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Tuesday 23 November 2004

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Mardi 23 novembre 2004

**Standing committee on
finance and economic affairs**

Electricity
Restructuring Act, 2004

**Comité permanent des finances
et des affaires économiques**

Loi de 2004 sur la restructuration
du secteur de l'électricité

Chair: Pat Hoy
Clerk: Trevor Day

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRS**

**COMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES**

Tuesday 23 November 2004

Mardi 23 novembre 2004

The committee met at 1536 in room 151.

**ELECTRICITY
RESTRUCTURING ACT, 2004
LOI DE 2004 SUR LA RESTRUCTURATION
DU SECTEUR DE L'ÉLECTRICITÉ**

Consideration of Bill 100, An Act to amend the Electricity Act, 1998 and the Ontario Energy Board Act, 1998 and to make consequential amendments to other Acts / Projet de loi 100, Loi modifiant la Loi de 1998 sur l'électricité, la Loi de 1998 sur la Commission de l'énergie de l'Ontario et apportant des modifications corrélatives à d'autres lois.

The Chair (Mr Pat Hoy): The standing committee on finance and economic affairs will please come to order.

We are here today for clause-by-clause consideration of Bill 100, An Act to amend the Electricity Act, 1998 and the Ontario Energy Board Act, 1998 and to make consequential amendments to other Acts. Are there comments, questions or amendments to any section of the bill? If so, which section?

Mr John O'Toole (Durham): I appreciate the opportunity to make a couple of minutes of opening remarks, if I may. I'm doing this in the context of those who are interested in the issues and the long-term effect on the province, but also in the broader context. This is a time-allocated exercise. As such, it's really quite undemocratic in the respect that there is much more consultation required. I believe there are three fundamental issues that have yet to receive full and complete understanding by the public and all of the sectors involved, the generators, the transmitters and the distributors in Ontario, as well as the consumers. In the three issues that I see, there's still some uncertainty and lack of clarity with the role and function of the additional layers of bureaucracy, ultimately who pays and how that gets paid for.

The adequacy of supply is still a very pressing issue on some of the threats that have been introduced by the very short-sighted commitment to the ultimate coal solution by 2007. It's not the issue of coal; it's the issue of the timing of coal and the threat to adequacy of supply, certainly the uncertainty and lack of clarity in the area of consumers and the implications for consumers, whether they're small business or retired people on fixed incomes. When I look in my own riding at the impact on the schools and hospitals, for instance, in just one area, the

Lakeridge Health Corp has advised me that this would cost them \$400,000 in additional expenses on operating budgets that will take money from health care. There are no clear outcomes of this, except that there's going to be a shortage of supply and increased prices.

It's in that context that I'm trying to be brief. We have moved a number of amendments that we think are productive. We've tried to move amendments in the area of successor rights for workers under Ontario Power Generation and workers in plants who have made a valid contribution to the economy of Ontario as we enjoy it today and see some threat and uncertainty in their jobs and in the supply discussion that I've mentioned before.

But I'm certain we'll see the government hastily force these amendments on us. In all humility, I ask for their patience and indulgence, for some of our amendments are meant with the best of intentions. We're not completely opposed to the intention of addressing the issues: supply adequacy and some of the options on alternative or renewable fuels.

I could go on at some length. I've tried not to be overtly political about it. I know there's some urgency here. Because you've delayed this thing, you need to get the RFPs out there. I understand that. You need to set up the OPA and the other authorities in their roles. I see there are some amendments here where you're giving the minister even more power than he already has in Bill 100.

With that, I'll conclude my remarks. We have tabled our amendments in the very limited time that was allowed to us for a thorough examination of a very technical topic, energy.

Mr Michael Prue (Beaches-East York): I have a couple of comments. First of all, as has just been stated, this bill has been time-allocated in committee, so we're going to have to deal with some 80 amendments in a very short period of time. I don't believe it's physically possible. If we were even to just vote on them without discussing them, it would be impossible to do that, and I think that's kind of sad.

There's considerable public interest in these amendments and in the bill itself, as witnessed by the number of people who are here in the room. I think a great many of them are from the Ontario Society of Professional Engineers and will be impacted by this bill and by the amendments that are purported to be made.

I would like to draw to members' attention that it has been pointed out to me for the first time today, when I

found out an hour or so ago that I would be attending this particular committee meeting, that there were a couple of comments—they're here, so I'm not going to deny them, but they were prepared by a researcher, Mr Fred Gloger, who unfortunately is now deceased. Many of you may have known him. He prepared these amendments with some comments that were intended, I think, for Mr Hampton. They are contained here in numbers 60 and 61. I ask members of the committee to ignore them, understand why they were made or embrace them, but there they are.

Mrs Donna H. Cansfield (Etobicoke Centre): I'm pleased to be able to make some opening comments as well. I'd like to share the concern that was identified by Mr O'Toole because I too, like many others who are part of the committee, would have wished to be able to have more extensive public hearings. Unfortunately, the other two parties wouldn't agree to it and actually reduced the number of days significantly where we could go right across this province. That really is rather unfortunate.

Having said that, since the introduction of this bill—we're now going to have the second opportunity to discuss it in terms of its amendments—I've been absolutely overwhelmed by the support, both publicly for the appetite of this bill in terms of new supply, on the renewable and the demand side, which is a first in Ontario, and also looking at the expressions of interest. I mean, 60,000 megawatts of new interest is certainly nothing to be sneezed at on the demand and new supply mixed side.

Having said that, I look forward to the rationale behind some of these amendments. I noticed that a significant number of the amendments were put forward before, so I'm presuming we do not have to redebate them.

The Chair: Comments? Hearing none, it's my understanding that we will move to schedule A, amendments to the Electricity Act, 1998, and that any amendments here could have an effect on prior pages.

We have at least one amendment submitted: page 1. The amendments are numbered in the top right corner, I believe, in everybody's package. We'll use those numbers as much as possible. We need a mover.

Mr O'Toole: I move that clause 1(a) of the Electricity Act, 1998, as set out in section 1 of schedule A to the bill, be renumbered as clause (a.1) and that the following clause be added:

“(a) to facilitate competition in the generation and sale of electricity.”

The intent of this is to underscore or restate the importance of having genuine competition in the generation that the government is proposing to go forward with.

The Chair: Comment?

Mrs Cansfield: Actually, we're quite happy, having already added the concept of sustainability and safety in the bill. We really do view competition as a means, not an end. So I would not be supporting this amendment.

Mr Prue: If I could just state, we will not be supporting this as well, for obvious reasons.

The Chair: Are members ready to vote? All in favour? Opposed? The motion is defeated.

Do we have a mover for number 2?

Mr O'Toole: I move that clause 1(b) of the Electricity Act, 1998, as set out in section 1 of schedule A to the bill, be amended by striking out “to encourage” and substituting “to promote”.

With your indulgence on that: With the issue of conservation, we believe there should be more done to encourage and incentive conservation, and promoting it with our retail sales tax rebate on Energy Star appliances and things like that was a way to complement the conservation strategy, which we endorse. You're using “encourage,” which is a softer word. Really, there's a very subtle difference in “promote,” which means there would be policies that would promote conservation other than just a smart meter that you plug in at home and pay for every day.

The Chair: Comment?

Mrs Cansfield: The position is that we hope all Ontarians will participate in the conservation initiatives, and that's why we use the word “encourage.” It's not necessarily a promotion of a particular initiative, but really encouraging all Ontarians to change their behaviour and become part of a conservation culture in the province.

The Chair: Are members ready to vote? All in favour? Opposed? The motion is lost.

Mr Prue: Number 3?

The Chair: Yes, Mr Prue.

