

FW: !URGENT - FW: Your Client: Next Steps

From: "Thouin, Alena (ENERGY)" <alena.thouin@ontario.ca>
To: "Schlaepfer, Martin (ENERGY)" <martin.schlaepfer@ontario.ca>, "Chatterjee, Jeet (ENERGY)" <jeet.chatterjee@ontario.ca>, "Lyon, Sam (ENERGY)" <sam.lyon@ontario.ca>
Cc: "Murray, Maud (ENERGY/MEDG/MRIS/MOI)" <maud.murray3@ontario.ca>, "Kacaba, Jennifer (ENERGY)" <jennifer.kacaba@ontario.ca>
Date: Fri, 15 Dec 2017 17:02:29 -0500

Please see below.

Please advise. We are available for a call if needed.

Alena

From: KRANE, JOSHUA [mailto:JOSHUA.KRANE@blakes.com]
Sent: December 15, 2017 5:00 PM
To: Thouin, Alena (ENERGY)
Subject: !URGENT - FW: Your Client: Next Steps
Importance: High
Sensitivity: Confidential

Privileged and Confidential

Hi Alena,

Please see below from the ASC. The ASC is asking for a response by 5 pm Monday.

I also spoke with Rafe.

He/the ASC is not prepared to include additional language on the 25% claim (although given Rafe's prior memo, we should be fairly comfortable this issue has been addressed).

The unresolved issues are the specific words used in the 30-second radio spot around affordability and reliability, particularly the claims that "hydro bills are more affordable" and "the electricity system is more reliable for all Ontarians".

Can I please trouble you to get back to me Monday with instructions on whether we can accept this?

I recommend we do so.

Let me know if you want to speak. I am on cell and available any time, including over the weekend.

Josh

Joshua A. Krane
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From: Rafe Engle [<mailto:counsel@rsengle.ca>]

Sent: Friday, December 15, 2017 4:52 PM

To: KRANE, JOSHUA

Subject: Your Client: Next Steps

Importance: High

Sensitivity: Confidential

STRICTLY CONFIDENTIAL

Josh:

I invite you, on behalf of your client, to write me, on behalf of my client, for receipt by not later than 5:00 p.m. on Monday, December 18, 2017 and say:

"Since the advertising in question is not now being circulated or distributed anywhere to the public, and has not over the past several months, the advertiser has decided not to revive the same advertising now, or in the future."

I am authorized to tell you that on that basis, my client will close its file on this matter and not proceed further with it, except to tell the complainants that the file is now closed for the reasons noted in the immediately foregoing paragraph above.

When your client has developed new advertising, but before releasing the advertising to the public, your client would be well advised to consult with my client for its advice on whether, in my client's opinion, the new advertising may raise issues under the Code.

Warm regards,

Rafe Engle

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Thank you for your co-operation.

