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**Official Report
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(Hansard)**

G-10

**Journal
des débats
(Hansard)**

G-10

**Standing Committee on
General Government**

Fixing the Hydro Mess Act, 2019

1st Session
42nd Parliament
Monday 29 April 2019

**Comité permanent des
affaires gouvernementales**

Loi de 2019 pour réparer
le gâchis dans le secteur
de l'électricité

1^{re} session
42^e législature
Lundi 29 avril 2019

Chair: Dave Smith
Clerk: Julia Douglas

Président : Dave Smith
Greffière : Julia Douglas

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Monday 29 April 2019

Lundi 29 avril 2019

The committee met at 0900 in committee room 1.

**FIXING THE HYDRO MESS ACT, 2019
LOI DE 2019 POUR RÉPARER LE GÂCHIS
DANS LE SECTEUR DE L'ÉLECTRICITÉ**

Consideration of the following bill:

Bill 87, An Act to amend various statutes related to energy / *Projet de loi 87, Loi modifiant diverses lois en ce qui concerne l'énergie.*

The Chair (Mr. Dave Smith): Good morning. We're here today for clause-by-clause consideration of Bill 87, An Act to amend various statutes related to energy. Tamara Kuzyk from legislative counsel is here to assist us with our work should we have any questions for her. A copy of the numbered amendments filed with the Clerk is on your desk. The amendments are numbered in the order in which the sections and schedules appear in the bill. Does anyone have any questions before we start? Okay.

As you know, Bill 87 is comprised of three sections and four schedules. In order to deal with the bill in an orderly fashion, I suggest that we postpone the first three sections in order to dispose of the schedules first. It will allow the committee to consider the content of the schedules before dealing with the sections on the commencement and the short title of the bill. We would return to those three sections after completing the schedules.

Is there unanimous consent to stand down the first three sections?

Mr. Peter Tabuns: Agreed.

The Chair (Mr. Dave Smith): Thank you very much.

Before we begin schedule 1, then, each party will have some time to make some brief comments on the bill as a whole. Afterwards, debate will be limited to the section or the amendment we are considering. Are there any comments from anyone? Seeing none, let's move on to schedule 1. Schedule 1, section 1: There are no amendments to it. Shall schedule 1, section 1 carry? It carries.

Schedule 1, section 2: There are no amendments to this. Is there any debate? Seeing none, shall schedule 1, section 2, carry? Schedule 1, section 2 carries.

Schedule 1, section 3: There are no amendments for this. Is there any debate? Shall schedule 1, section 3 carry? Carried.

Schedule 1, section 4: We have an amendment for this.

Mr. Peter Tabuns: I move that section 4 of schedule 1 to the bill be amended by adding the following subsection:

“(1.1) Section 25.34 of the act is amended by adding the following subsections:

““Publication by IESO

“(2.1) Every year the IESO shall publish on its public website an updated cost outlook showing the expected annual payments to be funded with public money with respect to amounts under paragraph 1 of subsection (2).

““Publication by IESO

“(2.2) Every year the IESO shall publish on its public website an updated cost outlook showing the expected annual payments to be funded with public money with respect to amounts under paragraph 2 of subsection (2).”

Chair, I'll start off by saying that I would like a recorded vote on this.

My comments are fairly straightforward. The government is continuing a failed Liberal program of borrowing large amounts of money to keep hydro rates down, instead of actually addressing the underlying structural problems with the electricity system set up by the Liberals. That's going to have a huge impact on public finance in Ontario. The Conservatives, in opposition, denounced the plan at length, and with good reason, frankly. There were sound arguments showing why taking on this cost was detrimental to Ontario. Continuing it in the way that they are is problematic.

At the very least, the public should be well aware of how much it's costing them, particularly when nuclear power in this province is going to go to 17 cents a kilowatt hour, as noted by the Auditor General in her report to the public accounts committee. This is very pricey. People need to know how much money is being bled out of hospitals and schools and into hydro when in fact the government has said that it can cut hydro rates with its own program. Well, I say to the government: Implement your program and avoid this expense for the people of Ontario.

The Chair (Mr. Dave Smith): Any further debate? Mr. Schreiner.

Mr. Mike Schreiner: I just want to thank my colleague for bringing this amendment forward. I wholeheartedly agree that as the people of Ontario deal with budget cuts on a range of programs—everything from public health to tree-planting programs to flood prevention programs—we have to recognize the fact that the current government is continuing the previous government's program of borrowing up to in excess of \$3 billion a year to subsidize electricity rates in Ontario. I think we need to be clear about what the budget implications of that are. Any

government that's going to consider itself fiscally responsible and transparent at the same time needs to have transparent accounting in that regard. Any efforts to increase public awareness and transparency around government finances is a good thing, particularly as it relates to electricity prices.

I'm hoping that if this amendment passes, it will also lead to our call, or my call, the Green Party's call, for an independent public review of the costs of all sources of electricity generation, present and future, in the province of Ontario, so that we can make informed decisions to get at the root of the problem of why electricity prices are going up.

I'd like to echo my colleague's comments about the cost of rebuilding nuclear plants. We're looking at a 17-cents-a-kilowatt-hour electricity cost when there are far-lower-cost clean alternatives that we could be looking at. At least let's have a transparent accounting of that, so we can make an informed decision.

The Chair (Mr. Dave Smith): Any further debate?

Mr. Paul Calandra: No further debate.

The Chair (Mr. Dave Smith): This is a recorded vote.

Ayes

Bell, Schreiner, Stevens, Tabuns.

Nays

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

The Chair (Mr. Dave Smith): That motion is lost.

Mr. Peter Tabuns: That being the case, our motion—

The Chair (Mr. Dave Smith): Sorry, Mr. Tabuns?

Mr. Peter Tabuns: My apologies, Chair. I should know by now. Our motion 2 is then redundant, and I withdraw it.

The Chair (Mr. Dave Smith): Thank you.

Section 4, schedule 1: Mr. Tabuns.

Mr. Peter Tabuns: I move that section 4 of schedule 1 to the bill be amended by adding the following subsection:

“(4) Section 25.34 of the act is amended by adding the following subsection:

““Publication by ministry

“(6) Within one year of the day subsection 4(1) of schedule 1 to the Fixing the Hydro Mess Act, 2019 came into force and in each year until subsection (2) of that section comes into force, the ministry shall publish on a government website its plan for the repeal of paragraph 2 of subsection (2) of this section and the plan shall include the expected impacts of the repeal on the monthly electricity bill of a typical household ratepayer.”

I'll start my remarks by saying I'd like a recorded vote on this.

I think the government has a duty to actually bring forward a plan to show how this will be phased out. It's capping the totally bizarre approach the Liberals had of

hiding this expense in OPG's balance sheet, but it's continuing to borrow large amounts of money.

The government says that it can cut hydro rates by 12%. I suggest that it publish its plan, show how that can be done, and show how it will be used to phase out this huge borrowing of funds that deprives every other area of government of the funds they need to function properly.

The Chair (Mr. Dave Smith): Any further debate? Seeing none, this is a recorded vote. Are the members ready to vote?

Interjections: Yes.

Ayes

Bell, Schreiner, Stevens, Tabuns.

Nays

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

The Chair (Mr. Dave Smith): This motion is lost.

Shall schedule 1, section 4—

Mr. Paul Calandra: Mr. Chair?

The Chair (Mr. Dave Smith): Yes?

Mr. Paul Calandra: A point of order: Would it be in order to deal with the next four as a block?

Interjection.

The Chair (Mr. Dave Smith): We're not quite at that point yet. Sorry.

Any further debate on schedule 1, section 4? Seeing none, shall schedule 1, section 4 carry? All those in favour, please raise your hand. Those opposed, please raise your hand. It carries.

0910

Schedule 1, section 5, section 6—

Interjection.

The Chair (Mr. Dave Smith): —and section 7? I believe it's just sections 5 and 6.

Interjection.

The Chair (Mr. Dave Smith): And section 7. There are no amendments. Do we have consent to bundle those three together?

Mr. Peter Tabuns: Sure. Why not?

The Chair (Mr. Dave Smith): Any debate on schedule 1, sections 5, 6 or 7? Mr. Tabuns.

Mr. Peter Tabuns: I just suggest people vote against the bill. I'll be consistent on that.

The Chair (Mr. Dave Smith): Thank you very much for that. Any further debate?

Are the members ready to vote, then? Those in favour of schedule 1, sections 5, 6 and 7, please raise your hand. Those opposed, please raise your hand. Sections 5, 6 and 7 carry.

Schedule 1, section 7.1: Mr. Calandra.

Mr. Paul Calandra: I move that schedule 1 to the bill be amended by adding the following section:

“Crown Forest Sustainability Act, 1994

“7.1 The Crown Forest Sustainability Act, 1994 is amended by adding the following section:

“Exemption

“68.1(1) The following provisions of this act do not apply to Wataynikaneyap Power GP Inc. in its capacity as general partner of Wataynikaneyap Power LP in respect of its harvesting of crown forest resources in connection with the Wataynikaneyap Power Transmission Project that was approved by the Ontario Energy Board on April 2, 2019:

“1. Section 42.

“2. Section 43.

“3. Clauses 58(1)(a) and (d) and clause 58(1)(e) as it relates to any contravention of section 43.

“4. Clause 64(1)(a), clause 64(1)(c) as it relates to any contravention of subsection 42(1) or section 43 and clause 64(1)(h).

“Repeal

“(2) This section is repealed on the day to be named and proclaimed by the Lieutenant Governor.”

The Chair (Mr. Dave Smith): Committee members, as an amendment this is inadmissible if it proposes to amend a statute that’s not before the committee. I therefore rule the motion out of order because the Crown Forest Sustainability Act, 1994, is not opened by this bill.

Mr. Paul Calandra: I seek unanimous consent that motion number 4 relating to the amendment of the Crown Forest Sustainability Act be considered by the committee.

The Chair (Mr. Dave Smith): Do we have unanimous consent? We have unanimous consent.

