

## PRESIDENT

John Todd has specialized in government regulation for over 35 years, addressing issues related to price regulation and deregulation, market restructuring to facilitate effective competition, and regulatory methodology. Sectors of primary interest in recent years have included electricity, natural gas and the telecommunications industry. John has assisted counsel in over 275 proceedings and provided expert evidence in over 150 hearings. His clients include regulated companies, producers and generators, competitors, customer groups, regulators and government.

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## PROFESSIONAL OVERVIEW

**Founder of Elenchus Research Associates Inc. (Elenchus) 2003**

- ERAI was spun off from ECS (see below) as an independent consulting firm in 2003. There are presently twenty-five ERAI Consultants and Associates. Web address: [www.elenchus.ca](http://www.elenchus.ca)

**Founded the Canadian Energy Regulation Information Service (CERISE) 2002**

- CERISE is a web-based service providing a decision database, regulatory monitoring and analysis of current issues on a subscription basis. Staff are Rachel Chua and rotating co-op students. Web address: [www.cerise.info](http://www.cerise.info)

**Founded Elenchus (Econalysis) Consulting Services, Inc. (ECS) 1980**

- ECS was divested as a separate company in 2003

## EDUCATION

1975 Masters of Business Administration (Economics and Management Science), University of Toronto

1972 Bachelors of Applied Science (Electrical Engineering), University of Toronto

## PRIOR EMPLOYMENT

**Ontario Economic Council, Research Officer (Government Regulation) 1978 - 1980**

**Research Assistant, Univ. of Toronto, Faculty of Management Studies 1973 - 1978**

**Bell Canada, Western Area Engineering 1972 - 1973**

## **REGULATORY/LEGAL PROCEEDINGS**

### **Before the Ontario Energy Board**

John Todd has provided expert assistance in more than 65 proceedings before the Ontario Energy Board from 1991 to 2020. He has presented evidence in more than 25 of these cases. Recent cases include rate applications for the EPCOR Natural Gas LP (and the predecessor company NRG) and evidence on the *Cost Allocation and Rate Design for the IESO Usage Fee* for the Independent Electricity System Operator.

### **Before the Public Utilities Board of Manitoba**

John has provided expert assistance in a total of 46 proceedings before the Public Utilities Board of Manitoba from 1990 to 2020. He has presented evidence in 23 of these cases. He was retained by the Manitoba Public Utilities Board as an Independent expert consultant to review aspects of Manitoba Hydro's Needs for and Alternatives to (NFAT) its Preferred Development Plan. He also served as a Board advisor for the Review of Efficiency Manitoba's 2020-2023 DSM Plan.

### **Before the British Columbia Utilities Commission**

John has provided expert assistance in more than 30 proceedings before the British Columbia Utilities Commission from 1993 to 2018. He has presented evidence in ten cases. Recently he was retained (with Michael Roger) by the BCUC as its independent expert consultant to review FortisBC Energy Inc. cost allocation and rate design methodology.

### **Before the Régie de l'énergie**

John has provided expert assistance in more than ten proceedings before the Régie de l'énergie from 1998 to 2020. He has presented evidence in nine of these cases. He was retained with Cynthia Chaplin to prepare *Report for the Régie de l'énergie, Performance Based Regulation: A Review of Design Options as Background for the Review of PBR for Hydro Quebec Distribution and Transmission Divisions*. He is currently engaged in another cost allocation review project for the Régie as an independent expert reviewing the cost allocation methodology of Energir.

### **Before the Alberta Utilities Commission (and formerly the Alberta Energy and Utilities Board)**

John has provided expert assistance in of five proceedings before the Alberta Utilities Commission and its predecessor since 2000. He was most recently engaged in rate design work for an Alberta utility.

### **Before the Newfoundland & Labrador Board of Commissioners of Public Utilities**

John has provided expert assistance in a total of nine proceedings from 2005 to 2015. He has presented evidence in three cases. The most recent proceeding he participated in was the *Newfoundland Power, 2016 Deferred Cost Recovery Application* case.

### **Before the New Brunswick Energy and Utilities Board**

John has provided expert assistance in a total of nine proceedings before the New Brunswick Energy and Utilities Board from 2007 to 2019. He has presented evidence in three cases. The most recent proceeding he participated in was the *2019-20 General Rate Application* and is currently assisting NB Power with additional cost allocation and rate design issues

### **Before the Nova Scotia Utility and Review Board**

John has provided expert assistance in a total of nine proceedings before the Nova Scotia Utility and Review Board from 2008 to 2019. He has presented evidence in four cases. The most recent proceeding he participated in was *Efficiency One, Updated Cost Allocation Methodology*.

### **Before the National Energy Board (NEB)**

John has provided expert assistance in one proceeding before the NEB, during 1999. The proceeding was in regards to *BC Gas, Southern Crossing Project*.

