

Message

From: Michael Boll [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4811917E15054407B665FE16D12FF415-MICHAEL BOL]
Sent: 2017-05-29 2:13:52 PM
To: Anushka Walgama [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1d32e70e09ea4b1392ce888e9f3d9810-Anushka Wal]
Subject: FW: Ontario Fair Hydro Plan

Item 4: oeb

From: Martine Band [mailto:Martine.Band@oeb.ca]
Sent: April 27, 2017 7:35 PM
To: Michael Boll; Kacaba, Jennifer (ENERGY)
Cc: Rehob, James (ENERGY); Huang, Jackson (MEDG/MRIS); Calwell, Carolyn (ENERGY/MEDEI/MRI); Johnson, Paul (ENERGY/MEDEI/MRI)
Subject: Re: Ontario Fair Hydro Plan

This looks good to me as well. Thanks.

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

From: Michael Boll <Michael.Boll@ieso.ca>
Sent: April 27, 2017 6:19 PM
To: Kacaba, Jennifer (ENERGY); Martine Band
Cc: Rehob, James (ENERGY); Huang, Jackson (MEDG/MRIS); Calwell, Carolyn (ENERGY/MEDEI/MRI); Johnson, Paul (ENERGY/MEDEI/MRI)
Subject: Re: Ontario Fair Hydro Plan

Thanks, Jennifer. Looks good to me.

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Kacaba, Jennifer (ENERGY)
Sent: Thursday, April 27, 2017 5:40 PM
To: Martine Band (Martine.Band@oeb.ca); Michael Boll
Cc: Rehob, James (ENERGY); Huang, Jackson (MEDG/MRIS); Calwell, Carolyn (ENERGY/MEDEI/MRI); Johnson, Paul (ENERGY/MEDEI/MRI)
Subject: FW: Ontario Fair Hydro Plan

Hi Martine and Michael,

Further to our conversations earlier this afternoon, we have attempted to redraft s.35 to more closely follow the wording in s. 11 of the OEBA and s. 19 of the EA and added a provision to suggest that s.35 doesn't limit s. 11 of the OEBA and s. 19 of the EA. Our proposed revisions to ss.35 are below in red text. Could you please let us know your thoughts on this redraft as soon as possible?

Thank you.

Jennifer

Immunity[*should we change title to liability?*]

35xx. (1) No action or other civil proceeding ~~for damages shall be instituted commenced~~ against any employee of the Province, or the IESO, OPG ~~or the Board, or against a member of the Board, OEB~~ for any act done in good faith in the exercise or performance or the ~~execution or intended~~ exercise or performance ~~execution~~ of a power or any duty or authority under this Act, the regulations under this Act, or for any alleged neglect or default in the exercise or performance ~~execution~~ in good faith of such a any power or duty or authority under this Act.

(New)

Nothing in section 35xx(1) limits subsection 19(1) of the Electricity Act, 1998 and subsection 11(1) of the Ontario Energy Board Act, 1998.

Same

(2) Despite subsections 5 (2) and (4) of the Proceedings Against the Crown Act, subsection (1) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject.

Jennifer J. Kacaba
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