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ONTARIO'S FAIR HYDRO PLAN ACCOUNTING (GLOBAL ADJUSTMENT REFINANCING)

ISSUE: What is the basis for the proposed accounting for the Global Adjustment Refinancing on the Province's books?

CONTEXT:

- The Global Adjustment Refinancing is one component of Ontario's Fair Hydro Plan announced in March 2017, and is the most significant contributor to the reduction in hydro rates for residential consumers. The other parts of the Plan for residential consumers include:
    - (a) Expansion of the Ontario Electricity Support Program;
    - (b) Reductions in distribution rates for consumers in rural and remote areas;
    - (c) reductions for First Nations residential consumers living on-reserve; and,
    - (d) A fund set up to assist consumers in making their homes more energy efficient.
- The only impacts on the 2016-17 consolidated financial statements from Ontario's Fair Hydro Plan is related to (d) the fund set up to assist consumers in making their homes more energy efficient, which was expensed in the year and increases the annual deficit. In addition, the 8 percent rebate on electricity bills, introduced as of January 1, 2017, while not part of the March 2017 announcement, also impacts the 2016-17 as an expense that increases the annual deficit.

KEY MESSAGES:

GA Financing Status and Structure

- In order to meet the needs of users, including the legislature and the public, for accountability in government reporting and decision making, it is essential that public sector financial statements reflect the economic substance of the government's activities.
- All of the agreements necessary for the Global Adjustment (GA) Refinancing are not yet complete. The final accounting for the GA Refinancing will be completed once all of the elements are complete. The balance of the note is based on the expected outcome. As previously noted, there is no impact on the 2016-17 consolidated financial statements from the GA Refinancing.
- In analyzing the appropriate accounting treatment for the GA refinancing component of Ontario's Fair Hydro Plan on the Province's consolidated financial statements in 2017-18 and forward, the Province considered authoritative guidance issued by the Public Sector Accounting Board, as well as the accounting assessments of the Independent Electricity System Operator (IESO) and Ontario Power Generation (OPG) management, including the accounting opinions of their external auditors.
- The complexity and unique structure of the GA Refinancing structure requires the use of professional judgment to ensure that key financial reporting objectives of transparency and accountability are best served.
- Under GA Refinancing, as enabled by the Ontario Fair Hydro Plan Act, 2017 ("OFHPA"), a Financing Entity established by Ontario Power Generation, will borrow amounts to fund the payment of a portion of electricity costs charged by the electricity generators, thereby temporarily reducing the amount paid by eligible consumers (or ratepayers). The deferred

amounts, including interest and other costs, will be recoverable from consumers/ratepayers in the future.

- The Independent Electricity System Operator (IESO), a not-for-profit organization independent agency of the Province, is responsible for the management and operation of the wholesale electricity market. IESO makes payments to the electricity generators with cash received from the local distribution companies (and ultimately the consumers/ratepayers).
- Over the last 10+ years, investments have been made to decarbonize (i.e., phase-out coal) and modernize Ontario's electricity system (i.e., build and maintain a reliable electricity system). This involves a move away from coal and to cleaner, but more expensive methods of electricity generation, including wind, solar and natural gas. The cost of these investments were passed on to consumers/ratepayers as incurred or based on contractual payment terms, but not based on period of benefit (i.e., the life of many generators is expected to exceed the length of the contracts).
- The GA refinancing acknowledges that the current generation of electricity consumers has paid more than its fair share for these costs, and spreads these costs incurred out over more years so that they are shared proportionally by future electricity consumers.
- In simple terms, the IESO will continue to make payments to the electricity generators based on their contractual terms, but will collect less from the local distribution companies, as the consumers or ratepayers will pay a reduced amount. The amount not collected from the consumers now, or the shortfall, will be collected from consumers/ratepayers in the future.
- OFHPA permits the IESO to sell that shortfall, also referred to in the Act as a regulatory asset, which represents the right to collect payments from consumers/ratepayers in the future, to a financing entity. To recap, the IESO will continue to pay the electricity generators at their current contract rates but

with cash collected from the local distribution companies for electricity consumed (at a rate set by the OEB which reflects a significant portion of the 25 per cent reduction in the initial years) and cash received from the financing entity for the sale of the regulatory asset.

- The financing entity will be part of Ontario Power Generation (OPG Trust), a government business enterprise, wholly owned by the Province. The operations of Ontario Power Generation have been and will continue to be included in the consolidated financial statements of the Province using the modified equity method, the method Public Sector Accounting Standards (PSAS) require for government business enterprises.
- At its discretion, OPG Trust would purchase the shortfall amounts (or regulatory asset) through a combination of provincial borrowing (flowed through OPG as an equity investment), amounts advanced from OPG and direct borrowing from capital markets.
- In the future, when the consumers/ratepayers pay for the deferred amount those amounts will be used to repay the accumulated debt, whether that be direct borrowing from the capital markets, amounts advanced from OPG or provincial borrowing.

