

Message

From: Chander, Sunita (ENERGY) [Sunita.Chander@ontario.ca]
Sent: 2017-07-10 3:15:10 PM
To: Jeannette Briggs [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=148095610f7242f48a5a9da24b1a8a87-Jeannette B]
Subject: RE: Proclamation of the Lieutenant Governor for OESP

Hi! Hope the weekend was good and the conversation with OEB on this issue was not too painful ☺

I meant to ask you on Friday, we need to find a way to keep track of the variance account so we're not left flat footed. Need to make sure that the legislation is proclaimed in a timely manner.

Is there somebody on your team we can connect up with that can provide a monthly update on the variance account? We get a monthly update from the OEB on the number of applications etc, and hoping we can go a monthly check on the amount left in the variance account as well....

Thanks!
-Sunita

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From: Jeannette Briggs [<mailto:jeannette.briggs@ieso.ca>]
Sent: July 7, 2017 5:45 PM
To: Chander, Sunita (ENERGY)
Subject: RE: Proclamation of the Lieutenant Governor for OESP

Yes I saw it there and it is included on page 20 of Bill 132 as Schedule 2. What I am asking is none of the highlighted below is effect then? Previously we were paying from the variance account because we were directed by the OEB to charge zero for the program costs. Can I assume we still only take direction from the OEB?

Regards,

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From: Chander, Sunita (ENERGY) [<mailto:Sunita.Chander@ontario.ca>]
Sent: July 07, 2017 5:39 PM
To: Jeannette Briggs
Subject: RE: Proclamation of the Lieutenant Governor for OESP

the section should be greyed out in e-laws, but i've copied/pasted below - note the highlighted section

Note: On a day to be named by proclamation of the Lieutenant Governor, section 79.2 of the Act is repealed and the following substituted: (See: 2017, c. 16, Sched. 2, s. 2)

Rate assistance

79.2 (1) The Minister shall make provision for rate assistance for rate-assisted consumers having regard to their economic circumstances, and where the Minister makes such provision, shall do so out of the money provided for in subsection (4). 2017, c. 16, Sched. 2, s. 2.

OESP

(2) The program known as the “Ontario Electricity Support Program” in English and “Programme ontarien d’aide relative aux frais d’électricité” in French is continued for the purpose of providing rate assistance to rate-assisted consumers having regard to their economic circumstances. 2017, c. 16, Sched. 2, s. 2.

Administered by Board

(3) The Ontario Electricity Support Program shall be administered by the Board, or when the regulations so provide, by a Minister of the Crown or other entity provided for in the regulations. 2017, c. 16, Sched. 2, s. 2.

Money appropriated by the Legislature

(4) The money required for the purposes of the Ontario Electricity Support Program shall be paid out of the money appropriated for those purposes by the Legislature, once the amounts recorded in the variance account referred to in subsection (5) are no longer sufficient to provide for the funding of the program when taken on their own. 2017, c. 16, Sched. 2, s. 2.

Variance account

(5) The money required for the purposes of the Ontario Electricity Support Program shall be provided out of the credit balance in the variance account maintained by the IESO under the Program as it existed before the coming into force of section 2 of Schedule 2 to the *Fair Hydro Act, 2017* until the amounts recorded in the account are no longer sufficient, when taken on their own, to fund the Program. 2017, c. 16, Sched. 2, s. 2.

Variance account depleted

(6) The IESO shall provide the Ministry of Energy with advance notice, on a timely basis, of the time the IESO estimates that the amounts reflected in the variance account would be less than the amount required to meet its obligations related to funding the Ontario Electricity Support Program for the upcoming month. 2017, c. 16, Sched. 2, s. 2.

How provided

(7) Rate assistance provided under this section shall be provided with respect to consumers prescribed in the regulations, and shall be provided at the times provided for in the regulations and in the amounts and in the manner provided for in the regulations. 2017, c. 16, Sched. 2, s. 2.

Payments with respect to prior use

(8) The regulations may require provision of rate assistance to prescribed classes of rate-assisted consumers with respect to electricity consumed during a period prior to the date of the making of the regulation, but no such rate assistance shall be required under the regulations with respect to electricity consumed before January 1, 2016. 2017, c. 16, Sched. 2, s. 2.

Transitional

(9) The regulations may require the provision of rate assistance for a rate-assisted consumer with respect to a period prior to the date on which the consumer became a rate-assisted consumer if the consumer meets all of the criteria prescribed by the regulations. 2017, c. 16, Sched. 2, s. 2.

Distributors, etc.

(10) A distributor, a unit sub-meter provider and any other person or entity that may be prescribed is entitled to be compensated from the money referred to in subsection (4) or (5), as the case may be, for any lost revenue resulting from the provision of rate assistance under the Ontario Electricity Support Program. 2017, c. 16, Sched. 2, s. 2.

Deemed licence conditions, IESO, settlements, payments, etc.

