

RE: "Fair" Legislation (Discussion Draft)

From: "Calwell, Carolyn (ENERGY/MEDEI/MRI)" <carolyn.calwell@ontario.ca>
To: "Veinot, Cindy (TBS)" <cindy.veinot@ontario.ca>
Date: Mon, 10 Apr 2017 08:21:59 -0400
Attachments: Document2-1blh.docx (21.23 kB)

Thanks, Cindy. Also, attached is a document received from the OEB.

From: Veinot, Cindy (TBS)
Sent: April-10-17 8:21 AM
To: Calwell, Carolyn (ENERGY/MEDEI/MRI)
Subject: RE: "Fair" Legislation (Discussion Draft)

Hi Carolyn – I'll call into the meeting this morning – I have a conflict mid day that I'm not going to be able to move, but hopefully we will have dealt with the main issue by then. I'm going to see if Nadine can attend in person.

Cindy

From: Calwell, Carolyn (ENERGY/MEDEI/MRI)
Sent: April-10-17 7:01 AM
To: Hume, Steen (ENERGY); Nelms, Scott (MOF); Cox, Hilary (ENERGY); Veinot, Cindy (TBS)
Subject: Fw: "Fair" Legislation (Discussion Draft)

Fyi

From: Feldman, Michael <mfeldman@torys.com>
Sent: Sunday, April 9, 2017 10:08 PM
To: 'ASHBOURNE, STEPHEN'
Cc: JACKSON, ADAM; Peter Hamilton (PHamilton@stikeman.com); LEE John -TREASURY; RYFA Ken - TREASURY; WONG Leslie -LAWDIV; MCAULEY Tyler -LAWDIV; WILSON, JUDY; STOKES, BRYSON; Hill, Krista; Ramchandani, Rima; Keizer, Charles; Myers, Jonathan; Emes, Aaron; Mansoori, Nina; Wortsman, Jerald; Bomhof, Scott; Estey, Bill; Watson, Gwen; Rehob, James (ENERGY); Alan Hibben; Shear, Dan (ENERGY); Calwell, Carolyn (ENERGY/MEDEI/MRI); O'Brian, Adam; Fitzpatrick, Michael F.; STOKES, BRYSON; VINER, JON; Feldman, Michael
Subject: RE: "Fair" Legislation (Discussion Draft)

Stephen,

I am attaching our revised version of the draft legislation, together with a blackline against the last version that you circulated to this group. It is being circulated to OPG at the same time as everyone else and so remains subject to their comments. Also, this draft reflects input that we received from the Dealers and their counsel although they too will be receiving our revised draft without having seen an earlier version.

P. 416.865.7513 | F. 416.865.7380 | 1.800.505.8679

From: ASHBOURNE, STEPHEN [<mailto:STEPHEN.ASHBOURNE@blakes.com>]
Sent: April-07-17 1:22 AM

To: Feldman, Michael <mfeldman@torys.com>
Cc: JACKSON, ADAM <ADAM.JACKSON@blakes.com>; Peter Hamilton (PHamilton@stikeman.com) <PHamilton@stikeman.com>; LEE John -TREASURY <john.s.lee@opg.com>; RYFA Ken -TREASURY <ken.ryfa@opg.com>; WONG Leslie -LAWDIV <leslie.wong@opg.com>; MCAULEY Tyler -LAWDIV <tyler.mcauley@opg.com>; WILSON, JUDY <JUDY.WILSON@blakes.com>; STOKES, BRYSON <BRYSON.STOKES@blakes.com>; Hill, Krista <khill@torys.com>; Ramchandani, Rima <rramchandani@torys.com>; Keizer, Charles <ckeizer@torys.com>; Myers, Jonathan <jmyers@torys.com>; Emes, Aaron <aemes@torys.com>; Mansoori, Nina <nmansoori@torys.com>; Wortsman, Jerald <jwortsman@torys.com>; Bomhof, Scott <sbomhof@torys.com>; Estey, Bill <bestey@torys.com>; Watson, Gwen <gwatson@torys.com>; James.Rehob@ontario.ca; Alan Hibben <alan.hibben@rogers.com>; 'Shear, Dan (ENERGY)' <Dan.Shear@ontario.ca>; Carolyn.Calwell@ontario.ca; O'Brian, Adam <aobrian@hunton.com>; Fitzpatrick, Michael F. <MFitzpatrick@hunton.com>; STOKES, BRYSON <BRYSON.STOKES@blakes.com>; VINER, JON <JON.VINER@blakes.com>
Subject: "Fair" Legislation (Discussion Draft)

