

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 43RD LEGISLATURE, ONTARIO
3 CHARLES III, 2024

Bill 214

An Act to amend various energy statutes respecting long term energy planning, changes to the Distribution System Code and the Transmission System Code and electric vehicle charging

The Hon. S. Lecce

Minister of Energy and Electrification

Government Bill

1st Reading October 23, 2024

2nd Reading November 6, 2024

3rd Reading

Royal Assent

*(Reprinted as amended by the Standing Committee on the Interior
and as reported to the Legislative Assembly November 25, 2024)*

(The provisions in this bill will be renumbered after 3rd Reading)



This reprint of the Bill is marked to indicate the changes that were made in Committee.
The changes are indicated by underlines for new text and a ~~striketrough~~ for deleted text.

EXPLANATORY NOTE

SCHEDULE 1 AMENDMENTS RE ENERGY PLANNING

The Schedule amends the *Electricity Act, 1998*. Here are some highlights:

1. Section 1 of the Act is amended to provide that one of the purposes of the Act is to promote electrification and facilitate energy efficiency measures aimed at using electricity to reduce overall emissions in Ontario.
2. Subsection 6 (1) of the Act is amended to provide that one of the objects of the Independent Electricity System Operator (IESO) is to engage in activities that promote electrification and facilitate energy efficiency measures aimed at using electricity to reduce overall emissions in Ontario.
3. Sections 25.29 and 25.30 of the Act are re-enacted to replace long-term energy plans with integrated energy ~~resource~~-plans and to account for that change.
4. Section 25.31, which provides for the submission of implementation plans by the IESO and the Ontario Energy Board to the Minister, is repealed.

SCHEDULE 2 AMENDMENTS RE DISTRIBUTION SYSTEM CODE AND TRANSMISSION SYSTEM CODE

The Schedule gives the Lieutenant Governor in Council two new regulation-making authorities pertaining to the Distribution System Code and the Transmission System Code that are issued by the chief executive officer of the Board under section 70.1 of the *Ontario Energy Board Act, 1998*.

The first new authority, in section 70.4, permits the Lieutenant Governor in Council to make regulations specifying amendments to either Code about specified matters respecting cost allocation and cost recovery relating to the construction, expansion or reinforcement of distribution systems or transmission systems, or of connections to those systems. The amendments are deemed to have been issued under section 70.1 and must be consolidated into the applicable Code. The chief executive officer has no authority to amend or revoke an amendment specified by the Lieutenant Governor in Council for as long as the regulation specifying the amendment is in force.

The second new authority, in section 70.5, permits the Lieutenant Governor in Council to make regulations exempting persons or things from provisions of the Distribution System Code and the Transmission System Code relating to cost allocation or cost recovery, subject to conditions or restrictions the regulations may specify, as well as regulations relating to cost allocation or cost recovery that apply to the exempted person or thing instead.

SCHEDULE 3 AMENDMENTS RE ELECTRIC VEHICLE CHARGING

The Schedule amends the *Electricity Act, 1998*, the *Energy Consumer Protection Act, 2010* and the *Ontario Energy Board Act, 1998* in respect of electric vehicle charging.

The *Ontario Energy Board Act, 1998* is amended to add a new Part V.2 (electric vehicle charging). The terms “electric vehicle”, “electric vehicle charging” and “electric vehicle charging station” are defined in the new Part, but the definitions can be modified by regulations made by the Lieutenant Governor in Council. The Part provides that the Act does not apply with respect to the distribution or retail of electricity for electric vehicle charging. However, it provides that regulations can be made by the Lieutenant Governor in Council providing for and governing the application of the Act to those activities.

The Schedule also amends the *Electricity Act, 1998* and the *Energy Consumer Protection Act, 2010* to add new Parts to those Acts, which similarly provide that each of those Acts does not apply with respect to the distribution or retail of electricity for electric vehicle charging, except as may be provided by regulations made under the applicable Act (except that in the case of the *Electricity Act, 1998*, Part VIII of that Act, dealing with electrical safety, does apply). The terminology used in the *Ontario Energy Board Act, 1998* is incorporated into the new Parts.

