



Canada's Energy and Utility Regulators

2022 Energy Regulation Course

Donald Gordon Conference Centre Kingston, Ontario
June 19 - June 24, 2022



We look forward to welcoming you to Kingston, Ontario. Set amidst the heart of Queen's historic University campus, the Donald Gordon Hotel and Conference Centre combines the amenities of a full-service conference and event centre with the elegance and charm of a boutique hotel. It is located close to Kingston's scenic waterfront and downtown attractions.

We will organize your accommodation directly.

2022 Program

Breakfast is 7:00 a.m. - 9:00 a.m. each day.

The Coach House Pub will be open for socializing each evening 7:30 p.m. - 10:30 p.m.

Sunday, June 19, 2022

3 p.m. – 6 p.m.

Registration, Donald Gordon Conference Centre, lobby

6 p.m.

Reception and barbeque, Donald Gordon Conference Centre

Monday, June 20, 2022

9 a.m. – 9:15 a.m.

Opening Remarks

Janice Hill, Associate Vice-Principal (Indigenous Initiatives and Reconciliation), Queen's University

Bob Heggie, Chief Executive, Alberta Utilities Commission

Michael Millar, Senior Legal Counsel, Ontario Energy Board

9:15 a.m. – 10:15 a.m.

Basics of Regulation

Scott MacKenzie, Chair & CEO, Prince Edward Island Regulatory and Appeals Commission

In the Basics of Regulation, we will discuss the different types of regulation and how they are employed in the regulating of public utilities. We will look at the development of independent regulatory tribunals in Canada. We will discuss the role of governments in setting policy and providing the legislative framework to allow independent tribunals to make decisions that are binding. We will review the basics of traditional cost of service economic regulation of public utilities.

10:15 a.m. – 10:30 a.m.

Health break

10:30 a.m. – Noon

Legal context for regulation

Anna Fung, QC, Deputy Chair, British Columbia Utilities Commission

Michael Millar, Senior Legal Counsel, Ontario Energy Board

Although regulatory tribunals across the country work with differing subject matter and in different jurisdictions, they all have to follow the same basic legal ground rules (often known as "administrative law"). Anna and Michael will lead a review of the legal principles that govern regulatory tribunals in general and the hearing process specifically.

Noon – 1 p.m.

Lunch

1 p.m. – 2 p.m.

Gas industry overview

Paul Cheliak Vice President, Public & Regulatory Affairs, Canadian Gas Association

Canada's natural gas utilities have entered an era of evolution as utilities look at new opportunities to address broad public policy goals around emission reductions, energy resiliency and leading consumer demands pertaining to technology development. This presentation will outline these factors and provide students with an overview of the natural gas market in Canada.

2 p.m. – 3 p.m.

Electricity industry overview

Francis Bradley, President & CEO, Electricity Canada

Electricity Canada's President and CEO, Francis Bradley, provides an "Electricity 101" industry review on the state of the electricity sector in Canada. This session includes an overview of transmission, distribution and generation, the regulatory system in Canada, and key legislation that will help us meet our climate goals.

3 p.m. – 3:15 p.m.

Health break

3:15 p.m. – 4:45 pm.

Session on ethics

Jennifer Nicholson, Board Member, Nova Scotia Utility Review Board

Throughout this session, you will learn how to think differently about ethical dilemmas using ethical intelligence. Understanding ethics is not complex but practicing it in all we do is the challenge. Ethical decay happens almost subconsciously and left untended can lead to perilous situations involving fraud, reputational loss, and personal embarrassment. You will explore ethics from both the perspective that good ethics protects and safeguards, but more importantly how ethical intelligence leads to better managed businesses.

6:30 p.m.

Dinner at Donald Gordon Centre, with Keynote Address from Janice Hill, Associate Vice-Principal (Indigenous Initiatives and Reconciliation), Queen's University

Included in registration

Tuesday, June 21, 2022

9 a.m. – 10 a.m.

Session on Regulatory Accounting

Jennifer Nicholson, Board Member, Nova Scotia Utility Review Board

This high-level introductory session will provide an overview of the "four sets of books" used by regulated entities. You will learn about the standard financial statements used by all companies and the different accounting principles that are applied depending on the type of business. You will learn about the role of a regulator when it comes to the financial statements of the companies it regulates and how and why transactions are treated differently for regulated entities.

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10: a.m. – 10:15 a.m.

Health break

10:15 a.m. – 11:45 a.m..

Anatomy of Rates Case Part 1

Yolanda Domingo, Executive Director, Rates, British Columbia Utilities Commission

Jane Scott, Consultant, Ontario Energy Board

Establishing the Revenue Requirement is the first step to setting utility rates. A rate case involves a detailed forecasting exercise to determine the utility's comprehensive costs to provide service (i.e., 'cost of service'). This rate case must be reviewed and approved by the regulator before a utility can charge its customers.

11:45 a.m. – 1:00 p.m.

Lunch

1 p.m. – 2 p.m.

Anatomy of a Rates Case Part 2

Yolanda Domingo, Executive Director, Rates, British Columbia Utilities Commission

Jane Scott, Consultant, Ontario Energy Board

Once the revenue requirement has been determined, as explained in the Anatomy of a Rate Case Part 1, the next step is to determine how to equitably divide this revenue requirement amongst the classes of ratepayers. The final step is to design the rates or charges that will collect the revenue that each class is expected to contribute.

2: p.m. – 2:15 p.m.

Health break

2:15 p.m. – 3:30 p.m.

