

A Brief Look at Bill 135 The Energy Statute Law Amendment Act, 2015

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On November 3, 2015, the Legislative Assembly of Ontario held a second reading for Bill 135, titled "*The Energy Statute Law Amendment Act, 2015*" (the "**Bill**"). The Bill proposes changes to the following energy related statutes: *Electricity Act*, 1998, the *Green Energy Act*, 2009 and the *Ontario Energy Board Act*, 1998. The proposed amendments touch upon important issues such as long term energy planning, increased transparency to the public, discontinuance of future FIT directives and new conservation reporting requirements. Key amendments introduced by the Bill are summarized below.

1. New process for the development and implementation of the Province's long term energy plans:
 - a. The *Electricity Act* is proposed to be amended to require the Minister of Energy to periodically issue a long term energy plan setting out and balancing the government of Ontario's goals and objectives respecting energy for the period specified by the plan.
 - b. Prior to developing the long term energy plan, the Independent Electricity System Operator (IESO) will be required to submit technical reports on the adequacy and reliability of electricity resources in respect of anticipated electricity supply, capacity, storage, reliability and demand. The Minister will need to consider the technical reports in developing the long term energy plan. In addition, these technical reports will be required to be publicly accessible prior to the public consultation period.
 - c. The Minister will also be empowered to issue directives to the IESO and to the Ontario Energy Board setting out requirements for the implementation of the long term energy plan for each entity. The IESO and the Board shall develop implementation plans within the time frame specified by such directives.
2. IESO procurement of energy storage, transmission, and other projects:
 - a. Pursuant to the implementation directives and implementation plans referred to above, the IESO will either be required or authorized to enter into contracts for the procurement of the following types of projects:
 - i. electricity supply, capacity or storage;
 - ii. changes in electricity demand;
 - iii. measures related to the conservation of electricity or the management of electricity demand; and
 - iv. transmission systems or any part thereof.
3. A repeal of future directives for Feed-in-Tariff (FIT) programs:
 - a. Section 25.35 of the *Electricity Act* which provides for FIT directives by the Minister will be repealed. The repeal will not affect any directives that have already been issued under that section or any programs that have been established under such directions. Established programs will be continued by new subsection 25.32(10) of the *Electricity Act*. As a result, this change is not expected to impact any existing FIT programs and contracts.
4. New energy and water conservation initiatives:
 - a. The *Green Energy Act* will be amended to provide authority for regulations requiring prescribed persons to report energy consumption and water use the Ministry of Energy.
 - b. Electricity, gas, and water distributors will be required to make information available to prescribed persons in respect of the consumption of electricity, gas or water at prescribed properties.



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Fogler, Rubinoff will be tracking further developments of the Bill and the future implementation of the amendments proposed therein.

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