FAIR HYDRO PLAN'S CLEAN ENERGY ADJUSTMENT VS THE OEFC'S DEBT RETIREMENT CHARGE

ISSUE

What are the differences between the proposed Clean Energy Adjustment (CEA) under the Fair Hydro Plan (FHP) and the Debt Retirement Charge which was implemented to help service and retire the Ontario Electricity Financial Corporation's (OEFC) debt and other liabilities?

Commented [VC(1]: Are there similarities that we should also consider?

COMPARISON

Fair Hydro Plan and the Clean Energy Adjustment	1999 Ontario Hydro Restructuring and the Debt Retirement Charge
Key Points	
• Proposed Fair Hydro Plan ("FHP") is being established in the context of an almost fully regulated or contracted market. • The Global Adjustment ("GA", a portion of the commodity cost of electricity) deferral portion of the FHP is being established under legislation and a regulatory framework, underpinning the establishment of a regulatory asset, with a deferral account for the deferred portion of GA costs and the associated financing costs. • This GA deferral is to more fairly allocate the cost recovery from ratepayers of the cost of certain investments in generation assets and conservation that are expected to last longer than their typically 20-year contract terms.	• The 1999 electricity sector restructuring was under the *Energy Competition Act, 1998*, ("ECA") to move Ontario's electricity sector to a competitive structure, including providing for private sector involvement and a market price for the electricity commodity. • The Debt Retirement Charge ("DRC") was provided for under legislation; however, it was not under a regulatory structure (e.g., with no role for the OEB), and the Province did not establish a defined deferral account balance to be recovered under the DRC. The DRC was authorized under the Electricity Act, 1998, until the "residual stranded debt" ("RSD") was retired, as determined by the Minister of Finance. • The DRC reflects a portion of the disaggregation of the old "bundled rate" of the old Ontario Hydro that included cost recovery related to generation, transmission and central market services, and including debt costs. ○ As such, the intention of establishing the DRC framework was not to shift in time, or across different customers or customer classes, the cost recovery of the old Ontario Hydro debt and other liabilities. It reflected the break-up of the old Ontario Hydro,

Commented [npp2]: Expenditures incurred on assets reflected in costs of commodity to benefit beyond consumption period.

Fair Hydro Plan and the Clean Energy Adjustment	1999 Ontario Hydro Restructuring and the Debt Retirement Charge
• The Clean Energy Adjustment ("CEA") reflects the recovery of the deferral account balance, with a legal/regulatory structure supporting certainty on the ability to recover, and as defined over a particular timeframe to be defined under the proposed FHP Act. ○ The total Clean Energy Adjustment payable shall be determined by Ontario Power Generation (Financial Services Manager).	vertically-integrated monopoly and its bundled rates into commodity, delivery, central market, and a portion of legacy debt service components. It was not considered a "new" or additional cost for the all-in price of electricity. ○ The above was the case, though an argument was made back in the 1999 and 2000 period that OEFC's revenues over time, as dedicated to it under legislation, could be reflected as assets on OEFC's balance sheet. In the end, this was not the accounting treatment established for OEFC. The accounting treatment agreed to was to charge the accumulated deficit for the amount of the stranded debt. • As noted above, by design, there was no defined amount that the DRC was to recover. ○ Because of the ECA's purpose was to provide for a competitive market, the actual annual amounts of other dedicated revenues (e.g., PILs, ESDI) to be paid to OEFC was uncertain, since it depended on the successor companies' actual financial performance. Therefore, the timeframe for retiring RSD was uncertain – so the length and total amount of DRC required was uncertain. I.e., again, this was not a deferral account structure proposed to be established under the FHP under which the Clean Energy Adjustment would be applied.
• The Ontario Energy Board shall determine the rates at which specified customers are invoiced over the reference period.	• The DRC was set by the government, under the *Electricity Act, 1998*, at 0.7 cents per kilowatt-hour for most electricity consumed in Ontario. It is paid to OEFC, and, under an MOU, administered by the Ministry of Finance (originally by the former Ministry of Revenue). • Having the old Ontario Hydro debt and other liabilities managed by OEFC, and the DRC paid to OEFC, with separate, audited financial statements, provided for transparency and accountability.