Cost of Capital

Karen Taylor, Principal, Karen Taylor Consulting, and Former Board Member at the Ontario Energy Board

State sanctioned natural monopolies provide public utility service to customers, who pay rates that are approved by a regulator and reflect the costs of providing service. Rates generally reflect two kinds of costs: operating and capital costs. This session will focus on capital costs and identify the key variables that must be decided by the regulator in order to reflect capital costs in rates, the principles that inform regulatory discretion, and what makes cost of capital so contentious.

3:30 p.m. – 4:45 p.m.

Performance Based Regulation

David Morton, Chair and CEO, British Columbia Utilities Commission

This course will look at alternatives to the traditional cost of service (COS) approach to rate making. We will review the effectiveness and regulatory efficiency of COS and ways that these elements can potentially be improved. We will also consider the spectrum of regulation between COS and PBR.

6 p.m.

Dinner, 1000 Island Dinner Cruise

Trolley departure from the Donald Gordon Centre is at 5:45 p.m.

It is the tradition at the Energy Regulation Course to gather for a sunset dinner cruise through the beautiful 1000 Islands. This year, we will be having the event on a private charter. Transportation to and from the cruise will be provided on Kingston Trolleys. This dinner is included in your registration.

Wednesday, June 22, 2022

8:30 a.m. – 9:30 a.m.

Use of expert evidence

Philip Tunley, Partner, St. Lawrence Barristers LLP

9:30 a.m. – 10:30 a.m.

Current issues in transmission regulation

Jana Mosley, President, ENMAX Power

This presentation will include a description of the Transmission project process, as well as evolving system, market and customer needs. Specific items addressed will include Facility Applications, Land Rights and Public Consultation, Cost Prudence, Regulatory Oversight and Models, and Emerging Transmission Issues.

10:30 a.m. – 10:45 a.m.

Health break

10:45 a.m. – 11:30 a.m.

Energy transition and innovation

François Émond Commissioner, Régie de l'énergie

Innovation is the new buzz word in the regulatory world. In the energy transition context, this session will explore how we manage those innovations in our day-to-day work.

11:30 a.m. – 12:45 p.m.

The regulatory process and the Crown's duty to consult Aboriginal Peoples

Keith B. Bergner, Partner, Lawson Lundell LLP

This session will address (i) An Overview of Aboriginal Lands in Canada, including the three legal regimes (Historic Treaties, Modern Land Claim Agreements, Non-treaty areas); (ii) the Crown's Duty to Consult and Accommodate indigenous peoples; and (iii) the Role of the Regulator, including case studies of the BCUC and NEB/CER.

12:45 p.m. – 1:30 p.m.

Lunch

1:30 p.m. – 2:30 p.m.

Indigenous Engagement

Amanda Spyce, Indigenous Consultation lead, Alberta Utilities Commission

Brett Maracle, Technical Specialist/Crown Consultation Lead, Canada Energy Regulator

This session provides a summary of information on Indigenous consultation and engagement including a discussion on Reconciliation and the *United Nations Declaration on the Rights of Indigenous Peoples*. The AUC and the CER will provide examples of projects proceeding through their regulatory processes and provide practical advice.

2:30 p.m. – 2:45 p.m.

Health break

2:45 p.m. – 4:30 p.m.

Board practice and procedure (including the role of staff and intervenors)

Kristi Sebalj, Commission member, Alberta Utilities Commission

Katherine McBrearty, General Counsel, New Brunswick Energy and Utilities Board

The practice and procedure session will provide students with practical information on the steps of a typical adjudicative process. Join Kristi and Katherine as they cover

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everything from important administrative law principles, to how the hearing room is typically set up, and the role of tribunal staff before, during and after an oral hearing. Real examples and templates will be reviewed along with Kristi and Katherine's perspectives as a commission member and general counsel, respectively.

4:30 p.m. – 5:15 p.m.

Mock Hearing tips and Q&A – Optional Drop-In Session

Kristi Sebalj, Commission member, Alberta Utilities Commission
Maureen Helt, Ombudsperson, Toronto Metropolitan University

6:30 p.m.

Free evening, Dinner at Donald Gordon Conference Centre included in registration

Thursday, June 23, 2022

8:45 a.m. – 9:45 a.m.

Decision writing

The Honourable Mr. Justice Michael A. Penny, Ontario Superior Court of Justice

The focus of the presentation is on a template for how to structure your decision. This involves these essential elements:

- providing context before detail;
- identifying the “real” or “deep” issues in dispute; and
- organizing the analysis in your decision around those issues.

10:00 a.m. – 4:00 p.m.

Mock hearing

Kristi Sebalj, Commission member, Alberta Utilities Commission
Maureen Helt, Ombudsperson, Toronto Metropolitan University
Gordon Kaiser, Arbitrator and Counsel, Energy Law Chambers

10:15 a.m. – 10:30 a.m. Health break

12:00 p.m. – 1:00 p.m. Lunch

3:00 p.m. – 3:15 p.m. Health break

6:30 p.m.

Free evening, Dinner at Donald Gordon Conference Centre included in registration

Friday, June 24, 2022

9:00 a.m. – 10:30 a.m.

Demand Side Management

Valerie Bennett, Manager, Application Policy & Conservation, Ontario Energy Board

Demand side management (DSM) is an approach to planning and managing energy systems by influencing customers to reduce or shift their energy use. Valerie will discuss the role of utilities, energy regulators and stakeholders in DSM, and key concepts such as planning & evaluating DSM programs, measuring cost effectiveness, and delivering energy bill savings and greenhouse gas emission reductions to provinces and territories.

10:30 a.m. – 10:45 a.m.

Health break

10:45 a.m. – 11:45 a.m.

Energy and public utility trends and issues

Gordon Kaiser, Arbitrator and Counsel, Energy Law Chambers

12:00 p.m.

End of program

Box lunch available