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**Official Report
of Debates
(Hansard)**

Tuesday 12 June 2012

**Journal
des débats
(Hansard)**

Mardi 12 juin 2012

**Standing Committee on
Government Agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

Chair: Bill Mauro
Clerk: Trevor Day

Président : Bill Mauro
Greffier : Trevor Day

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 12 June 2012

Mardi 12 juin 2012

The committee met at 0900 in committee room 1.

SUBCOMMITTEE REPORTS

The Chair (Mr. Bill Mauro): Good morning, everybody. Welcome to government agencies. For committee, we've got a full agenda this morning. We have three appointments, we have two subcommittee reports, and at the end of the meeting, time permitting, we need to make some decisions related to future OICs that are coming forward. We may have an opportunity to do that at the end today, depending on how things go, but I'll just mention that to committee now. You can guide and judge yourselves accordingly.

First, we have two subcommittee reports to deal with this morning. The first is the subcommittee report on intended appointments for June 7, 2012. Mr. Pettapiece.

Mr. Randy Pettapiece: Oh, we're going to do that one first, are we?

The Chair (Mr. Bill Mauro): Yes, we are.

Mr. Randy Pettapiece: All right.

The Chair (Mr. Bill Mauro): If you would move—

Mr. Randy Pettapiece: I move the adoption of the report of the subcommittee dated Thursday, June 7, 2012.

The Chair (Mr. Bill Mauro): Thank you. Any discussion?

All in favour? Opposed? Carried. Thank you.

The second subcommittee report is from yesterday, June 11, 2012. This report must be read into the record. Mr. Pettapiece.

Mr. Randy Pettapiece: Your subcommittee on committee business met on Monday, June 11, 2012, to consider the method of proceeding on agency reviews, and recommends the following:

(1) That the committee meet to conduct the agency review of the Liquor Control Board of Ontario (LCBO) on June 25, 2012, in Niagara Falls, and June 27, 2012, in Trenton;

(2) That the LCBO chair and/or CEO along with agency staff be invited to appear before the committee on June 25, 2012, at 10 a.m. and be allotted 30 minutes to make a presentation; and that each caucus be allocated 30 minutes for questioning, in rounds, following the presentation;

(3) That the committee meet from 1 p.m. until 5 p.m. on June 25, 2012, and from 10 a.m. until 12 noon and 1

p.m. until 3 p.m. on June 27, 2012, to hear from stakeholder groups;

(4) That stakeholders be allocated 10 minutes for a presentation; and that each caucus be allocated 10 minutes for questioning, in rounds, following the presentation;

(5) That the chair and/or CEO of the LCBO be required to appear before the committee on June 27, 2012, at 3 p.m. and be allotted 30 minutes to provide for an opportunity for rebuttal of stakeholders; and that each caucus be allocated 30 minutes for questioning, in rounds, following the presentation;

(6) That each caucus provide to the clerk of the committee a prioritized list of four stakeholder groups, plus two alternate groups, for the review of the LCBO, by 5 p.m. on Friday, June 15, 2012; and that one of the alternate groups be for Niagara Falls, and one of the alternate groups be for Trenton;

(7) That the committee meet on July 4, 2012, and July 5, 2012, in Toronto to conduct the agency review of the Workplace Safety and Insurance Board (WSIB);

(8) That the WSIB chair and/or CEO along with agency staff be invited to appear before the committee on July 4, 2012, at 10 a.m. and be allotted 30 minutes to make a presentation; and that each caucus be allocated 30 minutes for questioning, in rounds, following the presentation;

(9) That the committee meet from 1 p.m. until 5 p.m. on July 4, 2012, and from 10 a.m. until 12 noon and 1 p.m. until 3 p.m. on July 5, 2012, to hear from stakeholder groups;

(10) That stakeholders be allocated 10 minutes for a presentation; and that each caucus be allocated 10 minutes for questioning, in rounds, following the presentation;

(11) That the chair and/or CEO of the WSIB be required to appear before the committee on July 5, 2012, at 3 p.m. and be allotted 30 minutes to provide for an opportunity for rebuttal of stakeholders; and that each caucus be allocated 30 minutes for questioning, in rounds, following the presentation;

(12) That each caucus provide to the clerk of the committee a prioritized list of four stakeholder groups, plus two alternate groups, for the review of the WSIB, by 5 p.m. on Friday, June 22, 2012;

(13) That the clerk of the committee, in consultation with the Chair, be authorized, prior to the passage of the

report of the subcommittee, to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

I move the adoption of this report of the subcommittee.

The Chair (Mr. Bill Mauro): Thank you, Mr. Pettapiece. Any discussion? Ms. Taylor.

Miss Monique Taylor: On number 8, we think it's quite important that the chair is there. That wasn't any part of the discussion of whether it would be the chair and/or CEO at subcommittee, so we would like to remove the "or" and have "and"—"chair and CEO".

The Chair (Mr. Bill Mauro): Simply rephrase it so that the invitation is specifically to the chair?

Miss Monique Taylor: And CEO, if possible. The CEO is—

M^{me} France Gélinas: Right now, it says "and/or." Just take the "or" out.

Miss Monique Taylor: We would like both.

The Chair (Mr. Bill Mauro): Okay, fair enough. Any discussion on the amendment? Okay, thank you. On the amendment, any discussion?

Miss Monique Taylor: Did you want to do the same for the LCBO, or are you fine with "and/or"?

Ms. Lisa M. Thompson: We might as well be consistent. Yes, be consistent.

The Chair (Mr. Bill Mauro): Okay. Let's take them as one amendment. Any discussion on that, on the amendment? All in favour? Carried. All right, thank you.

On the motion, as amended, any further discussion? No. All in favour, on the subcommittee report? Carried. Thank you very much.

INTENDED APPOINTMENTS

DR. EMAD ELSAYED

Review of intended appointment, selected by official opposition party and third party: Emad Elsayed, intended appointee as member, Ontario Energy Board.

The Chair (Mr. Bill Mauro): Our first intended appointment this morning is Emad Elsayed, who is nominated as a member of the Ontario Energy Board.

Mr. Elsayed, any time that you take for your statement will be deducted from the government's time. We welcome you and thank you for being here this morning. Each party will then have up to 10 minutes for questions following your presentation. Questioning with the first witness this morning will begin with the official opposition.

Mr. Elsayed.

Dr. Emad Elsayed: Thank you. Mr. Chairman and members of the committee, good morning and thank you for taking the time to meet with me today.

