

Message

From: Brian Hewson [Brian.Hewson@oeb.ca]
Sent: 2018-07-04 1:39:33 PM
To: Tam Wagner [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=70ad853871354761a98848de59c4c792-Tam Wagner]
Subject: FW: Ontario Rebate for Electricity Consumers Act, 2016

Tam this is what I sent you earlier.

Brian Hewson

Vice President, Consumer Protection & Industry Performance
ONTARIO ENERGY BOARD

From: Brian Hewson
Sent: Wednesday, July 4, 2018 11:21 AM
To: 'Tam Wagner' <tam.wagner@ieso.ca>
Cc: 'Hanna.Smith@ieso.ca' <Hanna.Smith@ieso.ca>
Subject: RE: Ontario Rebate for Electricity Consumers Act, 2016

Hi Tam,

I am following up from our teleconference last week and your request for a written confirmation of OEB staff's view on the question of ORECA eligibility. The question from IESO is in relation to how to interpret the definition of eligible account under section 1 of the ORECA, and in particular with regard to a residential complex as its defined in the legislation (which refers back to the *Residential Tenancies Act, 2006*).

As you are aware, we have also had enquiries from the distributors in regards to this question. In response, we have provided the view that an account which has, as part of it, a residential complex (or other qualifying property as per the legislation) would meet the eligibility criteria. The reason for this is based on the requirement that if ORECA is to be applied it must be applied to the entire electricity bill of an eligible consumer. OEB staff is of the view there is no provision under the legislation to allow for allocation by a Vendor. The key question is the meaning of "related to" as the ORECA legislation does not provide a definition of the term. OEB staff has considered the issue and is of the view that the appropriate interpretation in light of the objective of the Act, and to make it workable, is that "related to" is inclusive of an account that serves multiple units/buildings (i.e. uses) even where the eligible use(s) for the purposes of ORECA form(s) only a portion of the account. This interpretation ensures that residential complexes, such as long term care facilities or apartments, which are included in an account that also includes ineligible space (for instance a hospital with long-term care space or an apartment complex with a restaurant in the building), are not denied the rebate that consumers are to be provided for under the legislation.

In our conversation you also raised the point that the *Fair Hydro Plan Act* uses the same eligibility definition for the purpose of application of the GA modifier. The explanation provided above would equally apply to FHP. Given FHP applies on the basis of the kwhs consumed by the account, and the need for a revenue meter to calculate kwhs for billing, purposes makes an even stronger case for the interpretation of "related to" as meaning any account that has a residential complex as part of the metered location. To do otherwise would put the regulated utility (distributor, USMP or IESO) in the situation that they were billing on a derived quantity which, as we understand, does not meet federal legislation. Further, there is no basis for that type of derivation in the FHP legislation.

I trust this is of assistance and would be pleased to discuss if you have questions.

Regards,

Brian

Brian Hewson

Vice President, Consumer Protection & Industry Performance

ONTARIO ENERGY BOARD

Direct Line: 416-440-7628

General: 1-866-632-6732

Brian.hewson@oeb.ca

www.ontarioenergyboard.ca



From: Tam Wagner
Sent: May 07, 2018 8:31 PM
To: 'Brian Hewson'
Subject: RE: Ontario Rebate for Electricity Consumers Act, 2016

Hi Brian:

As a follow-up to our discussion on the application of the *Ontario Rebate for Electricity Consumers Act, 2016*, the IESO will defer to the OEB's interpretation for the IESO's application. In order to ensure the IESO is applying ORECA in a consistent manner as the LDCs, can you provide the IESO with the interpretation/direction that was provided to LDCs? As the ORECA electricity consumption is the eligibility basis for the GA modifier under the *Ontario Fair Hydro Plan Act, 2017*, we will be applying the same interpretation/direction to that as well.

Thank you for your help with this clarification.

Cheers,
-Tam-

From: Brian Hewson [<mailto:Brian.Hewson@oeb.ca>]
Sent: April 10, 2018 11:43 AM
To: Tam Wagner
Subject: RE: Ontario Rebate for Electricity Consumers Act, 2016

Hi Tam,

I apologize for the delay I would be happy to discuss this with you and Michael. We have been asked this question before. I am available today until about 1:30 and then back in the office on Thursday.

Brian

Brian Hewson

Vice President, Consumer Protection & Industry Performance

ONTARIO ENERGY BOARD

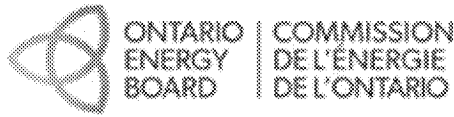
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Please note my email address has changed to Brian.Hewson@oeb.ca Please update your address book accordingly



From: Tam Wagner <tam.wagner@ieso.ca>

Sent: Tuesday, March 27, 2018 9:35 PM

To: Brian Hewson <Brian.Hewson@oeb.ca>

Subject: FW: Ontario Rebate for Electricity Consumers Act, 2016

Hi Brian:

I hope you are doing well. I'm writing to follow-up on an issue regarding the interpretation of the *Ontario Rebate for Electricity Consumers Act, 2016* (OREC). Michael Boll from our legal group had reached out to Martine about this and she indicated that you would be able to help us with this. Please see the email correspondence below.

Please let me know if it would be helpful to set up a call to discuss.

Thanks,
-Tam-

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