

Message

From: Calwell, Carolyn (ENERGY/MEDEI/MRI) [Carolyn.Calwell@ontario.ca]
Sent: 2017-05-24 2:51:26 PM
To: Michael Boll [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4811917e15054407b665fe16d12ff415-Michael Bol]; Rehob, James (ENERGY) [James.Rehob@ontario.ca]
Subject: RE: Instructs (May 23-17) based on Draft Part II motions.docx

OPG/Torys is fine, so we will include that change. Thank you for your help to settle this issue, Michael. I appreciate it!

From: Michael Boll [mailto:Michael.Boll@ieso.ca]
Sent: May-24-17 1:59 PM
To: Calwell, Carolyn (ENERGY/MEDEI/MRI); Rehob, James (ENERGY)
Subject: RE: Instructs (May 23-17) based on Draft Part II motions.docx

Thanks, Carolyn.

Yes, feel free to share our comments on 40.1 with OPG. Glenn from Stikemans spoke with Torys this morning about the need for 40.1. While we understand where they are coming from regarding their desire to have 40.1 in the Act, we felt the section needed some grounding in breach of the Act in order to be triggered. It seemed that breach of the Act was what OPG/Torys was concerned with so hopefully the language we are proposing is just clarification.

Regards,
Michael

From: Calwell, Carolyn (ENERGY/MEDEI/MRI) [mailto:Carolyn.Calwell@ontario.ca]
Sent: May 24, 2017 1:12 PM
To: Michael Boll; Rehob, James (ENERGY)
Subject: RE: Instructs (May 23-17) based on Draft Part II motions.docx

Michael, thank you for your comments and the attachment. We are largely with you on s. 41(1) and adopted the dealers language from earlier comments:

7. Providing for a right of compensation for investment interest owners affected by a failure to give effect to the rights and interests provided for under section 29

May we share your proposed revisions to 40.1 with OPG? Or have you already? They seem to think you had resolved any concerns without change.

Carolyn

From: Michael Boll [mailto:Michael.Boll@ieso.ca]
Sent: May-24-17 12:27 PM
To: Rehob, James (ENERGY)
Cc: Calwell, Carolyn (ENERGY/MEDEI/MRI)
Subject: RE: Instructs (May 23-17) based on Draft Part II motions.docx

Hi James,

Attached for your consideration are the IESO's suggested edits to Motion 15 (section 40.1) and Motion 16 (subsection 41(1)).

Our preference would be for no change to be made to para 7 of subsection 41(1) that is currently in the Bill, but if changes are necessary, to use our proposed changes attached. We believe the proposed new para 7 is overly broad, is uncertain and suggests the IESO (and "any person") are guarantors. We had understood the intent was for the IESO and other electricity vendors to be responsible to collect only what is paid by consumers. This new language would suggest we may also have additional obligations. The IESO and others should potentially be liable for their breaches of the Act or regs, but they should not be bound by these kinds of broad/uncertain positive obligations. Moreover, if para 7 is properly restricted to proscribing breaches of the Act or regulations, then it is probably unnecessary because remedies for such breaches are captured by the proposed new section 40.1.

Also, there are a couple references to "investment asset owner" in these sections that should be to "investment interest owner".

Thank you again for sharing the draft with us for comment. Please let me know if you would like to discuss.

Regards,
Michael

From: Rehob, James (ENERGY) [<mailto:James.Rehob@ontario.ca>]
Sent: May 23, 2017 6:24 PM
To: Michael Boll
Cc: Calwell, Carolyn (ENERGY/MEDEI/MRI)
Subject: FW: Instructs (May 23-17) based on Draft Part II motions.docx

Confidential/Solicitor & Client Privileged

May 23, 2017

Hi, Michael. Thank you for your comments on the last version. They have not been integrated into this version, I'm afraid – we'll consider amongst the other comments we're receiving but they are very much appreciated.

Please see attached an updated version of the consultation draft of the proposed Government Motions.

Note: this package does not include the final approach (still being worked on) regarding section 20. We shall send out that material separately as soon as possible.

Please do send us any further comments you have on these motions, as soon as possible.

Best regards,

James

James P. H. Rehob
Senior Counsel

Ministry of the Attorney General
Legal Services Branch
MAG Civil Law Division
Ministry of Energy, Ministry of Economic Development and Growth, Ministry of Research, Innovation and Science,
Ministry of Infrastructure, Accessibility Directorate of Ontario
56 Wellesley Street West
Toronto, ON M7A 2E7
Tel: 416-325-6676
Fax: 416-325-1781
james.rehob@ontario.ca

Notice

This communication may be solicitor/client privileged and contain confidential information only intended for the person(s) to whom it is addressed. Any dissemination or use of this information by others than the intended recipient(s) is prohibited. If you have received this message in error please notify the writer and permanently delete the message and all attachments. Thank you.

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.