Interjection.

The Chair (Mr. Dave Smith): Sure. Mr. Calandra, could you please repeat the last section of the motion, starting with “Repeal”?

Mr. Paul Calandra: Yes.

“Repeal

“(2) This section is repealed on a day to be named by proclamation of the Lieutenant Governor.”

The Chair (Mr. Dave Smith): Any debate? Mr. Schreiner.

Mr. Mike Schreiner: I just want to let the members of the committee know—and be on the record—that I reluctantly grant unanimous consent for this motion, primarily because I want to see First Nations communities connected to the power grid. I’ve been a long-time supporter of grid connection. We certainly don’t want to be shipping diesel fuel out for diesel-fuel-powered generators. But I really ask the government why this wasn’t anticipated when the legislation was written. Why is it being rushed through now? What’s the reasoning behind approaching it in such an unorthodox way?

I’d love to hear an explanation behind that and also a deeper explanation of what the government’s plans are in terms of ensuring that we manage our forests in a sustainable, long-term way while bringing forward this project so we can assure the people of Ontario that we’re taking this extraordinary step of allowing this to be brought in, a motion that’s out of order, and why we would do that, what’s the urgency of doing that, and what the effect will be in terms of sustainable forestry management.

The Chair (Mr. Dave Smith): Any further comments?

Mr. Peter Tabuns: Well, for some reason there’s a gag order on the government today so I don’t think we’ll get any answer, but I also want to say that it is with reluctance that we support this. It does matter that First Nations are freed from dependence on diesel; it does matter that they’re connected to the grid. The government has its own sins on this, but I will note that the previous Liberal government should have, years ago, started the process of review under the Crown Forest Sustainability Act so that the need for power in those northern communities was, what can I say, supported by action on the part of the government to make sure that everything legally was lined up and properly dealt with. So it’s not only the sins of the current government but the sins of the previous government that put us in this position today.

It is very problematic to have this kind of amendment come forward, but it’s also—and it has to be said—more problematic to leave First Nations without access to the grid. For that reason, we support unanimous consent and we support the motion.

The Chair (Mr. Dave Smith): Any further debate? Mr. Kramp.

Mr. Daryl Kramp: Just in response to Mr. Schreiner, it’s my understanding that, obviously, we don’t want a carte blanche. That’s fair ball, because we have to protect the forestry habitat—the environmental concerns. But we also recognize the very, very serious need, particularly this initial project. My understanding is that this project is due to commence this summer and/or sometime in the immediate future. So I think the urgency of this particular thing and the amount of work that went into it prior to this demonstrated the need to do an exclusion for this particular one, but certainly not on a carte blanche.

The Chair (Mr. Dave Smith): Any further comments? Mr. Schreiner.

Mr. Mike Schreiner: I just want to thank the member opposite for providing reasoning for why this amendment was brought in out of order, so thank you for that.

The Chair (Mr. Dave Smith): Any further comments? Are the members ready to vote? All those in favour of schedule 1, section 7.1, please raise your hand. All those opposed, please raise your hand. The motion carries.

Schedule 1, section 8: any debate? There are no amendments on schedule 1, section 8. Are the members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. The motion carries.

Shall schedule 1, as amended, carry? Is there any debate?

Seeing none, are the members ready to vote? All those in favour of schedule 1, as amended, please raise your hand. All those opposed, please raise your hand. Schedule 1, as amended, carries.

Moving on: schedule 2, section 1. Mr. Tabuns.

Mr. Peter Tabuns: I move that section 1 of schedule 2 to the bill be amended by adding the following subsection:

“(2) Subsection 1(1) of the act is amended by adding the following paragraph:

“6. To enable the participation of interveners representing the interests of consumers in proceedings before the board.”

The Chair (Mr. Dave Smith): Any debate?

Mr. Peter Tabuns: Yes. Again, I note that I'd like a recorded vote on this one. It was pretty clear in the presentations to us that organizations like the Association of Major Power Consumers of Ontario and those who represent government agencies like school boards—and vulnerable users—feel that it's important to protect the right of intervenors to come and speak at hearings. It's also clear that there's a lot of pressure to push back against intervenors. I note that the intervenors who appeared before us were very clear about the scale of savings that they had been able to secure for ratepayers through their interventions.

Given the centralization of power in the commissioner—sorry; in the CEO and the board, I think it's really important that the government go on record as an instruction to the OEB that the intervenors will be protected. I think that ignoring AMPCO and the other intervenors is going to be a severe error, if that's the government's direction.

The Chair (Mr. Dave Smith): Any further debate? Mr. Schreiner.

0920

Mr. Mike Schreiner: I want to compliment my colleague for bringing this amendment forward. I think we heard from numerous delegates here at committee, and it was interesting to note the diversity of those delegates, everyone from those speaking on behalf of vulnerable consumers to major power consumers—individuals, public sector, as well as large manufacturers and businesses—all talking about the importance of having intervenor status, and the way in which their interventions helped people and businesses save money on their utility rates.

I think that any government and any of us as individual MPPs who want to work hard to help protect consumers and ensure that the right decisions are made in the interests of the public would support guaranteeing intervenor status. So I'll be supporting this amendment.

The Chair (Mr. Dave Smith): Any further debate?

Mr. Peter Tabuns: Recorded vote.

The Chair (Mr. Dave Smith): Are the members ready to vote?

Interjections: Yes.

Ayes

Bell, Schreiner, Stevens, Tabuns.

Nays

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

The Chair (Mr. Dave Smith): This amendment is lost.

Shall schedule 2, section 1 carry? Any debate? Seeing no debate, are the members ready to vote? Those in favour, please raise your hand. Those opposed, please raise your hand. Schedule 2, section 1 carries.

Schedule 2, section 2: Mr. Tabuns.

Mr. Peter Tabuns: I move that section 2 of schedule 2 to the bill be amended by adding the following subsection:

“(3) Section 2 of the act is amended by adding the following paragraph:

“7. To enable the participation of interveners representing the interests of consumers in proceedings before the board.”

The Chair (Mr. Dave Smith): Any debate?

Mr. Peter Tabuns: The argument here is essentially the same as I made with regard to the previous amendment, only in this case it applies to gas hearings as opposed to hydro hearings. It's the same argument: There has to be an opportunity for customers, ratepayers, to come before the board, examine the evidence, cross-examine witnesses and actually put a strong case for protecting ratepayers when they're dealing with any energy provider. I would think that the government would be supportive of this.

The Chair (Mr. Dave Smith): Any further debate? Mr. Calandra.

Mr. Paul Calandra: Section 4.4.1 of the act already allows for this, so it would be redundant not only in this case but in the previous case as well. That's why the government is voting against creating a redundancy.

The Chair (Mr. Dave Smith): Mr. Tabuns.

Mr. Peter Tabuns: I think there is a difference between “allowing” and making sure that, in a robust way, the rights and privileges of intervenors are protected. I would say that if you want to make sure intervenors are able to protect themselves against unfair rate hikes, you've got to support this kind of amendment.

We went through this stuff with the Liberals. Having the Conservatives go down the same road and not actually stand up for ratepayers is bad for Ontario.

The Chair (Mr. Dave Smith): Any further debate? Seeing none, are the members ready to vote?

Mr. Peter Tabuns: Yes. Recorded vote.

Ayes

Bell, Schreiner, Stevens, Tabuns.

Nays

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

The Chair (Mr. Dave Smith): This amendment is lost. Shall schedule 2, section 2 carry? Any debate? Seeing none, are the members ready to vote? Those in favour of schedule 2, section 2, please raise your hand. Those opposed, please raise your hand. Schedule 2, section 2 carries.

Schedule 2, section 3, and schedule 2, section 4, have no amendments. Could we bundle those together? Agreed.

Any debate on schedule 2, section 3 or section 4? Seeing none, are the members ready to vote? Shall schedule 2, section 3 and section 4 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. Schedule 2: Section 3 and section 4 carry.

Schedule 2, section 5: Mr. Schreiner.

Mr. Mike Schreiner: I move that section 5 of schedule 2 to the bill be amended by adding “including any determination by the board of what constitutes the public interest and any determination of costs” at the end of subsection 4.1(18) of the Ontario Energy Board Act, 1998.

The Chair (Mr. Dave Smith): Any debate? Mr. Schreiner?

Mr. Mike Schreiner: I’m moving this motion because I think one of the things we heard over and over again, from almost every delegate, was a concern about the centralization of power into the CEO.

If I recall, George Vegh, who I believe was our first witness, and who was a former general counsel at the Ontario Energy Board, said about these changes, “It’s almost like the creation of an energy czar ... and it’s almost an unconstrained rule-making power.”

He went on to talk about the incredible powers that are being invested in the CEO “to unilaterally set rules that are binding on the entire” energy sector.

He suggested, as well as, I believe it was, the Association of Power Producers of Ontario, that one way to constrain this power was to require that a cost-benefit analysis be done and be made publicly available.

I would hope that the members opposite would support that. I’ve heard members of the Conservative Party oftentimes speak about the importance of doing cost-benefit analysis. I think the previous Liberal government made significant mistakes that led to increases in our electricity prices because they failed to do adequate cost-benefit analysis, and I don’t want to see the same mistake made again by the current government.

I think this also once again echoes my call for an independent public review of the cost of all sources of power generation, present and future, which I think would be in line with this particular amendment of doing a cost-benefit analysis and making that available for the public. I’m hoping that we’ll have support for this amendment.

The Chair (Mr. Dave Smith): Any further debate? Mr. Tabuns.

Mr. Peter Tabuns: I thank the member for bringing forward the amendment. I think his arguments are sound. The amendment is sound. I’ll just say to the government: When I was sitting here before the last election dealing with a Liberal majority, I would often say to them, “You know, you guys aren’t going to be in power forever. You may want to set up structures that will allow you in opposition to actually protect the public from errors that are made by the government of the day.”