I would like to start by saying that I am very honoured to be nominated to the Ontario Energy Board. I would like to briefly explain my interest in this position and my relevant qualifications and experience.

I have a master's and Ph.D. degree in civil engineering from McMaster University, and I am a registered professional engineer in the province of Ontario.

I spent over 30 years in various divisions of the energy sector, and I believe I can add value to the OEB's regulatory oversight process.

My main areas of expertise are energy production, project management, engineering and financial management. I also have significant experience in aboriginal affairs, environmental management and energy conservation. In addition, I have participated with a number of panels where adjudication and decision-writing were heavily involved.

I am a strong advocate for continuous improvement, operational efficiency and prudent financial management. I have successfully led several organizations through significant change.

In the energy production area, I successfully managed the hydroelectric division of Ontario Power Generation, which employs 1,100 staff at 69 generating stations across the province and produces 25% of Ontario's electricity. My strong focus on continuously seeking performance improvement opportunities has contributed to the excellent performance of that division to this day.

I've been able to work collaboratively with government agencies, regulatory bodies, trade unions and local community leaders. I also played a key role in OPG's initiative to improve relations with First Nations in northern Ontario.

In an OPG employee survey conducted in 2008, my group achieved the highest employee engagement score in the company.

I have strong analytical skills, and I firmly believe in fact-based, objective decision-making. I enjoy working in a team environment, and have been able to effectively manage and build consensus across large teams with diverse backgrounds.

I also enjoy volunteer work. I am currently a member of the board of directors of the Halton Children's Aid Society, and also on the board of directors of the John Howard Society of Hamilton and Burlington.

In summary, I have a strong, sincere interest in serving as a member of the Ontario Energy Board, and I believe that I have the necessary mix of qualifications and experience that would allow me to contribute effectively to the OEB's mandate.

Again, thank you for your time, and I am happy to answer any questions that you may have.

The Chair (Mr. Bill Mauro): Thank you, Mr. Elsayed. That will leave, if the government chooses to use it, six minutes for you. We'll begin with the official opposition.

Mr. Randy Pettapiece: Thank you for being here this morning.

Part of the OEB's mandate includes rate-setting for and distribution of natural gas. Among the many sources of energy households can rely on today, what is the role of natural gas in the near future? Do you see an ex-

ample—a greater number of households shifting from electricity to natural gas to save money?

0910

Dr. Emad Elsayed: Yes, natural gas, of course, has a significant role to play. Now, in terms of shifting from electricity to natural gas, that could be the case. As you know, in electricity, of course, there is less reliance on certain technologies because of environmental issues, so that may cause some of the gap to be filled by the natural gas industry.

Mr. Randy Pettapiece: Okay.

Ms. Lisa M. Thompson: Thank you for coming, Mr. Elsayed. As a follow-up to that, we all know Ontario needs to be an attractive place to attract business, where everyone knows that laws and contracts are obeyed and respected. So if you were a major gas company, would you agree that investing in major projects today in Ontario as we know it has become a riskier venture after the Mississauga and Oakville debacle? Going forward, how would you help to rebuild confidence?

Dr. Emad Elsayed: Well, like any business, I guess, the gas industry needs to have a stable environment for them to be able to take the risk of working in that area. So I think that the overall direction and the circumstances would have to be such that these companies are willing to invest in a stable environment.

Ms. Lisa M. Thompson: Okay. Would you agree or disagree that Ontario has become a riskier place to invest since the Oakville and Mississauga debacle?

Dr. Emad Elsayed: To some degree I would agree, but I think there are ways that this can be mitigated.

Ms. Lisa M. Thompson: Okay, very good. Thank you.

The Chair (Mr. Bill Mauro): Third party?

Ms. Lisa M. Thompson: Oh, one more.

The Chair (Mr. Bill Mauro): Oh, I'm sorry. Mr. Milligan, I'm sorry.

Mr. Rob E. Milligan: No, that's fine.

Thank you, Mr. Elsayed, for being here this morning. It's no surprise that both ourselves and the third party have called before this committee the appointees to the Ontario Energy Board. Hydro rates are climbing, and the government's energy policy is in need of a sharp change.

In his 2011 annual report, the Auditor General highlighted that the OEB only has control over about 50% of a consumer's bill. The other half consists of charges and taxes that are beyond the OEB's mandate. From your perspective, sir, what can the OEB definitively do to help ease the pain of Ontarians seeing their bills skyrocket?

Dr. Emad Elsayed: First of all, yes, I agree with you. The component that the OEB regulates—obviously, they have the mandate to look after the interest of the ratepayer in terms of managing the investments in these facilities. We have to realize, of course, that a lot of those facilities are reaching an age where significant investments have to be made, but that reflects itself in the bill eventually. One of the challenges of the OEB is to make sure that these investments are justified and planned in a way that the impacts on the consumer bills are managed.

Mr. Rob E. Milligan: Thank you.

The Chair (Mr. Bill Mauro): Thank you. Third party, Ms. Gélinas?

M^{me} France Gélinas: Thank you. It's a pleasure to meet you, and thank you for coming to Queen's Park.

The first thing I'd like to talk to you about has to do with consumers who sign electricity contracts. Usually it's a door-to-door type of transaction, where somebody comes to your door and offers you a fixed-price contract. The Auditor General has found that people who did that have resulted in electricity costs between 35% and 65% more than people who did not. This is an area that is completely under the purview of the Ontario Energy Board. What would you do to help consumers?

Dr. Emad Elsayed: Well, I think there's first a need, of course, for consumers to be well educated about the risk. Obviously, if you sign a contract with one of those companies, it's a question of mitigating your risk by ensuring a certain price as opposed to taking the risk of paying market price. But I think what has been missing, maybe, is better education in terms of balancing the risk of doing that versus the possibility of overcharging if you sign one of those contracts and, of course, the duration that the contract is for. So better education, I think, would be—

M^{me} France Gélinas: So this is the only role you see? The OEB should be educating? You don't see any regulatory or mandatory penalty to the energy marketers?

Dr. Emad Elsayed: No, I think it needs to be managed as well. It's both parties that need to educate the consumer, as well as having rules in place to make sure that the business of these marketers is done in a way that consumers are clearly aware of the risk that they are taking.

M^{me} France Gélinas: This was one way where our electricity system has been privatized, where you see more and more. What are your views on privatization of other parts of our electricity system that are under the Ontario Energy Board?

Dr. Emad Elsayed: I think each case has to be considered for its own merits, I guess. But generally speaking, I think we've seen that the component of the electricity system that's in public hands has certain advantages and controls that are put in place to manage the effect on consumers. I think privatization has to be looked at from that perspective, because the ultimate mandate of the OEB, of course, is to look after the interests of the ratepayer, and what does that do to the ultimate impact on the ratepayer.

