

Message

From: Tam Wagner [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=70AD853871354761A98848DE59C4C792-TAM WAGNER]
Sent: 2018-07-04 1:49:50 PM
To: Jeannette Briggs [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=148095610f7242f48a5a9da24b1a8a87-Jeannette B]; Michael Boll [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4811917e15054407b665fe16d12ff415-Michael Bol]; Idalin McKenzie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d7d5b89cca6a4afa88ab3660c7e6c103-Idalin McKe]; Yan Bechamp [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=59b4c84cdf4d40ffb657d0b2a2141bae-Yan Bechamp]; Dale Fitzgerald [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ed95dd109f2448a1ba6c2f679414b4a2-Dale Fitzge]
CC: Hanna Smith [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f635b7ca1e924e76b641a64f40fcb20b-Hanna Smith]
Subject: FW: Ontario Rebate for Electricity Consumers Act, 2016

FYI – OEB’s interpretation/application of ORECA eligibility is provided below. Please let us know if there’s anything else that you need. I am on vacation but Hanna can follow up further if something needs to be addressed this week.

Cheers,
-Tam-

From: Brian Hewson [mailto:Brian.Hewson@oeb.ca]
Sent: July 04, 2018 1:40 PM
To: 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
Direct Line: 416-440-7628
General: 1-866-632-6732
Brian.hewson@oeb.ca
www.ontarioenergyboard.ca

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-

This e-mail message and any files transmitted with it are intended only for the named recipient(s) above and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient(s), any dissemination, distribution or copying of this e-mail message or any files transmitted with it is strictly prohibited. If you have received this message in error, or are not the named recipient(s), please notify the sender immediately and delete this e-mail message.

This electronic transmission, including any accompanying attachments, may contain information that is confidential, privileged and/or exempt from disclosure under applicable law, and is intended only for the recipient(s) named above. Any distribution, review, dissemination or copying of the contents of this communication by anyone other than the intended recipient(s) is strictly prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail and permanently delete the copy you have received.

Ce message, transmis par courriel, y compris tout fichier joint, peut contenir des renseignements qui sont confidentiels, qui sont protégés par le secret professionnel ou qui ne peuvent être divulgués aux termes des lois applicables et s'adressent exclusivement au(x) destinataire(s) indiqué(s) ci-dessus. La distribution, la diffusion, l'examen ou la reproduction du contenu du courriel par une autre personne que le(s) destinataire(s) voulu(s) sont strictement interdits. Si vous recevez ce message par erreur, veuillez le supprimer définitivement et en aviser l'expéditeur immédiatement par retour du courriel.

This electronic transmission, including any accompanying attachments, may contain information that is confidential, privileged and/or exempt from disclosure under applicable law, and is intended only for the recipient(s) named above. Any distribution, review, dissemination or copying of the contents of this communication by anyone other than the intended recipient(s) is strictly prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail and permanently delete the copy you have received.

Ce message, transmis par courriel, y compris tout fichier joint, peut contenir des renseignements qui sont confidentiels, qui sont protégés par le secret professionnel ou qui ne peuvent être divulgués aux termes des lois applicables et s'adressent exclusivement au(x) destinataire(s) indiqué(s) ci-dessus. La distribution, la diffusion, l'examen ou la reproduction du contenu du courriel par une autre personne que le(s) destinataire(s) voulu(s) sont strictement interdits. Si vous recevez ce message par erreur, veuillez le supprimer définitivement et en aviser l'expéditeur immédiatement par retour du courriel.

This electronic transmission, including any accompanying attachments, may contain information that is confidential, privileged and/or exempt from disclosure under applicable law, and is intended only for the recipient(s) named above. Any distribution, review, dissemination or copying of the contents of this communication by anyone other than the intended recipient(s) is strictly prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail and permanently delete the copy you have received.

Ce message, transmis par courriel, y compris tout fichier joint, peut contenir des renseignements qui sont confidentiels, qui sont protégés par le secret professionnel ou qui ne peuvent être divulgués aux termes des lois applicables et s'adressent exclusivement au(x) destinataire(s) indiqué(s) ci-dessus. La distribution, la diffusion, l'examen ou la reproduction du contenu du courriel par une autre personne que le(s) destinataire(s) voulu(s) sont strictement interdits. Si vous recevez ce message par erreur, veuillez le supprimer définitivement et en aviser l'expéditeur immédiatement par retour du courriel.

This electronic transmission, including any accompanying attachments, may contain information that is confidential, privileged and/or exempt from disclosure under applicable law, and is intended only for the

recipient(s) named above. Any distribution, review, dissemination or copying of the contents of this communication by anyone other than the intended recipient(s) is strictly prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail and permanently delete the copy you have received.

Ce message, transmis par courriel, y compris tout fichier joint, peut contenir des renseignements qui sont confidentiels, qui sont protégés par le secret professionnel ou qui ne peuvent être divulgués aux termes des lois applicables et s'adressent exclusivement au(x) destinataire(s) indiqué(s) ci-dessus. La distribution, la diffusion, l'examen ou la reproduction du contenu du courriel par une autre personne que le(s) destinataire(s) voulu(s) sont strictement interdits. Si vous recevez ce message par erreur, veuillez le supprimer définitivement et en aviser l'expéditeur immédiatement par retour du courriel.