

Remaking Canada's Energy Economy by 2050

Who decides: what, when and how?

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Positive Energy

POSITIVE ENERGY

CANADA'S ENERGY FUTURE IN AN
AGE OF CLIMATE CHANGE



uOttawa

Regulatory Independence and Effectiveness

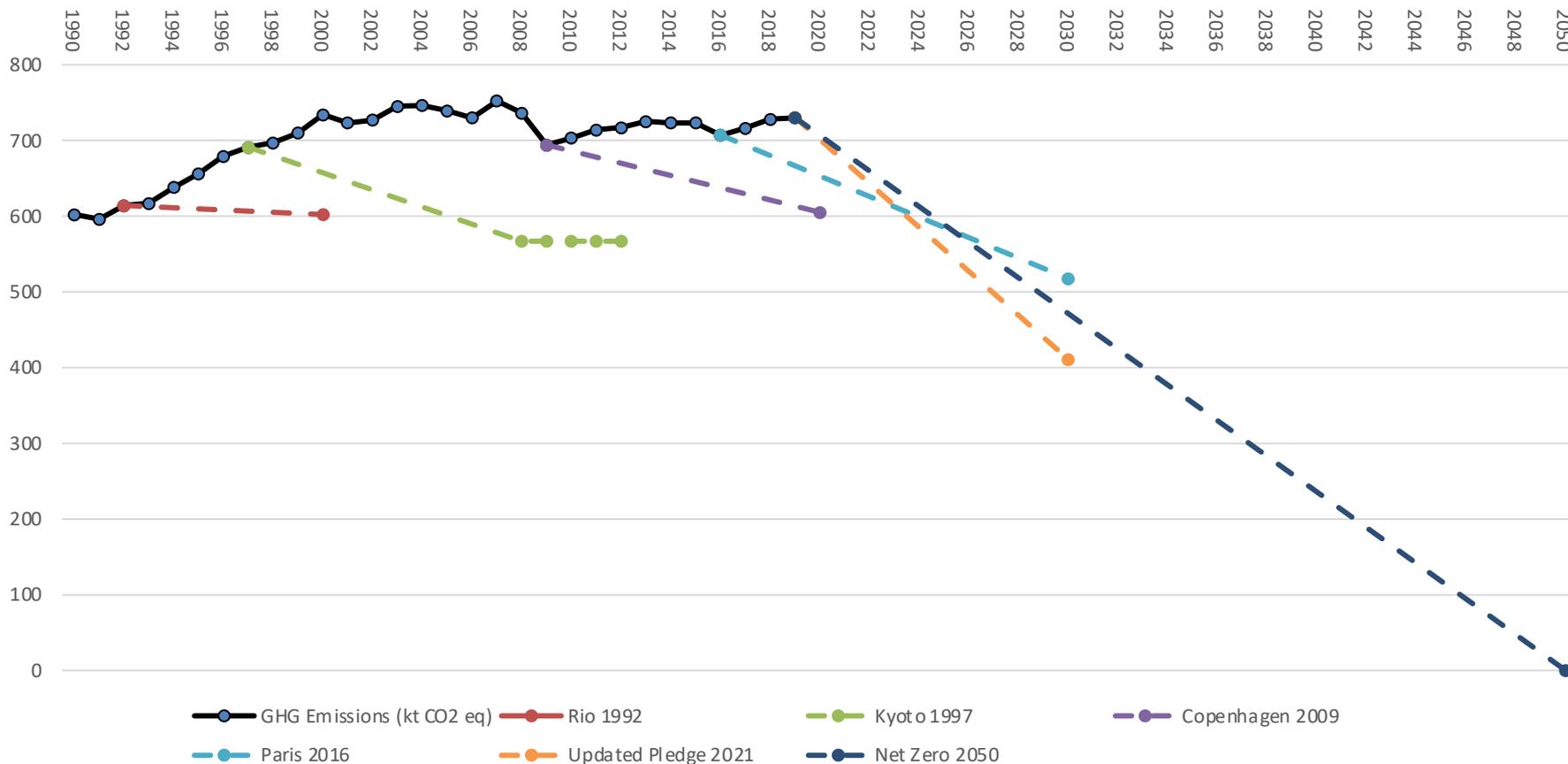
- Five cases through a historical lens
 - Nova Scotia Utilities and Review Board
 - National Energy Board/Canadian Energy Regulator
 - Ontario Energy Board
 - Alberta Energy Regulator
 - British Columbia Oil and Gas Commission

Two Core Questions

- How and why has the structure of energy decision systems in Canada evolved with respect to regulatory independence over the past several decades?
- What does that tell us about how effective those systems might be in coming decades with respect to critical societal objectives?

And why this matters

Canadian Greenhouse Gas Emissions, 1990 to 2019 (MtCO₂e) and Canada's International Commitments



It's a system

- Regulators, no matter how independent, do not work in a vacuum
- They work under the authority and guidance of democratically elected governments
- They are bound by courts to respect the law
- They work with many interested and affected parties
- And the question always remains: who decides what, when and how?

Future Directions: Issues for discussion

- Better understanding energy decision systems
- Unpacking the respective roles of policy makers and regulators
- Understanding the roles of informal and collaborative processes
- The challenges of maintaining stability in a rapidly changing world
- The importance of “procedure”
- Sharing practices: best, better and not so better

Who is listening?

- Within 29 years Canada proposes to completely remake its energy systems from top to bottom
- This will require decision systems which:
- Are open but expeditious
- Are democratically accountable but founded on evidence and expertise
- Are adaptable but stable
- Are tailored to individual circumstances but cooperative across jurisdictions
- There is a big policy discussion waiting to happen

A neo-independent model of regulation

- Regulators can be independent even up to being “deciders” on most things without compromising democratic accountability
- But:
 - The model needs to incorporate much more policy guidance on an ongoing basis – mainly upstream of individual applications
 - Regulators need to be structurally independent – appointments, tenure, resources
 - Regulators need to be actively engaged with other authorities and with interested and affected parties
- Processes need to be more open and inclusive but will need some clearly specified bounds to facilitate timeliness and certainty

THANK YOU!