M^{me} France Gélinas: From what you've told me, am I right in thinking that you are open to privatization, but you would look at it as to how does it benefit the consumer?

Dr. Emad Elsayed: Exactly, because our mandate as the OEB is to make sure that any decision that's made has a positive impact, at the end, to the ratepayer. That's our interest.

M^{me} France G elinas: In general, what would be the advantage or disadvantage of having it in public hands rather than private hands?

Dr. Emad Elsayed: I spent my whole career in a public company, and I can say, based on my experience, that our primary and only interest is to produce electricity for the benefit of the ratepayer. Obviously, a private company will have to benefit financially and make profits as a result. On the other hand, depending on your point of view, I guess, there are probably some efficiencies that maybe the private sector brings to the operation of such companies.

As I said, I don't want to make a blank statement. I think, generally speaking, you have to look at each case on its own merits.

M^{me} France G elinas: But for the OPA, where you worked, it serves the public well, and you see no use in privatizing this?

Dr. Emad Elsayed: Any decision has to take the interest of the ratepayer as the primary driving factor in making a decision like that.

M^{me} France G elinas: We could see from your resumé that you were the vice-president of the nuclear new build project. Do you see nuclear as a viable form of energy going forward?

Dr. Emad Elsayed: Yes, I think given the—obviously, having spent most of my career actually on the hydroelectric side, and that's a renewable form of energy, my interest has been to maximize the use of that because of its impact on the environment. However, in the province, we're running out of viable resources to develop in the water area, so nuclear obviously plays a significant part. But it has its own challenges that need to be managed, both in the short term and the long term. So, yes, it has a role to play but needs to be well managed.

M^{me} France G elinas: I live in the heart of the Canadian Shield. I'm not interested in being on top of a nuclear waste depot, just so you know. I come from Nickel Belt.

I also wanted to know, I'm curious to say—you think that we have tapped out all of the possibility of renewable hydro energy in—

Dr. Emad Elsayed: No, no. I'm aware of the fact that there are quite a number of sites that are still available, and OPG is looking at them. Some of the challenges that we have are that maybe in some remote areas where there is a lack of transmission facilities—in addition to building generation, you have to allow for transmission facilities.

But, yes, in answer to your question, there are still sites that have a good potential to be developed. In fact, there is an active project going on with OPG right now for the Lower Mattagami project, which is a significant development in the northeast to expand existing facilities up there.

M^{me} France G elinas: I'm going to bring you to Bill 75. Bill 75 would change the role that your organization has. Are you familiar with the changes that are proposed,

mainly into putting the plan together, who puts it together, who reviews it, who gives it its final okay?

Dr. Emad Elsayed: Yes, my understanding of Bill 75 is that it looks at the merger of the IESO and the Ontario Power Authority. It does seem to me that there are efficiencies in that version in the sense that the Ontario Power Authority is responsible for the long-term plan for the province. The IESO is responsible for the day-to-day operation, and having those together makes sense.

0920

As you know—you probably know—both these functions were initially part of Ontario Hydro, when we used to have Ontario Hydro. So yes, how it would affect OPG—I don't think it would have much impact on OPG, just the efficiency of having those two together, and I think it's the right move.

M^{me} France G elinas: I say I agree with you on the merger. Where I tend to have more worries about Bill 75 is when it comes to putting the plans together and the fact that the OEB won't have final say. It will be ministerial say. As well, the duty to consult will be changed. Your views as to how important it is to give people a say?

Dr. Emad Elsayed: It is very important, I think. My understanding, again, of the bill is that even though the approval would be by the minister, the OEB would have a significant role in reviewing and providing input before it gets approved. So it remains to be seen, but I would agree that it is very important that the OEB has a critical role in the review and recommendations—

M^{me} France G elinas: But who would be better suited to make a good decision? People at the OEB or a minister?

Dr. Emad Elsayed: Having not gone through the process myself, I guess it's difficult to say. But as long as, as I said, the OEB has the opportunity to provide input and to contribute to the content, then I think that would be okay. But that remains to be seen.

M^{me} France G elinas: I would say you're very politically wise in your answers.

The Chair (Mr. Bill Mauro): Ms. G elinas, you have about one minute left to wrap up.

M^{me} France G elinas: Okay. So you worked in the public sector of the energy. Could you see the public sector taking on a bigger role in the energy file in Ontario?

Dr. Emad Elsayed: Having worked, obviously, in the generation part of the business, as I said earlier—at one time, of course, all the generation was in the public domain, and then there were some privatizations that took place. While some of these have introduced some efficiencies and some sort of competition, on the other hand, as you know, the rate structure in the province is such that there's more control of the rates charged by the public company.

It has its pros and cons. As I said earlier, it's a case where each circumstance would have to be judged by its own merit. I don't think I can make a blank statement one way or the other.

M^{me} France G elinas: No, but I'm looking to see, would you be in favour, if the conditions are there, of the

public side of the business to grow rather than the private side? Can you see a state of affairs that would lead us to that?

Dr. Emad Elsayed: Possibly, yes. It would probably be a good thing to have based on past experience.

The Chair (Mr. Bill Mauro): Okay, Mr. Elsayed, thank you. Ms. Gélinas, your 10 minutes are up, plus a little bit. Thank you very much for being with us here this morning. We appreciate it.

Government—oh, I'm sorry, I tried to reach you earlier. I thought that you were not going to. My apologies. Government side.

Ms. Helena Jaczek: I would just simply like to say thank you, Dr. Elsayed, for coming. From the government's perspective, we feel you're eminently well-suited to serve on the Ontario Energy Board. Thank you very much for coming.

The Chair (Mr. Bill Mauro): Thank you, Mr. Elsayed.

MR. JERRY FARRELL

Review of intended appointment, selected by official opposition party and third party: Jerry Farrell, intended appointee as member, Ontario Energy Board.

The Chair (Mr. Bill Mauro): Our second intended appointee today is Jerry Farrell. Mr. Farrell, could you please come forward? Mr. Farrell, you have, as well, 10 minutes for your presentation. Any time that you use will be deducted from the government's opportunity to ask you questions. When you are concluded, we will begin with the third party for questions. Thank you for being here this morning, and begin when you're ready.

Mr. Jerry Farrell: Mr. Chair and members, thank you for inviting me to appear before you today.