Commented [npp3]: To be recovered through rates in any period

Fair Hydro Plan and the Clean Energy Adjustment	1999 Ontario Hydro Restructuring and the Debt Retirement Charge
Detailed Context	
The CEA, as proposed, arises from the Government's policy to shift a portion of GA costs to the future in order to relieve current ratepayers of some of the burden of paying for investments the benefits of which will continue to accrue to future generations. Between 2005 and 2015, Ontario invested more than $50 billion in the electricity system, including $35 billion in electricity generation to ensure the system is clean and reliable. The costs of these investments are funded in part through the Global Adjustment charge on electricity bills. The GA charge includes covering the costs of electricity infrastructure investments on an ongoing basis. The size and timing of these investments led to significant increases in electricity bills through the GA charge. While the majority of the contracted generation is for a 20-year term, the generating assets are expected to have ongoing useful life beyond that term and benefit future ratepayers. The government's proposed Fair Hydro Plan would relieve some of the current GA cost burden on today's ratepayers and share costs more fairly, by refinancing a portion of the GA, and recovering costs in the future through a deferral account. This would provide immediate rate relief by spreading the cost of electricity investments over the expected lifecycle of the infrastructure that has been built. In the early years, a portion of the costs covered by the GA would be refinanced to reduce pressure on today's electricity ratepayers. In later years, the cost of refinancing would be recovered from ratepayers. This recovery is the clean energy adjustment (CEA). It is the amount that will be recovered from consumers in the future to pay principal, interest, transaction costs and administrative costs associated with the fair adjustment and consistent with the fair allocation amount.	The OEFC stranded debt arose in 1999 as a result of the restructuring of the electricity sector under the *Energy Competition Act, 1998*. • The underlying policy intent was to create competition in the sector, including the break-up of the former Ontario Hydro and creating a tax-payments-in-lieu of taxes level playing field for private and public sector owned electricity companies. • The Act also provided for the Debt Retirement Charge (DRC), to help manage the legacy debt and other liabilities of the former Ontario Hydro. When the former Ontario Hydro was restructured on April 1, 1999, the Ontario Electricity Financial Corporation (OEFC) was established with the mandate to manage and retire the former Ontario Hydro's debt and other liabilities, totaling $38.1 billion. The $38.1 billion in debt and liabilities had been accumulated in building Ontario's electricity generation and transmission infrastructure. A portion of the $38.1 billion could be supported, in the context of a restructured market, by the assets of Ontario Hydro successor companies, in particular OPG, Hydro One and IESO, however, OEFC was left with $20.9 billion in stranded debt. Conceptually, stranding was generated by two factors: • "Commercial" stranding, as level-playing field "PILs" were put in place, resulting in the successor companies having less cash flow to support debt, and as the commercial successor companies would have a higher cost of capital {a higher, commercial, return on equity (ROE) – as regulated for Hydro One, and as for comparable competitive generators for OPG}. • "Competition" stranding, where the projected future commodity price of electricity was estimated to be lower than the former rate-regulated price, such that OPG could support a

Commented [npp4]: AG's issue is with the fact that the contracts have not been renegotiated, there is no certainty that future costs will decline. However, there is a longer term benefit of costs incurred over the shorter contract period w.r.t impact on envioinment, etc. which could justify the lengthier recovery (deferral) period.

Commented [KK5]: Would not the cost that is deferred plus the cost of refinancing be recovered from ratepayers?