Thanks for your comments, Michael. The attached version picks up many of your, Peter's and H&W's comments. In some cases it defers consideration, pending dealer input (such as your suggestion of tracking individual, standalone Regulatory Assets per transaction; delinking the investors from the LDCs, in favour of having IESO be the main servicer; and deleting some of the US precedent language). The regulatory input included in your mark-up was particularly helpful, although not easily dealt with tonight without the Province's input, so many of those points have simply been brought forward with additional footnotes for now. The manner and extent of delegations (primarily the Financing Plan and the Fair Allocation Plan), the nature of OEB review and regulatory actions, the scope of the undertaking and other similar issues, are still under consideration by MOE. Your comments to the effect that nothing can affect a funding obligation once incurred were referenced, as I think that is a pervasive and correct idea. The ultimate location of provisions (Part of the Electricity Act; new Act; Regulations) is still under consideration – for now it's all in this document to facilitate this group review. Finally, there are a number of "validity" type points, which arose in your mark-up and which we are still thinking about. We can discuss those further in the morning. Steve

Stephen R. Ashbourne
Partner
stephen.ashbourne@blakes.com
Dir: 416-863-3086



Blake, Cassels & Graydon LLP
199 Bay Street, Suite 4000, Toronto ON M5L 1A9
Tel: 416-863-2400 Fax: 416-863-2653
blakes.com | [Twitter](#) | [Unsubscribe](#)

Blake, Cassels & Graydon LLP | Barristers & Solicitors | Patent & Trade-mark Agents

This email communication is CONFIDENTIAL AND LEGALLY PRIVILEGED. If you are not the intended recipient, please notify me at the telephone number shown above or by return email and delete this communication and any copy immediately. Thank you.

L'information paraissant dans ce message électronique est CONFIDENTIELLE. Si ce message vous est parvenu par erreur, veuillez immédiatement m'en aviser par téléphone ou par courriel et en détruire toute copie. Merci.

From: Feldman, Michael [<mailto:mfeldman@torys.com>]
Sent: Thursday, April 06, 2017 4:26 PM
To: ASHBOURNE, STEPHEN
Cc: JACKSON, ADAM; Peter Hamilton (PHamilton@stikeman.com); LEE John -TREASURY; RYFA Ken -TREASURY; WONG Leslie -LAWDIV; MCAULEY Tyler -LAWDIV; WILSON, JUDY; STOKES, BRYSON; Hill, Krista; Ramchandani, Rima; Keizer, Charles; Myers, Jonathan; Emes, Aaron; Mansoori, Nina; Wortsman, Jerald; Bomhof, Scott; Estey, Bill; Feldman, Michael; Watson, Gwen; James.Rehob@ontario.ca; Alan

Hibben; 'Shear, Dan (ENERGY)'; Carolyn.Calwell@ontario.ca; O'Brian, Adam; Fitzpatrick, Michael F.
Subject: Torys Comments on Blakes Draft Legislation

All,

I am attaching our comments on the last version of the draft legislation sent to us by Blakes. Both a clean and blacklined version are attached.

This is being distributed to OPG at the same time as everyone else and so remains subject to their comments as this is very much a work in process.

We also just received comments from Hunton & Williams but in the interests of time we have not been able to include those in our mark up, but expect to be in a position to raise any of their big issues at our meeting tomorrow. Also, I will send their comments separately to Blakes.

Regards,

Michael K. Feldman

P. 416.865.7513 | F. 416.865.7380 | 1.800.505.8679

79 Wellington St. W., 30th Floor, Box 270, TD South Tower
Toronto, Ontario M5K 1N2 Canada | www.torys.com



This email and any attachments are for the sole use of the intended recipients and may be privileged or confidential. Any distribution, printing or other use by anyone else is prohibited. If you are not an intended recipient, please contact the sender immediately, and permanently delete this email and attachments.

Le présent courriel et les documents qui y sont joints sont exclusivement réservés à l'utilisation des destinataires concernés et peuvent être de nature privilégiée ou confidentielle. Toute distribution, impression ou autre utilisation est interdite aux autres personnes. Si vous ne faites pas partie des destinataires concernés, veuillez en informer immédiatement l'expéditeur, ainsi que supprimer ce courriel et les documents joints de manière permanente.

This email and any attachments are for the sole use of the intended recipients and may be privileged or confidential. Any distribution, printing or other use by anyone else is prohibited. If you are not an intended recipient, please contact the sender immediately, and permanently delete this email and attachments.

Le présent courriel et les documents qui y sont joints sont exclusivement réservés à l'utilisation des destinataires concernés et peuvent être de nature privilégiée ou confidentielle. Toute distribution, impression ou autre utilisation est interdite aux autres personnes. Si vous ne faites pas partie des destinataires concernés, veuillez en informer immédiatement l'expéditeur, ainsi que supprimer ce courriel et les documents joints de manière permanente.