Mr O'Toole: There's a difference here. I have a number 3 and I believe we tabled this one. I'm not sure if it's in the package. It was in my initial review. It was dealing with clause (f).

The Chair: Number 3 is an NDP motion.

Mr O'Toole: I see that, but I also have my own bundle.

Mr Prue: I'll do the one I have in front of me, which is number 3.

I move that clauses 1(b) and (d) of the Electricity Act, 1998, as made by section 1 of schedule A to the bill, be struck out and the following substituted:

“(b) to promote the following in the following order of priority, and in a manner consistent with the policies of the government of Ontario,

“(i) energy conservation, efficiency and load management;

“(ii) the use of renewable energy resources;

“(iii) the use of clean energy resources;”

As the comment below says quite well, the purpose of that is the promotion of conservation and renewables, and that this has priority over other ways of meeting Ontario's energy needs. Certainly it is the most cost-efficient method whereby we can make use of dwindling resources.

The Chair: Comment?

Mrs Cansfield: We've already made amendments to this particular purposes section in that we've identified the issue of safety, as I indicated, sustainability, reliability, conservation and cleaner energy sources. It is part of our plan that the minister holds the ultimate responsibility and authority to set the end targets for conservation

and for renewables, and this would in fact change that. Therefore we will not be supporting it.

The Chair: All in favour? Opposed? The motion is lost.

Number 4, a PC motion.

Mr O'Toole: Pardon my being out of sequence last time.

I move that clause 1(f) of the Electricity Act, 1998, as set out in section 1 of schedule A to the bill be struck out and the following substituted:

“(f) to protect the interests of consumers with respect to prices and the adequacy, reliability, safety and quality of electricity service;”

I might say in response—Mrs Cansfield probably has this all scripted for her—that we did try to move a number of these amendments in the earlier deliberations on Bill 100 and these were, I believe respectfully, trumped in their preamble to the purposes clause of the act in section A. They did add the word “safety,” which I do respectfully acknowledge.

This, for me, is a reference to the rather hasty method of drafting the legislation—very, very important legislation—where we can presume things. But this is just an added stress to the feature of safety and adequacy in price, which we mentioned in our introductory remarks or comments. I would ask for your support, as it doesn't cost a thing to stress safety.

1550

The Chair: Comment?

Mrs Cansfield: Well, unscripted, safety is in the purposes, and I think this would be redundant. It's already identified as part of the bill.

The Chair: Ready to vote? All in favour? Opposed? The motion is lost.

Number 5 is a PC motion.

Mr O'Toole: I move that clause 1(g) of the Electricity Act, 1998, as set out in section 1 of schedule A to the bill, be struck out and the following substituted:

“(g) to promote investment and economic efficiency in the generation, transmission, distribution and sale of electricity;”

Our goal here, obviously, not unlike the current government, is to encourage private sector investment. Certainly that's the signal for the renewable sector, not specifically but in a general sense, which means providing economic efficiencies. I hope you would stress that part in the particular section we're amending.

The Chair: Comment?

Mrs Cansfield: It's already identified in the objects of the OPA that they have the responsibility for conducting and planning independently for electricity generation, demand-side management and, as you know, the conservation bureau. Again, this has already been addressed in the act. We're looking already at the adequacy and reliability that the act identifies, and we do not see a need for this word to be inserted.

The Chair: Is the committee ready to vote? All in favour? Opposed? The motion is lost.

Page 6, a PC motion.

Mr O'Toole: I move that section 1 of the Electricity Act, 1998, as set out in section 1 of schedule A to the bill, be amended by striking out “and” at the end of clause (i) and by adding the following clauses:

“(k) to provide a balance between the need for a stable and reliable electricity sector and the protection of public health and the environment; and

“(l) to develop an energy system based upon hydrogen and electricity as the principal energy currencies as an immediate policy objective by the government of Ontario.”

I think that amendment is clear. It's providing some statement in the principles of this bill for the issue of hydrogen. It will, in the future, provide or play a very important role.

The Chair: Comment?

Mrs Cansfield: Hydrogen is a fuel source for cars. This is an electricity act. So I guess there would be no reason for it as a principal currency. It may hold some future discussion in another initiative.

Certainly, the first amendment, (k), had already been put forward before, and (l) just doesn't seem to make any sense, in particular, in this bill.

The Chair: Are members ready to vote? All in favour? Opposed? The motion is lost.

NDP motion, page 7.

Mr Prue: I move that section 1 of the Electricity Act, 1998, as made by section 1 of schedule A to the bill, be amended by striking out “and” after clause (i) and by adding the following clauses:

“(k) to protect public safety and the environment, and to protect economic and environmental sustainability in the generation, transmission and distribution of electricity;

“(l) to ensure the access of low-income consumers to the electricity supply and conservation programs; and

“(m) to ensure that low-income consumers are fully protected from higher electricity bills;”

Primarily, these sections are to ensure that the consumer continues to be protected in the energy regime in Ontario.

The Chair: Comments?

Mrs Cansfield: This legislation actually doesn't identify low-income earners, but as I had indicated before when this was put forward, in fact the ministry is working with the Canadian Environmental Law Association and the support housing associations on developing initiatives around identified low income. We went through this before and feel that it's not part of the legislation, but it is being addressed by the various ministries that are involved with low-income folks. We recognize that it's an initiative that needs to be identified, and I had indicated that before.

Mr O'Toole: I'll be supporting this. There's an ongoing uncertainty which we mentioned in our opening statement, and that was that this is unlike any other commodity. It's not like cable television service where you can decide to drop some channels to lower your bill. Technically, it's a product you need for the standard of

living we all enjoy. That's been the tradition since Sir Adam Beck.

Price is a very important part of why we, when we were in government, moved rather inappropriately perhaps away from a competitive marketplace. We fell victim to rising, very volatile prices, which I'm sure you will face as well. As natural gas prices are part of your short- or medium-term solution, you'll find that you will have a bump in the road, seriously, when prices do get out of control and demand exceeds supply.

Ms Laurie Scott from Victoria-Haliburton-Brock today brought two very real stories to the debate. She talked about persons on a fixed income. These are just regular Ontarians who are retired persons. There's about 60 cents per person in any scheme that you have to support those who could have their electricity shut off. They could be cold, perhaps their food would spoil or their ventilator might be shut off. So this is a very important issue. I hope that you, in your words, will strengthen across all the ministries, whether it's housing or social services, for those vulnerable people. I'll be supporting this and I'd look forward to your support for this particular amendment as well.

Mrs Cansfield: Just in comment, this is an enabling piece of legislation, and there's no question that there's no one in the caucus who is not aware of the situation vis-à-vis low income, but it's not part of this legislation, nor is the definition. That is not to say, however, that initiatives are not underway addressing this issue. There's been an emergency fund that has been set aside. There have been discussions undertaken with social housing. We have participated and are participating in two major pilots across Ontario dealing, as I say, with the Canadian Environmental Law Association and also with social housing, so we know that this is an area where we will put our attention even more so than we have in the past.

The Chair: Are the members ready to vote? All in favour? Opposed? Motion is lost.

NDP motion, page 8.

Mr Prue: I move that section 1 of the Electricity Act, 1998, as made by section 1 of schedule A to the bill, be amended by striking out "and" after clause (i) and by adding the following clauses:

"(k) to ensure that Ontario is self-sufficient in electricity supply; and

"(l) to preserve the public ownership of the electricity system assets owned by the government of Ontario for future generations."

We continue to stress that public ownership of existing electricity assets is the most important thing that this or any bill or any government can do in Ontario related to electricity supply.

The Chair: Comments?