Fair Hydro Plan and the Clean Energy Adjustment	1999 Ontario Hydro Restructuring and the Debt Retirement Charge
The “debt” that the CEA will retire is not pre-existing but arises out of the policy choice to shift a portion of contract cost recovery plus the cost of financing that shift from current monthly settlements to the future in order to more fairly distribute the costs associated with the benefit of electricity infrastructure investment costs. There was an existing policy in place to recover these costs within a 12 month period and that policy has changed to recover these costs within a 30 year period.	lower level of debt, and a liability was created with respect to the legacy power purchase agreements (PPAs) with non-utility generators (NUGs). To allow OEFC to service and retire $38.1 billion in total debt, including the $20.9 billion in stranded debt, the Province established a long-term plan where debt servicing and repayment would be through dedicated revenues from electricity-sector companies. • This included dedicating the amounts to OEFC related to the “commercial” stranding: PILs to OEFC and the “Electricity Sector Dedicated Income” in respect of the net income (i.e., ROE) in excess of the Province’s financing cost for the equity. • As PILs were dedicated to OEFC, they were not considered to be a net pressure on all-in prices, simply replacing a portion of debt-service costs that had been embedded in the old regulated prices of Ontario Hydro. The higher ROE was also effectively recycled too. • As of April 1, 1999, the present value of these revenue streams was estimated at $13.1 billion, leaving an estimated $7.8 billion of “residual stranded debt”. • Due to the uncertainty discussed above, the Act provided for the Minister of Finance to update the RSD determination from time to time. The Debt Retirement Charge (DRC) on electricity bills was established under the Electricity Act, 1998, to be paid to the OEFC until the *residual stranded debt* was retired (as determined by the Minister of Finance). • As this was related to “competition” stranding, which created price room due from the lower projected commodity price, the DRC was not considered to be creating price pressure, but was in effect just a disaggregation of a portion of the debt service costs embedded in the old regulated rates of Ontario Hydro.

Commented [KK6]: I believe this is the most fundamental difference. The DRC arose to pay off an existing debt, the CEA to pay down a debt arising from shifting a portion of current costs and the associated financing costs to the future.

CV -- agreed

Fair Hydro Plan and the Clean Energy Adjustment	1999 Ontario Hydro Restructuring and the Debt Retirement Charge
Fiscal Impact to the Province	
Under the proposed financing structure, transactions related to GA refinancing, including CEA payments, would be reflected on the Province's consolidated results through the consolidation of OPG and the IESO. Based on the anticipated accounting treatment, the CEA transactions would not have a net impact on the Province's annual surplus or deficit, annually or over time.	The DRC, paid by electricity rate payers, is a revenue to the OEFC and in turn the Province upon consolidation. The DRC increases revenues, and helps offset debt service costs of OEFC (and the Province, on consolidation). Over time, where OEFC has an excess of revenues (including DRC) over expense, this decreases OEFC's unfunded liability (sometimes called "stranded debt"). Note: Stranded debt is included in the measurement of the Province's net debt
Payment Amounts	
The annual Clean Energy Adjustment payment amount will be determined by the Financial Services Manager and is not yet determined. Once the total Clean Energy Adjustment payable is determined by Ontario Power Generation (Financial Services Manager), the Ontario Energy Board shall determine the rates at which specified customers are invoiced over the reference period.	The Debt Retirement Charge is presently and has been paid by most electricity consumers at a rate of 0.7 cents per kilowatt hour.
Payment End Date	
The reference period as stated in the proposed Fair Hydro Act will end on either April 30, 2047 or a later date as may be prescribed in regulation.	Initially, under the *Electricity Act, 1998*, the DRC payment period was open ended with the intention to end the DRC once the residual stranded debt is retired.

Commented [KK7]: Well the transactions are not line by line consolidated. However, they are a component of the equity consolidation in the sense OPG's net income is expected to increase by the amount of the interest it charges to the Trust on the debt issued to the Trust funded by the 44% equity injection. That Net income increase will provide a fiscal offset to the Province's increased IOD from the borrowings related to the equity injection.

Commented [VC(8]: Should this be focused on cash flow vs. revenue re the reduction of the unfunded liability?