As you are well aware, they listened to none of that. They struck down the ability of the Auditor General to deal with partisan advertising, I’m sure to their regret at this moment.

We suggest to you that you will not be government forever, and you may want to put in place structures that will protect people from a future government that you disagree with.

The Chair (Mr. Dave Smith): Any further debate? Mr. Kramp?

Mr. Daryl Kramp: This type of motion comes up a number of different times as far as the responsibility of CEO versus board members, all the way through in a number of these amendments. I think we have to come to a very, very clear understanding or agreement or disagreement with what the real role of the board and of the CEO is. The reality is, whether it’s public or private, that the role of the board is to monitor the CEO. It is not to make the decisions that the CEO makes. The board is accountable to the government and taxpayers, eventually, but the CEO has to have the authority to be a decision-maker. As such, they are then held accountable.

Whether it’s public or private, to suggest that we run an entire business and/or government by referendum, per se, in essence, doesn’t work. There has to be a control mechanism, as long as the mechanism has a control factor, such as a board.

Yes, the composition of the board will be very, very important, as will the selection of the commissioner, but the CEO has to have the latitude to be able to run that operation effectively.

That is just a personal perspective on that from having sat on a number of boards. They worked efficiently and effectively that way, and that way it doesn’t muddy the water and get everybody in trying to make every decision every way, because then you run into paralysis. We’ve had too much paralysis over the years. It has to stop.

The Chair (Mr. Dave Smith): Any further debate? Mr. Schreiner.

0930

Mr. Mike Schreiner: I appreciate my colleague’s comments. As somebody who has been on a number of boards myself as a director, as well as somebody who has been CEO of a company, the board has a responsibility to provide oversight of CEOs. That’s a basic principle of corporate law in Canada, and I think it’s appropriate to ask the CEO to ensure that it’s making decisions that are in the public interest and done with a cost-benefit analysis. I would argue that the board’s responsibility is to ensure the proper oversight of the CEO and to ensure that the decisions the CEO is making are in the public interest and done through a cost-benefit analysis. I don’t think that precludes the CEO from being able to make decisions, and being able to make decisions quickly. I think it’s just ensuring that we protect the public interest, so I would respectfully suggest that this amendment is appropriate in this particular context.

The Chair (Mr. Dave Smith): Any further debate?

Mr. Mike Schreiner: Recorded vote, please.

Ayes

Bell, Schreiner, Stevens, Tabuns.

Nays

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

The Chair (Mr. Dave Smith): This amendment is lost. Mr. Tabuns.

Mr. Peter Tabuns: I move that section 5 of schedule 2 to the bill be amended by adding the following subsection to section 4.2 of the Ontario Energy Board Act, 1998:

“Review of appointment by the Standing Committee on Government Agencies

“(3.1) The appointment of the chief executive officer shall be subject to review by the Standing Committee on Government Agencies.”

The Chair (Mr. Dave Smith): Debate? Mr. Tabuns.

Mr. Peter Tabuns: Thank you, Chair; I appreciate that. Again, I’ll want a recorded vote.

I think it’s to the advantage of every party in this House that people in such a powerful position as the chief executive officer be subjected to review by the Standing Committee on Government Agencies. Again, there’s a reason that we elect Parliaments and not just one-man rule. The idea is that there are some checks for when governments go off the rails. Opposition parties can point out—governments may not like it, but from time to time oppositions have actually made a difference, to the benefit of governments, by saving them from themselves. In this case, the chief executive officer should be subject to review by the Standing Committee on Government Agencies.

The Chair (Mr. Dave Smith): Any further debate? Mr. Kramp.

Mr. Daryl Kramp: To do so, though, obviously usurps the power of the board of directors, so I disagree.

The Chair (Mr. Dave Smith): Any further debate? Seeing none, this is a recorded vote.

Ayes

Bell, Stevens, Tabuns.

Nays

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

The Chair (Mr. Dave Smith): This amendment is lost. Section 5, schedule 2: Mr. Tabuns.

Mr. Peter Tabuns: I move that section 5 of schedule 2 to the bill be amended by striking out “on the recommendation of the chief executive officer” in subsection 4.3(1) of the Ontario Energy Board Act, 1998.

The Chair (Mr. Dave Smith): Debate? Mr. Tabuns.

Mr. Peter Tabuns: Again, Chair, I think that there have to be some limitations on the power of the CEO. It was pretty clear that the stakeholders who came before us were concerned about the concentration of power in the hands of the CEO.

The Chair (Mr. Dave Smith): Any further debate? Mr. Schreiner.

Mr. Mike Schreiner: Well, given I’ve moved the exact same motion next, I’ll speak to it here, assuming that we’ll vote on it once, I guess. I would have to agree with my colleague that many, many people came to committee, and I’ve also received emails from people and I’ve seen comments in the public realm, expressing deep concerns about the centralization of power in the CEO. I think this amendment just provides some minimal restraint on that, again ensuring that the CEO is not all-powerful. This is a public body that’s operating in the public interest, and so I don’t think this constrains the ability of the CEO to make decisions or to make expedited decisions, but it just puts a little check and balance on the CEO’s powers. Therefore, I believe it’s appropriate and in the public interest, and I’ll be supporting the amendment.

The Chair (Mr. Dave Smith): Any further debate? Seeing none, are the members ready to vote?

Mr. Peter Tabuns: Recorded.

Ayes

Bell, Schreiner, Stevens, Tabuns.

Nays

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

The Chair (Mr. Dave Smith): This amendment is lost. Mr. Schreiner.

Mr. Mike Schreiner: I move that section 5 of schedule 2 to the bill be amended by striking out “on the recommendation of the chief executive officer” in subsection 4.3(1) of the Ontario Energy Board Act, 1998.

The Chair (Mr. Dave Smith): Committee members, this amendment is a duplicate motion. I therefore rule the motion out of order as no amendment, the subject matter of which has been decided upon, can be proposed again during the same session.

Moving on to amendment number 11: Mr. Tabuns.

Mr. Peter Tabuns: I move that section 5 of schedule 2 to the bill be amended by adding the following subsection to section 4.3 of the Ontario Energy Board Act, 1998:

“Selection process

“(1.1) The selection process for the appointment of commissioners shall be a competitive, merit-based process and the criteria to be applied in assessing candidates shall include the following:

“1. Experience, knowledge or training in the subject matter and issues over which the board has jurisdiction.

“2. Aptitude for conducting impartial hearings and determinations.

“3. Aptitude for applying adjudicative practices and procedures that may be set out in the board’s rules.”

The Chair (Mr. Dave Smith): Debate, Mr. Tabuns?

Mr. Peter Tabuns: Chair, just checking my notes here, the amendment uses language taken from section 14 of the

Adjudicative Tribunals Accountability, Governance and Appointments Act that applies to other adjudicative tribunals—the idea being that if you’re going to have people who are weighing complex matters of law and economics, they should have training and background in that and they should have the ability to conduct an impartial hearing. It enhances the credibility of the OEB and, frankly, enhances the quality of the decisions.

Simply appointing partisans to the commission who will carry out adjudicative functions, who don’t have the training or the credentials, is a disservice to the people of Ontario. This amendment ensures, or attempts to ensure, that the only people who get appointed are qualified to do the work.

With that, I’d like a recorded vote when we get to that point.

The Chair (Mr. Dave Smith): Any further debate? Mr. Schreiner.

Mr. Mike Schreiner: I want to thank the member for bringing this amendment forward.

I think we’ve been reading in the press just this weekend, actually, concerns about appointments and the politically partisan nature of those appointments. It has been interesting listening to some of the commentary I’ve heard on talk radio this morning: “Every government does that.” Well, maybe it’s time that we stop having every government do that and actually start having an appointment process that’s in the public interest, that appoints qualified individuals.

I’m impressed that the member found a foundation on which to offer this amendment, using best practices from other areas, and I think it’s entirely appropriate. I know the Auditor General raised concerns about the level of political interference from the previous Liberal government in the whole OEB process, and the more protections we can place to prevent any government from doing that—and one of the ways in which to do that is through the appointment process.

I think this amendment is in the public interest and therefore I’ll be voting in favour of it.

The Chair (Mr. Dave Smith): Any further debate? Seeing none—and this is a recorded vote.

Ayes

Bell, Schreiner, Stevens, Tabuns.

Nays

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

The Chair (Mr. Dave Smith): This amendment is lost. Amendment number 12: Mr. Tabuns.

0940

Mr. Peter Tabuns: I move that section 5 of schedule 2 to the bill be amended by adding the following subsection to section 4.3 of the Ontario Energy Board Act, 1998:

“Review of appointment by the Standing Committee on Government Agencies

“(2.1) The appointment of a commissioner shall be subject to review by the Standing Committee on Government Agencies.”

Again—

The Chair (Mr. Dave Smith): Mr. Tabuns, further debate?

Mr. Peter Tabuns: Thank you, Chair. Again, I think that the Legislature was elected for a purpose. One of those purposes is overseeing actions of the government. I think that having review of appointments is entirely within our purview and to the advantage of the people of Ontario.

I will note that there is a process that has been described in the United States previously and, I think, was certainly a problem with the Liberals. That’s something called “regulatory capture,” where the industries being regulated are energetically able to put their own people onto regulatory boards to make sure that the regulation is of such a light touch that the companies don’t in any way see a loss of revenue. I think it’s to our advantage to have regulators who are tough and whose interest is protecting the people of Ontario, not the industries that they’re responsible for. This increases the chance that regulatory capture will be kept down.

The Chair (Mr. Dave Smith): Any further debate? Mr. Schreiner.

Mr. Mike Schreiner: I’d like to comment. The previous amendment put forward around the CEO—I thought the members opposite made a valid argument around the role that a board plays in appointing a CEO and the CEO being accountable to that board. I think the member, in bringing this motion forward in regard to the commissioner, makes a very valid point that we’ve separated the roles of the commissioners and the board now, and I think that’s a good thing. That was recommended in the OEB review process, but it does place a significant amount of power now in the commissioners’ role as regulators.