Let me introduce myself with a brief statement. I was called to the Ontario bar in 1970 and 15 years later to the Alberta bar. I started my career practising business law. By 1974, I expanded my practice to include energy law. By 1980, however, I focused my practice almost entirely on energy law. At that time, my practice involved both commercial and regulatory areas of the energy industry.

Within a few years, though, my emphasis was on the regulatory area alone. I have appeared as counsel, primarily for natural gas utilities, and later, electricity utilities, in more than 140 regulatory proceedings before federal and provincial tribunals. They were, for the most part, the National Energy Board and the Ontario Energy Board. My clients were customers of NEB-regulated utilities and OEB-regulated utilities.

I have worked both sides of the regulatory street, in other words, so I came to appreciate the interests of both utilities and their customers. I accordingly believe that I would act impartially as well as fairly in each proceeding before the OEB and in the subsequent decision-making process.

I am confident that I would be, as I said, impartial and fair. I would say that in terms of not only each party to a

particular proceeding but also in regard to the public interest.

My skills have been recognized by legal publications. Shortly before I retired from active practice, for example, I was designated as one regulatory lawyer who was "most frequently recommended in the oil and gas area," and as well, who was "repeatedly recommended in the electricity area."

I thank you for your attention. I'll do my best to provide complete answers to any questions you and your colleagues may have.

The Chair (Mr. Bill Mauro): Thank you, Mr. Farrell. That will leave seven minutes for the government, if they choose to use it. We will begin with the third party. Ms. Gélinas.

M^{me} France Gélinas: Good morning, Mr. Farrell.

Mr. Jerry Farrell: Good morning.

M^{me} France Gélinas: Welcome to Queen's Park.

Mr. Jerry Farrell: Thank you.

M^{me} France Gélinas: My first question is, I take it that you understand the role of Ontario Energy Board. That basically is there to protect the consumers. What you've presented this morning, and some of the background information that was prepared for us, really showed you playing a big role on what I would call the utilities side of the equation. How do you see this working out, now that you will have to be 100% trying to get the best deal for the consumers rather than the utility?

Mr. Jerry Farrell: I think that I mentioned sort of both sides of the street, and I didn't mean that facetiously. It's true that, particularly for electricity consumers, there's a role for the board, or a duty of the board, to protect the consumers' interest. It's not phrased exactly the same for natural gas consumers.

I would also remind you that, at least in my understanding, the board has a role to play in ensuring that the parties who own the utilities are treated fairly as well and, in that regard, that they are entitled to a fair return on their investment. So it involves protecting, if I could use that term loosely, not only consumers but also the owners of a utility.

M^{me} France Gélinas: This is particularly what worries me. Could you explain to me how you have done this in the past?

Mr. Jerry Farrell: I have acted for utilities. I have also acted for customers of utilities, as I mentioned, so—

M^{me} France Gélinas: Can you give me an example?

Mr. Jerry Farrell: Yes, I've acted for what is now Enbridge Gas Distribution, as a customer of TransCanada PipeLines, and Alliance gas pipeline. I have had testy relations, if I can put it that way, in the hearing-room context of protecting the customers—I want to say Consumers Gas, because it was that for a long time—of Enbridge Gas Distribution, making sure that the rates that TransCanada PipeLines, for example, charges are fair to the customers of Consumers Gas, because those rates are passed through, if I can use that expression, to Enbridge's customers.

There, in acting for a utility who is a customer of another utility, then I'm acting in the best interests, if I can put that term forward, of the customers of Consumers Gas, who in turn, indirectly, are customers of Trans-Canada.

M^{me} France Gélinas: Have you got any experience at all dealing in the public sector end of the energy file?

Mr. Jerry Farrell: I have dealt with I guess what I've called the public interest, more so at the National Energy Board than the Ontario Energy Board, and in particular at a time when producers, in the main, wished to have export licences issued by the National Energy Board and approved by the federal cabinet.

One thing that was debated at length in the National Energy Board hearings until the late 1980s, when the rules changed, was the public interest and what was the public interest. At that tribunal, it was referred to as the national public interest.

0930

M^{me} France Gélinas: But you've never been retained by a public utility, by a public energy—

Mr. Jerry Farrell: No.

M^{me} France Gélinas: No.

Mr. Jerry Farrell: I think what you're asking me is if I act for—and forgive me when I say this—so-called public interest groups. No, I have not.

M^{me} France Gélinas: When we looked at what we had in Ontario before and what has become the fragmentation of the different parts of the energy producing, transmission etc., some of it going to the private sector, some of it staying as public utilities, do you think that serves the ratepayers of Ontario well?

Mr. Jerry Farrell: I think that the answer is yes and no. Sorry, again, I don't mean to be facetious.

M^{me} France Gélinas: No, that's quite okay.

Mr. Jerry Farrell: In some cases, it worked out well. For example, if my memory serves me right, I think that when the municipally owned electricity utilities were—I won't say privatized because they weren't; the ownership stayed the same. But there was a consolidation where somewhere around 270 municipally owned electric utilities are now somewhere in the range of 90. That consolidation, which I guess could be likened to a takeover, albeit not in the private sector necessarily, was a good thing.

I think that for many years, when the retail sales for both electricity and natural gas were seen to be by many governments—not just this one, but the previous ones—as being a good thing, because competition was seen to be a good thing for consumers. I don't think it's necessarily worked out that way.

M^{me} France Gélinas: I would tend to agree.

Are you familiar with Bill 75?

Mr. Jerry Farrell: Yes, I have read it. I haven't studied it, but I have read it.

M^{me} France Gélinas: I would say the consolidation of the two agencies is something that everybody is in agreement on. Where there's a little bit of dissension is more as to the planning process that is being modified by Bill

75. Where this planning process used to be squarely the responsibility of the Ontario Energy Board, now the Ontario Energy Board will advise, but the decision-making process will be in the minister's hands. Do you feel free to comment?

Mr. Jerry Farrell: My understanding is that the role of the Ontario Energy Board on paper has been reduced from what it was. I am not familiar enough with the prior regime, if I can use that term, to see just exactly how large or how rigid the board's mandate was in terms of approval of the ISP—you know what I mean.

M^{me} France Gélinas: IESO.

Mr. Jerry Farrell: ISPS—whatever. Yes.

M^{me} France Gélinas: The plan. We'll call it the plan.

Mr. Jerry Farrell: Yes. I have not studied it enough, I must say, to say whether the diminishing role of the Ontario Energy Board is a bad thing, period.

M^{me} France Gélinas: In a file as complex as energy, do you figure the public has something to contribute?