Mrs Cansfield: Chair, I reiterate again, Bill 100 is not about selling off assets, it's about an enabling piece of legislation to move forward to develop a comprehensive strategy for the electricity sector in this province.

1600

The Chair: Are the members ready to vote? All in favour? Opposed? Motion is lost.

Shall schedule A, section 1 carry?

Mr O'Toole: Could I have a recorded vote on this?

The Chair: A recorded vote has been requested.

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Schedule A, section 1, carries.

Now we move to PC motion 9.

Mr Toby Barrett (Haldimand-Norfolk-Brant): I move that the definition of "alternative energy source" in subsection 2(1) of the Electricity Act, 1998, as set out in subsection 2(1) of schedule A to the bill, be struck out and the following substituted:

"'alternative energy source' means a source of energy,

"(a) that is prescribed by the regulations or that satisfies criteria prescribed by the regulations that can be used to generate electricity through a process that is cleaner than certain other generation technologies in use in Ontario before June 1, 2004, or

"(b) that uses clean coal technologies that meet criteria set out in the regulations;"

We feel there must be some basic guidelines in the act that prescribe what alternative energy sources are. Renewable energy resources are already covered under a separate definition, as our parliamentary assistant has indicated. This is enabling legislation. We feel that leaving the entire definition to the discretion of regulation makes all of the public input received on alternative energy meaningless.

With respect to clean coal, the opposition feels that the concept of clean coal is being ignored by this government. Again, I point out that the government's own task force, the Electricity Conservation and Supply Task Force, recommended, "The government should quickly develop generation, transmission and conservation alternatives, including clean coal technologies."

In the recent US federal election, both candidates, John Kerry and George W. Bush, included the concept of clean coal as planks in their energy platforms, Mr Bush calling for a \$2-billion investment in clean coal—

Interjection.

Mr Barrett: I know there was a bit of a snicker across the way. Maybe we have Kerry supporters across the way.

John Kerry, in his platform, was planning for a \$10-billion expenditure into research and implementation of clean coal technology. I just put this forward. With these kinds of numbers being thrown around, it begs the question: What do they know that this present Ontario government doesn't know?

The Chair: Further comments?

Mrs Cansfield: Currently, there are no commercial technologies available for clean coal that deal with CO₂ emissions, mercury or any other toxic substance that goes into our air. There is no question that we are committed to replacing the coal-fired plants to improve the quality of air in this province.

Maybe in the future something might occur, but I can tell you that the person who is the head of probably the largest coal mining company in the world has indicated exactly the same thing. You can deal with some of the SO_x and some of the NO_x, but you can't deal with CO₂, toxic emissions or mercury. That technology is not available at this time.

The Chair: Mr Prue had indicated that he wanted to comment.

Mr Prue: If I could just state—sorry my hand wasn't up fast enough—that the technology simply is not there. Mrs Cansfield is right. It causes the earth no harm to leave the coal in the ground. And someday, when I'm an old man, if somebody can come along and fix it all up, we will still have an energy source.

The Chair: Comments?

Mr O'Toole: This is probably a pivotal point of disagreement that certainly needs a broader discussion. It's one more example where jurisdictions around the world haven't completely abandoned the clean coal option. You're right to the extent that CO₂ is not retrievable or manageable at this time in any combustion activity at all. Really, it's the problem; in fact, it's the problem beyond just the generation of electricity. The biggest polluter in Ontario—and it's a report issued by the Ministry of the Environment—is actually the combustion engine. It contributes about 60% of the issues that we're dealing with. I honestly feel that what you should do—

Interjection.

Mr O'Toole: Yes, and I say that understanding the implications to my riding. All we're saying is that it should be compared to all other forms of generation. It doesn't mean you have to abandon the plan or the principle or whatever. We had roughly a similar plan, just a longer time frame, with the technologies. There is a paper out that indicates there is some management of the mercury issue. Also, most of the particulate matter and the CO₂ cannot be managed.

I don't want to go on, except to say that in replacement energy, in the event of demand peaking, coal has served the province well. In fact, it will probably continue to serve us in the future, only we'll be buying it from the US.

With our air patterns, the movement, we'll likely end up bringing in Ohio coal through buying power from the grid and that will, through the airshed, drift over Ontario and right across. If you look in Sarnia, in places like that, most of the US-related cross-border pollution will still be there.

We need to examine the technologies, keep abreast of them, make better use of the capital that already exists over the next generation by looking at the clean coal option in some of the applications. The big war is going

to be at the Nanticoke plant. That's where the biggest war is going to be. There are a lot of workers. It's an important connection to the grid. There's no gas line to the location so you can't convert it to gas. Then I look at Atikokan and Thunder Bay; there are local economy issues in those locations.

I think it's short-sighted. You need to make sure that the high concentration of people—in those areas, we do our very best in the short term. We had already committed to the Lakeview closure in 2005. Elizabeth Witmer did that. We recognize it's the volatility of gas. Coal plants are peaking plants. They're not baseload plants. In fact, even in augmenting low hydro projects, you should still not completely remove it at this point. We should be aiming in that direction in the future while keeping an eye on technology.

It's an important debate. I think it's a mistake. Most of the experts from the generation-conservation-supply task force and others indicated you should keep your eye on the ball on this topic.

Mrs Cansfield: Chair, if I may, the debate here isn't about supply. The debate is whether or not coal is clean. The fact of the matter remains, there's no technology commercially available to make coal clean. That's the debate in terms of the amendment that's put forward. That's why we will not be supporting the amendment.

The Chair: Are members ready to vote?

Mr O'Toole: Mr Barrett is very familiar with the issue, and he's presented with some energy his concerns at the Nanticoke plant, as he should, as any good constituency MPP should while keeping his eye on the broader economic and quality-of-life issues.

We need to have energy to maintain our quality of life. You may not want to run them, but just to say those assets are without value—the consumers of Ontario are going to pay for it. You take those assets off the books and all the employees are out of work. Those are important considerations for the province, for the community and for the employees who work in those industries.

You're right. I think the CO₂ should be compared on an equal basis of comparative analysis with other fossil sources. There are just as many issues around gas and the rest of the fossil-based fuel sources.

Mr Barrett: Just to add to that, much of our deliberation on Bill 100 is about supply. Part of the purpose of Bill 100 is supply, and for the record I wish to quote the purposes of Bill 100, which I feel run counter to this government's blind rush to snuff out coal. This includes the bill's direction "to ensure the adequacy, safety, sustainability and reliability of electricity supply." That's quoting from the direction as written in the legislation, and "to protect the interests of consumers with respect to prices." Again, price is related to supply. There's no question about that.

1610

The Chair: Is the committee ready to vote? All in favour? Those opposed? The motion is lost.

PC motion 10.

Mr O'Toole: I move that subsection 2(3) of schedule A to the bill, amending subsection 2(1) of the Electricity Act, 1998, be amended by adding the following definition:

“demand side management’ includes,

“(a) energy efficiency;

“(b) behavioural and operational changes, including the application of benchmarking or smart control systems;

“(c) load management measures which facilitate interruptible and dispatchable loads, dual fuel applications, thermal storage and demand response;

“(d) measures to encourage fuel switching, which reduces the total system energy for a given end use;

“(e) programs and initiatives targeted to low-income and other hard-to-reach consumers; and

“(f) distributed energy options behind a customer’s meter, such as tri-generation, cogeneration, ground-source heat pumps, solar, wind and biomass systems;”

I move that amendment.

The Chair: Comment?