We’ve seen—particularly in the United States, but in other jurisdictions—industry capture of regulators, and that has led to decisions that are not in the public interest. I think that having a review of the commissioners’ appointments by the standing committee makes a lot of sense, just to ensure that that type of regulatory capture doesn’t happen. So I’ll be supporting this amendment.

The Chair (Mr. Dave Smith): Any further debate? Seeing none, are the members ready to vote?

Mr. Peter Tabuns: Recorded.

The Chair (Mr. Dave Smith): This is a recorded vote.

Ayes

Bell, Schreiner, Stevens, Tabuns.

Nays

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

The Chair (Mr. Dave Smith): This amendment is lost. Amendment number 13: Mr. Tabuns.

Mr. Peter Tabuns: Amendment 13?

Mr. Mike Schreiner: Uh, that's me.

Mr. Peter Tabuns: I mean, we were separated at birth, but still.

The Chair (Mr. Dave Smith): Oh, sorry. Mr. Schreiner.

Mr. Mike Schreiner: I would make a comment, but I'll restrain myself.

I move that section 5 of schedule 2 to the bill be amended by striking out "on the recommendation of the chief executive officer" in subsection 4.3(3) of the Ontario Energy Board Act, 1998.

The Chair (Mr. Dave Smith): Sorry about that. Any debate? Mr. Schreiner.

Mr. Mike Schreiner: It is early on a Monday morning, and I have been called worse, so I'll take confusion with my colleague with some pleasure this morning, I guess.

Over and over again I've heard concerns about the centralization of power in the hands of the CEO. I think just having some basic checks and balances on that is appropriate and in the public interest, protecting ratepayers. I think this amendment is a simple and easy way of helping to achieve that.

The Chair (Mr. Dave Smith): Any further debate? Seeing none—

Mr. Mike Schreiner: A recorded vote, please.

Ayes

Bell, Schreiner, Stevens, Tabuns.

Nays

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

The Chair (Mr. Dave Smith): This amendment is lost. Amendment number 14: uh—Mr. Tabuns.

Mr. Peter Tabuns: Ah, you saved yourself there, Chair. It could have been bad.

I move that section 5 of schedule 2 to the bill be amended by striking out subsection 4.3(14) of the Ontario Energy Board Act, 1998 and substituting the following:

"Transition, existing members of the board

"(14) Despite subsection (1), any person who meets all applicable eligibility criteria and who was a member of the board immediately before the day section 5 of schedule 2 to the Fixing the Hydro Mess Act, 2019 came into force, other than the chair, becomes a commissioner on that day, and may continue to hold that position for the remainder of his or her term."

The Chair (Mr. Dave Smith): Debate, Mr. Tabuns?

Mr. Peter Tabuns: Yes. Very simple: If you're not qualified to be a commissioner, if you don't have the adjudicative or energy background, then you shouldn't be adjudicating hearings on energy. It's as simple as that.

We have examples already of the government appointing people politically to the board who don't have the background to do this work. On that basis, you should be putting people on this commission who actually have the background on adjudication in energy.

The Chair (Mr. Dave Smith): Any further debate? Seeing none, are the members ready to vote?

Mr. Peter Tabuns: As long as it's recorded, yes.

The Chair (Mr. Dave Smith): Okay.

Ayes

Bell, Stevens, Schreiner, Tabuns.

Nays

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

The Chair (Mr. Dave Smith): This motion is lost.

Shall schedule 2, section 5, as amended, carry? Any debate?

Interjection.

The Chair (Mr. Dave Smith): Sorry. There are no amendments to it. Let me rephrase that, then. Shall schedule 2, section 5 carry? Any debate? No debate. Are the members ready to vote? Those in favour, please raise your hand. Those opposed, please raise your hand. Schedule 2, section 5 carries.

Since there are no amendments to sections 6 through 17 of schedule 2, I propose that we bundle these together. Could I have consent for that, please? Yes. Sections 6 through 17: Is there any debate? Seeing none, are the members ready to vote? Those in favour, please raise your hand. Those opposed? Sections 6 through 17 of schedule 2 carry.

Schedule 2, section 18: amendment number 15. Mr. Tabuns?

Mr. Peter Tabuns: Yes. Chair, this should be held down until after amendment 17 is debated.

The Chair (Mr. Dave Smith): It is in order to debate it now. Mr. Tabuns, are you asking for unanimous consent to defer this until after—

Mr. Peter Tabuns: Yes, I am.

The Chair (Mr. Dave Smith): Do we have unanimous consent to defer this until after amendment 17? Yes. We'll defer it until after amendment 17.

Amendment 16: Mr. Schreiner.

Mr. Mike Schreiner: This is almost the same as—very similar to your 15.

I move that subsection 18(1) of schedule 2 to the bill be struck out and the following substituted:

"(1) Subsection 44(1) of the act is amended by striking out the portion before clause (a) and substituting the following:

"Rules

"(1) Subject to the approval of the board and subsection (1.1), the chief executive officer may make rules,"

Again—

The Chair (Mr. Dave Smith): Sorry. Any debate? Mr. Schreiner?

Mr. Mike Schreiner: Sorry, Chair.

The Chair (Mr. Dave Smith): Mr. Schreiner.

Mr. Mike Schreiner: Again, I just want to remind the government of how many concerns have been raised about the centralization of power in the CEO's hands. The rule-making power was pointed out by numerous delegates, both in person and in writing. At the very least, ensuring that the CEO can bring forward rules but to have them subject to the approval of the board seems to me is just a basic accountability function that's very common in both private corporations, publicly traded corporations and government entities. So it just seems entirely appropriate that we would have those kinds of checks and balances on the CEOs, particularly the rule-making ability.

The Chair (Mr. Dave Smith): Any further debate? Mr. Kramp.

Mr. Daryl Kramp: As I previously stated, the responsibility lies where the final buck comes: to the board of directors, but they are of course ensuring that the CEO is doing their job. The CEO has to have the authority to make a lot of decisions and manage the corporation. If he doesn't do a good job, the board of directors has an ultimate responsibility to replace him.

0950

The Chair (Mr. Dave Smith): Any further debate? Mr. Tabuns.

Mr. Peter Tabuns: I'll give more lengthy remarks when we go to my amendment, but I just want to say that I agree with the member. He has got a good motion before us. People should vote for it.

The Chair (Mr. Dave Smith): Any further debate?

Mr. Mike Schreiner: I call for a recorded vote.

Ayes

Bell, Schreiner, Stevens, Tabuns.

Nays

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

The Chair (Mr. Dave Smith): This motion is lost. Amendment number 17: Mr. Tabuns.

Mr. Peter Tabuns: I move that subsection 18(4) of schedule 2 to the bill be struck out and the following substituted:

“(4) Subsection 44(1.1) of the act is repealed and the following substituted:

“Approval of rules

“(1.1) Any rule made or amended under subsection (1) must be approved by the board before it comes into force.

“Same

“(1.2) Before approving a rule under subsection (1.1), the board shall,

“(a) consider the risks, costs and benefits of the rule with respect to the interests of consumers and satisfy itself that the benefits will outweigh the costs; and

“(b) analyze any alternatives to the proposed rule.”

The Chair (Mr. Dave Smith): Debate? Mr. Tabuns.

Mr. Peter Tabuns: Thank you, Chair. Again, many of the presenters who came before this committee, presenters who had long experience either with regulatory law or with their businesses in the private market, were pretty clear that they felt the concentration of power in the hands of the CEO was unwarranted and problematic. They also pointed out that there should be a requirement for a cost-benefit analysis when rules were brought forward.

I'll just say again to the government in this case, the last government, the Liberals, didn't particularly spend a lot of time on cost-benefit. They had their own priorities, and they drove them through, and they paid a very high price for that. It's to your advantage to actually have a board that looks at a cost-benefit analysis and makes rules based on an assessment of what will hurt, what will help and what are the costs of both. If you don't have those instructions in place, believe me, you'll have a problem with your energy czar just as the Liberals had their problem with the Ontario Power Authority. I think the important thing, though, is, in the end, the people of Ontario don't care whether or not governments have headaches; they care whether they have headaches. And you don't want to give the people of Ontario a headache by omitting this requirement for performance of the board.

The Chair (Mr. Dave Smith): Any further debate? Mr. Schreiner.

Mr. Mike Schreiner: Yes, I'm just hoping that—I've spoken at length on the importance of cost-benefit analysis and so this is an opportunity, I think, for the government to bring some sort of provision into the legislation around cost-benefit analysis. I would argue I've heard the Premier himself at times suggest that government should operate more like a business. Well, I don't always agree with that sentiment, but I think in this case, a basic business—in any decision I made in business, and any of my colleagues in business do cost-benefit analysis before they make a decision. Unfortunately, I believe the previous government, particularly when it came to the procurement of green energy, bought high, and now we're getting out of it when the costs are really low. I'm worried that the existing government is about to make the same mistakes.

One way to help guard against that, particularly within our independent regulatory framework, is to require a cost-benefit analysis. I go back again to the comments made by George Vegh, the former general counsel to the Ontario Energy Board, where he said he was skeptical that the bill will help rein in electricity costs since it doesn't adequately address the largely unregulated procurement process. Well, as plans, as decisions and as utilities come before the board to request a cost increase, I sure as heck would like to know that they're making a cost-benefit analysis so we can hopefully rein in costs in the public interest. So I just feel this amendment is another opportunity to at least bring that into the bill which would certainly

strengthen the bill and I think protect the people of Ontario.

The Chair (Mr. Dave Smith): Any further debate? Mr. Kramp.

Mr. Daryl Kramp: Cost-benefit analysis should be a given, quite frankly. I don't know a CEO that wouldn't take that into account in making their decision. They have a role to make those decisions and they have to take all things like that into account, so I have no problem with that for a second, but the reality is that they have to go ahead and make those decisions based on all of the professional guidance, help and support that they have, and, of course, if they are making wrong decisions, they are accountable to the board. We have that ultimate authority. So we can't just go ahead and all of a sudden micromanage the operations. That's why that CEO is there, and they are accountable to the board.

