

William Coutts

Ministry of Energy, Northern Development and Mines,
Conservation and Renewable Energy Division
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May 18, 2021.

Dear William Coutts,

In April 2021, the Government of Ontario referred Bill 276, Supporting Recovery and Competitiveness Act, 2021, to the Standing Committee on General Governance. The regulatory changes listed in Schedule 19 of the Bill were posted to the Environmental Registry of Ontario (ERO) for public comment on April 15, 2021. The Atmospheric Fund (TAF) is responding to the ERO listing #019-3471, which proposes repealing sections of the Electricity Act, 1998 and the Ontario Energy Board Act, 1998 and sections of the Green Energy and Green Economy Act, 200. TAF does not recommend moving forward with the proposed changes listed in ERO #019-3471. TAF is also recommending the Ontario Government remove these regulatory changes from Bill 276, as they could severely harm Ontario's potential to reduce greenhouse gas (GHG) emissions in the future. Currently, seventeen municipalities across the Greater Toronto and Hamilton Area (GTHA) have declared climate emergencies and are addressing the challenges of climate change at a municipal level, but they need a provincial partner to amplify and support local climate action.

First, we cannot let the premise of the preamble in the ERO listing stand unchallenged. The ERO's statements that "Ontario has built a clean energy supply" and that "prioritizing renewable generation is no longer appropriate" are false. Based on the latest data from Independent Electricity Systems Operator (IESO), carbon pollution from electricity generation in Ontario has increased by over 80% since 2017. Further, IESO forecasts that based on current policy electricity generation emissions will triple by 2025 and quintuple by 2030. Electricity generation is by far the fastest growing source of emissions in Ontario and threatens to put Ontario's 2030 climate commitment firmly out of reach. The evidence is clear that Ontario continues to rely on non-renewable energy sources, and that current energy policy will result in a massive ramp-up in the use of natural gas generation². Thus, there is no viable argument that the province has a clean energy supply and no longer needs to prioritize renewable energy options.

Furthermore, the province's external regulators are currently undertaking important studies to determine the best path forward for Ontario's renewable energy decisions. The IESO is currently consulting with stakeholders on phasing out natural gas from our electricity grid³ and the Ontario Energy Board (OEB) is currently consulting on how to facilitate greater investment in Distributed Energy Resources including renewable energy⁴. Additionally, the province itself is just beginning work on its Long-Term Energy Plan (LTEP). Given that all of this work is still ongoing and underway, we strongly urge the Ontario Government to repeal these regulatory changes and revisit these changes in the future, when these expert studies are complete. Removing these regulations while these studies are ongoing has the potential to undermine the work of these external authorities and to cause confusion and a lack of certainty for businesses across Ontario.

As such, TAF recommends the following:

- TAF recommends keeping section 25.37 and clause 114 (1.4) (0.a.1) of the EA, as well as O. Reg., (326/09).
- Second, on sections 26 (1.1), (1.2) and (1.3) of the EA, and paragraph 1 of subsection 70(2.1), we do not recommend removing this regulatory power from the OEBA.
- TAF recommends not repealing p.2 s.96(2) of the OEBA. Legislation is the strongest possible direction that can be provided to the OEB. Removing clarifying legislation in favour of a case-by-case review process introduces considerable ambiguity and uncertainty to cases before the OEB.
- TAF recommends ending this consultation and focusing on achieving the Made in Ontario Environment Plan, rather than undermining potential future innovation, projects, and decarbonization efforts.

In conclusion, we argue that repealing these regulations could not only harm Ontario's future efforts to reduce GHG emissions but could also cause confusion and a lack of certainty for Ontario's future energy needs. This would be detrimental to Ontario businesses and undermines the authority of arms-length agencies such as the IESO and the OEB. We urge the Government of Ontario to remove these regulatory changes from ERO #019-3471 and Bill 276 and reconsider them when these studies are complete. The risk of holding off on these regulatory changes is far smaller than the risk of removing them now and disrupting Ontario's LTEP planning.

Sincerely,



Bryan Purcell
VP, Policy & Programs, The Atmospheric Fund

About the Atmospheric Fund

The Atmospheric Fund (TAF) is a regional climate agency that invests in low-carbon solutions for the Greater Toronto and Hamilton Area (GTHA) and helps scale them up for broad implementation. Please note that the views expressed in this submission do not necessarily represent those of the City of Toronto or other GTHA stakeholders. We are experienced leaders and collaborate with stakeholders in the private, public and non-profit sectors who have ideas and opportunities for reducing carbon emissions. Supported by endowment funds, we advance the most promising concepts by investing, providing grants, influencing policies and running programs. We're particularly interested in ideas that offer benefits in addition to carbon reduction such as improving people's health, creating local jobs, boosting urban resiliency, and contributing to a fair society.