**An Act to amend various energy statutes respecting long term energy planning,
changes to the Distribution System Code and the Transmission System Code
and electric vehicle charging**

CONTENTS

Preamble	
1.	Contents of this Act
2.	Commencement
3.	Short title
Schedule 1	Amendments Re Energy Planning
Schedule 2	Amendments Re Distribution System Code and Transmission System Code
Schedule 3	Amendments Re Electric Vehicle Charging

Preamble

The Government of Ontario:

Recognizes the need to ensure Ontario meets the demand for electricity driven by strong economic growth, increased electrification and population growth.

Supports a vision for a prosperous, growing economy while reducing emissions and opposing economically harmful measures such as carbon taxation.

Supports growth and keeping energy affordable for Ontarians, through an affordable and reliable energy system that draws on a variety of energy resources, such as nuclear energy, hydroelectricity, natural gas, hydrogen, solar power and more.

Acknowledges that meaningful public engagement in an integrated energy planning process, support for the government's energy vision and the advancement of reconciliation with Indigenous communities are important to support building an energy system in Ontario to meet growth.

Recognizes Ontario's long term energy potential, and that effective planning could position Ontario to both meet demand here at home and support economic growth by exporting Ontario energy beyond its borders.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

(3) If a Schedule to this Act provides that any provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *Affordable Energy Act, 2024*.

**SCHEDULE 1
AMENDMENTS RE ENERGY PLANNING**

1 Section 1 of the *Electricity Act, 1998* is amended by adding the following clause:

- (a.2) to promote electrification and facilitate energy efficiency measures aimed at using electricity to reduce overall emissions in Ontario;

2 Subsection 6 (1) of the Act is amended by adding the following clause:

- (p.1) to engage in activities that promote electrification and facilitate energy efficiency measures aimed at using electricity to reduce overall emissions in Ontario;

3 Sections 25.29 to 25.31 of the Act are repealed and the following substituted:

~~Integrated energy resource plan~~ **Integrated energy plans**

25.29 (1) The Minister may, subject to the approval of the Lieutenant Governor in Council, issue an ~~integrated energy resource plan~~ integrated energy plan setting out and balancing the Government of Ontario's goals and objectives respecting energy for the period specified by the plan.

Same

(2) For the purposes of subsection (1), an ~~integrated energy resource plan~~ integrated energy plan may include goals and objectives respecting,

- (a) the affordability of energy for consumers and the cost-effectiveness of planned energy resources;
- (b) the availability and reliability of the supply, transmission or distribution of energy to consumers;
- (c) the enhancement and expansion of energy infrastructure and resources to support economic growth and trade;
- (d) the role of electricity, natural gas, hydrogen and other energy resources, as well as energy efficiency, storage and demand management, in building a clean energy economy;
- (e) the prioritization of nuclear power generation to meet future increases in the demand for electricity in a manner that is consistent with the policies of the Government of Ontario;
- (f) the modernization of energy infrastructure systems and promotion of innovations that benefit consumers;
- (g) the cost-effective procurement of electricity resources;
- (h) the advancement of reconciliation with Indigenous communities, including early engagement in project planning, consultation and support for Indigenous leadership and participation in the energy sector;
- (i) the engagement of interested persons, groups and communities in the energy sector; and
- (j) any other related matter the Minister determines should be addressed.

Consultation required

(3) The Minister shall, before issuing an ~~integrated energy resource plan~~ integrated energy plan under subsection (1), consult with any consumers, distributors, generators, transmitters, Indigenous communities or other persons or groups that the Minister considers appropriate about the matters that are proposed to be addressed by the ~~integrated energy resource plan~~ integrated energy plan, and the Minister shall consider the results of such consultation in developing the ~~integrated energy resource plan~~ integrated energy plan.

Timing

(4) The Minister shall begin the consultations described in subsection (3) on the second ~~integrated energy resource plan~~ integrated energy plan and any subsequent plan on or before the fifth anniversary of the date on which the previous plan was issued.

Notice

(5) The Minister shall publish notice of consultations under subsection (3), together with any relevant background materials or other information the Minister considers appropriate, in the environmental registry established under section 5 of the *Environmental Bill of Rights, 1993*.

Participation

(6) The Minister shall take steps to promote the participation of the persons or groups with whom the Minister intends to consult under subsection (3), including scheduling one or more consultation meetings, where the Minister considers it appropriate to do so.

Technical reports, etc.

(7) If required by the regulations, the Minister shall consider any prescribed technical reports or other reports, documents or information in the development of the ~~integrated energy resource plan~~ integrated energy plan.

Reports and documents to be publicly available

(8) The Minister shall make the reports, documents and information referred to in subsection (7) available to the public by posting them on a Government of Ontario website.