Mr O'Toole: Actually, it provides a better, more comprehensive definition to the demand-side management discussion in subsection 2(3) of the bill. I think it shows just how technical this area is. When you talk about demand management and you look at the blackout of some years ago, the response to that was really by the large consumers. The large consumers were the ones that allowed the grid to stabilize and new electrons to start moving through the transmission system. There was very little response at the residential side, and, in fact, some of these features, like load management and dispatchable load, as well as switching fuels, are important solutions for the future.

I think it’s a more comprehensive definition, and it doesn’t really cost too much money to have a better description than the current act provides.

The Chair: Comment? Hearing none, all in favour? Those opposed? The motion is lost.

PC motion 11. Mr O'Toole, will you move—

Mr O'Toole: Sure. Which one is it? Pardon me, I’ve got so much paper here. I’ll refer to the clerk. I’ve got 12; I’m missing 11.

The Clerk of the Committee (Mr Trevor Day): Page 11 is also an amendment to subsection 2(10).

Mr O'Toole: I’m going to have to clarify with the clerk if I have the right amendment here. Mine isn’t numbered, that’s why.

I’ll move it. Thank you for your clerical support here.

I move that the definition of “renewable energy source” in subsection 2(1) of the Electricity Act, 1998, as set out in subsection 2(10) of schedule A to the bill, be struck out and the following substituted:

“renewable energy source’ means an energy source that is certified with the ‘EcoLogo’ standard of Environment Canada; (‘source d’énergie renouvelable’)”

That’s self-explanatory. There is a standard today that’s federally recognized: the EcoLogo standard of Environment Canada. Since there are a lot of interjuris-

dictional issues on energy, I think we should be working to a common standard, and that standard should be as high, clear and understandable as possible. It’s branding that I’m talking about here. This isn’t in any way a political statement; it’s just about having common, consistent standards across interjurisdictional issues, whether it’s from Manitoba, BC or the United States.

The Chair: Comment?

Mrs Cansfield: I don’t disagree that there should be an explanation or a standard, if you like, but I do feel very strongly that it should not be an Environment Canada standard but an Ontario standard that’s developed within Ontario.

The Chair: Is the committee ready to vote? All in favour? Opposed? The motion is lost.

PC motion 12.

Mr O'Toole: I move that the definition of “renewable energy source” in subsection 2(1) of the Electricity Act, 1998, as set out in subsection 2(10) of schedule A to the bill, be struck out and the following substituted:

“renewable energy source” means an energy source that is renewed by natural processes and includes wind, water, a biomass resource or product, solar energy, geothermal energy, hydrogen fuel, tidal forces and such other energy sources as may be prescribed by the regulations, but only if the energy source satisfies such criteria as may be prescribed by the regulations for that energy source....”

Again, the intent here is to have a much more comprehensive definition of “renewable.” Right now, we’re kind of in the dark. Perhaps the parliamentary assistant can give us some clarification on alternative energy sources. Do they have a broader, more understandable definition, or is it all going to be done in regulations behind closed doors?

The Chair: Comment?

Mrs Cansfield: As you know, those regulations are posted for all to view on the site, so it’s not behind closed doors.

Secondly, I’m still confused about hydrogen fuel and tidal sources, of which we don’t have many.

Having said that, there’s nothing in this bill—it’s an enabling piece of legislation. And you’re right, it can be prescribed by regulation. As you know, those regulations are posted for all to see.

The Chair: Is the committee ready to vote? All in favour? Opposed? The motion is lost.

Shall schedule A, section 2 carry? All in favour? Opposed? It’s carried.

We now move to PC motion 13.

Mr Barrett: I don’t have that page numbering system. Is that section 2.1?

The Chair: Yes.

Mr Barrett: I move that section 3.1 of the Electricity Act, 1998, as set out in section 2.1 of schedule A to the bill, be amended adding the following subsection:

“Same, Transition from coal

“(1.1) The Minister shall establish a multi-stakeholder advisory committee to make recommendations on re-

sponsible transition away from how Ontario currently uses coal for electricity generation and on alternatives for significantly reducing air pollution.”

Again, we feel this government must recognize the 2007 coal shutdown as unrealistic—making reference to supply. We need to take time to address many concerns that this move would create. Job loss, for one, has been mentioned earlier—600 employees at the Nanticoke plant, for example—and the fact that it’s taking 25% of supply out of the grid. There’s an overwhelming amount of proof to show that, quite simply closing down coal energy will not ensure, to make reference to the wording in Bill 100, the direction in the bill, the “adequacy, safety, sustainability and reliability of electricity supply,” which is one of the goals of the present piece of legislation.

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The coal-fired plants in the province of Ontario supply more than a quarter of our electricity. It’s our view that if the members opposite carry through with what we consider wrong-headed coal closure plans by 2007, it leaves us with two years to replace 25% of the supply.

I ask that this government not overlook the fact that coal is not only abundant but also affordable. Globally, the estimate is that we have about 1,000 years’ worth. That leaves for future generations the problem of what to do 1,000 years from now. That’s probably beyond the purview of this particular piece of legislation and certainly goes beyond Mr Prue’s lifetime.

Mr Prue: I hope not.

Mr Barrett: There is evidence that natural gas reserves are dwindling. In fact, the US Department of Energy indicates that of North America’s hydrocarbon reserves, coal represents 85% and, in contrast, natural gas is 10%.

The Chair: Comment?

Mrs Cansfield: I reiterate our commitment to phase out the coal-fired plants. But I wanted to make a comment about the multi-stakeholder advisory committee. I know that Mr O’Toole had asked for, and I’m sure he had been given, copies from the people we met with, which probably numbered somewhere between 500 and 600, where we talked to and discussed with all phases of the electricity sector. That’s over and above the task force itself.

I can tell you that I’ve been to probably close to 50 sessions where I’ve had the opportunity to speak to and discuss one-on-one with individuals from all sectors their perspective on how we deal with energy going into the future in this province. So it seems to me redundant to strike an advisory committee on something we have exhausted, I think, in terms of the discussions around Bill 100.

That’s not to say there will not be ongoing discussions, certainly on renewables, because we have a strong commitment to renewables in the future, along with the discussions the minister will determine around supply mix and transmission, which he has already discussed.

Mr O’Toole: The coal discussion is probably, as I said earlier, the most important near-term decision or recognition that we’re looking for, and I’ll tell you why. I say it, really, because it’s so important that the coal decision was one of the main themes at your more recent party policy conference. I’ve asked the minister in public forums, and I’m asking you as the parliamentary assistant today, is the minister prepared to resign if this promise is not fulfilled?

The signals you’ve sent on renewable—the 300 megawatts is basically a small number. You haven’t done what Jean Charest has done in Quebec; Prince Edward Island and other jurisdictions have sent a very clear signal to the renewable sector. If you’re really prepared to go out there and invest the billions of dollars needed to incent the infrastructure, the jobs that could be created around renewable fuels—by the way, we’re not opposed to renewable fuels; that’s not the debate here.

I think you’re threatening a very reliable, affordable and stable supply of fuel, not for an infinite amount of time. We probably said 2015 and you said 2007, like you said a lot of things prior to the election, without even thinking about them. I’m saying to you here that if you’ve really thought about it—and you’ve said you have; you’ve consulted multi-stakeholders—will you say the minister should resign if it’s just another public relations stunt? That’s what bothers me about all this, with all due respect. I know you didn’t say it and you probably would secretly like to support our amendment here.

The Chair: Are members prepared to vote?

Mrs Cansfield: Mr Chair, I need to respond. Certainly, I can’t speak on behalf of the minister. I will tell you, however, that on those 300 renewables, every one of those contracts is signed, and in Quebec they are not signed. Therefore, we are moving forward far faster than you might like to think.

