

RE: Leg Counsel at CAB for ENE Item

From: "Young, Samantha (CAB)" <samantha.young2@ontario.ca>
To: "Hindmarch-Watson, Tim (CAB)" <tim.hindmarch-watson2@ontario.ca>, "Scott-Vickers, James (CAB)" <james.scott-vickers@ontario.ca>, "Frndova, Lucia (CAB)" <lucia.frndova@ontario.ca>, "Valerio, Anna (CAB)" <anna.valerio@ontario.ca>
Cc: "Moore, Karen (CAB)" <karen.moore4@ontario.ca>
Date: Wed, 13 Dec 2017 09:38:22 -0500

Will do!

From: Hindmarch-Watson, Tim (CAB)
Sent: December-13-17 9:35 AM
To: Scott-Vickers, James (CAB); Frndova, Lucia (CAB); Valerio, Anna (CAB)
Cc: Moore, Karen (CAB); Young, Samantha (CAB)
Subject: RE: Leg Counsel at CAB for ENE Item

Great. Thanks. Sam, can you pass that along?

Tim Hindmarch-Watson
416-325-4618

From: Scott-Vickers, James (CAB)
Sent: December-13-17 9:34 AM
To: Hindmarch-Watson, Tim (CAB); Frndova, Lucia (CAB); Valerio, Anna (CAB)
Cc: Moore, Karen (CAB); Young, Samantha (CAB)
Subject: RE: Leg Counsel at CAB for ENE Item

We are inviting MAG to support this item – they can decide to bring OLC.

*James Scott-Vickers
Manager, Cabinet Operations
Deputy Clerk of the Executive Council of Ontario
416-325-6883*

From: Hindmarch-Watson, Tim (CAB)
Sent: Wednesday, December 13, 2017 9:31 AM
To: Frndova, Lucia (CAB); Scott-Vickers, James (CAB); Valerio, Anna (CAB)
Cc: Moore, Karen (CAB); Young, Samantha (CAB)
Subject: RE: Leg Counsel at CAB for ENE Item

Following up on this. Shall we let Leg Counsel know to come to be on standby in the anteroom?

Thanks!

Tim Hindmarch-Watson
416-325-4618

From: Frndova, Lucia (CAB)
Sent: December-12-17 8:31 PM
To: Hindmarch-Watson, Tim (CAB); Scott-Vickers, James (CAB); Valerio, Anna (CAB)
Cc: Moore, Karen (CAB); Young, Samantha (CAB)
Subject: RE: Leg Counsel at CAB for ENE Item

I will defer to clerks for agenda management but think any discussion will be more focused on

the legal opinion. It may be wise to have someone from OLC in antechamber if needed?

Lucia

From: Hindmarch-Watson, Tim (CAB) <Tim.Hindmarch-Watson2@ontario.ca>
Date: Tuesday, Dec 12, 2017, 8:01 PM
To: Scott-Vickers, James (CAB) <James.Scott-Vickers@ontario.ca>, Frndova, Lucia (CAB) <lucia.frndova@ontario.ca>, Valerio, Anna (CAB) <Anna.Valerio@ontario.ca>
Cc: Moore, Karen (CAB) <Karen.Moore4@ontario.ca>, Young, Samantha (CAB) <Samantha.Young2@ontario.ca>
Subject: FW: Leg Counsel at CAB for ENE Item

FYI below re Leg counsel request to attend Cabinet. Can you advise?

Thanks

Tim Hindmarch-Watson
416-325-4618

From: Young, Samantha (CAB)
Sent: December-12-17 8:00 PM
To: Rabadzievski, Sandra (MAG)
Cc: McKenzie, Ashley (MAG); Hindmarch-Watson, Tim (CAB); Moore, Karen (CAB)
Subject: Leg Counsel at CAB for ENE Item

Hi Sandra - Looping in my colleague, Tim, who is leading this item.

Tim - Can you let us know the sign-in time for the ENE item at CAB tmw? Are there enough seats in the chamber?