Publication

(9) On issuing an ~~integrated energy resource plan~~ integrated energy plan under subsection (1), the Minister shall post it on a Government of Ontario website and shall also post or publish any other information, such as key data and cost projections, used in the development of the ~~integrated energy resource plan~~ integrated energy plan that the Minister determines should be made publicly available.

Implementation directives

To the IESO

25.30 (1) The Minister may, subject to the approval of the Lieutenant Governor in Council, issue a directive to the IESO that sets out the Government of Ontario's requirements respecting the implementation of the ~~integrated energy resource plan~~ integrated energy plan by the IESO and any other related requirements, other than matters listed in subsection 25.32 (2).

To the Board

(2) The Minister may, subject to the approval of the Lieutenant Governor in Council, issue a directive to the Board that sets out the Government of Ontario's requirements respecting the implementation of the ~~integrated energy resource plan~~ integrated energy plan in respect of matters falling within the Board's jurisdiction.

4 (1) Subsection 25.32 (1) of the Act is repealed.

(2) Subsection 25.32 (2) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Entering into contracts

(2) The IESO shall, if required to do so under a directive issued under subsection (5) or a direction continued under subsection (9) or (10), as amended, enter into contracts for the procurement of,

.

(3) Subsection 25.32 (2) of the Act is amended by striking out "or" at the end of clause (c), by adding "or" at the end of clause (d) and by adding the following clause:

(e) measures aimed at promoting electrification or using electricity to reduce overall emissions in Ontario.

(4) Subsection 25.32 (3) of the Act is amended by striking out "unless the applicable implementation plan or directive provides otherwise" at the end and substituting "unless a directive issued under subsection (5) provides otherwise".

(5) Subsection 25.32 (6) of the Act is repealed and the following substituted:

Directive issued under subs. (5) prevails

(6) A directive may be issued under subsection (5) regardless of any directive issued under section 25.30 and, in the event of a conflict, a directive issued under subsection (5) prevails.

(6) Subsection 25.32 (7) of the Act is amended by striking out "aboriginal peoples" and substituting "Indigenous communities".

(7) Subsection 25.32 (8) of the Act is amended by striking out "aboriginal peoples" and substituting "Indigenous communities".

(8) Subsection 25.32 (11) of the Act is repealed and the following substituted:

Transition, ongoing power to amend, revoke

(11) A direction continued under subsection (9) or (10) may be amended or revoked by the Lieutenant Governor in Council.

5 Paragraph 2 of Subsection 25.34 (2) of the Act is amended by striking out "(a), (b) or (c)" and substituting "(a), (b), (c) or (e)".

6 Clause 114 (1.3) (b) of the Act is repealed and the following substituted:

(b) for the purposes of subsection 25.29 (7),

- (i) requiring the Minister to consider technical reports or other reports, documents or information, and
- (ii) prescribing technical reports or other reports, documents and information;

Ontario Energy Board Act, 1998

7 Section 2.1 of the *Ontario Energy Board Act, 1998* is amended by striking out “in accordance with the implementation plans submitted by the Board and approved under clause 25.31 (5) (a) of that Act, including any amendments submitted by the Board and approved under that clause” at the end.

Commencement

8 This Schedule comes into force on the day the *Affordable Energy Act, 2024* receives Royal Assent.

SCHEDULE 2
AMENDMENTS RE DISTRIBUTION SYSTEM CODE AND TRANSMISSION SYSTEM CODE

1 (1) Clause (g) of the definition of “enforceable provision” in section 3 of the *Ontario Energy Board Act, 1998* is amended by striking out “section 70.1, 70.2 or 70.3” at the end and substituting “section 70.1”.

(2) Section 3 of the Act is amended by adding the following subsection:

Deemed code amendments

(2) A reference in this or any other Act to a code issued under section 70.1 includes a reference to amendments specified under section 70.4 that are deemed to have been issued under section 70.1, as applicable, except in the context of subsection 33 (1) or section 121.

