

Message

From: Glenn Zacher [GZacher@stikeman.com]
Sent: 2017-04-24 6:39:13 AM
To: Michael Boll [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4811917e15054407b665fe16d12ff415-Michael Bol]
CC: Peter Hamilton [PHamilton@stikeman.com]; Anthony Martinello [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3fb7d76317b34780b15d96309b995c31-Anthony Mar]
Subject: Re: CONFIDENTIAL: OEB Comments on Draft Legislation

Michael - I will have get boardroom and send sec passes to you and Anthony

Glenn Zacher
Tel : (416) 869-5688
gzacher@stikeman.com

> On Apr 23, 2017, at 10:04 PM, Michael Boll <Michael.Boll@ieso.ca> wrote:

>
> Works for me
>
> Sent from my BlackBerry 10 smartphone on the Rogers network.
> Original Message
> From: Glenn Zacher
> Sent: Sunday, April 23, 2017 9:39 PM
> To: Michael Boll
> Cc: Peter Hamilton; Anthony Martinello
> Subject: Re: CONFIDENTIAL: OEB Comments on Draft Legislation
>
>

> I agree. Could we do 11?

>
> Glenn Zacher
> Tel : (416) 869-5688
> gzacher@stikeman.com<mailto:gzacher@stikeman.com>
>
>

> STIKEMAN ELLIOTT LLP Barristers & Solicitors
> 5300 Commerce Court West, 199 Bay Street, Toronto, ON, Canada M5L 1B9
>

> <https://na01.safelinks.protection.outlook.com/?url=www.stikeman.com&data=01%7C01%7Cmichael.boll%40ieso.ca%7Ce1b27a62d7de4c1b306908d48ab2c66b%7C7cd55abd63f243c58f4bd38ea458add8%7C0&sdata=KpotpwYp%2B1EkZUahCrQHLYi9lC%2BAKPGhI79289Ji8EU%3D&reserved=0><<https://na01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.stikeman.com%2F&data=01%7C01%7Cmichael.boll%40ieso.ca%7Ce1b27a62d7de4c1b306908d48ab2c66b%7C7cd55abd63f243c58f4bd38ea458add8%7C0&sdata=e6%2F0nlqoPiBqXnUp1aREbHgycS8Xcfr1Sk%2Fui%2BqsB%2FQ%3D&reserved=0>>
>

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> On Apr 23, 2017, at 8:44 PM, Michael Boll <Michael.Boll@ieso.ca<mailto:Michael.Boll@ieso.ca>> wrote:

>
> It might be prudent to meet to discuss all comments sent to the Ministry today. I'll need a bit of time tomorrow morning to review them all with fresh eyes, but throw out 10:30 as a possible time? Does that work for everyone?
>

> Michael

>
> From: Kim Marshall
> Sent: April 23, 2017 8:21 PM
> To: Michael Boll; mpicard@kpmg.ca<mailto:mpicard@kpmg.ca>; PHamilton@stikeman.com<mailto:PHamilton@stikeman.com>; GZacher@stikeman.com<mailto:GZacher@stikeman.com>
> Subject: Fwd: CONFIDENTIAL: OEB Comments on Draft Legislation
>

> Fyi

> Sent from my iPad
>

> Begin forwarded message:

> From: Martine Band <Martine.Band@oeb.camailto:Martine.Band@oeb.ca>>
> Date: April 23, 2017 at 2:01:50 PM EDT
> To: "Calwell, Carolyn (ENERGY/MEDEI/MRI)"
<Carolyn.Calwell@ontario.camailto:Carolyn.Calwell@ontario.ca>>, "Shear, Dan (ENERGY)"
<Dan.Shear@ontario.camailto:Dan.Shear@ontario.ca>>, "Hume, Steen (ENERGY)"
<Steen.Hume@ontario.camailto:Steen.Hume@ontario.ca>>, "Christie, Tim (ENERGY)"
<Tim.Christie@ontario.camailto:Tim.Christie@ontario.ca>>,
"scott.nelms@ontario.camailto:scott.nelms@ontario.ca">
<scott.nelms@ontario.camailto:scott.nelms@ontario.ca>>,
"phamilton@stikeman.commailto:phamilton@stikeman.com">
<phamilton@stikeman.commailto:phamilton@stikeman.com>>, Kim Marshall
<kim.marshall@ieso.camailto:kim.marshall@ieso.ca>>
> Cc: Mary Anne Aldred <MaryAnne.Aldred@oeb.camailto:MaryAnne.Aldred@oeb.ca>>, Lynne Anderson
<Lynne.Anderson@oeb.camailto:Lynne.Anderson@oeb.ca>>, Brian Hewson
<Brian.Hewson@oeb.camailto:Brian.Hewson@oeb.ca>>, Ceiran Bishop
<Ceiran.Bishop@oeb.camailto:Ceiran.Bishop@oeb.ca>>, Theodore Antonopoulos
<Theodore.Antonopoulos@oeb.camailto:Theodore.Antonopoulos@oeb.ca>>, Nancy Marconi
<Nancy.Marconi@oeb.camailto:Nancy.Marconi@oeb.ca>>
> Subject: CONFIDENTIAL: OEB Comments on Draft Legislation
>
>
> Attached are two documents: (1) our comments on the draft legislation, other than the May 2017-April
2018 price setting methodology; and (2) a separate piece with our comments on the price setting
methodology in section 6xx(1) and (2).
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> In terms of key issues:
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> i. We have a number of comments on the price-setting methodology provisions, which
based on recent discussions do not appear to align with our understanding of the policy intention. This
is particularly the case in relation to consumers that will be subject to fair adjustment pricing that
are not on RPP today, including consumers that currently have a retail contract and consumers that have
opted out of the RPP. It had been and remains our understanding that consumers that are not currently on
the RPP were intended to be settled through a mechanism other than RPP/regulated prices. We also have
concerns about attempting to "retroactively" apply the proposed Fair Hydro Plan benefit on a prospective
basis to cover the period from May 1 to whenever the OEB sets the new prices under this proposed
legislation .
>
> ii. We have proposed a streamlined version of the price-setting methodology, which we
believe to be clearer than the sections as drafted but should result in the 25% reduction that is being
proposed (subject to confirmation of a couple of assumptions). The draft as written would, among other
things, have "over-smoothed" by the amount that the OEB has already adjusted for in May RPP prices.
>
> iii. We have not been involved in discussions relating to (a) the OEB's contemplated role
in relation to the recovery by the IESO of any funding shortfall or (b) the nature of new licence
conditions that are contemplated but not articulated. We need to better understand these so that we can
comment on them in a meaningful way.
>
> We have not had a chance to review the IESO's comments and revisions sent this morning, and our
comments and suggested revisions are on the draft circulated by the Ministry last Thursday evening. We
will do our best to go through the IESO's version today with a view to sharing any comments that we have
by the end of the day.
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> We are aware that timelines are very short, and we would be pleased to meet with the Ministry and the
IESO to discuss outstanding points.
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>
> Martine
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>
> Martine M. N. Band
>
> Associate General Counsel
>
> Ontario Energy Board
>
> Direct Line: 416-440-8117
>
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