The other is that when you have an expression of interest in 4,400, out of which 1,100 megawatts came forward, that’s superb. Then add in on the 2,500 megawatts 60,000 megawatts of interest; it’s nothing to sneeze at. Obviously, there’s an appetite in this province for investment in new energy supply. So I think phasing out—you talk about stable and dealing with affordable supply and whatever. I don’t know about you, but 2,000 people every year die of respiratory-related disease in this province. There’s no question that coal supports part of that respiratory problem, in addition to your SUVs and others; I agree with you. Having said that, it is incumbent upon the leadership of this government, and they have taken the leadership, to deal with that. I know you don’t like it and I know it’s uncomfortable, but we’re moving forward anyway.

Mr O’Toole: Thank you, Chair. I appreciate being allowed to speak against that. It’s one of the more important sections that I see. I take that as a yes, that the minister will resign. So that’s for the record. I’ll get a copy of Hansard tomorrow.

Mrs Cansfield: You can take it any way you like.

Mr O'Toole: I think what's really important here is the fact that you acknowledge that there is some difference.

When you said your response to the 300 megawatts and the 2,500 megawatts was so overwhelming, we've got to look at the communications plan. You had headlines saying that the minister is going to put \$25 billion to \$40 billion out there; all of the players in the industry want to be at the table.

Mrs Cansfield: I didn't say that at all.

Mr O'Toole: Yes. That's what the headlines said. All the players wanted to be at the table, so they anted up the \$50,000 that it took to respond to the RFP so they'd be in the game.

You said you've already signed those. That would be out of order, I might comment, because this legislation does not empower any signature on any of the RFPs.

Mrs Cansfield: It's in process, then.

Mr O'Toole: What I'm saying to you is this: Until this is law, the OPA has no jurisdictional authority to sign any agreement. So if you're telling me that they already know who's going to be building these plants and they've started, you have a problem right here, just sequentially, with procedural rules.

I understand you're the government, and it's my job to point up spots of opportunity. The only point I'm trying to make here is that the response—we will see when we look at the real analysis of the response to the RFPs on the second round. All of it's going to be determined on price, and if there's no money in here, you're either going to put money in on the renewable side by some sort of tariff system—in every case, all the signals are there. There's not the economics for the renewable right at the moment. We all needed to have a transitional plan, whether it's emission trading issues or other ways of incenting renewable, and I'd support most of it, I would say. But that signal isn't out there right now, and you are going to be paying more. The one signal that is there is that all of this stuff, under the present economics, is unsustainable.

Where Quebec differs, with Charest's announcement on a huge wind project—one of the conditions in the RFP was that there had to be jobs. They had to build infrastructure. The successful bidders, whether it's Vision Quest or whoever got the bid—what's the big one from Denmark? I forget the name at the moment; oh, Vestas—would actually have to build a facility in Quebec. They want the jobs around building renewable infrastructure, the technology and manufacturing etc. They had a sizable bid. They were looking for sizable responses that required them to have an investment on the ground to build some of the infrastructure around renewable technologies. Anyway, we'll see how you make out and I'm sure the world will be watching and we'll all be watching. At the end of the day, I wish you luck, ultimately.

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Mrs Cansfield: Just for the record, Chair, it's the ministry that's involved with the RFPs, not the OPA. The OPA doesn't exist yet.

The Chair: That's right.

Are members prepared to vote? All in favour? Opposed? The motion is lost.

Shall schedule A, section 2.1 carry? All in favour? Opposed? Carried.

Now, there are no amendments coming forward, so shall schedule A, section 3 carry? All in favour? Opposed? Carried.

Now, then, we do have amendments to the next part of schedule A. NDP motion, page 14.

Mr Prue: I move that clause 5(1)(g) of the Electricity Act, 1998, as made by subsection 4(1) of schedule A to the bill, be struck out and the following substituted:

“(e) to terminate the IESO-controlled markets in accordance with the regulations;”

This would do away with the spot markets: all the uncertainty, all the costs, all the overruns and everything else.

The Chair: Comment?

Mrs Cansfield: Thank you, Chair. This amendment is inconsistent with our model of a hybrid market; therefore, we will not support the amendment.

The Chair: Is the committee prepared to vote? All in favour? Opposed? The motion is lost.

NDP motion, page 15.

Mr Prue: I move that subsection 5(1) of the Electricity Act, 1998, as made by subsection 4(1) of schedule A to the bill, be amended by striking out “and” after clause (f), by adding “and” after clause (g) and by adding the following clause:

“(h) to operate the IESO-controlled grid in a manner that ensures the protection of the environment and public safety.”

This is simply to add protection of the environment and public safety to the clause.

The Chair: Comment? Hearing none, all in favour? Opposed? The motion is lost.

Interjection.

The Chair: No, not yet.

Shall schedule A, section 4 carry? All in favour? Opposed? Carried.

Now, then, we move to section 6 of schedule A. PC motion, page 16. Mr O'Toole?

Mr O'Toole: Section 6 of schedule A to the bill—

Interjection.

The Chair: Oh, wait.

Mr O'Toole: Pardon me. We've got another section. We should do section 5 before we do section 6.

The Chair: Yes, we did move to where we do have an amendment, but schedule A, section 5, does not have any amendments.

Shall schedule A, section 5 carry? All in favour? Opposed? Carried.

Now we can move to your motion, Mr O'Toole.

Mr O'Toole: Section 6 of schedule A to the bill (clause 7(2)(b) of the Electricity Act, 1998):

I move that clause 7(2)(b) of the Electricity Act, 1998, as set out in section 6 of schedule A to the bill, be struck out and the following substituted:

“(b) 10 additional individuals who are appointed by the Lieutenant Governor in Council and ratified by the standing committee on government agencies.”

If I could speak to that, it really isn't much different, except right now, as I understand it, all of these appointments are going to be by the minister. What we want is a forum for public review. I don't want to go on too long about this, unless I have time, but what we found during the election was, they talked about transparency and accountability and a new democracy, and I haven't seen one word of it. In fact, if you look through this bill, all these secret appointments are going to be done behind closed doors.

In the previous amendments to the bill, they've exempted the provision on conflicts of interest because there's such a shortage of experts in the energy area. So I think this would allow—in most cases, the appointments would stand. I understand you dominate every committee and it's almost fruitless coming here sometimes—

Mr Prue: It is today.

Mr O'Toole:—because you don't even listen to these amendments. Mr Prue is exactly right. There's no hope of any of our amendments—most of the people here can go home, I suppose, unless you're from the ministry. Then it's a kind of a duty you have.

My sense, without being completely flippant about it, is that really what we have here is an opportunity for you to follow through on the democracy debate and the accountability debate. All it would be is reviewed by the standing committee on government agencies. You have the majority of members on that committee and you could ram the appointments through. I have no problem with that. So I look forward to your support. It's part of the—I'll bring this up during the democracy debate.

Mr Mike Colle (Eglinton-Lawrence): We'll appoint Bill Farlinger back.

The Chair: Order, please.

Mr O'Toole: Well, that's received public scrutiny, Mr Colle.

Mr Colle: I'm sure he did. We'd love to have him back on.

The Chair: Further comments?

Mrs Cansfield: I just wanted to note that earlier in the comments of Mr O'Toole, he identified how important it was to move in an expeditious fashion to get the OPA and the conservation bureau up and going. So I find his argument interesting at this point.

Mr O'Toole: I think it's worth it, for the stroke of democracy that you could make here and that you're really addressing: the appointments process. I found out by reading the Globe and Mail about the appointments to the OPG, most of whom I believe were Americans.

Mr Colle: I remember when Farlinger brought those Americans here.

