

Re: Con Law risk re: bill presentment

From: "Schlaepfer, Martin (ENERGY)" <martin.schlaepfer@ontario.ca>
To: "Moore, Karen (CAB)" <karen.moore4@ontario.ca>
Cc: "Chatterjee, Jeet (ENERGY)" <jeet.chatterjee@ontario.ca>, "Hindmarch-Watson, Tim (CAB)" <tim.hindmarch-watson2@ontario.ca>
Date: Tue, 12 Dec 2017 16:43:41 -0500
Attachments: CLB Opinion on proposed Fair Hydro Plan invoicing regulations - 8 Dec 2017....docx (40.24 kB)

Hi Karen,

Ministry response below. I've also attached the legal opinion (although the DM has already shared).

- As a practice, MAG briefing notes are prepared on matters that are going before LRC or Cabinet committee, which have legal risks or MAG impacts.
- Due to the legal risks that have been identified in relation to the Ontario Fair Hydro Plan (OFHP), ENERGY sought an opinion from CLB on the entire OFHP earlier in 2017.
 - At the time, CLB did not identify any other concerns.
- As a result of previous CLB advice, ENERGY came back to CLB when the specifics of the bill presentment proposal were fleshed out.
 - At this stage, CLB identified a new concern regarding a potential constitutional law risk that had not previously been outlined.

From: Moore, Karen (CAB)
Sent: December-12-17 3:57 PM
To: Schlaepfer, Martin (ENERGY)
Cc: Hindmarch-Watson, Tim (CAB); Chatterjee, Jeet (ENERGY)
Subject: RE: Con Law risk re: bill presentment

Hi Martin,

Following up on this request. Your DM kindly shared the legal risk assessment but we are still awaiting the procedural piece to help folks here understand how we got to this place. They are looking for this ASAP today.

Thanks,

Karen

416-325-4764

karen.moore4@ontario.ca

From: Schlaepfer, Martin (ENERGY)

Sent: December 11, 2017 4:20 PM

To: Moore, Karen (CAB) <Karen.Moore4@ontario.ca>

Cc: Hindmarch-Watson, Tim (CAB) <Tim.Hindmarch-Watson2@ontario.ca>; Chatterjee, Jeet (ENERGY) <Jeet.Chatterjee@ontario.ca>

Subject: RE: Con Law risk re: bill presentment

Hi Karen,

We will follow up with our legal on this. It was shared with us only after LRC had begun.

Thanks,
Martin

From: Moore, Karen (CAB)

Sent: December 11, 2017 4:19 PM

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

Cc: Hindmarch-Watson, Tim (CAB) <Tim.Hindmarch-Watson2@ontario.ca>

Subject: Con Law risk re: bill presentment

Importance: High

Hi Martin,

Following the discussion at LRC today, could you please share a copy of the legal risk assessment and a brief summary of the events that led to the receipt of the legal opinion? In particular, PO is interested to know when it was requested and received and whether a similar opinion was received when the addition of the 25% line to the bill was directed by Cabinet.

Please send ASAP today.

Thanks,
Karen

Karen Moore
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