2 The Act is amended by adding the following sections:

Regulations, deemed amendments to certain codes

70.4 (1) The Lieutenant Governor in Council may make regulations specifying amendments to the Distribution System Code and the Transmission System Code for the purposes of this section with respect to any of the following matters:

1. Obligations between distributors or transmitters and their customers in respect of cost allocation and cost recovery relating to the construction, expansion or reinforcement of distribution systems or transmission systems, or of connections to those systems.
2. Provisions that must be included in an agreement that is entered into by a distributor or transmitter and a customer that pertains to cost allocation and cost recovery relating to the connection of a customer to the distributor’s distribution system or the transmitter’s transmission system, as the case may be.
3. Any matter ancillary or consequential to a matter referred to in paragraph 1 or 2.

Same

(2) A regulation made under subsection (1) may be general or particular in respect of its application.

Same

(3) Nothing in subsection (1) or (2) gives the Lieutenant Governor in Council authority to specify an amendment in respect of the Distribution System Code or the Transmission System Code that the chief executive officer is not authorized to include in a code issued under section 70.1.

Deemed amendments

(4) The amendments that a regulation made under subsection (1) specifies in respect of the Distribution System Code or the Transmission System Code are deemed to have been issued under section 70.1 in accordance with section 70.2.

Publication, etc.

(5) Despite subsection (4), section 70.3 does not apply with respect to amendments specified by a regulation made under subsection (1).

Updating

(6) The chief executive officer shall take steps to ensure that amendments specified by a regulation made under subsection (1) are promptly consolidated into the applicable Code.

Restriction on Board modifications

(7) Despite subsection (4) and sections 70 and 70.1, the Board may not specify modifications to or exemptions from an amendment specified by a regulation made under subsection (1).

Restriction on amending, etc.

(8) Despite subsection (4) and section 70.1, the chief executive officer may not issue a code that would amend, revoke or conflict with an amendment specified by a regulation made under subsection (1).

Effect of revocation

(9) Subsections (7) and (8) cease to apply with respect to an amendment specified by a regulation made under subsection (1) if the regulation is revoked.

Not a regulation

(10) For greater certainty, nothing in this section affects the application of subsection 70.1 (6).

Regulations, exemptions from certain codes

70.5 (1) The Lieutenant Governor in Council may make regulations,

- (a) exempting any person or thing, or any class of person or thing, from the application of any provision of the Distribution System Code or the Transmission System Code that,
 - (i) pertains to cost allocation or cost recovery, or
 - (ii) is ancillary or consequential to a provision of the Code that pertains to cost allocation or cost recovery;
- (b) providing for conditions or restrictions of an exemption under clause (a);
- (c) in respect of a person or thing that is the subject of an exemption under clause (a), establishing and governing the cost allocation or cost recovery that applies with respect to the person or thing instead of the provision that has been exempted from.

Same

- (2) A regulation made under subsection (1) may be general or particular in respect of its application.

Conflict

- (3) In the event of a conflict between a regulation made under subsection (1) and any other regulation made under this Act, an order of the Board or a code issued under section 70.1, the regulation made under subsection (1) prevails to the extent of the conflict.

Fixing the Hydro Mess Act, 2019

3 Subsection 20 (3) of Schedule 2 to the *Fixing the Hydro Mess Act, 2019* is repealed.

Commencement

4 This Schedule comes into force on the day the *Affordable Energy Act, 2024* receives Royal Assent.

**SCHEDULE 3
AMENDMENTS RE ELECTRIC VEHICLE CHARGING**

Electricity Act, 1998

1 The *Electricity Act, 1998* is amended by adding the following Part:

**PART III.1
ELECTRIC VEHICLE CHARGING**

Definitions

47.1 In this Part,

“electric vehicle”, “electric vehicle charging” and “electric vehicle charging station” have the same meaning as in the *Ontario Energy Board Act, 1998*. (“véhicule électrique”, “recharge des véhicules électriques”, “station de recharge pour véhicules électriques”)

Application of Act

~~47.2 (1) This Act does not apply with respect to the distribution or retail of electricity for electric vehicle charging, except as may be provided by the regulations.~~

Interpretation

~~(2) For greater certainty, except as may be provided by the regulations, a reference in a provision to the distribution or retail of electricity shall not be read as including the distribution or retail described in subsection (1).~~

No past application

~~(3) This Act is deemed not to have applied with respect to the distribution or retail of electricity for electric vehicle charging before the day the *Affordable Energy Act, 2024* received Royal Assent.~~

Application of Act

47.2 (1) This Act, other than Part VIII, does not apply with respect to the distribution or retail of electricity for electric vehicle charging, except as may be provided by the regulations.