### **Before the Canadian Radio-television and Telecommunications Commission (CRTC)**

John has provided expert assistance in 47 proceedings before the Canadian Radio-television and Telecommunications Commission from 1990 to 2020. He has presented evidence in 13 of these cases. He participated in a *Review of Basic Telecommunications Services, Consultation CRTC 2015-134* and prepared evidence was filed in the current Review of the Approach to Rate Setting for Wholesale Telecommunications Services (CRTC 2020-131).

### **Before the Ontario Securities Commission**

John provided expert assistance on behalf of the Director of Investigation and Research, Combines Investigation Act in four proceedings before the Ontario Securities Commission from 1981 to 1985. He presented evidence in each case including evidence on Industry structure and the form of regulation in the OSC's *Securities Industry Review*.

### **Before the Ontario Municipal Board**

John has provided expert evidence and assistance in two proceedings before the Ontario Municipal Board in 1992 and 1995. In 1995, he assisted in a case regarding an *Appeal of Boundary Expansion by Lincoln Hydro and Electric Commission*, with an affidavit prepared on the tests for boundary expansions.

### **Before the Supreme Court of Ontario**

John has presented evidence in one proceeding before the Supreme Court of Ontario, in 1990. The case related to the *Challenge of the Residential Rent Regulation Act (1986) under the Canadian Charter of Rights and Freedoms*. Evidence: The impact of rent regulation on Ontario's rental housing market.

### **Before the Saskatchewan Court of Queen's Bench**

John has presented evidence in one proceeding before the Saskatchewan Court of Queen's Bench, in 1993. The evidence was regarding market dynamics and competition policy. John (with Michael Roger) has also conducted the two most recent reviews of SaskPower's cost allocation methodology and presented the results to the Saskatchewan Rate Review Panel.

### **Non-Hearing Processes**

John has provided expert assistance more than a dozen non-hearing processes since 1997 to the following Ontario Energy Board, British Columbia Gas, the British Columbia Utilities Commission, the New Brunswick Department of Energy, SaskPower, the Government of Vietnam, and more.

## **Commercial Arbitrations and Lawsuits**

John has provided expert assistance in six commercial arbitrations and lawsuits between 2004 and 2015.

## **Facilitation Activities**

John has undertaken numerous strategic planning and visioning sessions (some with co-facilitators) for the Executive and/or Board of Directors of regulated companies between 2000 and 2020. He has also facilitated six stakeholder processes for regulators and utilities from 2000 through 2017.

## **Other Regulatory Issues Researched**

John has completed (with collaborators in some cases) over 20 studies for industry associations, regulators, utilities and other entities outside of hearing processes

## **SELECTED PRESENTATIONS**

- Utility Cost Recovery in an Era of Ageing Infrastructure, Technological Change and Increasing Customer Service Expectation, CEA Legal Comm. & Regulatory Innovations Task Group (June 2016)
- Productivity Benchmarking Panel at the CEA Electric Utility Workshop (May 2016)
- Funding Utility Innovation at the CEA Electric Utility Workshop (May 2016)
- MEARIE Training Program, Regulatory Essentials for LDC Executives (several years)
- Issue in Regulatory Framework for Tenaga Nasional Berhad, Indonesia (with Cynthia Chaplin & London Economics) (2015)
- Witness Training for electric utilities 2014 - 2020
- "Innovations in Rate Design", CAMPUT Training Session, Annually 2010-2013
- "Cost of Service Filing Requirements" (2010) 2nd Annual Applications Training for Electricity Distributors, Society of Ontario Adjudicators and Regulators in cooperation with the OEB
- "Green Energy Act" (2010) 2nd Annual Applications Training for Electricity Distributors, Society of Ontario Adjudicators and Regulators in cooperation with Ontario Energy Board
- "Rate Design", CAMPUT Training Session, Annually 2009- 2013
- "How to Build Transmission and Distribution to Enable FiT: The Role of Distributors", EUCL Conference on Feed in Tariffs, Toronto, Sept. 2009
- "Distributor Mergers and Acquisitions: Potential Savings", 2007 Electricity Distributors Assoc.
- "Beyond Borders" Regulating the Transition to Competition in Energy Markets (with Fred Hassan), EnerCom Conference March 2006.

## **SELECTED OTHER ACTIVITIES**

- Chairman of the Board of Directors of the Ontario Energy Marketers Association (formerly the Direct Purchase Industry Committee) and Executive Director of the Association.
- Former invited participant in the Ontario Energy Board's External Advisory Committee.
- Former Member of the Board of Directors of East Toronto Community Legal Services.
- Organizing Committee for the Concert for Inclusion in support of ParaSport Ontario
- Numerous appearances on CBC radio and television commenting on energy industry issues, competition, regulation and mergers in the Canadian economy.

## **CLIENTS**

Over seventy private sector companies, including utilities

Fifteen industry and other associations

Over thirty 30 consumers' associations and legal clinics

### **Government**

- Five Regulatory Tribunals
- Six Federal departments
- Fourteen Provincial departments, commissions and agencies
- Thirteen municipal and other departments/entities