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Rabadzievski, Sandra (MAG)
Sent: Tuesday, December 12, 2017 7:55 PM
To: Young, Samantha (CAB)
Cc: McKenzie, Ashley (MAG)
Subject: RE: RUSH FACT CHECK - LRC CBN re Energy Bills - further review RUSH

Hi Sam,
Flagging that Mark Spakowski would like to attend Cabinet tomorrow for the energy item. Can you let me know if that's ok, and what time is sign in? Thank you!

Sent with BlackBerry Work
(www.blackberry.com)

From: Young, Samantha (CAB) <Samantha.Young2@ontario.ca>
Date: Tuesday, Dec 12, 2017, 3:48 PM
To: Rabadzievski, Sandra (MAG) <Sandra.Rabadzievski@ontario.ca>
Cc: Soucie, David (MAG) <David.Soucie@ontario.ca>, Kulanathan, Nisha (MAG) <Nisha.Kulanathan@ontario.ca>
Subject: RE: RUSH FACT CHECK - LRC CBN re Energy Bills - further review RUSH

Thanks for the quick turnaround!

From: Rabadzievski, Sandra (MAG)
Sent: December-12-17 3:47 PM
To: Young, Samantha (CAB)
Cc: Soucie, David (MAG); Kulanathan, Nisha (MAG)
Subject: FW: RUSH FACT CHECK - LRC CBN re Energy Bills - further review RUSH

Here you go

Sent with BlackBerry Work
(www.blackberry.com)

From: King, Kevin (MAG) <Kevin.King2@ontario.ca>
Date: Tuesday, Dec 12, 2017, 3:39 PM
To: Rabadzievski, Sandra (MAG) <Sandra.Rabadzievski@ontario.ca>
Subject: FW: RUSH FACT CHECK - LRC CBN re Energy Bills - further review RUSH

Hi Sandra, CLB suggest adding the highlighted sentence below.

Thanks

From: King, Kevin (MAG)
Sent: Tuesday, December 12, 2017 2:46 PM
To: Wright, Sarah (MAG); Ryan, Padraic (MAG)
Cc: Thouin, Alena (ENERGY); Mallen, Jane (MAG); Murray, Maud (ENERGY/MEDG/MRIS/MOI)
Subject: RUSH FACT CHECK - LRC CBN re Energy Bills - further review RUSH
Importance: High

Hi Sarah,

CO is asking for a rush fact check of the language below about on ENERGY's Electricity Bills.

Thanks!

Kevin

The proposal does not change the legal risks associated with the inclusion of OFHP messaging on consumer's electricity bills in the existing regulation, but a constitutional law risk that was not previously outlined has been identified. The Ministry of the Attorney General has advised that there is a moderately-high risk that government requiring LDCs and USMPs (utilities) to convey this information in this way would be found to constitute an unjustified violation of the utilities' freedom of expression under the Charter. **The right to freedom of expression includes the right to say nothing or to not say certain things.** Therefore a law that requires persons to communicate certain things must be justified under the Charter analysis.

The risk arises because it is unclear whether the objective of advising consumers of the effect of government policy on their electricity bill when it does not directly relate to the calculation of the invoiced amount is pressing and substantial, and because there may be more neutral and specific means of communicating information to consumers regarding the impact of the Fair Hydro Plan. If more neutral and specific words were used to communicate the information in question, there would be a moderate risk that the proposed amendment would be an unjustified violation due to the uncertainty as to whether it serves a pressing and substantial purpose.

As noted, ENERGY has been working with utilities on the proposal through its formal Working Group and advises that the risk of a utility bringing a case of this nature forward is low and ENERGY advises it has LDC buy-in to provide this messaging. However, this fact does not mitigate against another person seeking public interest standing to bring a case forward. Hydro

One has already been providing dynamic messaging to its customers since July 2017 and has received positive feedback to date. ENERGY advises that the regulation is not just to enforce compliance but also to establish a consistent methodology for calculating savings so that all Ontario consumers receive the same information.