Interpretation

(2) For greater certainty, except as may be provided by the regulations, a reference in a provision to the distribution or retail of electricity shall not be read as including the distribution or retail described in subsection (1), other than in Part VIII.

No past application

(3) This Act, other than Part VIII, is deemed not to have applied with respect to the distribution or retail of electricity for electric vehicle charging before the day the *Affordable Energy Act, 2024* received Royal Assent.

Regulations

47.3 (1) The Lieutenant Governor in Council may make regulations,

(a) clarifying the application of section 47.2;

~~(b) providing for and governing the application of this Act to the distribution or retail of electricity for electric vehicle charging, subject to such modifications in application as the regulations may specify.~~

(b) providing for and governing the application of this Act, other than Part VIII, to the distribution or retail of electricity for electric vehicle charging, subject to such modifications in application as the regulations may specify.

Same

(2) A regulation made under this section may be general or particular in its application.

Energy Consumer Protection Act, 2010

2 (1) The *Energy Consumer Protection Act, 2010* is amended by adding the following Part:

**PART III.1
ELECTRIC VEHICLE CHARGING**

Definitions

34.1 In this Part,

“electric vehicle”, “electric vehicle charging” and “electric vehicle charging station” have the same meaning as in the *Ontario Energy Board Act, 1998*; (“véhicule électrique”, “recharge des véhicules électriques”, “station de recharge pour véhicules électriques”)

“retail” has the same meaning as in Part II. (“vendre au détail”)

Application of Act

34.2 (1) This Act does not apply with respect to the distribution or retail of electricity for electric vehicle charging, except as may be provided by the regulations.

Interpretation

(2) For greater certainty, except as may be provided by the regulations, a reference in a provision to the retail of electricity shall not be read as including the retail described in subsection (1).

No past application

(3) This Act is deemed not to have applied with respect to the distribution or retail of electricity for electric vehicle charging before the day the *Affordable Energy Act, 2024* received Royal Assent.

(2) Section 35 of the Act is amended by adding the following subsection:

Same, Part III.1

(4.1) For the purposes of Part III.1, the Lieutenant Governor in Council may make regulations,

- (a) clarifying the application of section 34.2;
- (b) providing for and governing the application of this Act to the distribution or retail of electricity for electric vehicle charging, subject to such modifications in application as the regulations may specify.

Ontario Energy Board Act, 1998

3 (1) The definition of “enforceable provision” in section 3 of the *Ontario Energy Board Act, 1998* is amended by adding the following clause:

(c.1) a provision of a regulation made under Part III.1 of the *Energy Consumer Protection Act, 2010*,

(2) The Act is amended by adding the following Part:

PART V.2 ELECTRIC VEHICLE CHARGING

Definitions

88.5 In this Part,

“electric vehicle” means, subject to the regulations, a vehicle that has its motive power wholly or partly provided by electricity stored in a battery or other electricity storage device in the vehicle that is capable of being charged from an electricity source external to the vehicle; (“véhicule électrique”)

“electric vehicle charging” means, subject to the regulations, the supply of electricity from an electric vehicle charging station to an electric vehicle in order to charge the vehicle; (“recharge des véhicules électriques”)

“electric vehicle charging station” means, subject to the regulations, an electricity supply device, including any associated equipment, technologies and components, that is used to supply electricity to charge an electric vehicle. (“station de recharge pour véhicules électriques”)

Application of Act

88.6 (1) This Act does not apply with respect to the distribution or retail of electricity for electric vehicle charging, except as may be provided by the regulations.

Interpretation

(2) For greater certainty, except as may be provided by the regulations, a reference in a provision to the distribution or retail of electricity shall not be read as including the distribution or retail described in subsection (1).

No past application

(3) This Act is deemed not to have applied with respect to the distribution or retail of electricity for electric vehicle charging before the day the *Affordable Energy Act, 2024* received Royal Assent.

Regulations

88.7 (1) The Lieutenant Governor in Council may make regulations,

- (a) clarifying or modifying, including expanding or restricting, the definition of “electric vehicle”, “electric vehicle charging” or “electric vehicle charging station” in section 88.5;
- (b) clarifying the application of section 88.6;
- (c) providing for and governing the application of this Act to the distribution or retail of electricity for electric vehicle charging, subject to such modifications in application as the regulations may specify.

Same

(2) A regulation made under this section may be general or particular in its application.

Commencement

4 This Schedule comes into force on the day the *Affordable Energy Act, 2024* receives Royal Assent.