The Chair (Mr. Dave Smith): Further debate? Ms. Wai.

Mrs. Daisy Wai: I have to agree 100% with Mr. Kramp's suggestion just now. I myself was in the private sector and I have sat on many boards as well, and the CEO and the board each have different roles. Actually, the CEO will have to be given that freedom to make all those decisions in order to make things run effectively. However, the board is the body that, really, makes sure that they have all the policies in place way before in order to make sure the CEO understands and works within those policies. If the board has all the policies in place, then we do not have any problem. But we have to give those rights to the CEO in order to do the work properly.

The Chair (Mr. Dave Smith): Further debate? Mr. Schreiner.

Mr. Mike Schreiner: To both colleagues opposite: I agree with you. I think it should be a cost-benefit analysis as a matter of practice. We're on the same page in that regard. But the challenge here is that the previous government didn't do that. The Auditor General has even pointed that out on more than one occasion. So maybe this government will appoint people who will do the cost-benefit analysis, but future governments may not. I think having that added protection would certainly give this member comfort that I've done my due diligence to protect the public interest, and I would hope that our agreement on the importance of cost-benefit analysis would be reflected in the bill itself.

The Chair (Mr. Dave Smith): Further debate? Seeing none, are the members ready to vote?

Mr. Peter Tabuns: Recorded, please, Chair.

Ayes

Bell, Schreiner, Stevens, Tabuns.

Nays

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

The Chair (Mr. Dave Smith): The motion is lost.

We will return back to amendment number 15, then: subsection 18(1) of schedule 2. Mr. Tabuns.

Mr. Peter Tabuns: I withdraw the motion.

The Chair (Mr. Dave Smith): Amendment 18, then: subsection 18(4) of schedule 2. Mr. Schreiner.

Mr. Mike Schreiner: I move that subsection 18(4) of schedule 2 to the bill be struck out and the following substituted:

“(4) Subsection 44(1.1) of the act is repealed and the following substituted:

“Public consultation

“(1.1) The chief executive officer shall not make or amend any rule under subsection (1) unless,

“(a) the officer has published a notice of the proposed rule or amendment on the board's website;

“(b) the notice complies with the requirements of this section;

“(c) the time period specified in the notice, during which members of the public may exercise a right described in clause (1.2)(b) has expired; and

“(d) the officer has considered whatever comments and submissions that members of the public have made on the proposed rule or amendment.

“Contents of notice

“(1.1) The notice mentioned in clause (1.1)(a) shall contain,

“(a) a description of the proposed rule or amendment and the text of it;

“(b) a statement of the time period during which members of the public may submit written comments on the proposed rule or amendment to the chief executive officer and the manner in which and the address to which the comments must be submitted; and

“(c) a link to the place on the board's website where members of the public can review,

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“(i) explanatory information about the proposed rule or amendment,

“(ii) all materials that the officer proposes to rely on in making the proposed rule or amendment,

“(iii) a cost-benefit analysis of making the proposed rule or amendment, and

“(iv) a description of all alternatives that the officer has considered instead of making the proposed rule or amendment and the reasons for not proceeding with those alternatives.”

The Chair (Mr. Dave Smith): Thank you, Mr. Schreiner. Could you repeat for me, under “Contents of notice,” the very first sentence?

Mr. Mike Schreiner: “The notice mentioned in clause (1.1)(a) shall contain”—is that what you're asking for?

The Chair (Mr. Dave Smith): Yes. The number in front.

Mr. Mike Schreiner: It's “(1.2)”.

The Chair (Mr. Dave Smith): Thank you. Any debate? Mr. Schreiner.

Mr. Mike Schreiner: Once again, we've had so many concerns raised about the centralization of power and the

CEO, so this just outlines a way in which the CEO can make decisions but ensure that they're done in a publicly transparent way, ensuring that we have a cost-benefit analysis. I think the members opposite and I, we've determined today, agree on the importance of cost-benefit analyses. But it's also ensuring that it's clear to the public how the public can participate in the process.

I just remind members that the OEB process is a public process. We have public regulators to make decisions in the public interest. This is designed to ensure that we have an open, transparent process in which the public can participate and in which the decisions that the CEO or the board makes are done in a transparent way that informs the public of the rationale behind those decisions. To me, that just seems like good governance.

The Chair (Mr. Dave Smith): Any further debate? Mr. Tabuns.

Mr. Peter Tabuns: I think that the member has done us a good service here by bringing forward this motion. It speaks to making this whole process more open. I think the public would have appreciated it if this had been in place, to a far greater degree, under the Liberals.

Again I say to the government: It's to your advantage to have transparency so that when you are no longer the government—it happens to all parties—you'll be in a position to challenge misdirection on the part of the sitting government at that point.

The Chair (Mr. Dave Smith): Any further debate? Seeing none, are the members ready to vote?

Mr. Mike Schreiner: I prefer a recorded vote.

Ayes

Bell, Schreiner, Stevens, Tabuns.

Nays

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

The Chair (Mr. Dave Smith): Amendment number 18 is lost.

Shall schedule 2, section 18 carry? Any debate? Seeing none, are the members ready to vote?

Mr. Peter Tabuns: Yes.

The Chair (Mr. Dave Smith): All those in favour, please raise your hand. Those opposed, please raise your hand. Schedule 2, section 18 carries.

Schedule 2, section 19, amendment number 19 of subsection 19(1): Mr. Tabuns.

Mr. Peter Tabuns: I move that subsection 19(1) of schedule 2 to the bill be amended by adding the following subsection to section 45 of the Ontario Energy Board Act, 1998:

“Publication of notice

“(1.1) On giving notice under subsection (1), the chief executive officer shall publish on the board's website,

“(a) an analysis of the expected risks, costs and benefits of the proposed rule with respect to the interests of consumers; and

“(b) all evidence that was considered in making the proposed rule.”

The Chair (Mr. Dave Smith): Debate? Mr. Tabuns.

Mr. Peter Tabuns: I'll just note, Chair, that if the government is concerned about reducing the power of the CEO, this doesn't reduce the power of the CEO. It just requires the CEO to make sure the public is fully aware of the basis for decisions that are made.

The Chair (Mr. Dave Smith): Any further debate? Mr. Schreiner?

Mr. Mike Schreiner: As many of you know, it's been pretty clear today that I'd like the CEO's powers reduced. But I would like to just echo the member's comment that if we're not going to reduce the powers of the CEO, let's at least make the decisions transparent, especially because this is a public regulatory body. It seems to me the public has a right to know the rationale behind the decisions that a public regulator is making.

The Chair (Mr. Dave Smith): Any further debate? Seeing none, are the members ready to vote?

Mr. Peter Tabuns: As long as it's recorded.

Ayes

Bell, Schreiner, Stevens, Tabuns.

Nays

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

The Chair (Mr. Dave Smith): The motion for amendment 19 is lost.

Amendment number 20, subsection 19(1): Mr. Tabuns.

Mr. Peter Tabuns: I move that subsection 19(1) of schedule 2 to the bill be amended by adding the following subsection to section 45 of the Ontario Energy Board Act, 1998:

“Publication of notice of changes

“(5.1) On giving notice under subsection (5), the chief executive officer shall publish on the board's website,

“(a) an analysis of the expected risks, costs and benefits of the proposed changes with respect to the interests of consumers; and

“(b) all evidence that was considered in making the proposed changes.”

The Chair (Mr. Dave Smith): Debate, Mr. Tabuns?

Mr. Peter Tabuns: I think I've made my arguments, Chair.

The Chair (Mr. Dave Smith): Okay. Any further debate? Seeing none, are the members ready to vote?

Mr. Peter Tabuns: As long as it's recorded.

Ayes

Bell, Schreiner, Stevens, Tabuns.

Nays

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

The Chair (Mr. Dave Smith): This motion is lost.

Shall schedule 2, section 19 carry? Any debate? Seeing none, are the members ready to vote?

Those in favour of schedule 2, section 19, please raise your hand. Those opposed, please raise your hand. Schedule 2, section 19 carries.

Schedule 2, amendment number 21, subsection 20(1): Mr. Tabuns.

Mr. Peter Tabuns: Chair, I'd like to ask for this to be stood down until after 22 is considered. If 22 fails, then this becomes redundant.

The Chair (Mr. Dave Smith): Do we have unanimous consent to defer this?

Interjections: Yes.

The Chair (Mr. Dave Smith): On to amendment number 22, then, subsection 20(2) of schedule 2. Mr. Tabuns.

Mr. Peter Tabuns: I move that subsection 20(2) of schedule 2 to the bill be struck out and the following substituted:

“(2) Subsection 70.1(2) of the act is repealed and the following substituted:

“Approval of rules

“(2) Any code issued or amended under subsection (1) must be approved by the board before it comes into force.

“Same

“(2.2) Before approving a code under subsection (2), the board shall,

“(a) consider the risks, costs and benefits of the change with respect to the interests of consumers and satisfy itself that the benefits will outweigh the costs; and

“(b) analyze any alternatives to the proposed code.”

The Chair (Mr. Dave Smith): Debate? Mr. Tabuns.

Mr. Peter Tabuns: I think you've heard my arguments on this one, Chair. They haven't changed from previous similar amendments.

The Chair (Mr. Dave Smith): Any further debate? Mr. Kramp.

Mr. Daryl Kramp: Actually, I would agree with the opposition members that the board certainly needed to be overhauled. That's a reality. The purpose of that, of course, then, is just to say, “Well, who's having the ultimate authority to be able to make our immediate decisions?”

While we may agree with the purpose, we just disagree a little bit with the means. That's all.

The Chair (Mr. Dave Smith): Any further debate? Are the members ready to vote?

Mr. Peter Tabuns: Recorded, please.

Ayes

Bell, Schreiner, Stevens, Tabuns.

