Fwd: Fair Hydro Plan

From: "Rowe, Mary (OPO)" <mary.rowe@ontario.ca>
To: "McEachern, Gillian (OPO)" <gillian.mceachern@ontario.ca>
Date: Wed, 05 Apr 2017 13:01:30 -0400

Mary W. Rowe
Deputy Principal Secretary
Office of the Premier
Ontario, Canada

---------- Forwarded message ----------
From: "Orsini, Steve (CAB)" <Steve.Orsini@ontario.ca>
Date: Apr 5, 2017 10:02 AM
Subject: Fwd: Fair Hydro Plan
To: "Bevan, Andrew (OPO)" <Andrew.Bevan@ontario.ca>, "Rowe, Mary (OPO)" <Mary.Rowe@ontario.ca>
Cc: "Kwamena, Boafoa (CAB)" <Boafoa.Kwamena@ontario.ca>

We will need to bring them to MPC early enough to have input. Let's discuss at the weekly.

Sent with BlackBerry Work (www.blackberry.com)

From: ["Imbrogno, Serge (ENERGY)" <Serge.Imbrogno@ontario.ca>]
Sent: Apr 5, 2017 9:18 AM
To: ["Orsini, Steve (CAB)" <Steve.Orsini@ontario.ca>, "Davidson, Steven (CAB)" <Steven.Davidson@ontario.ca>, "Monahan, Patrick (MAG)" <Patrick.Monahan@ontario.ca>]
Subject: [Fair Hydro Plan]
Cc: ["Bromm, William (CAB)" <William.Bromm2@ontario.ca>, "Kwamena, Boafoa (CAB)" <Boafoa.Kwamena@ontario.ca>, "Katona, Keley (ENERGY)" <Keley.Katona@ontario.ca>]

Hi,

I understand there are questions about legislative drafting related to the Fair Hydro Plan. I thought the following would be helpful and is based on an update I received this morning from the legal director:

Carolyn and Steen spoke with Mark Spakowski about the legislative timeline for the Fair Hydro Plan yesterday and agreed to the following:

- The "pens down" date is April 21st. The draft at that point in time will be the bill that goes into the house, but for rolling up, renumbering, editing and French version changes.
- OLC will not address instructions provided after April 21st.
- New direction and change in direction, particularly as we approach April 21st, can put the bill in jeopardy.
- Options in the event the bill doesn't include all that we need it to on April 21st are:

    1. Do without

        § may not be practical if omissions give rise to market risk or make the bill more vulnerable to challenge

2. Do without in intro version, amend at committee

   § there are procedural limits on what can be done in clause by clause

3. Do without in intro version, include amendments in a subsequent bill

   § Subsequent bill might be the Fall bill

   § Would need to have the bill proceed in the Spring without the further amendments – how well that would work depends on the amendments

   § May not work with our timing to get to the markets

4. Push back intro date to allow more time

   § May not possible if gov't still wants to pass without extending the House sitting into the summer

Today, is an all lawyers meeting. LSB will continue to provide drafting instructions to Leg Counsel, working largely to this work plan:

April 21 – pens down
April 20 – final comments to Leg Counsel following final review
April 19 – Leg Counsel turns draft for final review by stakeholders
April 18 – instructions from LSB to Leg Counsel based on stakeholder input
April 17 – deadline for substantive input from all stakeholders (agencies, accountants, bankers)
April 13 – substantial draft legislation (with most substantive issues resolved) for review and input by stakeholders
April 10 – deadline for substantive instructions from LSB to Leg Counsel
April 7 – TBD drafting instructions:
April 6 – TBD drafting instructions: possible focus on true up mechanism, role of the OEB, other
April 5 – TBD drafting instructions: possible focus on "collectability" issues, other
April 4 – instructions on Fair Allocation Plan, Treasury Plan, Regulatory Asset

While the timeline is aggressive and the issues complicated, we will work to achieve the government's timeline.

Serge