Mr O'Toole: Mr Colle, we're talking about Minister Duncan's appointments

Mr Colle: Are those the ones who got the pensions?

Mr O'Toole: You probably don't know who they are. If you want to speak, Mr Colle, you should raise your hand and follow procedure.

All I'm stating are things related to the issues before us. What we're talking about in this section is the appointment. What you're supporting is a process that has no transparency, no accountability. Mr Prue, I'm sure, will support this. All we're asking for is to have the standing committee on government agencies, which you dominate, and yet the appointments to date—I can tell you, there has probably been much wining and dining at your recent fundraisers for these appointments. They're much sought after. They're the power-brokers of the future. I just want a public process. You'll still win the war because you've got more soldiers, and the soldiers will do as the general tells them. Dwight and Dalton will tell you how to vote, so you don't even really have to read the notes.

I appreciate the opportunity to make my statement.

Mr Colle: I wonder if the member is talking about when Mr Farlinger brought those four, I think, high-priced Americans who came here—

Mrs Cansfield: Seven.

Mr Colle: Seven of them? I don't know, but they were paid millions of dollars. They were supposed to fix Pickering. The didn't fix it; they even added more costs, spent hundreds of millions of dollars and didn't do anything. Then they went back and got severance pay and a moving allowance to go back to where they came from. Is that the kind of process you want us to adopt that you did so well when you were in power? Is that what you're saying, Mr O'Toole?

Mr O'Toole: Through the Chair—

The Chair: Mr Prue has asked—

Mr Prue: This is getting a little bit out of hand here. The motion here is quite simple. As I read it, it's to have the standing committee on government agencies vet the people you propose to appoint. Either you want to do it in a public forum or you want to do it in private. Either you want to have the Legislature involved and you want to vet that or you want the minister to do it. I don't think there's any sense in calling names of either how badly they did it in the past or how badly you're doing it now. The question is, do you want to do it right? I don't see anything wrong with having a legislative committee vet who you choose. I will support it, and I don't think there's any reason to have name-calling here. Either you want the minister to do it off on his or her own or you want the legislative committee to do it. I don't think this is any worse than what you're proposing.

The Chair: Is the committee ready to vote?

Mr O'Toole: I would ask for a recorded vote on this one too.

Ayes

O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: The motion is lost.

Shall section 6 carry? All in favour? Opposed? Carried.

Now we move to section 7.

Mr O'Toole: I move that subsection 8(2) of the Electricity Act, 1998, as set out in subsection 7(2) of schedule A to the bill, be amended by striking out "appointed by the minister" and substituting "appointed by the Lieutenant Governor in Council and ratified by the standing committee on government agencies."

I'd ask for your support in the name of democracy. Maybe it's a little overdramatic.

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The Chair: Comments?

Mr O'Toole: Recorded vote on this.

Ayes

O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: The motion is lost.

Shall schedule A, section 7 carry? All in favour? Opposed? Carried.

Shall sections 8, 9 and 10 carry? All in favour? Opposed? Carried.

We have an amendment to section 11 of schedule A.

Mr O'Toole: I move that section 12 of the Electricity Act, 1998, as set out in section 11 of schedule A to the bill, be amended by adding the following subsection:

"Same

"(2) Despite subsection (1), no delegation of powers or duties shall be made to a person who is ineligible to hold office as a director of the IESO by reason of subsection 7(4) or to a body that is an entity referred to in that subsection."

The Chair: Comments?

Mr O'Toole: The explanation here is more or less the delegation of duties. Perhaps the parliamentary assistant will be familiar with the section I'm referring to with the effect of the first CEO of the IESO subject to an open and accountable process to be reviewed by the legislative committee on governance. That's where this came from. In this section, if you look at the current wording, it's more of a governance issue and the delegation of power that we have a problem with.

Mr Prue: I have a question of the movers because I need to understand what this is. Subsection 7(4), as set out here, because it's been deleted and then a new one, says, "No person who is a member of a class of persons prescribed by the regulations may hold office as a director of the IESO." If they cannot hold office, how can they be delegated powers under this section? I'm having a problem understanding what you're trying to move here.

I have been supporting some of your motions. I want to give credibility to it, if it is indeed credible, but I don't understand this at all.

Mr O'Toole: That's fine. The mover may have to have clarification. But the intent here, as I understand it, is that the current section—which by the way we've already voted on, 7(a) of schedule A, subsection 7(4)—was amended in the first round, if I understand it. I don't have an amended copy of the bill. I forget the amendment. At that time, we had an issue with that and perhaps Mrs Cansfield can explain. We had a problem with it, and that is why we have added the subsection. I appreciate that this is a reprint of an already amended pretty hefty bill here. There's a visual image involved in that.

Mr Prue: To assist you, it's on page 7, left side, halfway down, the new 7(4).

Mr O'Toole: Under the act there are several restrictions on board membership. That's to ensure that no person of undue influence is able to influence the operation of the IESO. We want to make sure that there are no potential conflicts. Should the board delegate any of these duties or responsibilities to another body or individual, selection should be held to the same criteria. Now, we get into that when we start talking about these cross-appointments and subcommittees and advisory panels, because I think there are three different advisory panels—to the conservation, to the OPA and to the IESO. I think there are minister's advisory committees. Now, this is a very technical, investment-sensitive area, and that's what the nature is. Here's the delegation of responsibilities and sub-delegation as well.

So if we need to take a recess and perhaps get a technical briefing, we would ask for nothing less than certainty that these delegated responsibilities that we're trying to deal with here are appropriately dealt with in the public interest.

Mrs Cansfield: If you look at the section, the reason we wouldn't support this particular amendment is that we actually want to be able to draw upon the industry experts. You know, it's difficult enough with committees, but we want to be able to have some flexibility in terms of drawing on industry experts, people with particular backgrounds and understanding in certain initiatives and issues. We want to be able to deal with industry representatives, so what we're proposing is just broader than your definition.

Mr Prue: I need to understand this. What you're saying is you want to delegate or you want to be able to delegate to people outside of the IESO, who would not be eligible to members of the IESO, who would somehow be prescribed ineligible? You were saying you want to delegate something you can't give?

Mrs Cansfield: Well, for example, if you have an OPA board, you wouldn't want the same members on that board to be a part of that committee. That would be the example. But, having said that, you also don't want to preclude having the opportunity to draw on the industry expertise, industry representatives as well. We just don't want to be able to use the same people.

The Chair: Is the committee ready to vote?

Mr O'Toole: No. I need clarification. It's fairly technical, I guess, because we looked at the two conflicts

here. The section we're actually dealing with is 12, and that section says, "Subject to the governance and structure bylaw, the board of directors of the IESO may delegate any of the IESO's powers duties to a committee of the board, to a panel established by the board of directors or to any other person or body, subject to such conditions and restrictions as may be specified by the board of directors." That's pretty loose.

If you look at section 7(4), which our amendment attempts to—"No person who is a member of a class of persons prescribed by regulations may hold office as a director of the IESO."

You've got the minister with these advisory committees and select panels, you've got delegated responsibilities. I'm not suggesting any obfuscation of any sort. I just think there's a potential for great conflicts and great potential investment risks, if you will, because it's a very highly specialized area of law, it's a very specialized area of pension fund investments, longer range investment relationships and technical legal contracting stuff.

I'm not professing here that I know much about it. I have concerns about it. That's why I want certainty, and I think Mr Prue is of the same bent. When you look at these two sections and other sections where the minister can appoint, there's no review by an all-party committee; it doesn't go through the legislative process in any way. Then we have these boards, autonomous of government—they're not even a government agency—committing, through contract signatures through the OPA, billions of dollars. You sort of say, "Who's got the button here?" That's really where this is coming from, Ms Cansfield. Do you understand? Michael, am I making it harder for you to understand?