Nays

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

The Chair (Mr. Dave Smith): This motion is lost.

We'll move back to amendment number 21. Mr. Tabuns.

Mr. Peter Tabuns: I withdraw.

The Chair (Mr. Dave Smith): Shall schedule 2, section 20 carry? Any debate? Seeing none, are the members ready to vote?

Those in favour, please raise your hand. Those opposed, please raise your hand. Schedule 2, section 20 shall carry.

Schedule 2, section 21, amendment number 23: Mr. Tabuns.

Mr. Peter Tabuns: I move that subsection 21(1) of schedule 2 to the bill be amended by adding the following subsection to section 70.2 of the Ontario Energy Board Act, 1998:

“Publication of notice

“(1.1) On giving notice under subsection (1), the chief executive officer shall publish on the board's website,

“(a) an analysis of the expected risks, costs and benefits of the proposed code with respect to the interests of consumers; and

“(b) all evidence that was considered in making the proposed code.”

The Chair (Mr. Dave Smith): Any debate? Mr. Tabuns.

Mr. Peter Tabuns: Yes. Again, Chair, it's a question of letting the public know the basis upon which decisions were made. If the government is focused on having the CEO wield huge amounts of power, they should at least be interested in making sure that the public will know the basis for those decisions.

The Chair (Mr. Dave Smith): Any further debate? Seeing none, are the members ready to vote?

Mr. Peter Tabuns: Yes. Recorded.

Ayes

Bell, Schreiner, Stevens, Tabuns.

Nays

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

The Chair (Mr. Dave Smith): This motion is lost.

Subsection 21(2) of schedule 2, amendment number 24: Mr. Tabuns.

Mr. Peter Tabuns: I move that subsection 21(2) of schedule 2 to the bill be amended by adding the following subsection to section 70.2 of the Ontario Energy Board Act, 1998:

“Publication of notice of changes

“(5.1) On giving notice under subsection (5), the chief executive officer shall publish on the board’s website,

“(a) an analysis of the expected risks, costs and benefits of the proposed changes with respect to the interests of consumers; and

“(b) all evidence that was considered in making the proposed changes.”

The Chair (Mr. Dave Smith): Debate? Mr. Tabuns.

Mr. Peter Tabuns: I would say that this is consistent with previous statements on the necessity of transparency. Again, if the government is going to put such huge amounts of power in the hands of one person, I think it’s incumbent on them to require that CEO to let the public know the basis for making a decision.

The Chair (Mr. Dave Smith): Any further debate? Seeing none, are the members ready to vote?

Mr. Peter Tabuns: Recorded.

Ayes

Bell, Schreiner, Stevens, Tabuns.

Nays

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

The Chair (Mr. Dave Smith): This amendment is lost.

Shall schedule 2, section 21 carry? Any debate? Seeing none, are the members ready to vote? Yes. Those in favour of schedule 2, section 21, please raise your hand. Those opposed, please raise your hand. Schedule 2, section 21 will carry.

Seeing the time on the clock, I don’t believe we have enough time to deal with the next motion before we’d have to recess, so we will recess until 2 p.m. today.

The committee recessed from 1013 to 1400.

The Chair (Mr. Dave Smith): Good afternoon. We are discussing clause-by-clause on Bill 87, An Act to amend various statutes related to energy.

This morning, we finished off at the end of schedule 2, section 21. Moving on, we are at amendment number 25 on schedule 2, section 21.1. Mr. Tabuns.

Mr. Peter Tabuns: I move that schedule 2 to the bill be amended by adding the following section:

“21.1(1) Section 78 of the act is amended by adding the following subsection:

“‘Order re unit sub-meter provider

“(2.3) No unit sub-meter provider shall charge for unit sub-metering except in accordance with an order of the board, which is not bound by the terms of any contract.’

“(2) Subsection 78(3) of the act is amended by striking out ‘unit smart metering’ and substituting ‘unit sub-metering, unit smart metering’.

“(3) Clause 78(6)(c) of the act is revoked and the following substituted:

“‘(c) to the transmission, distribution or retailing of electricity or unit sub-metering or to unit smart metering.’

“(4) Subsection 78(9) of the act is amended by striking out ‘the transmitter or distributor’ and substituting ‘the transmitter, distributor or unit sub-meter provider’.”

I think, Chair, this a really important amendment for those in apartment buildings who need to have their sub-meter operator regulated. It’s something that the Liberals came very late to, and it needs to be put back into the legislation. It needs to be actualized.

The Chair (Mr. Dave Smith): Any other further debate? Seeing none, are the members ready to vote?

Mr. Peter Tabuns: Recorded vote, please.

Ayes

Bell, Schreiner, Stevens, Tabuns.

Nays

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

The Chair (Mr. Dave Smith): Schedule 2, section 21.1 is lost.

There are no amendments from sections 22 to 31 of schedule 2, so I propose that we bundle those together. Do we have unanimous consent for that?

Mr. Peter Tabuns: Yes.

The Chair (Mr. Dave Smith): Thank you.

Schedule 2, sections 22 to 31: Are there any comments or discussion? Seeing none, are the members ready to vote? All those in favour of schedule 2, sections 22 to 31, please raise your hand. All those opposed, please raise your hand. Schedule 2, sections 22 to 31 all carry.

Shall schedule 2 carry? Any discussion? None? Are the members ready to vote? All those in favour of schedule 2, please raise your hand. Those opposed? Schedule 2 carries.

Schedule 3: There are no proposed amendments from sections 1 to 4. Could I have unanimous consent to bundle those together, please? Yes. Schedule 3, sections 1 through 4: Is there any discussion? Seeing none, are the members ready to vote? All those in favour of schedule 3, sections 1, 2, 3 and 4, please raise your hand. All those opposed, please raise your hand. Sections 1, 2, 3 and 4 all carry.

Schedule 3, section 5, amendment number 26: Mr. Tabuns.

Mr. Peter Tabuns: I move that section 5 of schedule 3 to the bill be amended by adding the following subsection to section 6 of the Ontario Fair Hydro Plan Act, 2017:

“Publication

“(6) Ontario Power Generation Inc. shall publish on its public website an updated long-term cost outlook showing the expected impacts of the payments referred to in subsection (1) on the financial position of the province of Ontario.”

The Chair (Mr. Dave Smith): Debate? Mr. Tabuns.

Mr. Peter Tabuns: I think that it is reasonable for us to ask that the government, through OPG, explain how the Fair Hydro Plan will be expensed, and how it will impact

us in the years to come. We can see some very substantial expenses on the way. As I referred to earlier, the cost of our nuclear power is going to more than double in the next few years. We need to know what the costs are going to be, how we're going to deal with them, and how it's going to affect our financial position.

The Chair (Mr. Dave Smith): Any further debate? Mr. Kramp.

Mr. Daryl Kramp: [*Inaudible*] spending in estimates, actually, the public accounts of Ontario, obviously, already has all of the information with regard to the re-financing of the global adjustment. That's available for public consumption every year.

The Chair (Mr. Dave Smith): Any further debate? Seeing none, are the members ready to vote?

Mr. Peter Tabuns: Yes. Recorded.

Ayes

Bell, Schreiner, Stevens, Tabuns.

Nays

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

The Chair (Mr. Dave Smith): This amendment is lost. Section 5 of schedule 3, amendment number 27: Mr. Tabuns.

Mr. Peter Tabuns: I move that section 5 of schedule 3 to the bill be amended by adding the following subsection to section 8 of the Ontario Fair Hydro Plan Act, 2017:

“Publication

“(6) Ontario Power Generation shall publish on its public website an updated long-term cost outlook showing the expected impacts of the payments referred to in subsection (1) on the financial position of Ontario Power Generation Inc.”

The Chair (Mr. Dave Smith): Debate, Mr. Tabuns?

Mr. Peter Tabuns: I'll note that the estimates don't normally show a projection of what costs are going to be. There's an important factor here in that we should be able to see what's coming at us so that people can make hopefully intelligent decisions about what needs to be done.

The Chair (Mr. Dave Smith): Mr. Tabuns, unfortunately, I didn't quite hear something you had said earlier. Could you repeat the portion of the motion for me, please, under “Publication”—the first sentence?

Mr. Peter Tabuns: “(6) Ontario Power Generation Inc. shall publish on its public website an updated long-term cost outlook showing the expected impacts of the payments referred to in subsection (1) on the financial position of Ontario Power Generation Inc.”

The Chair (Mr. Dave Smith): Thank you very much.

Mr. Peter Tabuns: You're welcome.

The Chair (Mr. Dave Smith): Any further debate? Seeing none, are the members ready to vote?

Mr. Peter Tabuns: Yes. Recorded.

Ayes

Bell, Schreiner, Stevens, Tabuns.

Nays

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

The Chair (Mr. Dave Smith): That motion is lost. Amendment number 28, section 5 of schedule 3: Mr. Tabuns.

Mr. Peter Tabuns: I move that section 5 of schedule 3 to the bill be amended by adding the following subsection to section 8 of the Ontario Fair Hydro Plan Act, 2017:

“Financial statements

“(7) Ontario Power Generation Inc. shall disclose the following information in its financial statements:

“1. Any FHT expenses.

“2. The value of its ownership of debt obligations issued by the Fair Hydro Trust.

“3. Revenues from its ownership of debt obligations issued by the Fair Hydro Trust.”

The Chair (Mr. Dave Smith): Debate? Mr. Tabuns.

Mr. Peter Tabuns: Yes. Very simply, an awful lot of the criticism made by the NDP and the Conservatives prior to the last election with regard to this initiative on the part of the Liberals was that it was lacking transparency. I think that the people of Ontario should know the expenses related to the Fair Hydro Trust as they affect OPG—the value of its ownership and the revenues from its ownership of debt obligations. The party that is now the government made strenuous arguments about the need to open things up so that people understood what was going on. This amendment is in line with their position and our position.

The Chair (Mr. Dave Smith): Further debate? Mr. Kramp.