Mr. Jerry Farrell: Yes. In terms of consulting and being consulted, yes, I do.

M^{me} France Gélinas: Where does this consulting add value?

Mr. Jerry Farrell: I think it allows consumers, among others, who wish to have their voices heard an opportunity to do that. If they don't wish to do so, well then, that's their choice.

M^{me} France Gélinas: In your line of work, had it ever added value?

Mr. Jerry Farrell: Yes.

M^{me} France Gélinas: Can you give me an example?

Mr. Jerry Farrell: Yes. I'll go back to my export example, where there were a good number of public interest groups—so they were called—that explained why they thought there should be continuing oversight by not only the National Energy Board, but the federal cabinet. I think in many ways, their voices were taken into account by both the NEB and the federal cabinet. In other words, they weren't ignored.

M^{me} France Gélinas: Which is always a good thing if they wanted to be heard.

My last question—

The Chair (Mr. Bill Mauro): Ms. Gélinas, you have one minute left to wrap up.

M^{me} France Gélinas: It goes fast, eh?

The Chair (Mr. Bill Mauro): It sure does.

M^{me} France Gélinas: My last question has to do with nuclear. If you were there for the first, I live in the heart of the Canadian Shield, and I wanted to have your view as to what part of the mix nuclear should play in Ontario.

Mr. Jerry Farrell: I don't feel qualified to answer that.

M^{me} France Gélinas: Okay, fair enough. Thank you.

The Chair (Mr. Bill Mauro): The government side: Ms. Jaczek.

Ms. Helena Jaczek: Thank you very much, Mr. Farrell. Obviously you've had a lot of experience in energy law, and you are now retired from full-time practice,

as I see it. So only one question: What has motivated you to seek this position?

Mr. Jerry Farrell: It was actually a conversation, firstly, that I had with some colleagues in the energy law area who did respond to Knightsbridge, the board's recruiter, if I can call it that. They told me that they had recommended that I be contacted to see if I had any interest. So I was contacted initially to see whether I had any recommendations to make, and then I was asked whether I would consider that myself. I said I wouldn't be interested in a full-time position, because I now live in the Niagara peninsula—where I grew up, incidentally.

Then she asked if I had an interest in a part-time position, and I said that I really didn't know anything about a part-time position. So we chatted on the phone, and it just followed that if you want to come in and have an interview, you need to apply through the government—excuse me gentlemen and ladies, I would call it bureaucracy. In any event, one thing led to another, and I then became interested in a part-time position, not having really been aware of it before.

Ms. Helena Jaczek: Could you just connect your particular experience to the value you will bring, given the board's mandate?

Mr. Jerry Farrell: I've studied the board's mandate, because a lot of its mandate pertains to cases that I have been the lawyer on. I would like to think that my experience would bring value to the board and its ongoing positions, not only just the hearing process but I also have an interest in the work the board does in terms of position papers and things where board members work on developing something that doesn't require a fight, if you will, in the hearing room between parties with opposite interests. I think it has proven to be very valuable over the years where the board has chosen to use an informal process, if I can call it that, to develop processes that have tended to work very well, for the most part.

Ms. Helena Jaczek: Thank you.

The Chair (Mr. Bill Mauro): The official opposition: Mr. Pettapiece.

Mr. Randy Pettapiece: Thank you, Mr. Chair, and thank you, Mr. Farrell, for being here today. Most sources, including the Auditor General, say that Ontario generates too much power and has had to sell it or pay our customers to take it. This will be exacerbated by the new FIT projects coming online. You can't shut a nuclear plant or close a dam, for obvious reasons. We have too much supply, and we soon will have the highest energy prices in North America. We shouldn't be in this situation. How can the OEB act to help find us a way out of this mess?

Mr. Jerry Farrell: Well, I would hesitate to call it a mess, but I understand what you're saying. I think what you're asking me is, what would I recommend the government do to modify the Ontario Energy Board Act in a way that would relieve the current situation of too much energy from whatever source. I think that that, if you'll forgive me, is a political issue that is not something the

board can do. It is not the person who makes legislation or determines what public policy ought to be.

Mr. Randy Pettapiece: I can understand what you're saying now, too, but I would suggest that there might be some suggestions coming out of the OEB to help the process.

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Mr. Jerry Farrell: Oh, yes, indeed. I interpreted your question as being, "What could they do?" What could they recommend is certainly something that could come from the OEB.

Mr. Randy Pettapiece: And do you have any ideas on that at this time?

Mr. Jerry Farrell: I don't feel qualified to answer your question, sir.

Mr. Randy Pettapiece: Okay.

Ms. Lisa M. Thompson: One of the elephants in the room today, Mr. Farrell—and thank you, by the way, for being here—is the FIT and microFIT projects. The principles of these projects go against the tenets of common sense and even economics. For instance, the feed-in tariff program has totally stripped away local autonomy. Over and above that, there are people who have invested, in some cases their life savings, in microFIT projects only to be deemed constraints across this province, meaning they see their life savings invested in a solar panel that cannot be connected. In your opinion—I would very much appreciate hearing from you—what are the two or three things you would do to address the main issues that have evolved out of the FIT program and microFIT program?

Mr. Jerry Farrell: I'm not really familiar with the FIT program, although I do have some knowledge of what it was intended to do and how it was intended to work.

Ms. Lisa M. Thompson: So, in your opinion, has it worked, has it not worked, based on what you know? What would you do differently?

Mr. Jerry Farrell: I would think that the FIT program has caused the average price of electricity to be higher than maybe would otherwise be the case. I also would say—and I don't know the answer or whether someone would agree with me or not agree with me—that some people who made those investments made them out of their own choice. So I think that they need to help themselves as well as seek help from the government, with the recommendation of the board. But certainly it is something that, in my view, based upon what I know, is not working as intended.

The Chair (Mr. Bill Mauro): Mr. Milligan?

Mr. Rob E. Milligan: Yes. Mr. Farrell, thank you very much for taking time out of your schedule to be here today.

I hear and my colleagues hear over and over again, back in my riding especially as well, that the number one issue for consumers is the cost of electricity and the stability of that cost. The OEB's time-of-use rates can be confusing and often change. How can the OEB act in this

regard to give consumers certainty that their electricity rates are going to be stabilized?

