Nancy Marconi

From:	Nancy Marconi
Sent:	July 7, 2017 11:14 AM
To:	Jeannette Briggs
Subject:	Re: query re. borrowing to finance the RPP revenue shortfall since May 1, 2017

Thanks so much Jeannette.

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Jeannette Briggs
Sent: Friday, July 7, 2017 11:04 AM
To: Nancy Marconi
Subject: FW: query re. borrowing to finance the RPP revenue shortfall since May 1, 2017

Will respond and continue to carbon copy John

Regards,

Jeannette Briggs Director, Settlements - Corporate Services
Independent Electricity System Operator (IESO)| T: 905-855-6364 | C: 416-997-6364
Station A, Box 4474, Toronto, ON, M5W 4E5
Web: www.ieso.ca | Twitter: IESO_Tweets | LinkedIn: IESO
Conservation: www.saveONenergy.ca | Twitter: saveONenergyOnt | LinkedIn: saveONenergy

Corporate Services collaborates with you to deliver solutions and expertise that enable the IESO to achieve its goals

From: Tom Adams [mailto:tom.adams.energy@gmail.com]
Sent: July 07, 2017 10:57 AM
To: Jeannette Briggs
Cc: John.Bozzo@oeb.ca; Terry Young
Subject: Re: query re. borrowing to finance the RPP revenue shortfall since May 1, 2017

Ms. Briggs,

Thanks for your helpful and timely response.

Two follow-up questions:

1. In her May 24th deputation at Committee on the FHP, the AG explained how it would be inappropriate to create a regulatory asset out of a revenue shortfall created by the FHP. Has the AG's advice been reflected in the management plan for the revenue shortfall, and if so how?
2. Prior to the passage of the FHP, the OEB's May 1, 2017 downward RPP adjustment appears to have been inconsistent with Section 79.16 of the OEB Act and O. Reg. 95/05, the OEB's Standard Supply Service Code, the OEB's Regulated Price Plan (RPP) Manual, and the OEB's Retail Settlement Code, all of which required that the RPP rates prior to the FHP recover the full commodity cost of power. It

therefore appears that a substantial portion of whatever balance is in the IESO's variance account arising from that period resulted from an Order not in compliance with applicable legislation. At some future point, what is now in the IESO's variance account balance from this period (where it appears that illegal rates were applied) will have to be collected. What kind of Order does the IESO will be required to collect?

Thanks,

Tom Adams

On Fri, Jul 7, 2017 at 10:00 AM, Jeannette Briggs <jeannette.briggs@ieso.ca> wrote:

Tom,

The Ontario Fair Hydro Plan Act (OFHPA) http://www.ontla.on.ca/bills/bills-files/41_Parliament/Session2/b132ra_e.pdf Part V discusses the Regulatory Asset created by the IESO and the "time to time transfer" of this Asset to a financing entity. Part VI of the Act discusses how the financing entity may create an investment asset. Much of the Act makes reference to associated regulations. The general O.Reg for OFHPA (link below) supports the Act and specific implementation aspects thereof. For your benefit, I have pasted from this regulation, the two relevant sections on the IESO monthly deferral accounting and any additional adjustments related to RPP revenue shortfall that may have been in the IESO RPP variance account prior to July 1, 2017, when the OEB's new RPP rates to ensure an on average bill reduction of 25% for OFHPA eligible consumers came into effect. Do let me know if you need anything further.

The general regulation is in force and available on e-laws.
https://www.ontario.ca/laws/regulation/170206

Determination of IESO deferral

15. The IESO may include the following amounts in the IESO deferral for each month:

1. The difference between the following amounts:

i. The sum of all amounts payable to the IESO in the month by electricity vendors and specified consumers under the Electricity Act, 1998 and the market rules made under section 32 of that Act, without taking into account any of the following:

A. Variances reported to and recorded monthly by the IESO in a variance account under section 5 of Ontario Regulation 430/04 (Payments Re Section 25.33 of the Act) made under that Act.

B. Rates determined by the Board under Part II of the Act.

ii. The sum of all amounts payable in the same month by electricity vendors and specified consumers to the IESO, taking into account rates determined under Part II of the Act.

2. The costs incurred by the IESO in relation to the financing of the difference between the amounts referred to in subparagraphs 1 i and ii.

3. Any amounts incurred by the IESO on or after May 1, 2017 and before the Act came into force.

Adjustments that may be recorded by the IESO

16. For the purposes of paragraph 3 of subsection 24 (1) of the Act, the IESO shall record the following adjustments in a variance account each month:

1. All funding rebates and other amounts paid by the IESO to a financing entity during the month.

2. Any variance account balances in variance accounts established and maintained under subsection 25.33 (5) of the Electricity Act, 1998 and costs incurred in relation to the balances.

Regards,

Jeannette Briggs Director, Settlements - Corporate Services
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From: John Bozzo
Sent: Thursday, July 6, 2017 4:33 PM
To: Nancy Marconi; Terry Young
Subject: Fwd: query re. borrowing to finance the RPP revenue shortfall since May 1, 2017

FYI

Sent from my iPhone

Begin forwarded message:

> **From:** Tom Adams <tom.adams.energy@gmail.com>
> **Date:** July 6, 2017 at 4:12:35 PM EDT
> **To:** John Bozzo <John.Bozzo@oeb.ca>
> **Subject: Re: query re. borrowing to finance the RPP revenue shortfall since May 1, 2017**
>
> Any progress? I am writing for a regulatory law journal and my deadline is tomorrow. I hope that my question is simple and straightforward.

T

On Thu, Jul 6, 2017 at 11:29 AM, Tom Adams <tom.adams.energy@gmail.com> wrote:
Thanks.

On Thu, Jul 6, 2017 at 11:28 AM, John Bozzo <John.Bozzo@oeb.ca> wrote:
Hi Tom. Let me check with our internal folks and get back to you. John

Sent from my iPhone

On Jul 6, 2017, at 11:17 AM, Tom Adams <tom.adams.energy@gmail.com> wrote:

Dear Mr. Bozzo,

I understand that Ms. Evans is on secondment to the Ministry of Energy. I wonder if you might help me with my inquiry.

I am trying to understand how the RPP revenue shortfall since May 1, 2017 is being managed. Perhaps you might direct me to some documentation addressing this issue, if such references are available.

Thanks,

Tom Adams (416-834-7442)

---------- Forwarded message ----------
From: **Tom Adams** <tom.adams.energy@gmail.com>
Date: Thu, Jul 6, 2017 at 11:10 AM
Subject: query re. borrowing to finance the RPP revenue shortfall since May 1, 2017
To: "Young, Terry" <terry.young@ieso.ca>, Karen Evans <Karen.Evans@ontarioenergyboard.ca>

Can you assist me in understanding how the RPP revenue shortfall since May 1, 2017 is being managed?

T. Adams

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