IESO Accounting

- There is no impact on the 2016-17 consolidated financial statements from the GA Refinancing. The GA refinancing is expected to impact the 2017-18 consolidated financial statements.
- In 2017-18, the shortfall or regulatory asset that IESO incurs as a result of collecting less from the local distribution companies than it pays to the electricity generators would be accounted for as a rate-regulated asset. The rate-regulated asset would then be sold to OPG Trust for cash used to pay the electricity generators.

- For 2016, IESO adopted the use of rate-regulated accounting for costs incurred unrelated to the GA Refinancing; however, the impact to the financial statements of the Province was immaterial (impact on annual deficit of $24 million).
- PSAS is silent on the use of rate regulated accounting, however, like all major accounting frameworks, PSAS encourages both preparers and auditors to consider guidance in other accounting frameworks when accounting for transactions not specifically addressed by the specific standards.
- IESO management, their audit committee, their board of directors and their external auditors, agree with the adoption of rate-regulated accounting by IESO. The Office of the Provincial Controller also supports the adoption of rate-regulated accounting by IESO.
- IESO is not the first entity that has prepared its financial statements using PSAS and rate-regulated accounting. Ontario Power Authority (which was amalgamated with IESO on January 1, 2015) prepared its financial statements with PSAS and used rate-regulated accounting.
- In the Auditor General's opinion on the 2016-17 consolidated financial statements, the AG has included an "Other Matter" paragraph, drawing attention to the adoption of rate-regulated accounting by IESO. The AG's view is expressed as stating PSAS does not permit rate-regulated accounting, but that the AG has not qualified the opinion on this matter because the impact is not material to the 2016-17 consolidated financial statements.
- The AG further notes, "However, the consolidated financial statements may become materially misstated in future periods, as a result of the legislated accounting prescribed under the Ontario Fair Hydro Plan Act, 2017 (OFHPA) and its related regulations, as it is not in accordance with Canadian public sector accounting standards."

- Neither the IESO nor Office of the Provincial Controller Division (OPCD) agree with the statements that (a) PSAS does not permit rate-regulated accounting (as previously noted, PSAS is silent with respect to rate-regulated accounting) or (b) Fair Hydro Plan and its related legislation and regulations legislate the accounting for GA Refinancing.

OPG Accounting

- The Auditor General has not raised any concerns to date with the intended accounting for the OPG Trust on the Province's books.
- OPG Trust will be controlled and consolidated by OPG.
- Purchases by OPG Trust of the rate-regulated assets from the IESO will be reflected on OPG's books as intangible assets which will be included in the Province's financial statements as part of its investments in government business enterprises.

The Province's Accounting

- In assessing the appropriate accounting for Ontario's Fair Hydro Plan (OFHP) on the Province's books, OPCD worked closely with key ministries, the Ontario Energy Board (OEB), IESO, OPG and their respective external advisors.
- The final accounting treatment for OFHP related activities will be confirmed once all elements of the GA Refinancing framework are finalized, including provincial guarantees and financing arrangements.
- Once the details and commercial agreements of the OFHP are finalized, the external auditors of IESO and OPG are expected to provide independent accounting opinions on the accounting treatment on IESO and OPG's financial statements.

- OPCD will rely on those independent accounting opinions, the audited financial statements of IESO and OPG as of December 31, 2017 and its own research and analysis in determining the impact of the GA Refinancing on the 2017-18 consolidated financial statements.

If Pressed: AG Accusation of Legislated Accounting

- The Auditor General has made several incorrect references to legislated accounting which should be addressed to ensure clarity and transparency in terms of the government's accounting treatment for Ontario's Fair Hydro Plan.
- In particular, the Auditor General has referred to legislated accounting prescribed by the OFHPA that is designed to in some way manipulate the Province's financial reporting in its consolidated financial statements.
- The Province's financial statements are based on Public Sector Accounting Standards as issued by the Public Sector Accounting Board of CPA Canada. There is no legislated accounting that applies to the Province's consolidated financial statements.
- While the OFHPA does, under Section 24, require that IESO set up a variance account to track the cash shortfall amount resulting from the deferred recovery amount, it is just another type of regulatory account, similar to those that OPG reports and for which the OEB is responsible for approving rates.
- As far as the Province's financial reporting practices go, whether the deferred amounts reported in IESO's variance account are assessed as assets for financial reporting purposes will be determined by the interpretation and application of Public Sector Accounting Standards, not by the legislation or regulations.

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Appendix

Proposed Legislated Transaction Structure

Prepared by the Office of the Auditor General of Ontario