Mr. Jerry Farrell: My understanding of the time-of-use regime is that if you consume electricity at certain times of the day, the price is less than it would be at other times of the day. I don't know whether the problem for consumers in terms of the level of electricity prices is something that time-of-use really affects if you choose to ignore the lower prices at a certain time of day and then complain about the higher prices at other times of the day. I don't know whether or not the price involved is higher no matter how you cut it. In other words, the lower price is also too high in the idea of some consumers, let alone what the price would be at a time of day that is not encouraged. I don't know whether that helps you understand what I'm trying to say, but I don't think it's just a simple thing. I don't think it's a one-trick pony, so to speak. It's not "If you change the time-of-use regime, things will be fixed." I don't believe that that's the case or could be the case.

Ms. Lisa M. Thompson: As a follow-up question to that, recognizing that the number one issue out in our ridings seems to come back to electricity over and over again, in your mind, as you prepare for an opportunity to sit on the OEB, what are some of the things that you have thought about to help alleviate that pain, to leave a few more cents in the consumers' pocket? I'm sure you've had to think about that. What are some of the things that you're willing and wanting to be proactive with, coming to the OEB, to help remedy that?

Mr. Jerry Farrell: I think the first thing I would want to do is to fully understand how the regime for electricity—I'm more familiar with natural gas—works and what was the rationale that led either the board, the utilities or a combination of both to have in place a regime that seems satisfactory to the utilities but does not seem satisfactory to users. I feel it would be premature of me to say, "This is what I would do to fix it," but I wouldn't say it was premature of me to try to understand it—the extent of the problem—and once I understand that, then what could be done to alleviate the problem.

Ms. Lisa M. Thompson: Okay. Thank you.

The Chair (Mr. Bill Mauro): Thank you, Mr. Farrell, for being here this morning. We appreciate your time.

Mr. Jerry Farrell: You're welcome, Mr. Chair and members. Thank you.

MS. ELLEN FRY

Review of intended appointment, selected by official opposition party and third party: Ellen Fry, intended appointee as member, Ontario Energy Board.

The Chair (Mr. Bill Mauro): Our third intended appointee today is Ellen Fry. Ms. Fry, could you come forward, please? Good morning, and thank you for being here. You as well have 10 minutes. Time you use will be deducted from the government. We will begin with the government, if time allows, when Ms. Fry is completed. Thank you, Ms. Fry.

Ms. Ellen Fry: Thank you very much. Good morning. Thank you for the opportunity to come here and introduce myself. As you may recall from the briefing materials you have on me, I am a lawyer. I also have an MBA. I have a lot of years of experience as a tribunal adjudicator, and right now, I work as a dispute resolution professional.

You will also have seen from the briefing materials that I do not have a background in the energy sector, but I believe I have a lot of other experience that will let me make a very strong contribution to the OEB. As I will get to later, obviously, it would be a priority for me to learn about the energy sector, and this should not be an issue for me.

I am an experienced tribunal adjudicator. I spent nine years as a member of the Canadian International Trade Tribunal, which is a tribunal that has a number of elements in common with the OEB. In my view, being an adjudicator in a body such as the tribunal I was at or the OEB is a distinct skill set. Many tribunal adjudicators learn that skill set on the job. I have the benefit of having already gone up that learning curve. I am, in a sense, pre-trained for that aspect of OEB work.

I've adjudicated cases to deal with market issues for many, many industries. I've dealt with many, many cases where there were competing interests to be balanced, as the OEB does, obviously. I've dealt with many, many cases on regulatory issues, on cases involving business issues, cases where public policy issues had to be taken into account. In those respects, I think there is a lot of basic commonality about the types of things that I have done in my experience as a tribunal member as compared to the work of the OEB.

I also should mention that I've done cases that had a lot of lawyers. I've also done cases where there might have also been a lot of lawyers, but there were also unrepresented parties who needed to be dealt with very fairly in process terms.

I have been very active in the tribunal community. I was active in the Council of Canadian Administrative Tribunals, commonly known as the CCAT. I've done training for tribunal adjudicators many times. I've done a lot of educational presentations in both the public and private sector for tribunal members, lawyers and law students. I've even presented on tribunal processes to several international delegations. I've also been involved in processes to make tribunal processes more efficient, which is something that all tribunals, in my view, would normally be dealing with in the process of continuous improvement because, of course, tribunals are by definition process-focused.

The second area of my experience that I think would be very helpful to the OEB is I have a lot of experience in regulatory issues and in administrative law issues. As a member of my former tribunal, I lived those issues every day, but my experience is deeper than that. I spent about 20 years as a lawyer advising federal government departments, and of course, those types of issues come up all the time.

I should mention that I am very familiar with environmental issues. I was the director of the legal department at Environment Canada. Of course, that not only makes me comfortable with environmental issues, which do come up, obviously, at the OEB, but I can tell you that in the field of environmental issues, there's a lot of balancing of different interests to be done.

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The last area of my experience I want to talk about that I think would be very useful to contribute to the OEB is my experience in what I would call market issues. When I say market issues, I'm talking about the whole market. I'm talking about the industry; I'm talking about the consumers, who take the product of the industry; I'm talking about the suppliers to the industry. So I'm just using that as shorthand.

I adjudicated cases with lots of market issues at the Canadian International Trade Tribunal. Even before that, I had a considerable depth of experience. I started my career as a lawyer way back when. I did big commercial files for the federal government. I don't know if you can cast your mind back that far, but if you're looking at some of the big projects I worked on in the Toronto area, I worked, for example, on the funding agreement whereby the federal government gave some money to build the Metro Toronto Convention Centre. I was also a lawyer for Transport Canada to do the agreements when the private sector built Terminal 3 at Toronto airport way back when.

Now, as I mentioned at the beginning, obviously it would be my priority to learn about the energy industry. I would say that if you look at my track record of learning new things, it's very clear that this won't be a problem for me. When I became a member of the Canadian International Trade Tribunal, which works in a framework of trade law, I didn't know anything about trade law; I learned on the job. When we did anti-dumping cases at that tribunal—each anti-dumping case is focused on a specific industry, and sometimes the industries repeated from case to case and sometimes they didn't. So you had to learn enough about the industry in the particular case in a short period of time—at least about the basics—to do the case effectively. To give a couple of examples: Literally, one month I might be learning about the industry that manufactures steel pipe for oil and gas wells. The next month, it might be the industry that manufactures bicycles or baby food or replacement windshields for cars. So you had to learn very quickly.

Casting back even further, long before that, I became the director of the legal department at Environment Canada at a point when I knew nothing about environmental law. I learned it all on the job. So I think my track record shows that I'm very effective at learning new industries. This will not be a problem for me.

