

Fw: National Steel Car

From: "Teliszewsky, Andrew (ENERGY)" <"o=govon/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=teliszewsky, andrew (energy)4fe">
To: "Campbell, David (ENERGY)" <david.campbell2@ontario.ca>
Date: Mon, 21 Aug 2017 15:50:57 -0400
Attachments: BN National Steel Car 14 August 2017 (4).docx (31.25 kB)

FYI

From: Schlaepfer, Martin (ENERGY) <Martin.Schlaepfer@ontario.ca>
Sent: Monday, August 21, 2017 2:20 PM
To: Teliszewsky, Andrew (ENERGY)
Cc: Imbrogno, Serge (ENERGY); Ruttan, Craig (ENERGY); Coker, Meaghan (ENERGY); Baker, Carys (ENERGY)
Subject: RE: National Steel Car

Hi Andrew,

Attached is a note from legal on this issue.

Thanks,
Martin

From: Teliszewsky, Andrew (ENERGY)
Sent: August 17, 2017 3:36 PM
To: Schlaepfer, Martin (ENERGY) <Martin.Schlaepfer@ontario.ca>
Cc: Imbrogno, Serge (ENERGY) <Serge.Imbrogno@ontario.ca>; Whittington, Matt (ENERGY) <Matt.Whittington@ontario.ca>; Coker, Meaghan (ENERGY) <Meaghan.Coker@ontario.ca>; Baker, Carys (ENERGY) <Carys.Baker@ontario.ca>
Subject: RE: National Steel Car

We should defend the virtues of the Global Adjustment with gusto and vigor.

From: Schlaepfer, Martin (ENERGY)
Sent: August-17-17 1:18 PM
To: Teliszewsky, Andrew (ENERGY)
Cc: Imbrogno, Serge (ENERGY); Whittington, Matt (ENERGY); Coker, Meaghan (ENERGY); Baker, Carys (ENERGY)
Subject: National Steel Car

Hi Andrew,

National Steel Car has brought an application challenging the global adjustment as an unconstitutional tax and an invalid regulatory charge. They also allege that the global adjustment contravenes the Tax Payer Protection Act. Constitutional Law Branch has asked for Energy's preliminary view about whether we should defend the challenge. At this point, LSB does not see any reason why we would not defend it. There has been no analysis of the merits of the case yet, and so it's not clear why we would concede that the global adjustment is in any way unlawful.

Can you confirm your comfort with this approach?

Thanks,
Martin