



# Canada's Energy and Utility Regulators

## 2023 Energy Regulation Course

**Banff Centre for Arts and Creativity, Banff, Alberta**  
**June 18 - June 23, 2023**

(Photo credit: Banff Centre for Arts and Creativity)



The Banff Centre for Arts and Creativity aims to inspire everyone who attends their campus to unleash their potential and realize their unique contribution to society. Located on the side of Sleeping Buffalo Mountain, in Treaty 7 territory, the venue is in the heart of Banff National Park, a UNESCO World Heritage Site. Banff Centre offers a full-service conference and hotel venue within walking distance to downtown Banff.

We will organize your accommodation directly.

### 2023 Program – We look forward to welcoming you to Banff, Alberta

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

The Maclab Bistro & Bar will be open for socializing each evening 7:30 p.m. - 10:00 p.m.

#### Sunday, June 18, 2023

3 p.m. – 6 p.m.

**Registration**, Banff Centre for Arts and Creativity, Kinnear Centre

7 p.m.

**Welcome Dinner**, Banff Centre for Arts and Creativity, Kinnear Centre

#### Monday, June 19, 2023

9 a.m. – 9:15 a.m.

##### **Opening Remarks**

**Bob Heggie**, Chief Executive, Alberta Utilities Commission

**Michael Millar**, Senior Legal Counsel, Ontario Energy Board

9:15 a.m. – 10:15 a.m.

##### **Basics of Regulation**

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

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

10:15 a.m. – 10:30 a.m.

##### **Health break**

10:30 a.m. – Noon

##### **Legal context for regulation**

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

**Michael Millar**, Senior Legal Counsel, Ontario Energy Board

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

Noon – 1 p.m.

### **Lunch**

1 p.m. – 2 p.m.

### **Gas industry overview**

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

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

2 p.m. – 3 p.m.

### **Electricity industry overview**

**Jay Wilson**, Director of Net Zero and Electrification, Electricity Canada

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

3 p.m. – 3:15 p.m.

### **Health break**

3:15 p.m. – 4:30 p.m.

### **Session on Regulatory Accounting**

**David Mitchell**, Regulatory Specialist, Alberta Utilities Commission

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

5:30 p.m. – 7:30 p.m.

**Free evening**, Dinner at Vista Dining Room included in registration

## **Tuesday, June 20, 2023**

8:30 a.m. – 9:45 a.m.

### **Cost of Capital**

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

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

9:45 a.m. – 10:45 a.m.

### **Anatomy of Rates Case Part 1**

**Yolanda Domingo**, Chief Operating Officer, British Columbia Utilities Commission

**Kristjana Kellgren**, Executive Director, Rates, Alberta Utilities Commission

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

10:45 a.m. – 11:15 a.m.

**Health break**

11:15 a.m. – 12:30 a.m..

**Anatomy of a Rates Case Part 2**

**Yolanda Domingo**, Chief Operating Officer, British Columbia Utilities Commission

**Kristjana Kellgren**, Executive Director, Rates, Alberta Utilities Commission

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

12:30 p.m. – 1:30 p.m.

**Lunch**

1:30 p.m. – 2:45 p.m.

**Performance Based Regulation**

**David Morton**, Chair and CEO, British Columbia Utilities Commission

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

2:45 p.m. – 3:00 p.m.

**Health break**

3:00 p.m. – 3:45 p.m.

**Energy transition and innovation**

**Rob Baker, Director – Grid Transformation, Guidehouse Inc.**

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

5 p.m.

**Dinner**, Banff Gondola & Northern Lights Alpine Kitchen

Transportation departs from the Banff Centre starting at 4:00 p.m.

It is the tradition at the Energy Regulation Course to take in some of the local sights. We will be travelling by bus then gondola to the Sulphur Mountain summit where we will discover the timeless Rocky Mountain views and enjoy dinner at the Northern Lights Alpine Kitchen. This adventure and dinner is included in your registration.

**Wednesday, June 21, 2023**

8:30 a.m. – 9:45 a.m.

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

**Sam Adkins**, Partner, Blake, Cassels & Graydon LLP

*\*Please note the CAMPUT Energy Regulation Course is offered in English only\**

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

9:45 a.m. – 10:45 a.m.

### **Indigenous Engagement**

**Amanda Spyce**, Indigenous Consultation lead, Alberta Utilities Commission

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

10:45 a.m. – 11:00 a.m.

### **Health break**

11:00 a.m. – 12:00 p.m.

### **Energy and public utility trends and issues**

**Gordon Kaiser**, Arbitrator and Counsel, Energy Law Chambers

12:00 p.m. – 12:45 p.m.

### **Lunch**

12:45 p.m. – 2:00 p.m.

### **Session on ethics**

**Jennifer Nicholson**, Board Member, Nova Scotia Utility Review Board

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

2:00 p.m. – 2:45 p.m.

### **Use of expert evidence**

**Katie Slipp**, Partner, Blake, Cassels & Graydon LLP

Expert evidence can play a key role in many regulatory proceedings. Such evidence can be critical both in the adjudication of cases and in the development of energy policy. This session will explore the underlying law related to expert evidence and provide some insights into the use of expert evidence relevant to regulatory lawyers and regulators.

2:45 p.m. – 3:00 p.m.

### **Health break**

3:00 p.m. – 4:45 p.m.

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

**Kristi Sebalj**, Commission Member, Alberta Utilities Commission

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

The practice and procedure session will provide students with practical information on the steps of a typical adjudicative process. Join us to cover everything from important administrative law principles, to how the hearing room is typically set up, and the role of tribunal staff before, during and after an oral hearing. Real examples and templates will be reviewed along with perspectives of commission member and others.

4:45 p.m. – 5:30 p.m.

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

**Kristi Sebalj**, Commission Member, Alberta Utilities Commission

6:30 p.m.

**Free evening**, Dinner at Vista Dining Room included in registration

## Thursday, June 22, 2023

8:30 a.m. – 9:45 a.m.

### **Demand Side Management**

**Phil Stallard**, Manager Facilities and Planning, British Columbia Utilities Commission

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

9:45 a.m. – 10:15 a.m.

### **Health break**

10:15 a.m. – 5:00 p.m.

### **Mock hearing**

**Kristi Sebalj**, Commission member, Alberta Utilities Commission

**Katie Slipp**, Partner, Blake, Cassels & Graydon LLP

**Jennifer Nicholson**, Board Member, Nova Scotia Utility Review Board

**Gordon Kaiser**, Arbitrator and Counsel, Energy Law Chambers

12:00 p.m. – 12:45 p.m. Lunch

3:15 p.m. – 3:45 p.m. Health break

6:30 p.m.

**Free evening**, Dinner at Vista Dining Room included in registration

## Friday, June 23, 2023

9:00 a.m. – 10:15 a.m.

### **Current issues in transmission regulation**

**Janene Taylor**, VP of Business Operations and Regulatory, ENMAX Power

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

10:15 a.m. – 10:45 a.m.

### **Health break**

10:45 a.m. – 12:00 p.m.

### **Decision writing**

**Mr. Justice Paul Jeffrey**, Alberta Court of King's Bench

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

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

12:00 p.m.

### **End of program**