Mr Prue: I think it's complicated enough all on its own.

1650

Mrs Cansfield: Maybe I could help. The OPA board has the authority to delegate. What they want to ensure is that it's an independent body of the OPA, not the same people. The same would be with the IESO, that they could put together a very technical panel that requires industry expertise in order to come back with a particular initiative that they need to have some understanding on. That's what this permits. So, in fact, it deals with the conflict of interest issues.

Mr O'Toole: Does it allow cross-appointments for persons who would be serving on OPA or IESO, or whatever existing organizations there are today? They could be cross-appointed as well and have a pretty good understanding of some contract provisions or projected forecasts.

Anyway, as long as I have your word that there will be no conflicts of interest in any of the appointments. I'm surprised you did not support a simple process of an all-party review through the agency, boards and commission committee. It's a standing committee of the Legislature.

Mr Colle: Just like you had.

Mr O'Toole: Well, again, we're not government now, Michael. Respectfully, this is up to you now to carry up

the stairs of democracy one more step to the integrity and accountability that you talked about before the election. You haven't done a single thing about it since, except talk about it.

Mrs Cansfield: Mr Chair, if we could go back to this particular amendment. In fact, we believe that what is in the bill deals with the issues around conflict of interest and, therefore, we will not support the amendment.

Mr O'Toole: Recorded vote.

Ayes

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely.

The Chair: The motion is lost.

Shall schedule A, section 11 carry? All in favour? Opposed? Carried.

We move to schedule A, section 12, PC motion 19.

Mr O'Toole: I'll move quickly.

Section 12 of schedule A to the bill, section 13 of the Electricity Act: I move that section 13 of the Electricity Act, as set out in section 12 of schedule A to the bill, be amended by adding the following subsection:

"Advisory committee on hydrogen and fuel technologies

"(1.1) The board of directors of the IESO shall establish a panel as an advisory committee on hydrogen and fuel technologies."

Mrs Cansfield: If I may, the IESO is responsible for the market and the reliability of the grid and is not a research facility dealing with hydrogen. We will not support the amendment.

The Chair: Is the committee ready to vote? All in favour? Opposed? The motion is lost.

Mr O'Toole: I would just procedurally ask the clerk if we could go through the amendments and then do the voting afterwards. Would you mind, or is that just out of—

The Chair: We'll progress as we are for the moment.

Mr O'Toole: Otherwise, we've got about five minutes here and this thing is over with. We've got pages and pages. There are 83 amendments.

The Chair: Let me deal with this particular point that I'm at now.

Shall schedule A, section 12 carry? All in favour? Opposed? Carried.

We move to section 20, schedule A—no. Just a moment.

Mr O'Toole: Have we got 19 voted on yet?

The Chair: No. Just a moment. I'm going to ask, shall schedule A, sections 13, 14, 15, 16, 17, 18 and 19 carry? All in favour? Opposed? Carried.

Now we are to the point of PC motion, page 20.

Mr O'Toole: Section 20 of schedule A to the bill, subsection 19(5.1) of the Electricity Act, 1998:

I move that section 19 of the Electricity Act, 1998, as set out in section 20 of schedule A to the bill, be amended by adding the following subsection:

“Exception

“(5.1) Despite subsection (5), the board shall, before exercising its powers under this section, hold a hearing on any matter that will result in increased fees payable by consumers.”

Clearly, any decision with respect to fee increases payable ultimately by consumers should receive public consideration. Those who are required to pay the fees should have the opportunity to voice their concerns so that the net impact can be considered prior to the board’s rendering a final decision on these matters.

That’s been the issue all along: price clarity and public consultations on price, none of which have been held to date. It’s the big mystery: What’s the price? So we’re asking for your support in the interests of protecting vulnerable consumers, small business and large business in Ontario.

The Chair: Is the committee prepared to vote?

Mrs Cansfield: Just for the record, there already are fee review processes in place at the Ontario Energy Board.

Mr O’Toole: Let’s just get serious here. I just read an article in the paper where in fact the minister has approved some of the fees—they are required to go to the minister for their operating budget. The OPA goes to the minister and the minister either approves them or sends them back to the board. I think they’ve already approved them. In fact, I think they’ve said publicly that the rates are going to be stable over the next year as you get into the marketplace.

All I’m looking for, as you go forward, is that there should be public hearings on any fee that’s levied on the consumer. The energy board and the consumers of Ontario, large and small, should have the right to public hearings. If you don’t want public accountability, this is one more example that you’re going to ram the balance of these 83 motions or amendments through. You aren’t listening. You’re going to go ahead—

Mrs Cansfield: Already there.

Mr O’Toole: See, there it is. It’s finished.

The Chair: Comments? Seeing none, all in favour? Opposed? The motion is lost.

Shall schedule A, section 20 carry? All in favour? Opposed? Carried.

Shall schedule A, sections 21, 22, 23 and 24 carry? All in favour? Opposed? Carried.

Now we move to an NDP motion, page 21.

Mr Prue: I move that section 22 of the Electricity Act, 1998, as made by section 25 of schedule A of the bill, be amended by adding the following subsection:

“Orderly shutdown in business plan

“(3) In the first year after this provision comes into force, the IESO’s business plan shall include a plan for shutting down the IESO-administered markets in an orderly fashion.”

This is quite clearly to end the spot market.

The Chair: Comment? All in favour? Opposed? The motion is lost.

Shall schedule A, section 25 carry? All in favour? Opposed? Carried.

Shall schedule A, sections 26 and 27 carry? All in favour? Opposed? Carried.

Now we have an NDP motion, page 22.

Mr Prue: I move that clause 25.2(1)(c) of the Electricity Act, 1998, as made by section 28 of schedule A to the bill, be struck out and the following substituted:

“(c) to engage in activities in support of the goal of ensuring adequate, reliable, environmentally and economically sustainable, safe and secure electricity supply and resources in Ontario.”

As part of the objectives to ensure environmentally and economically sustainable electricity supply, we would like to have that in the bill.

The Chair: Comment? Seeing none, all in favour? Opposed? The motion is lost.

1700

For the committee, as directed from the House, government notice of motion number 240, I shall now put every question necessary to dispose of all remaining sections of the bill and any amendments thereto.

Mr O’Toole: If I may, are we finished moving and dealing with the amendments?

The Chair: No, we are not. I shall now put the question.

Mr O’Toole: That’s why I’m still in the midst of discussing what’s going on. What actually happens, I feel I’ve heard some of these amendments. In fact, I’ve sensed—

The Chair: No, I’m going to put—

Mr O’Toole: What will happen to our amendments and, indeed, the government amendments?

The Chair: I’m going to call each and every one of them now.

Mr O’Toole: There’s no chance for any debate. Will you consider any of these amendments of ours at all or are you just going to vote no? Because a lot of them haven’t been read yet.

The Chair: There is no debate on the motion from the House. There’s no debate at this point, Mr O’Toole. We are going to call each and every motion.

Mr O’Toole: I’m concerned that they haven’t read the amendments.

The Chair: There is no debate.

Mr O’Toole: I’m disappointed.

The Chair: We will now move to NDP motion 23—

Mr O’Toole: I’m not participating in this vote. It’s just a sham of the process.

The Chair: Order. We will now move to NDP motion 23. All in favour? Opposed? The motion is lost.

Mr Prue: I don’t see any sense in voting, so I’m just going to sit here.

The Chair: PC motion 24: All in favour? Opposed? The motion is lost.

NDP motion 25: All in favour? Opposed? The motion is lost.

