

## TERMS OF REFERENCE

### OEB ADJUDICATIVE MODERNIZATION COMMITTEE

#### Background

The OEB's path to modernization includes developing a new and purposeful approach to stakeholder engagement. Leveraging advice from stakeholders regarding the OEB's initiatives identified its Strategic Plan, Business Plan, Chief Commissioner Plan and Top Quartile Regulator report will be key to the OEB's continued strive towards regulatory excellence.

On May 19, 2021, the OEB announced the establishment of the Energy [X] Change, a stakeholder committee that will serve as a forum for future corporate planning and prioritization discussions. Another key element of the OEB's modernization plan is to enhance the efficiency, effectiveness, and independence of its adjudicative processes. The OEB has therefore established a new standing committee, that can be called upon to provide early advice to Senior Management and the Chief Commissioner, and serve as a forum for informal discussions with industry stakeholders on matters related to adjudication process and policy.

**The Adjudicative Modernization Committee (AMC)** will provide advice, input and feedback regarding matters such as the Rules of Practice and Procedure and related Practice Directions, Filing Requirements, Guidelines, procedural practices (including matters managed by the Registrar), and other matters relating to the OEB's adjudicative function and its modernization efforts. A specific focus of the AMC will be to consider best practices and approaches to adjudication that enhance the OEB's efficiency and effectiveness in delivering on its mandate. It will provide early perspectives and advice on any matters within the purview of the Chief Commissioner.

The AMC represents one of a number of advisory mechanisms available to help inform the OEB's thinking as it continues to enhance adjudicative processes and formulate efficient and effective adjudicative policy. This is an opportunity for stakeholders to provide direct input to the OEB at early stages, including to the Chief Commissioner.

#### Executive Accountability and Administration

The AMC will be chaired by the Vice President of Applications, and will include the Registrar, and where appropriate, the Chief Commissioner.

#### Composition

The AMC will include industry knowledgeable persons from both the natural gas and electricity sectors. Members will have senior level regulatory experience. The maximum number of individuals named to

the AMC will not exceed 10. Once selected and when called on to participate in an AMC meeting<sup>1</sup>, members may not substitute a delegate for attendance.

The AMC will be representative of Ontario's diverse range of rate regulated utilities. AMC will strive to achieve a balance of views among utilities in the natural gas and electricity sectors, and customer representatives.

### **Term**

Individuals selected for the AMC will remain on the committee for a period of two years after their appointment. They may be re-nominated after this period and be considered for an additional term as long as they continue to meet the qualifications specified in this Terms of Reference. The OEB may at any time remove an individual's name and membership from the AMC if that individual is deemed to no longer meet all the necessary qualifications, due to factors such as a change of employment, that impacts the mix of representation on the committee.

Once named, any individual may withdraw their membership on the AMC prior to the completion of their term, by writing to the Chair of the AMC.

### **Duties of Standing Committee Members**

The duties of members are solely advisory. When notified and invited to participate in a meeting, a member is expected to respond within a reasonable timeframe by email to the invitation, and make diligent efforts to be available. Given the committee will discuss issues within both the natural gas and electricity sectors, from time-to-time meeting topics and issues will be more relevant to certain members than others.

Other duties include:

- Actively participate in the development of agendas and agenda materials when called upon by the Chair of the AMC
- Identify and be prepared to present the implications of emerging industry issues and trends in the energy sectors that the OEB should be aware of as it develops regulatory approaches
- Review the agenda and meeting materials prior to each meeting, giving thought to any questions that may be posed in the materials so that productive dialogue may follow
- Identify and provide technical assessment and perspectives of constituencies represented
- Capably share expert views that advance mutual understanding of issues and outcomes without advocating for specific groups or interests
- Understand that views shared by individuals participating in discussions (including representatives of the OEB) do not represent official positions of the organizations with whom

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<sup>1</sup> AMC meetings will be held virtually until such time that in-person meetings can be deemed to be safe.

they may be affiliated, and that comments are provided solely for the purpose of enhancing group awareness and understanding of the issues being discussed.

## **Qualifications**

Due to the technical nature of the advice sought, qualifications of members are focused on demonstration of expertise in the regulated electricity and natural gas sector in Ontario.

### **Qualifications for consideration as a member of the AMC:**

- Highly knowledgeable in the regulation of natural gas and electricity rates including the Rules of Practice and Procedure and related Practice Directions, Filing Requirements, Guidelines, procedural practices and other matters relating to the OEB's adjudicative function
- Has actively participated within the past two years in an OEB regulatory process in at least one of the following areas:
  - As an applicant seeking OEB approval for a rates, facilities or asset sale/ purchase application
  - As an intervenor or stakeholder with an active interest in a specific proceeding or consultation of the OEB
  - As an expert consultant in support of an applicant or client with an interest in a proceeding and has filed evidence in such cases
  - As an applicant, stakeholder or expert consultant with specific expertise in adjudication practices
- Demonstrated experience in one or more of the following:
  - Held management level accountability and responsibility for managing an application submitted to the OEB within the past three years
  - Provided expert support to a stakeholder client including an intervenor organization or an entity whose business is regulated by the OEB
  - Participated in an OEB adjudicative proceeding as a qualified expert witness.

## **Meeting Frequency and Preparation**

The AMC will meet a minimum of three times each year. Should an ad hoc or urgent need arise, the Chair may call to convene a standing committee or subgroup of committee members at any time.

The meeting process will be initiated through the distribution of an email invitation to all members of the AMC stating the purpose of the gathering. The invitation will be sent with reasonable notice so as to facilitate scheduling, indicating a proposed date and time, and allow for members to reply as to their availability.

The agenda and supporting materials (if any) are to be provided to participants one week prior to the scheduled meeting on a best efforts basis. The Chair may designate another member of the OEB's Senior Management team to be Moderator for a meeting.

It is expected that most meetings will be conducted virtually, however the exact form of meeting (web-conference, teleconference or in person) will be communicated at the time the Chair calls a meeting. Remote participation will be available to all members regardless of the form of meeting. Virtual meetings will use either Zoom or MS Teams.

### **Reporting**

Meetings will not be transcribed. Key outcomes from each meeting held will be prepared and shared with meeting participants to review for accuracy. Once they are reviewed and approved by members of the AMC, the OEB will post the key outcomes on its website unless in rare circumstances an issue is pre-determined to be confidential.

### **Review**

A review of the efficacy of the AMC, its composition of members, and meeting notification process will be performed at the conclusion of every two year term.

### **Participant Costs**

The OEB will reimburse AMC members for travel costs (in accordance with the government's Business Travel, Meals and Hospitality Expense Directive) in respect of in-person meetings. Non-utility members will be reimbursed with an Honorarium of \$250 per meeting, inclusive of preparation and attendance.

<http://www.mgs.gov.on.ca/stdprodconsume/groups/content/@mgs/@home/documents/resourcelist/276507.pdf>