Fair Hydro Plan and the Clean Energy Adjustment	1999 Ontario Hydro Restructuring and the Debt Retirement Charge
Correspondingly the Clean Energy Adjustment would also end on April 30, 2047 or a later date.	The estimated retirement of residual stranded debt was subject to uncertainty in forecasting future OEFC results and dedicated revenues to OEFC, which depended on the financial performance of OPG, Hydro One, and municipal electric utilities, as well as other factors such as interest rates and electricity consumption. As included in the 2014 Budget, the government has removed the DRC cost from residential electricity users' electricity bills as of January 1, 2016. The government introduced legislation, passed on December 10, 2015, the Budget Measures Act, 2015 to legislate a fixed end-date for the DRC of April 1, 2018, for commercial, industrial and all other users.

APPENDIX

Excerpt from Remarks by Auditor General Bonnie Lysyk to the Standing Committee on Justice Policy on Bill 132 *Ontario Fair Hydro Plan Act, 2017*

MAY 24 ,2017

"The accounting transaction is structured in a complex manner. In simple terms, the government plans to record as an asset the expected recovery of the 25% in electricity costs from future ratepayers that it will borrow for and pay to power producers today. In essence, it is setting up as an asset an accounts receivable that it expects to collect from future ratepayers between 2022 and 2047 that is not yet an accounts receivable because the consumer has not yet used the electricity.

A similar move to legislate accounting to defer costs was proposed with the restructuring of the Ontario electricity sector in the late 1990s. At that time, the government did not want the net impact of the stranded debt, which had already been incurred, to be reflected on the Province's financial statements. Because it anticipated that ratepayers would pay down this debt, it wanted to create an asset to reflect those future anticipated revenues from electricity ratepayers. This approach would have fully offset the total stranded debt, such that there would have been no net debt impact reflected on the Province's consolidated financial statements. The Auditor General's opinion, as stated in our Office's 2000 Annual Report, was that this [quote] "would have set an unacceptable precedent for government accounting. It would also have represented a departure from one of the central tenets of generally accepted accounting principles—that revenue not be recognized until it is earned." [end quote] The government heard these concerns and was prudent in making the decision to not create an asset for future anticipated ratepayer payments. I believe those concerns are equally applicable today."

Excerpt from ***Auditor General of Ontario 2000 Annual Report***

"In last year's Annual Report, I indicated that the government intended to offset Ontario Hydro's stranded debt with a deferred charge on OEFC's statement of financial position in accordance with accounting standards for rate-regulated utilities. I further indicated at that time that the details of this accounting had not been finalized. In this year's audit, we found that the Ministry of Finance had not adequately supported recognition of the deferred charge as an asset. Accordingly, we found it necessary to conduct extensive accounting research. Based on a full assessment of the proposed accounting, an exhaustive review of Canadian and U.S. accounting standards, discussions with ministry staff and external advice, we concluded that the deferred charge could not be recorded as an asset.

The deferred charge approach would have excluded the stranded debt entirely from the measure of the government's net debt. It would have also excluded the electricity sector's annual operating income or loss from the measure of the government's annual surplus or deficit. Failing to recognize an existing liability, particularly one of the magnitude of OEFC's stranded debt, as well as the ongoing income or loss from a significant government sector because of the expectation that this debt would eventually be discharged by means of future dedicated revenue streams would have set an unacceptable precedent for government accounting. It would also have represented a departure from one of the central tenets of generally accepted accounting principles—that revenue not be recognized until it is earned.

Our research also indicated that certain provisions for loss deferral allowed only for rate-regulated utilities were not applicable to Ontario's situation. Work on resolving this complex issue was not finalized until late October. The final financial statements included the net assets/ liabilities and operating results of the four electricity entities owned by the province, and we concluded that this accounting resulted in a fair presentation of the province's financial position and operating results."

Corporate and Electricity Finance Division
May 26, 2017