Message

From: Michael Boll [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4811917E15054407B665FE16D12FF415-MICHAEL BOL]
Sent: 2017-11-02 3:29:25 PM
To: Picard, Michel [mpicard@kpmg.ca]
CC: Kim Marshall [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b63a22b42bf14587870d93119a054d88-Kim Marshal]
Subject: RE: Clean & B.line - MTSA

Michel,

I assume your concern is that this could be read as a stand-alone contractual obligation. If we make it clearer that this contractual obligation only arises if IESO is required by regulation to pay, would that work? Neither IESO nor OPG are trying to create a separate contractual obligation so we can change it as necessary.

Perhaps if we change section 3.13 to read:

(a) During the period prescribed by Regulations (the "Prescribed Period"), the IESO shall, if and as required under the Regulations, pay and remit...

Please let me know. We need to provide changes back later today or first thing tomorrow.

Michael

From: Picard, Michel [mailto:mpicard@kpmg.ca]
Sent: November 02, 2017 10:38 AM
To: Michael Boll
Cc: Kim Marshall
Subject: RE: Clean & B.line - MTSA

Michael,

My initial view is that section 3.13 is creating a covenant/obligation for the IESO to pay for these carrying costs. As a result, if my analysis is confirmed, IESO would have to set-up a financial liability for the carrying costs for the period prescribed by Regulations.

I need to consult with Gale Kelly and also obtain a legal opinion as to whether section 3.13 is creating a covenant/obligation for the IESO. In that respect, what is your lawyers' view on the latter?

Best regards,

Michel

From: Michael Boll [mailto:Michael.Boll@ieso.ca]
Sent: Friday, October 27, 2017 1:46 PM
To: Kim Marshall <Kim.Marshall@ieso.ca>; Picard, Michel <mpicard@kpmg.ca>
Subject: FW: Clean & B.line - MTSA

FYI – and Michel, can you please let us know your thoughts? Particularly on section 3.13, the IESO's obligation to pay carrying costs?

Michael

From: Peter Hamilton [mailto:PHamilton@stikeman.com]
Sent: October 27, 2017 1:39 PM
To: Feldman, Michael (mfeldman@torys.com); rramchandani@torys.com
Cc: Glenn Zacher; Michael Boll; Anthony Martinello; Jeannette Briggs
Subject: FW: Clean & B.line - MTSA

Please see revised draft MTSA attached.

Peter Hamilton

Direct: +1 416 869 5564
Email: phamilton@stikeman.com

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