

Policymakers, Regulators and Courts – Who Decides What, When and How? The Evolution of Regulatory Independence

Positive Energy Workshop, University of Ottawa

October 28th 2020, 1pm – 3pm ET, via zoom

The event follows the Chatham House Rule.

Agenda

- Welcome and introduction to Positive Energy – Monica Gattinger, Chair, Positive Energy
- Presentation of discussion paper, workshop purpose, and agenda – Michael Cleland, Executive-in-Residence, Positive Energy
- Breakout sessions (45 minutes)
- Plenary discussion and reporting back from breakout sessions (45 minutes) – moderated by Michael Cleland, Executive-in-Residence, Positive Energy
- Wrap-up – Monica Gattinger, Chair, Positive Energy

Discussion Questions

Breakout Group 1: Given a well-established trend, especially over the past two or three decades, toward an ever more complex and shifting set of variables that bear on regulatory decisions such as environment, climate, social questions and the urge for more holistic and systemic approaches, how can these factors best be accounted for in effective decision systems?

Breakout Group 2: Given a parallel trend that creates a more complex problem of accounting for a more fragmented or polarized opinion environment and the need to balance openness, fairness, expeditiousness, expert opinion, non-expert opinion, and the need for decision stability, how can decision systems be structured so as to sustain both public and investor confidence?

Breakout Group 3: Where the need for political accountability grows ever larger, how can that be balanced with the need for longer term system thinking, fact-based decisions and stable decisions?

Breakout Group 4: Energy decision-makers across Canada have developed and are currently developing and implementing innovative approaches to address the identified challenges to effective decision-making. What mechanisms currently exist to foster collective learning and sharing of best practices within and across jurisdictions? What new mechanisms might be useful to avoid duplicating efforts? What international examples might Canada look to for guidance?

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List of Registered Participants

- Lori Ackerman, Mayor of Ft. St. John
- Meredith Adler, Executive Director, Student Energy
- Paul Allen, Executive Director, Nova Scotia Utility and Review Board
- Nigel Bankes, Chair, Natural Resources Law and Professor, University of Calgary
- Marisa Beck, Senior Research Associate, Positive Energy and Research Director, Institute for Science, Society and Policy, University of Ottawa
- Stephen Bird, Associate Professor of Political Science, Clarkson University and Faculty Affiliate, Positive Energy, University of Ottawa
- Kerrie Blaise, Counsel, Northern Services, Canadian Environmental Law Association
- Bruce Cameron, Principal Consultant, Envigour and former Executive Director of Electricity, Renewables, and Efficiency, Nova Scotia Department of Energy
- Jason Cameron, Vice President and Chief Communications Officer, Canadian Nuclear Safety Commission
- Richard Carlson, Director, Energy Policy and Energy Exchange, Pollution Probe
- Cynthia Chaplin, Executive Director, CAMPUT
- Paul Cheliak, Vice President, Public and Regulatory Affairs, Canadian Gas Association
- Michael Cleland, Executive-in-Residence, Positive Energy
- Lisa DeMarco, Senior Partner, DeMarco Allan LLP
- Richard Dunn, Consultant, Ovintiv

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- Nichole Dusyk, Senior Analyst, Pembina Institute
- Judith Ferguson, Executive Vice President, Regulatory, Legal, Planning and Government Relations Nova Scotia Power
- Brendan Frank, Senior Research Associate, Positive Energy and Institute for Science, Society and Policy, University of Ottawa
- Monica Gattinger, Chair, Positive Energy and Director, Institute for Science, Society and Policy, University of Ottawa
- Kim Grout, Chief Executive Officer, BC Agricultural Land Commission
- Peter Gurnham, Chair, Nova Scotia Utility and Review Board
- Rowland Harrison, Former Permanent Member, National Energy Board, Energy Consultant and Arbitrator/Energy Regulation Quarterly and Research Affiliate, Positive Energy, University of Ottawa
- Chris Henderson, President, Lumos Energy
- Shannon Joseph, Vice President of Government Relations, Canadian Association of Petroleum Producers
- Brenda Kenny, Chair, Alberta Innovates
- Jay Khosla, Assistant Deputy Minister, Energy Sector, Natural Resources Canada
- Gord Lambert, President and Chief Collaboration Officer, GRL Collaboration for Sustainability and Former Interim President and CEO, Alberta Energy Regulator
- Patricia Larkin, Senior Research Associate, Positive Energy and Institute for Science, Society and Policy, University of Ottawa
- Tonja Leach, Executive Director, QUEST (Quality Urban Energy Systems of Tomorrow)
- Louis Legault, Past chair of CAMPUT, General Counsel for la Régie de l'Énergie Québec

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- Theresa McClenaghan, Executive Director and Counsel, Canadian Environmental Law Association
- Dan McFadyen, Executive Fellow at School of Public Policy, University of Calgary
- Gary Merasty, Chief Development Officer and President, The North West Company and former Liberal Member of Parliament
- David Morton, Chair and Chief Executive Officer, British Columbia Utilities Commission
- Judith Snider, International Mediator and Arbitrator and Retired Judge from the Federal Court of Canada.
- Ian T. D. Thomson, Masters of Public Policy Graduate, Munk School of Global Affairs, University of Toronto and Research Associate, Positive Energy, University of Ottawa
- George Vegh, Counsel, McCarthy Tétrault Toronto, Adjunct Professor of Energy, Law and Regulatory Governance, University of Toronto Law School, Munk School of Global Affairs, uCalgary Law School and Osgoode Hall Law School
- Robert Walker, Senior Fellow, Institute for Science, Society and Policy, uOttawa
- Ed Whittingham, Clean energy project/policy consultant and former CEO, Pembina Institute