To summarize, I am very interested in doing work as a tribunal adjudicator in a tribunal such as the OEB, that has this kind of very good fit for my type of background and experience. I believe I'm good at it, and I believe that I will learn quickly about the energy industry. But I do

believe that my current experience will also let me make a strong contribution.

Thank you. You will have questions.

The Chair (Mr. Bill Mauro): Thank you, Ms. Fry. The government has just under two minutes left.

Ms. Helena Jaczek: No questions, but simply to say, Ms. Fry, thank you very much for being very clear on your particular credentials and the skills and experience that you will, hopefully, bring to this position. I think you're extremely well qualified.

The Chair (Mr. Bill Mauro): Official opposition: Ms. Thompson?

Ms. Lisa M. Thompson: I appreciate very much you coming in today, Ms. Fry. I found it refreshing to hear you say you learn on the job. Clearly, you have a lot of confidence, moving forward.

But we need to step back for a minute, and I'd like to revisit two things. Bill 75 is merging IESO and OPA without adding any accountability whatsoever, so they could do what they want, when they want. For instance, appointees to IESO and OPA are immune from our summonses like you've had to respond to today. The interaction between OPA, IESO and OEB is very complex, and it seems that any given day, everyone seems to have a finger in somebody else's pie. Complicate that with the fact that the Auditor General highlighted that the government had a very heavy-handed approach to energy policy between 2007 and 2011. There was significant intervention into OPA's and OEB's areas regarding the integrated power system.

Recognizing that you enjoy learning on the job and you're very good at what you do, and I think you respect the sense of accountability and having parameters set and being able to move forward within that, if you sensed or experienced interference from the new entity—the combination of IESO, OPA, and/or the government—what would you do to mitigate that so that you were unencumbered to move forward and work on behalf of the best interest of OEB?

Ms. Ellen Fry: Okay, I just want to make sure I understand your question. You're contemplating a situation of attempted interference with OEB decisions?

Ms. Lisa M. Thompson: Yes.

Ms. Ellen Fry: Well, if I personally experienced a situation like that, probably one of the elements in what I would do would be to have a discussion, obviously, with the chair of the OEB, because the OEB has a legislated mandate and the OEB must stay within that. It is an independent mandate subject, obviously, to the minister's power to make directives, and they need to report to the minister and so on. But generally speaking, it's a mandate to make independent decisions, and this is very fundamental, and that must occur. As I say, if a particular situation arose, I think one of my first steps would be to discuss the appropriate way to deal with it with the chair.

Ms. Lisa M. Thompson: That's refreshing. Thank you.

The Chair (Mr. Bill Mauro): Mr. Pettapiece? No?

Mr. Rob E. Milligan: Yes, I'd like to talk about red tape. It costs businesses money and the cost is always passed on to the consumer. Changes to electricity rates must be vetted through a process that involves expensive paperwork, public hearings and depositions from many groups that travel at the operator's expense. The costs are enormous. Is there a way to fix this process and make it better value for money without compromising public input into rate setting? Would you believe that?

Ms. Ellen Fry: I believe that every tribunal can always streamline its processes a little bit more every day. Because tribunals are so process-focused, there's no such thing as having a perfect process. Now, the OEB in particular has a number of mechanisms in its framework—it's very fortunate that way—to allow it to take measures, depending on the situation, to streamline tribunal processes. For example, the OEB can cut down hearing time by dealing with some issues in a simpler way before the hearing. It can send interrogatories ahead of the hearing to get some information in advance that perhaps might otherwise be an issue that comes up at the hearing. There are a number of mechanisms in existing OEB rules that can be used in the appropriate case to streamline things.

Now, as you pointed out, there are trade offs. A tribunal is supposed to have a simpler, more efficient, less formal process than a court, but a tribunal also has to be fair, as you pointed out, to everybody. Sometimes, in order to be fair, you have to increase process. For example, if counsel for a party says, "I really need two weeks to file submissions on X," you might need to take that extra two weeks, which adds time and expense for everybody potentially, to be fair, so you're always balancing fairness and efficiency. But, yes, as a general proposition, there is no such thing, in my view, as a tribunal being perfectly efficient. They always need to be working to tune things up and streamline things more.

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The Chair (Mr. Bill Mauro): Mr. Pettapiece?

Mr. Randy Pettapiece: The OEB deals with complaints against operators, and the Auditor General showed that little or no action is taken on the complaints against energy operators received by the OEB. How will your experience help change that?

Ms. Ellen Fry: I don't think that that's a question that I would feel qualified to answer. I think that would be a question, among other things, for the chair of the OEB as to how she would wish to handle those issues.

The Chair (Mr. Bill Mauro): Okay. Third party, Ms. Gélinas.

M^{me} France Gélinas: Welcome to Queen's Park. Before I go into the question that I wanted to ask, it's the first time that I hear the OEB referred to as a tribunal. What brought you to link the two?

Ms. Ellen Fry: Lawyer-ese. What can I say? Technically, it's an administrative tribunal because it's making adjudicative decisions. It's just technical terminology.

M^{me} France Gélinas: All right. Interesting.

I want to come back to the question that was just asked by my colleague and put it into a little bit more context. The fixed-price contract that a lot of Ontarians have signed has resulted in electricity costs between 35% and 65% more than if they had not signed an energy contract. Those usually happen when you have somebody knock on your door, ask to see your hydro bill and say "Here, I have a contract to offer to you." People sign and then down the road—the Auditor General did an audit and found that those people paid between 35% and 65% more. That was a decision of the OEB to allow those marketers to offer fixed-term contracts. I'd like your opinion on that situation.

Ms. Ellen Fry: Unfortunately, I don't think it's appropriate for me to comment on that specific situation, but perhaps I can help a little bit by talking about general principles. Obviously, any OEB decision—the members who make the decision on the information that they have and the positions that they hear are required to make an independent, neutral, objective, transparent decision. I'm not familiar with that particular decision but I'm sure that those are the principles that were followed. What I can say—again, I'm sorry; I really don't think I can go into the substance of your question—if there were subsequent decisions that needed to be made on that, if I were on the panel making the decision I would strive very hard to follow those objectives in making my decision.

M^{me} France Gélinas: So you haven't got an opinion as to people having signed contracts where they pay 35% to 65% more. The Auditor General did make recommendations to the OEB that this be looked at. He certainly thinks that enforcement action should have been taken. So you have a directive from the Auditor General, who's an independent officer of the Legislature reviewing your agency, which is the OEB—we call it an agency, not a tribunal—reviewing the OEB and telling the OEB, "Those are my findings," and he finds that you haven't done enough enforcement action on those. How would you respond to the Auditor General?