PC motion 26: All in favour?

Mr O'Toole: Could I ask for a recorded vote?

The Chair: Recorded votes will be stacked to the end. You request a recorded vote?

Mr O'Toole: Numbers 26, 27, 28.

The Chair: We'll do them as we get to them, for the clerk to follow along. So on each one you would make the request, Mr O'Toole, and they would be stacked to the end of the proceedings.

Mr O'Toole has asked for a recorded vote on 26.

Government motion 27: All in favour?

Mr O'Toole: Recorded vote.

The Chair: PC motion 28: All in favour?

Mr O'Toole: Recorded vote.

The Chair: Government motion 29: All in favour?

Mr Prue: Recorded vote. If I could make it easier, I request recorded votes on all of them, so let's just go to the end and do it.

Mr O'Toole: I think you're right. The government motions—

The Chair: Is it the will of the committee that all motions will be recorded from number 27 until completion—

Mr O'Toole: Give them time to read them.

The Chair: —and they will all be recorded votes?

Mr O'Toole: Could I ask the clerk, could they get time to be read at all—

The Chair: No.

Mr O'Toole: —or are they just deemed?

Mrs Cansfield: We've read them.

The Chair: They are deemed to have been moved.

Mr O'Toole: Many members still haven't taken the staples out.

The Chair: So we will have recorded votes on motions 27—

Mr O'Toole: Number 26 was our first one to be recorded.

The Chair: —26 through 83, so I would ask the indulgence of the clerk to recognize persons on the votes.

PC motion 26:

Ayes

O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: The motion is lost.

Government motion 27:

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

O'Toole, Prue.

The Chair: The motion is carried.

PC motion 28:

Ayes

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: The motion is lost.

Government motion 29:

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: The motion is carried.

PC motion 30:

Ayes

Barrett, O'Toole.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: The motion is lost.

Government motion 31:

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: The motion is carried.

NDP motion 32:

Ayes

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: The motion is lost.

PC motion 33:

Ayes

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: The motion is lost.

PC motion 34:

Ayes

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: The motion is lost.

PC motion 35:

Ayes

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: The motion is lost.

PC motion 36:

Ayes

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: The motion is lost.

PC motion 37:

Ayes

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: The motion is lost.

NDP motion 38:

Ayes

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: The motion is lost.

NDP motion 39:

Ayes

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: The motion is lost.

NDP motion 40:

Ayes

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: The motion is lost.

PC motion 41:

Ayes

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: The motion is lost.

Shall schedule A, section 28, as amended, carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

1710

The Chair: The motion is carried.

Government motion 42:

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.

Shall schedule A, section 28.1 carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: Opposed? Carried.

PC motion 43:

Ayes

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: The motion is lost.

PC motion 44, I'm told, is out of order.

Shall schedule A, section 29 carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.

Government motion 45:

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.

PC motion 46:

Ayes

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: It's lost.
Government motion 47:**Ayes**

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.
NDP motion 48:**Ayes**

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: It's lost.
NDP motion 49:**Ayes**

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: The motion is lost.
PC motion 50:**Ayes**

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: The motion is lost
PC motion 51:**Ayes**

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: The motion is lost.
Shall schedule A, section 30, as amended, carry?**Ayes**

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.
NDP motion 52:**Ayes**

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: The motion is lost.
PC motion 53:**Ayes**

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: The motion is lost.
Shall schedule A, section 31 carry?**Ayes**

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.
PC motion 54:**Ayes**

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: The motion is lost.
NDP motion 55:**Ayes**

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: The motion is lost.
PC motion 56:**Ayes**

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: Lost.
NDP motion 57:**Ayes**

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: Motion lost.

PC motion 58:

Ayes

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: Lost.

Shall schedule A, section 32 carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.

We have a number without amendments: Shall schedule A, section 33 and section 34 carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.

Government motion 59:

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.

Shall schedule A, section 35, as amended, carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.

Shall schedule A, section 36 carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.

NDP motion 60:

Ayes

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: Lost.

Shall schedule A, section 37 carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.

Shall schedule A, section 39 carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, Prue.

The Chair: Carried.

1720

The Chair: NDP motion 61:

Ayes

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: Lost.

Shall schedule A, section 40 carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.

Government motion 62:

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.

Shall schedule A, section 41, as amended, carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.

Shall schedule A, sections 42 through 50 carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.
Government motion 63:

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.
PC motion 64:

Ayes

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: Lost.
Government motion 65:

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.
Shall schedule A, section 51, as amended, carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.
Shall schedule A, sections 52 through 58 carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.
NDP motion 66:

Ayes

Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: Lost.

Shall schedule A, section 59 carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.
Government motion 67:

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Prue.

The Chair: Carried.
Shall schedule A, section 60, as amended, carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.
Shall schedule A, as amended, carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.
PC motion 68:

Ayes

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: Lost.
NDP motion 69:

Ayes

Barrett, O'Toole, Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: Lost.
The next one, PC motion 70, is out of order.
Shall schedule B, section 1 carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Prue.

The Chair: Carried.

Shall schedule B, section 1.1; schedule B, section 2; schedule B, section 3; schedule B, section 3.1; and schedule B, section 4 carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Prue.

The Chair: Carried.

Government motion 71:

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.

Shall schedule B, section 4.1, as amended, carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.

NDP motion 72:

Ayes

Prue.

Nays

Cansfield, Colle, Marsales, McNeely, Mitchell.

The Chair: Lost. There were two pages to that one.

Shall schedule B, section 5 carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.

Shall schedule B, section 6 and schedule B, section 7 carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

1730

The Chair: Carried.

Government motion 73:

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.

Shall schedule B, section 8, as amended, carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.

Shall schedule B, section 9 and schedule B, section 10 carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.

Government motion 74:

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.

Shall schedule B, section 11, as amended, carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.

Shall schedule B, sections 12 through 21 carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.

Government motion 75:

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.

Shall schedule B, section 22, as amended, carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Shall schedule B, section 22.1 through section 24 carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.
Government motion 76:

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, Prue.

The Chair: Carried.
Shall schedule B, section 25, as amended, carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

O'Toole.

The Chair: Carried.
Government motion 77:

Ayes

Barrett, Cansfield, Colle, Marsales, McNeely, Mitchell, O'Toole, Prue.

The Chair: Carried.
Government motion 78:

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.
Government motion 79:

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.
Government motion 80:

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.
Government motion 81:

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Government motion 82:

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.
Government motion 83:

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.
Shall schedule B, section 26, as amended, carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.
Shall schedule B, sections 26.1 through 29 carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.
Shall schedule B, as amended, carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.
Shall schedule C carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.

Shall sections 1 through 3 of the bill carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.

Shall the title of the bill carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Shall Bill 100, as amended, carry?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.

Shall I report the bill, as amended, to the House?

Ayes

Cansfield, Colle, Marsales, McNeely, Mitchell.

Nays

Barrett, O'Toole, Prue.

The Chair: Carried.

Mr O'Toole: With your indulgence, Chair, I just wanted to thank the staff and stakeholders who have worked hard to this point in time, but more specifically, I'd like to centre out Laurie Leduc, a former legislative intern, who has done a lot of work on this.

I'm sure all staff people would appreciate the technical nature of this, and I thank Laurie Leduc, whose young child is waiting at home with a babysitter, for coming here today for this fruitless—there's an interns' reception tonight, right after this session, which everyone should attend. I'm not sure "celebrate" is the appropriate word at this time, but certainly "commiserate."

The Chair: Thank you, Mr O'Toole. It's not a point of order, but it is a point of interest.

The committee is adjourned.

The committee adjourned at 1738.

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