

Camput 2018 – Potential Session Topics

- 1) Intervenor issues – a panel of intervenors (and possibly others) discussing their views on the regulatory process. What works, what doesn't. Intervenor funding could also be addressed. (Potential speakers: Julie Girvan, Elaine Sicard, Jim Wachawich, Bob Watts, Brian Lawless, Scott Stoll, Peter Hyslip, Willie Grieve,)
- 2) The role of public engagement in the hearing process. Community meetings, holding hearings in the affected communities, "citizen panels". There has been movement towards increasing public participation in the hearing process. What have been the pros and cons of this approach? What works well, what needs improvement? (Possible speakers: Rose LeClair, NEB speaker, AER speaker, Gattinger, Indy Bhutani, Sheila Leggat, Linda Cody, Neil McCrank, Bill Bennett)
- 3) "Striking the right balance – the relationship between regulators and government." Governments set overall policy for the energy sector through legislation and regulation. The regulator's role is to implement that policy in an independent, transparent, consistent and efficient manner. The degree to which a regulatory tribunal operates independently from the government is a matter of fine balance. Independence is not isolation. A regulator's technical expertise and regulatory experience can inform government policy development. How should that "conversation" take place? Where is the boundary between policy development and policy implementation? How do we find the sweet spot that optimises both functions? (Possible speakers: George Vegh, Sean Conway, Martel, Stan Marshall, Bill Bennett, Martha Hall Findlay, Wind Power Association, Willie Grieve)
- 4) Emerging Technologies – what new (and potentially disruptive) technologies are headed our way in the coming years? How can regulators best prepare for these challenges? (Possible speakers: Phil Moehler (Edison Electric), CEA, CGA, Mary Meaker (Kleiner Perkins), Caroline Wilkins (Bank of Canada) McKinsey consulting, Google Nest)
- 5) New regulatory approaches - Energy network infrastructure is capital intensive and has a predictable life expectancy. The return on equity method of reimbursing regulated entities for the service they provide is a barrier to developing innovative ways to intensify/maximise the utilisation of the network infrastructure and improve its longevity. I think a panel that explores this issue and provides examples of how to overcome the "capital bias" that is inherent in the existing regulatory model would be timely as we think about transformational changes in the manner in which we use the network infrastructure. MIT has recently published some papers that would inform this discussion. Ofgem measures system utilization and rewards improvements. New York State is looking at a fee for service remuneration methodology. The "regulatory

sandbox” - Ofgem recently launched an initiative intended to facilitate the testing of new consumer offerings that could have “relaxed” (or at least different) regulation. The initiative itself is quite innovative and its intent is to spur innovation. This could be part of the “new regulatory approaches” session. (Ofgem speaker – David Gray, David Haldearn, Ignacio Perez (MIT), Christopher Knittles (MIT), Robert Hahn (Oxford), Scott Hempling

6) There is interest in trying to get Chief Justice McLachlan or Justice Abella from the Supreme Court of Canada to address legal issues relevant to regulation or administrative law (frankly if we get a Supreme Court Justice I think we would offer them a lot of leeway). This could be part of a general “legal issues” panel.

7) Aboriginal issues – 2 major Supreme Court decisions on the duty to consult and the role of tribunals will be issued in the coming months. There is also interest in hearing practice suggestions on how best to consult. (Maïtée Labrecque-Saganash, Doug Sanderson (U of T), Wendy John (former chief, NEB review panel), Tom Isaac, lawyer from SCC case, Faskens?

8) Regulatory top ten list – have the chairs/members of 3-4 major tribunals each give their top 10 practice tips for hearings and proceedings. Solid practical advice on what works and what does not in front of tribunals should be helpful to industry and tribunal participants alike. If there is a concern about having sitting members providing this advice it could also come from recently retired members and or even judges. To make it more interesting, you could split the session or have a companion session with industry/intervener panel that provides frank comments on what practices adopted by tribunals they consider helpful and what practices they consider to be vexatious, burdensome. (Ray Gorman, Peter Gurnham, Scott MacKenzie, Reg Gosselin, David Morton, OEB, Len Kelsey)

9) A one hour session with Monica Gattinger, author of System Under Stress: Energy Decision-Making in Canada and the Need for Informed Reform. Presumably she would be discussing the subject matter of her paper, but Ms. Gattinger is very knowledgeable on a wide range of energy issues.

10) Cross border issues – protectionism appears to be a rising force in the United States. What impacts will this have on Canada’s energy sector? NAFTA re-negotiation. (Possible speakers: John Betkoski (VP NARUC), Frieland, Martel, Mulroney, Rona Ambrose)

11) “Beyond Cost of Capital and the Fair Return Standard.” Putting the customer first. Is it time to rethink the manner in which utilities are remunerated? What should come first, the calculation of the comparable cost of capital or whether the provision of the opportunity to earn a fair return has been adequate. Should service level focus replace investment level focus in the utility board room? What are the pros and cons of the status quo? What other options are there? (Possible speakers: Coyne, Booth, Cathy McShane, Benti Velantsis, Ron Gamarino)

12) Future Proofing is a term of art used to describe a process of anticipating the future and developing methods of minimizing the shocks and stresses of future events. We as regulators receive many views of what the future will hold from those seeking approval to spend or build infrastructure to accommodate their vision of the future. A panel of individuals that have experience in scenario planning from various sectors including energy, urban planners etc. would inform us on the art of predicting.

Other potential topics...

13) Climate policy – cap and trade, the future of GHG targets in the wake of Paris and the US’s decision to abandon the treaty, implications of GHG targets for the natural gas industry.

14) Tribunal independence – there is a recent OECD report on challenges to tribunal independence and the problems this can give rise to. (Possibly a shorter session)

15) Competition issues – is there a role for greater competition in the regulated energy sector? Do we regulate too much?

16) Wind integration – Texas has added successfully added 20,000 MW of wind generation to its generation mix – if it was a country, it would be the 6th largest wind energy producer in the world. It would be interesting to get someone from the Public Utility Commission of Texas or ERCOT to speak to the success of the program and describe how it was implemented in such a short period of time.