(11) Every licence issued to the IESO, a distributor or unit sub-meter provider or a retailer of electricity shall be deemed to contain conditions requiring the licensee to do anything necessary to implement and administer the provision of rate assistance under this section as may be required by the regulations or the Board, including requirements with respect to,

(a) making payments to the IESO, distributors, unit sub-meter providers and other persons and entities identified by the regulations;

(b) receiving payments or other amounts from the IESO, distributors, unit sub-meter providers and other persons and entities identified by the Minister;

(c) requiring licensees to pass any rate assistance provided for under this section through to rate-assisted consumers in the manner provided for in the regulations;

(d) engaging in settlement activities;

(e) providing information to and receiving information from the Ministry of Energy, the Board, the IESO, distributors, unit sub-meter providers, retailers of electricity and any other prescribed persons and entities in the time and in the manner provided for by the Board or as may be prescribed; and

(f) entering into agreements or arrangements with licensees and other persons. 2017, c. 16, Sched. 2, s. 2.

Information, etc.

(12) If provided for in the regulations, the Board, the IESO, distributors, retailers of electricity and unit sub-meter providers, or any of them, shall provide such information and reports to the Ministry of Energy and to one another as are necessary to facilitate the implementation, administration, funding and delivery of rate-assistance or of anything else required under this section. 2017, c. 16, Sched. 2, s. 2.

Conflicts, etc.

(13) Where any conflict exists between an order of the Board, a code issued by the Board or a licence condition and this section or a regulation made under this section, this section or the regulation made under this section shall prevail to the extent of the conflict. 2017, c. 16, Sched. 2, s. 2.

Regulations

(14) The Lieutenant Governor in Council may make regulations governing anything dealt with in this section and without limiting the generality of the foregoing, may make regulations,

(a) governing anything that is described in this section as being prescribed or as being provided for in the regulations or that is required to be done in accordance with the regulations;

(b) governing the time or times at which rate assistance shall be paid or become payable to rate-assisted consumers;

(c) governing the determination of classes of consumers who are rate-assisted consumers, including providing for different classes of rate-assisted consumers;

(d) requiring that certain costs and expenditures related to the Ontario Electricity Support Program be only incurred with the prior approval of the Minister, and governing those costs and expenditures;

(e) establishing rules for the calculation of the amount of the rate assistance to be provided;

(f) governing payments under this section, including determining the method or methods of calculating the amount of rate assistance to be provided;

(g) setting maximum amounts of the total annual value of rate assistance that may be provided;

(h) requiring a distributor, the IESO or a unit sub-meter provider or other prescribed person or entity to make or receive payments in respect of rate assistance, including requiring them to make or receive payments directly to or from the Ministry of Energy or to receive overpayments directly or indirectly from consumers or other persons entitled to receive the rate assistance and prescribing the circumstances in which such payments are to be made and received and such overpayments are to be received as well as methods for determining the amounts payable or to be received;

- (i) requiring the IESO to receive payments from the Minister and requiring the IESO to make payments to the Board, to licensed distributors, to unit sub-meter providers or to prescribed persons, in respect of the rate assistance provided under this section and governing methods for determining the amounts payable;
- (j) governing the Board's or other prescribed entity's administration and program-related costs in administering the Ontario Electricity Support Program;
- (k) governing transitional matters arising from the changes made to the Ontario Electricity Support Program as a result of the enactment of the *Fair Hydro Act, 2017*. 2017, c. 16, Sched. 2, s. 2.

Retroactivity

(15) A regulation made under this section is, if it so provides, effective with reference to a period before it is filed. 2017, c. 16, Sched. 2, s. 2.

General or particular

(16) A regulation under this section may be general or particular in application, may provide for different classes of persons and entities and may prescribe different rules for different persons or entities or different classes of persons or entities. 2017, c. 16, Sched. 2, s. 2.

Verification of eligibility

(17) Section 11 of the *Ministry of Revenue Act* applies with respect to the Ontario Electricity Support Program as a government assistance program administered by the Board. 2017, c. 16, Sched. 2, s. 2.

Definitions

(18) In this section,

“Government assistance program” has the meaning provided for in subsection 11 (2) of the *Ministry of Revenue Act*; (“programme d’aide gouvernementale”)

“rate-assisted consumer” means a consumer referred to in subsection (7). (“consommateur admissible à l’aide tarifaire”) 2017, c. 16, Sched. 2, s. 2.

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From: Jeannette Briggs [<mailto:jeannette.briggs@ieso.ca>]

Sent: July 7, 2017 5:32 PM

To: Chander, Sunita (ENERGY)

Subject: Proclamation of the Lieutenant Governor for OESP

Can you direct me to how in Bill 132, I can follow which section relate to “Section” 2 that comes into force on a day to be named by proclamation of the Lieutenant Governor please? I see Schedule 2 and this provides for the IESO doing things like letting the Ministry know in a timely basis the deletion of the OESP variance account. It also talks to DRP settlement. Are you saying none of this is not in effect yet?

Regards,

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