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**From:** Michael Boll [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4811917E15054407B665FE16D12FF415-MICHAEL BOL]  
**Sent:** 2017-04-24 10:58:25 AM  
**To:** Nancy Marconi [Nancy.Marconi@oeb.ca]; Glenn Zacher [GZacher@stikeman.com]; Kim Marshall [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b63a22b42bf14587870d93119a054d88-Kim Marshall]; Martine Band [Martine.Band@oeb.ca]  
**CC:** Ceiran Bishop [Ceiran.Bishop@oeb.ca]  
**Subject:** Re: CONFIDENTIAL: OEB Comments on Draft Legislation

I'm flexible all afternoon

Sent from my BlackBerry 10 smartphone on the Rogers network.

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**From:** Nancy Marconi  
**Sent:** Monday, April 24, 2017 10:56 AM  
**To:** Michael Boll; Glenn Zacher; Kim Marshall; Martine Band  
**Cc:** Ceiran Bishop  
**Subject:** RE: CONFIDENTIAL: OEB Comments on Draft Legislation

If 3pm doesn't work for Kim, could 4pm work for you folks? I have another meeting at 4:30, but Martine and Ceiran may be able to continue to the extent we're not done in a half hour.

**Nancy Marconi**

Manager, Supply & Infrastructure | Applications | Ontario Energy Board  
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Tel: 416.440.7680 | Cell: 647.292.3225 | Fax: 416.440.7656  
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**From:** Michael Boll [mailto:Michael.Boll@ieso.ca]  
**Sent:** April-24-17 10:46 AM  
**To:** Glenn Zacher; Nancy Marconi; Kim Marshall; Martine Band  
**Cc:** Ceiran Bishop  
**Subject:** RE: CONFIDENTIAL: OEB Comments on Draft Legislation

Me too.

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**From:** Glenn Zacher [mailto:GZacher@stikeman.com]  
**Sent:** April 24, 2017 10:42 AM  
**To:** Nancy Marconi; Kim Marshall; Martine Band  
**Cc:** Michael Boll; Ceiran Bishop  
**Subject:** RE: CONFIDENTIAL: OEB Comments on Draft Legislation

Ok with me

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

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**From:** Nancy Marconi [<mailto:Nancy.Marconi@oeb.ca>]  
**Sent:** Monday, April 24, 2017 10:38 AM  
**To:** Kim Marshall; Martine Band  
**Cc:** Michael Boll; Glenn Zacher; Ceiran Bishop  
**Subject:** Re: CONFIDENTIAL: OEB Comments on Draft Legislation

Sorry - any chance we could do 3pm instead?

Nancy

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**From:** Nancy Marconi  
**Sent:** Monday, April 24, 2017 10:29 AM  
**To:** Kim Marshall; Martine Band  
**Cc:** Michael Boll; [GZacher@stikeman.com](mailto:GZacher@stikeman.com); Ceiran Bishop  
**Subject:** Re: CONFIDENTIAL: OEB Comments on Draft Legislation

Absolutely - will send an invite to you all shortly.

Thanks!

Nancy

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**From:** Kim Marshall  
**Sent:** Monday, April 24, 2017 10:28 AM  
**To:** Nancy Marconi; Martine Band  
**Cc:** Michael Boll; [GZacher@stikeman.com](mailto:GZacher@stikeman.com)  
**Subject:** RE: CONFIDENTIAL: OEB Comments on Draft Legislation

Thanks can you pls include Glenn and Michael, see cc.

I will take it by a call, will en route to an offsite meeting

**Kimberly Marshall** | VP, Corporate Services & CFO  
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**From:** Nancy Marconi [<mailto:Nancy.Marconi@oeb.ca>]  
**Sent:** April 24, 2017 10:25 AM  
**To:** Kim Marshall; Martine Band  
**Subject:** Re: CONFIDENTIAL: OEB Comments on Draft Legislation

I think that 2pm would work well for us, and we agree that a conference call would be helpful - on these comments and the variance question I left a vmail for you about on Friday. I will get us a number.

Thanks,

Nancy

Sent from my BlackBerry 10 smartphone on the Rogers network.

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**From:** Kim Marshall  
**Sent:** Monday, April 24, 2017 9:55 AM  
**To:** Martine Band  
**Cc:** Nancy Marconi  
**Subject:** RE: CONFIDENTIAL: OEB Comments on Draft Legislation

Martine and nancy, I think the OEB and IESO are aligned on our comments. Is there value in a short conference call to ensure this? Any chance 1:30 or 2 is possible? thanks

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**From:** Martine Band [<mailto:Martine.Band@oeb.ca>]  
**Sent:** April 23, 2017 2:02 PM  
**To:** Calwell, Carolyn (ENERGY/MEDEI/MRI); Shear, Dan (ENERGY); Hume, Steen (ENERGY); Christie, Tim (ENERGY); [scott.nelms@ontario.ca](mailto:scott.nelms@ontario.ca); [phamilton@stikeman.com](mailto:phamilton@stikeman.com); Kim Marshall  
**Cc:** Mary Anne Aldred; Lynne Anderson; Brian Hewson; Ceiran Bishop; Theodore Antonopoulos; Nancy Marconi  
**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).

In terms of key issues:

- 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.

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.

Martine

Martine M. N. Band  
Associate General Counsel  
Ontario Energy Board  
Direct Line: 416-440-8117

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