

RE: NUGs GA Lawsuit

From: "Pearce, Christopher (MOF)" <christopher.pearce@ontario.ca>
To: "Ingram, Kelsey (MOF)" <kelsey.ingram@ontario.ca>, "Moore, Brynne (MOF)" <brynne.moore@ontario.ca>, "Hay, Jenna (MOF)" <jenna.hay@ontario.ca>
Cc: "Nguyen, Marianne (MOF)" <marianne.nguyen@ontario.ca>, "Ize-Dukuze, Marilyn (MOF)" <marilyn.ize-dukuze@ontario.ca>
Date: Fri, 30 Sep 2016 18:06:35 -0400
Attachments: Global Adjustment Lawsuit - Stay Decision_v6.docx (24.27 kB)

Kelsey et al.

FYI for now. In short and per the attached, OEFC recently lost the appeal of a court decision brought forward by 12 non-utility generators, which will require payment of retroactive amounts to NUGs. The cost of the retroactive amounts needs to be recouped through the rate base. Though the OEFC has sought leave to appeal to the Supreme Court, the impact of the decision is expected to start hitting certain residential and large-industrial rate payers next month. I've asked Ron's group to confirm how this will be communicated on rate payers bills, particularly for industrial consumers. I've attached a recent note on the file to help frame the issue.

Happy to discuss.

Chris

From: Pearce, Christopher (MOF)
Sent: September 19, 2016 9:56 AM
To: Nguyen, Marianne (MOF)
Subject: FW: NUGs GA Lawsuit

Hi Marianne – FYI. Note was updated slightly on Friday to clarify considerations around payments to NUGs and ratepayer impacts.

From: Tomasz Bugajski [<mailto:Tomasz.Bugajski@ofina.on.ca>]
Sent: September 16, 2016 5:08 PM
To: Pearce, Christopher (MOF)
Cc: Kwan, Ronald (OFA)
Subject: RE: NUGs GA Lawsuit

Hi Chris,

Please find an updated note attached that addresses your questions.

Best,
Tomasz

Tomasz Bugajski
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From: Pearce, Christopher (MOF) [<mailto:Christopher.Pearce@ontario.ca>]
Sent: Friday, September 16, 2016 10:54 AM
To: Tomasz Bugajski <Tomasz.Bugajski@ofina.on.ca>
Subject: RE: NUGs GA Lawsuit

I should clarify my second question – the note mentions carrying costs if the payment is made before funds are received after we get it from the IESO, that the impact would hit bills in October, and that the soonest we could receive the funds from the IESO is Oct 21. Are we then recommending November 1st as the appropriate payment date? What if we haven't received funds from the IESO by that point – when is the next opportunity?

From: Pearce, Christopher (MOF)
Sent: September 16, 2016 10:49 AM
To: 'Tomasz Bugajski'
Subject: RE: NUGs GA Lawsuit

Hi Tomasz – Thanks for updating the note. Have shared with the MO but I have a few questions.

- 1) To what extent does this eat into the benefit to residential and industrial rate payers being provided through the recent rate mitigation initiative? How do the two interact?
- 2) What remaining options does OEFC have in terms of the outstanding payments to NUGs. The note mentions a few different points in time when the payments can be made – are there any impacts/considerations around the payment timing that should guide our thinking?

From: Tomasz Bugajski [<mailto:Tomasz.Bugajski@ofina.on.ca>]
Sent: September 14, 2016 6:28 PM
To: Katona, Keley (ENERGY)
Cc: Pearce, Christopher (MOF); Kwan, Ronald (OFA)
Subject: NUGs GA Lawsuit

Hi Keley,

Please find an updated note on the GA lawsuit attached.

Thanks,
Tomaz

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