Mr. Daryl Kramp: Ontario Power Generation—OPG—already does report information with regard to the Fair Hydro Trust in its annual statements. Before, during, it's there after. If you're not comfortable with it—whether it's yourself or ourselves over here—we would all have an opportunity to then pass assessment on that. The good, the bad and the ugly—the facts would be there before us.

1410

The Chair (Mr. Dave Smith): Mr. Tabuns.

Mr. Peter Tabuns: I think it's always a good idea to give direction in advance when it comes to something that is as substantial as this. I will point out to the member that managements change and governments change. It's in the interests of all parties that this transparency be built into the structure in the future.

The Chair (Mr. Dave Smith): Any further debate? Mr. Kramp.

Mr. Daryl Kramp: I would just point out to the member that that is the purpose of the annual accounting structures by either the public accounts and/or the Auditor General. They have that opportunity, be it the government

and/or the departmental financial statements. They're there for them.

The Chair (Mr. Dave Smith): Further debate? Mr. Tabuns.

Mr. Peter Tabuns: I don't mean to belabour this, but I have seen the most interesting gymnastics with public accounts in the last few years. I have seen black described as white and white described as black, numbers lost into the void, and opposition parties utterly frustrated over the inability to get an answer out of the government. You weren't here for it, member, but let me assure you that it's something you would not have enjoyed, so the opportunity for the government, in its current position, to ensure that there is transparency in the future is one that you should both relish and take advantage of. If you don't, some day you will regret it. That's it.

The Chair (Mr. Dave Smith): Mr. Kramp.

Mr. Daryl Kramp: Not wishing to belabour it again, but a very quick retort: I sat on public accounts for many, many years. And the Auditor General, of course, has the purview of taking a look at each and every thing. Whether or not it has been deemed effective or proper, judgment is passed, and, regardless of whether you're government or opposition, that independent office has that authority and generally exercises it well.

The Chair (Mr. Dave Smith): Any further debate?

Mr. Peter Tabuns: It could go on all day. I'll pass, but when we vote on this I would like it to be recorded.

The Chair (Mr. Dave Smith): Are the members ready to vote?

Ayes

Bell, Schreiner, Stevens, Tabuns.

Nays

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

The Chair (Mr. Dave Smith): This motion is lost.

Amendment number 29, section 5 of schedule 3: Mr. Tabuns.

Mr. Peter Tabuns: I move that section 5 of schedule 3 to the bill be amended by adding the following subsection to section 15 of the Ontario Fair Hydro Plan Act, 2017:

“Publication

“(2) Ontario Power Generation Inc. shall publish the financing plan, as amended under subsection (1), on its public website.”

The Chair (Mr. Dave Smith): Mr. Tabuns, debate?

Mr. Peter Tabuns: I think it's consistent with my earlier remarks. This is an attempt for greater transparency. I have been around when the Auditor General has expressed in profound terms her inability to get information that she felt was necessary to carry out her job.

The Chair (Mr. Dave Smith): Any further debate? Are the members ready to vote?

Mr. Peter Tabuns: Recorded.

Ayes

Bell, Schreiner, Stevens, Tabuns.

Nays

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

The Chair (Mr. Dave Smith): This amendment is lost. Shall schedule 3, section 5 carry? Is there any debate?

Mr. Peter Tabuns: No, just a recorded vote.

The Chair (Mr. Dave Smith): Are the members ready to vote, then?

Ayes

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

Nays

Bell, Schreiner, Stevens, Tabuns.

The Chair (Mr. Dave Smith): Schedule 3, section 5 carries.

There are no proposed amendments from sections 6 to 13. I propose that we bundle those together. Could I have unanimous consent for that? Yes. Schedule 3, sections 6 through 13: Is there any discussion? Seeing none, are the members ready to vote? Those in favour of schedule 3, sections 6 through 13, please raise your hand. Those opposed, please raise your hand. Schedule 3, sections 6 through 13 carry.

Shall schedule 3 carry? Any discussion? Seeing none, are the members ready to vote? Those in favour of schedule 3, please raise your hand. Those opposed to schedule 3, please raise your hand. Schedule 3 carries.

Schedule 4, sections 1 and 2: There are no amendments. Could I have consent to bundle those two together?

Schedule 4, sections 1 and 2: Is there any debate? Are the members ready to vote? Shall schedule 4, sections 1 and 2 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. Schedule 4, sections 1 and 2 carries.

Schedule 4, section 3, amendment number 30: Mr. Tabuns.

Mr. Peter Tabuns: I move that section 3 of schedule 4 to the bill be amended by adding the following subsection:

“(2) Section 3 of the act is amended by adding the following subsection:

““Publication

“(8) Every year the minister shall publish on a government website,

“(a) the planned amounts of financial assistance referred to in subsection (1) with respect to relevant classes of consumers;

“(b) information about how long relevant classes of consumers will continue to receive the financial assistance referred to in subsection (1); and

“(c) an updated long-term cost outlook showing the expected impact of the financial assistance referred to in subsection (1) on the financial position of the province of Ontario.”

The Chair (Mr. Dave Smith): Debate? Mr. Tabuns.

Mr. Peter Tabuns: Chair, it’s entirely unclear how long this plan is going to go on. One would hope that it is not permanent, but I think it’s incumbent on the government to reveal what its plans are: How long does it expect to be borrowing \$2.5 billion a year to subsidize rates? How long does it expect to subsidize each class of consumer or ratepayer? What is the long-term impact on the government’s finances to be engaged in this program?

I can tell you that the governing party, before the election, was very hot on these questions, as to how much it was going to cost and what impact it was going to have, as were we. Now that the government has changed, it has an opportunity to put in place those measures that it would have welcomed when it was in opposition, and that’s getting the straight information on what it’s costing, who is going to be covered, who is not going to be covered and how long things are going to go on for. I think it’s entirely reasonable to ask that.

The Chair (Mr. Dave Smith): Any further debate? Mr. Schreiner.

Mr. Mike Schreiner: I want to compliment the member for bringing forward this amendment. I’ve been a long-time opponent of the Fair Hydro Plan—the Green Party has. I remember being on a few radio programs with the current finance minister when he was in opposition, both of us enjoying our time trashing the Fair Hydro Plan and the costs associated with it and the fact that, according to the Financial Accountability Officer, it’s anywhere between \$40 billion and \$90 billion over the next two decades.

I can tell you that, as a member, I’ve been back and forth so many times to the Financial Accountability Officer and the Auditor General’s office trying to get just detailed information about how this program is going to roll out over the next two decades, what it’s going to mean for individual classes of consumers, what it’s going to mean for the province’s finances—because there are serious financial implications for the province if we’re looking at a ceiling of \$90 billion of borrowing over the next two decades—and what its impact will be on electricity prices. Getting that information even from the FAO and the Auditor General is incredibly challenging and difficult.

We as legislators, in our public responsibility to be sound fiscal managers of the province’s finances and our electricity system just in terms of affordability and reliability, I think have an obligation, actually, to require this kind of information to be made available to us, but to the public as well, because it will be very difficult and challenging for us to make sound fiscal decisions, as well as sound decisions about the future long-term energy plan,

if we don’t have this kind of information, and it’s not readily available.

I hope the members support this amendment, and I want to compliment the member for bringing it forward.

The Chair (Mr. Dave Smith): Any further debate? Are the members ready to vote?

Mr. Peter Tabuns: Recorded.

1420

Ayes

Bell, Schreiner, Stevens, Tabuns.

Nays

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

The Chair (Mr. Dave Smith): This amendment is lost.

Shall schedule 4, section 3 carry? Any debate on it? Are the members ready to vote?

Shall schedule 4, section 3 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. Schedule 4, section 3 carries.

Schedule 4, section 4, amendment number 31: Mr. Tabuns.

Mr. Peter Tabuns: I move that subsection 4(1) of schedule 4 to the bill be amended by adding the following paragraph to subsection 4(1) of the Ontario Rebate for Electricity Consumers Act, 2016:

“1.1 The invoice must not include any information that is deemed by the Auditor General to be partisan advertising.”

The Chair (Mr. Dave Smith): Debate? Mr. Tabuns.

Mr. Peter Tabuns: Well, thank you, Chair. I thought you’d never ask.

I have to say to all my colleagues on the other side of the table that I think you would have enjoyed the ferocity and energy with which your predecessors attacked the Liberal government for using bills as a partisan advertising medium. I have to say, we were working arm in arm trying to beat up on the Liberals on a daily basis. We floated the rumours about pictures of Kathleen Wynne being on hydro bills on the section that said “rebate.” There were many cartoons and many statements made about the abuse of power when you put partisan advertising on these bills—and, frankly, abuse of power when information is withheld from people. We supported, for instance, the amendment of the bills to show how much cap-and-trade was going to cost people on their energy bills—both sides. It makes sense.

Your party was strenuous in its objection to the use of these bills for partisan advertising. You were strenuous in your opposition to the Liberal attack on the Auditor General when the Liberals took away the power of the Auditor General to rule against partisan advertising.

Now you’re in a position to actually make a decision. Now you’re in a position to show that your words were of

consequence. I urge you, strongly, to support this amendment.

The Chair (Mr. Dave Smith): Any further debate? Mr. Kramp.

Mr. Daryl Kramp: We all recognize that GA, global adjustment, was just a sad, sad charade. No one knew what was in it, how and why. If we were to continue that, I would certainly agree with you, Mr. Tabuns; that would not be the way to go. But the fact remains that that is not the case.

We're clearly, clearly separating that mound of share-the-blame into a number of different categories, which will be very, very self-evident. It's obviously going to be accountable on the province's books, but it's also going to be much, much more transparent, because whatever relief is provided will be demonstrated on that. No one is going to be burying some other cost in something else. Relief is going to be relief and it's going to be there, not buried so you just don't know.

The Chair (Mr. Dave Smith): Any further debate? Mr. Tabuns.

