imbrogno, Serge (ENERGY) <Serge.Imbrogno@ontario.ca>; Berg, Denna (ENERGY) <Denna.Berg@ontario.ca>; Perkins, Michael (ENERGY) <Michael.Perkins@ontario.ca>; Armstrong, Hillary (ENERGY) <Hillary.Armstrong@ontario.ca>; Baker, Carys (ENERGY) <Carys.Baker@ontario.ca>
Subject: Re: Ad Standards Council - Fair Hydro Plan

Hi Martin,

Can you please share a version with track changes? Just curious what has changed from the earlier MAG version.

Thanks!

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Schlaepfer, Martin (ENERGY)
Sent: Tuesday, January 16, 2018 5:55 PM
To: Berry, James (ENERGY); Whittington, Matt (ENERGY); Tresise, Landon (ENERGY)
Cc: Imbrogno, Serge (ENERGY); Berg, Denna (ENERGY); Perkins, Michael (ENERGY); Armstrong, Hillary (ENERGY); Baker, Carys (ENERGY)
Subject: Ad Standards Council - Fair Hydro Plan

Hi James, Matt and Landon,

Attached is an updated version of the ASC letter. Currently it is being reviewed by MAG and CO. We are hoping to have an updated version by tomorrow morning.

Let us know if you have any further comments or concerns.

Thanks,
Martin

