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The Governance of Regulatory Agencies: A Case Study of the Ontario Energy Board

"The Ontario Energy Board (OEB), Ontario's energy regulator, does not meet some important Organization for Economic Cooperation and Development (OECD) principles and its governance should be independently reviewed. That is the conclusion of Robert Warren in his "The Governance of Regulatory Agencies: A Case Study of the Ontario Energy Board" released today.

Regulatory agencies form a critically important part of the governance structure of Canada. Because of that, it is essential that those agencies themselves be subject to effective governance. The inclination of the superior courts to defer to the decisions of those agencies has increased the importance of other mechanisms of governance.

Robert Warren uses the OECD's principles for the governance of regulatory agencies as the standard against which to measure the governance of one of Ontario's most important agencies, the OEB. The OECD principles emphasize the importance of governance arrangements in ensuring not just effective regulation but high standards of integrity and trust.

Robert Warren is a partner of the Toronto law firm WeirFoulds LLP. He specializes in administrative law advocacy, with a particular focus on the regulation of the energy sector.

The report is published by the Council for Clean & Reliable Electricity (CCRE), a forum for dialogue and reasoned analysis on subjects related to energy policy. In the past the Council has sponsored conferences on the Auditor General's report on Ontario's renewable energy program, clean coal technology, nuclear power, governance models in the electricity sector, biomass energy opportunities and rationalizing electricity distribution. It also publishes the *CCRE Commentary* about six times a year with each issue covering a single topic. Previous issues covered redesign of the feed-in-tariff, ensuring customers benefit from utility mergers, re-establishing realistic electricity prices and gaining public acceptance for energy infrastructure.

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