Ms. Ellen Fry: Well, I guess—again, I know this isn't very satisfactory to you on the substance—I don't know how I would respond to the Auditor General because I'm not aware of what action the OEB has taken or is planning to take to respond. I'm sure there is some action; it's just that I am unaware of it right now.

What I would also say of course in general terms is the situation you're talking about is about balancing interests. There are the consumers who are being urged to buy things at the door, buy plans at the door, and there is the industry that's selling it. There are two kinds of interests there; both have to be taken into account in an appropriate and a fair way.

M^{me} France Gélinas: Would you see a point where you would say this has not served the public good; we're taking that part of the industry out of the mix?

Ms. Ellen Fry: Well, again, I would say that my role as a member of the OEB is to work within the existing policy legislation regulations as they are, not to express my views on what the policy should be.

M^{me} France Gélinas: It's not policy; it's a decision of the board.

Ms. Ellen Fry: If the board made a decision, I'm confident that the board is taking appropriate measures. I'm not aware of what is occurring there.

M^{me} France Gélinas: Okay.

What attracted you to the energy file, given your background?

Ms. Ellen Fry: That's a very good question. I'm very interested in adjudication. It's a kind of work that suits me, as you've heard. I have a lot of experience. I think the energy board is a very good fit for my experience because of the various elements I was talking about: the business market element, the regulatory element, the competing interests, the public policy. Although I haven't worked in the energy field per se, I've worked in a field where all those very basic elements are there, so I think the OEB would be a very good fit for my background.

M^{me} France Gélinas: If the government was to direct the OEB to look at bringing power more into the public hands and away from the privatization that has taken place—there's a change of government; new policy rolls out—how comfortable would you be in a process where there is no fairness; it is a government decision to take away the activities of the private sector to bring it back into the public hands?

Ms. Ellen Fry: Well, the OEB has to work within its legislative framework, and its legislative framework says that the minister, among other things, can give it certain directives. So if, as you say, the minister gave a directive, it's the OEB's job to follow that directive. I guess I would always be comfortable doing my job as set out in the legislation.

M^{me} France Gélinas: So it didn't matter which direction it took, if the directive was to completely privatize every aspect of the energy production, transmission etc., you would be just as comfortable with that?

Ms. Ellen Fry: I would always be comfortable, as a member of the OEB, in working within my legislated framework, yes.

M^{me} France Gélinas: Do you have any view on the use of nuclear power?

Ms. Ellen Fry: No, I do not.

M^{me} France Gélinas: None whatsoever?

Ms. Ellen Fry: None whatsoever.

M^{me} France Gélinas: Okay. You are aware that this tends to be a very polarized file where some groups are very pro, some groups are very opposed, having worked in the environmental file, but you have no opinion?

Ms. Ellen Fry: Again, the job of the OEB—I hate to repeat myself—is to make objective, neutral decisions based on the information in front of it. The legislation says, of course, here are the interests you consider in the OEB, so it has to balance those interests, yes, and obviously I am aware that that is a file with competing interests and it's certainly not the only one with competing interests that the OEB deals with.

M^{me} France Gélinas: Let's say something derails in the process, and it is within your purview. What happens then?

Ms. Ellen Fry: Can you—

M^{me} France Gélinas: As in, you've listened to the competing interests, you make a decision, it rolls out, and as it rolls out, it completely derails. People don't like it; there is big pushback; the government is not happy with what you've done. How do you handle that?

Ms. Ellen Fry: Again, the OEB is a creature of legislation. It has to work within its framework. In its framework there are, for example, I believe, mechanisms for appeal or perhaps possibilities for people to bring new applications to the OEB if an unforeseen problem is arising. The OEB has to work within the mechanisms of its framework, and if there are extreme results, potentially, as you were suggesting, I'm sure there are people out there who will figure out a way within the framework to—

The Chair (Mr. Bill Mauro): Ms. Gélinas, you have one minute left to wrap up.

M^{me} France Gélinas: Okay. Then I want to go back to your extended experience on the trade tribunal. How do you figure the people of Ontario, through the Ontario Energy Board, can benefit from the knowledge, skills and experience you have?

Ms. Ellen Fry: Well, again, I would look at the generic types of experience. If you look at the basic adjudicator skill set, I have that. So the people of Ontario would benefit on day one from someone who is fully trained as an adjudicator, rather than having to go up that learning curve. They would benefit from someone who has dealt with this industry but a lot of other industries in the market; who has dealt a lot with industry financials, competition and so on; who has dealt with competing interests; who has dealt with lots of regulatory issues; who is familiar with environmental—

The Chair (Mr. Bill Mauro): Ms. Fry, I'm going to have to thank you for your answers and ask you to wrap up there. The time is up. We appreciate your being here this morning. Thank you very much.

Given that all three appointees are to the same agency, is it the will of committee that we deal with the concurrences all at once, or do you prefer to deal with them individually? Is all at once good with you? Everybody's fine with that? Okay.

We will now consider the concurrences for Emad Elsayed, Jerry Farrell and Ellen Fry, all nominated as members of the Ontario Energy Board. Ms. Jaczek, you're going to move concurrence?

Ms. Helena Jaczek: I move concurrence in the attended appointments of Emad Elsayed, Jerry Farrell and Ellen Fry, nominated as members of the Ontario Energy Board.

The Chair (Mr. Bill Mauro): Any discussion? All in favour?

M^{me} France Gélinas: Sorry, I haven't been on this committee for a while. Do we vote on them together or one at a time, and when does it come?

The Chair (Mr. Bill Mauro): We just discussed that. They're all to the same agency. We just discussed it. There was agreement between the—you missed that.

M^{me} France Gélinas: I missed it? Damn, it went by fast. Everything goes by fast this morning.

The Chair (Mr. Bill Mauro): Well, they're all on the same board; they're not different. So we just decided if we would deal with them as one or individually.

M^{me} France Gélinas: Is it too late to say individually?

The Chair (Mr. Bill Mauro): Okay, you're saying individually. We'll just have a vote on it now. All in favour of dealing with them as one? Opposed? Okay, we'll be dealing with them as one.

Ms. Jaczek has moved concurrence. Any discussion?

All in favour? Opposed? It's carried. Thank you very much.

I thank all of you for being here today.

The only issue for the committee would be that we have to deal with the issue of OICs still coming forward through summer recess. Rather than trying to deal with a date now, would it be okay if we just asked the clerk to set a date for the subcommittee and let the subcommittee deal with it? All right. Very good.

Thank you very much. We're adjourned.

The committee adjourned at 1013.

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