

RE: National Steel Car lawsuit

From: "Rudyk, Andrew (MAG)" <andrew.rudyk@ontario.ca>
To: "Nekolaichuk, Colin (ENERGY)" <colin.nekolaichuk@ontario.ca>, "McPhail, Blane (OPO)" <blane.mcphail@ontario.ca>, "@OPO-Media Relations and Issues Management" <opo-mediarelationsandissuesmgmt@msgov.gov.on.ca>
Cc: "Berry, James (ENERGY)" <james.berry5@ontario.ca>, "Graham, Clare (MAG)" <clare.graham@ontario.ca>
Date: Wed, 20 Sep 2017 15:51:57 -0400

Hello,

Please find our proposed response below:

RESPONSE:

On August 4, 2017, Ontario received a Notice of Application from National Steel Car Limited which alleges that the revenues, or some portion of the revenues, collected by the Independent Electricity Operator (IESO) for the Global Adjustment constitute an unconstitutional tax. The application specifically challenges the Global Adjustment payments used to fund the Feed-In-Tariff program under the *Green Energy and Green Economy Act, 2009*, which provides for contractually guaranteed prices to certain renewable electricity generators.

Ontario is reviewing the applicant's materials.

As the matter is before the court, it would be inappropriate to comment further.

From: Nekolaichuk, Colin (ENERGY)
Sent: September 20, 2017 12:07 PM
To: McPhail, Blane (OPO); @OPO-Media Relations and Issues Management
Cc: Berry, James (ENERGY); Rudyk, Andrew (MAG)
Subject: RE: National Steel Car lawsuit

Thanks Blane. Andrew, let us know if you need anything from our end.

Colin Nekolaichuk | Press Secretary
Office of the Hon. Glenn Thibeault | Minister of Energy
T: 416-325-2690 C: 647-504-4928
colin.nekolaichuk@ontario.ca

From: McPhail, Blane (OPO)
Sent: September-20-17 12:00 PM
To: Nekolaichuk, Colin (ENERGY); @OPO-Media Relations and Issues Management
Cc: Berry, James (ENERGY); Rudyk, Andrew (MAG)
Subject: RE: National Steel Car lawsuit

I think MAG is better positioned to answer this.

From: Nekolaichuk, Colin (ENERGY)
Sent: September-20-17 11:34 AM
To: @OPO-Media Relations and Issues Management

Cc: Berry, James (ENERGY); Rudyk, Andrew (MAG)
Subject: FW: National Steel Car lawsuit

Hi all,

We've received the request below regarding a lawsuit concerning the global adjustment as a tax. The request went to MAG media relations as well. Our office is prepared to respond that this is a matter before the courts, and as such we can't comment at this time. We're wondering if there's a preference for that response to come from MAG or from ENERGY.

Thanks,
Colin

Colin Nekolaichuk | Press Secretary
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From: Zochodne, Geoff [<mailto:gzochnodne@postmedia.com>]
Sent: September-20-17 10:42 AM
To: MAG Media E-mail; Nekolaichuk, Colin (ENERGY)
Subject: National Steel Car lawsuit

Hello,

I am seeking the government's response to a lawsuit launched by National Steel Car, which is seeking to have the global adjustment charge declared an unconstitutional or invalid tax. The Ministry of the Attorney General, Minister of Energy and the IESO are named.

Is the government aware of the lawsuit? What is the government's response to National's allegations? What does the government intend to do?

My deadline is 5.

Thanks,

Geoff Zochodne
Reporter
Financial Post
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