Mr. Peter Tabuns: I just want to be clear: We're talking about preventing partisan advertising. I don't disagree with you on making the bill clear and understandable to everyone. I think everyone—well, except when parties are in power. That's when they tend to waver on this issue. But I think most of us would say that clarity is a good thing.

I think all of us would also agree that making sure there's no partisan advertising is an important thing. I leave it to the government to show the value of the words that were put forward previously, when the Progressive Conservative Party stood strongly with the NDP against partisan advertising on utility bills. You have the opportunity to deal with it today.

The Chair (Mr. Dave Smith): Any further debate? Seeing none, are the members ready to vote?

Mr. Peter Tabuns: Recorded, please.

Ayes

Bell, Schreiner, Stevens, Tabuns.

Nays

Calandra, Hogarth, Kanapathi, Kramp, Kusendova, Wai.

The Chair (Mr. Dave Smith): This amendment is lost.

Shall schedule 4, section 4 carry? Is there any debate? Seeing none, are the members ready to vote? Yes. Shall schedule 4, section 4 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. Schedule 4, section 4 carries.

There are no proposed amendments for sections 5, 6 and 7 of schedule 4. Do we have unanimous consent to bundle those together?

Schedule 4, sections 5, 6 and 7: Is there any debate? Seeing none, are the members ready to vote? All those in

favour of schedule 4, sections 5, 6 and 7, please raise your hand. Those opposed to schedule 4, sections 5, 6 and 7? Schedule 4, sections 5, 6 and 7 carry.

Shall schedule 4 carry? Is there any debate on schedule 4? Are the members ready to vote, then? Those in favour of schedule 4, please raise your hand. Those opposed to schedule 4, please raise your hand. Schedule 4 carries.

We've completed the four schedules, so we'll return back to section 1. Shall section 1 carry? Any debate? Are the members ready to vote? All those in favour of section 1, please raise your hand. Those opposed to section 1, please raise your hand. Section 1 carries.

Section 2: Is there any debate? Are the members ready to vote? All those in favour of section 2, please raise your hand. Those opposed to section 2, please raise your hand. Section 2 carries.

Section 3, the short title: Any debate on the short title, section 3? Are the members—sorry.

Mr. Peter Tabuns: I do have.

The Chair (Mr. Dave Smith): Mr. Tabuns.

Interjection.

Mr. Peter Tabuns: It's the debate on the title. If it was fixing the hydro mess, then the title might be deserved, but in fact, it just perpetuates some of the worst things that the Liberals did: the borrowing of large amounts of money without correcting the root problems; the ability for partisan interference; and the ability for governments to play games with the OEB. None of those things were addressed. You can't fix the mess unless you go to the root causes, and you haven't. So the name clearly bears no relationship to what actually happens with this bill.

The Chair (Mr. Dave Smith): Any further debate? Mr. Schreiner.

Mr. Mike Schreiner: I actually asked my staff if I could put forward an amendment to change the title. They told me it would be ruled out of order. So I'll use this opportunity just to echo the comments that this doesn't fix the hydro mess. It makes a couple of steps. We have an opportunity to debate the bill as a whole, so I'll save my comments for that. It does make some positive steps forward but it also takes some steps backwards too, and it misses the boat on a number of steps as well. Maybe if we entitled it "A Couple of Steps to Fixing the Mess But We Have a Lot More Work to Do," then I could vote in favour of this section.

The Chair (Mr. Dave Smith): Any further debate? Mr. Kramp.

Mr. Daryl Kramp: I would just simply state in response to that: It's a never-ending process we are fixing. It's never-ending, it never will be. It won't be fixed; it's fixing.

Mr. Peter Tabuns: I agree.

Mr. Mike Schreiner: Good point.

The Chair (Mr. Dave Smith): Any further debate? Are the members ready to vote? Shall the short title remain, then? Shall section 3 carry? Those in favour, please raise your hand. Those opposed, please raise your hand. Section 3 carries.

Shall the title of the bill carry? Is there any debate on the title of the bill? Seeing none, are the members ready to vote? Shall the title of the bill carry? Those in favour, please raise your hand. Those opposed, please raise your hand. Carried. The title of the bill will remain.

Shall Bill 87, as amended, carry? Is there any debate on—

Mr. Peter Tabuns: Recorded; that's all.

1430

The Chair (Mr. Dave Smith): Is there any debate on Bill 87?

Mr. Mike Schreiner: I'd like to make a couple of comments.

The Chair (Mr. Dave Smith): Sure, Mr. Schreiner.

Mr. Mike Schreiner: I just want to put on the record—and I know sometimes opposition parties are reluctant to compliment the government. I want to compliment a couple of things and then raise some additional concerns.

I do think it's a good move to separate the governance and the adjudication process. I think that is an important part of modernizing the OEB. And I think it's important to bring in a CEO to provide leadership on policy and operations to make the OEB run more efficiently and effectively.

Unfortunately—and this seems to be a recurring theme over and over again in this committee and, from what I understand, in other committees as well—we don't have adequate time to actually, truly engage in an opportunity to amend legislation and make it better. Over and over again, people came to this committee and expressed concerns about the concentration of power in the CEO's office in particular. I was joking with some of my colleagues that when the Toronto Board of Trade comes to committee and the Green Party and the New Democratic Party are more aligned with their submission than the Conservative Party, it raises some interesting questions.

I thought we had some opportunities here at committee to make some changes that would have put some checks and balances on the power of the CEO. There were numerous amendments that tried to achieve that and they were voted down, and I think that's unfortunate. In particular, I just wanted to point out that the Toronto Board of Trade came forward and said in the rule-making process, "There's no explicit criteria process to be followed when exercising a rule-making power." I think that's especially concerning when we're talking about a regulator that's supposed to operate in the public interest to protect the public. We heard from vulnerable consumers as well as the association representing the largest power consumers in this province raising concerns.

I feel that at the committee process, we could work across the aisle. I heard members opposite talk about the desire and the support for things like a cost-benefit analysis, and yet we didn't have the time or the opportunity, maybe, to work out some amendments that would have actually brought in a cost-benefit analysis. So my hope is that, moving forward, we have an opportunity to make those kinds of changes to legislation to improve it. That's part of our responsibility as legislators and it's part of the responsibility of our commitment to our constituents, to be

entrusted with ensuring the public good in Ontario. I thought some of the changes that were brought forward by the opposition were a lost opportunity in that regard that could have actually strengthened the legislation.

Then I just want to once again be on the record that I believe the Liberals' Fair Hydro Plan is financially reckless. It contributed more to the increase in Ontario's budget deficit than any other program out there. The fact that we're borrowing—I've heard \$2.5 billion; others have told me \$3 billion. I've even seen numbers as high as \$4 billion, which actually shows you why we need some of these transparency measures we put in there.

Regardless of what the number is, borrowing a substantial amount of money to subsidize electricity rates—we've heard from some of the deputants here that we're the only jurisdiction in North America that directly uses tax dollars to subsidize electricity prices. I think that's probably why the last government lost the election and why they were reduced to seven seats. The fact that we haven't taken the opportunity with a new government and a new Parliament to get rid of this program or at least put some restrictions on it so that the subsidies only apply to people with modest and middle incomes, people in rural and remote communities, is a real lost opportunity just in terms of fiscal responsibility in Ontario.

I want to close by saying we didn't have an opportunity to talk about the changes to conservation programs, but the fact that conservation program funding is being cut in half I think is a real step backwards for Ontario. If this legislation is going to make the program more efficient, I'm okay with that, if there are some changes to do that. But to actually cut it in half? I've had business owners approach me who talked about how they've used these programs to save millions and millions of dollars in their businesses. I've got a business in my riding that's helping other businesses. They've told me they've helped other businesses utilize these conservation programs to save, in some cases, even as high as \$100 million with simple changes. For us to move away from that, I think, is irresponsible.

My hope is that we can take the good things that the government brought forward—as I mentioned, there are some good things—but we can balance that with some changes and work together with the opposition to improve the legislation. I think we lost that opportunity on Bill 87.

The Chair (Mr. Dave Smith): Any further debate? Mr. Kramp.

Mr. Daryl Kramp: I'd like to thank the member for a great response, actually. The fact that we all recognize that progress is ongoing—it's hard to go from destination A, which is totally unsatisfactory, to destination B with a disgustingly complex, challenging topic and subject and relativity with each and every citizen in our country affected in a different manner.

But I thank you for mentioning that we have made some significant success. Is there still work to do? That's why we're all here—

The Chair (Mr. Dave Smith): Mr. Kramp, could you move forward into your mike when you speak? Hansard wasn't able to hear it.

Mr. Daryl Kramp: Thank you. I'm finished.

The Chair (Mr. Dave Smith): Any further debate? Seeing none, are the members ready to vote?

Mr. Peter Tabuns: Recorded.

Ayes

Calandra, Hogarth, Kanopathi, Kramp, Kusendova, Wai.

Nays

Bell, Schreiner, Stevens, Tabuns.

The Chair (Mr. Dave Smith): Bill 87, as amended, carries.

Shall I report the bill, as amended, to the House? Is there any debate?

Mr. Peter Tabuns: Just the vote.

The Chair (Mr. Dave Smith): Those in favour, please raise your hand. Those opposed, please raise your hand. It carries. We'll report the bill to the House.

Thank you very much for your time. We have completed everything on Bill 87, An Act to amend various statutes related to energy. I appreciate the effort that everyone has put in.

Yes, Mr. Tabuns?

Mr. Peter Tabuns: Chair, I'd just like to thank you. You ran the meeting well. These can be really difficult, but you took it through the way it needed to be taken through. Thank you.

The Chair (Mr. Dave Smith): Thank you very much for that.

Mr. Mike Schreiner: I'll echo that.

Applause.

The Chair (Mr. Dave Smith): Thank you. Order, please. Order.

Laughter.

The Chair (Mr. Dave Smith): This is the end of the committee meetings, then, on Bill 87. Thank you very much.

The committee adjourned at 1438.

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