



# Hansard Official Report of Debates

Legislative Assembly of Ontario

39th Parliament

## JOHN YAKABUSKI, M.P.P. - RENFREW-NIPISSING-PEMBROKE

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Tuesday 16 February 2010 Mardi 16 février 2010

### ORDERS OF THE DAY

ENERGY CONSUMER  
PROTECTION ACT, 2010 /  
LOI DE 2010 SUR LA PROTECTION  
DES CONSOMMATEURS D'ÉNERGIE

Resuming the debate adjourned on December 10, 2009, on the motion for second reading of Bill 235, An Act to enact the Energy Consumer Protection Act, 2009 and to amend other Acts / Projet de loi 235, Loi édictant la Loi de 2009 sur la protection des consommateurs d'énergie et modifiant d'autres lois.

**The Speaker (Hon. Steve Peters):** Further debate?

**Mr. John Yakabuski:** It's a pleasure to join this debate this morning.

If I could begin by just taking a moment in this House to convey my congratulations to my former colleague, now a member of the Senate of Canada, the Honourable Bob Runciman. I'm certainly more than ecstatic that the Prime Minister chose Bob Runciman to represent this country in the Senate of Canada at this time, and I wish him, his wife, Jeannette, and his family all the best on this exciting new phase in his life. I'm looking forward to his good work continuing in the Senate, as he did for 29 years in this House as well. Mr. Speaker, thank you very much for that opportunity.

This morning, we're returning to second reading debate on Bill 235, an act respecting energy retailers: An Act to enact the Energy Consumer Protection Act, 2009 and to amend other Acts.

It's kind of passing strange the way this bill got here. You see, well over a year ago, the member for Timiskaming-Cochrane, Mr. Ramsay, introduced a private member's bill that had great support in the industry, and particularly from the Ontario Energy Association. The president of the OEA at that time, Shane Pospisil, who, as you know, Madam Speaker—we've just switched from Mister to Madam; we make that transition so quietly sometimes. Madam Speaker, as you will recall, as the president of the OEA, Mr. Pospisil

was very active in trying to effect change in the energy retailing sector and was looking for ways to ensure that the sector was viable but also brought about something that was absolutely necessary, and that was better consumer protection to that sector. Now, Madam Speaker, you will recall that Mr. Pospisil was an assistant deputy minister to the Minister of Energy during the term of this government, so he had a great deal of experience on both sides of the issues-not only as the president and CEO of the Ontario Energy Association, but previously as the assistant deputy minister to Mr. Duncan on his first foray as energy minister.

I know it has been kind of a revolving door-energy ministers in this province. So it was George Smitherman, the former member for Toronto Centre and former Minister of Energy, who talked about bringing in legislation dealing with the energy retailers' side of the business but never actually did it. But that was not uncommon for George. He did a lot of talking but a lot less doing sometimes, unless it was something that he felt would further his interest in trying to be mayor of Toronto, which-so many of the things that are happening in the energy sector today were actually brought in because George knew they would be skewed as being very positive in the city of Toronto and help him along with his quest to be mayor.

What I am surprised with, quite frankly, is that the Premier is actually so complicit in this, in allowing the energy sector still to be used as George's private domain to put forth his own agenda and promote his own cause. But it has been a kind of revolving door in the ministry. I know that right now, this week, Brad Duguid is the Minister of Energy. We're not sure what will come next week, because our good friend, and a fine gentleman he is, Gerry Phillips briefly became the energy minister for the second time to fill a void, to fill a gap, with the resignation of George Smitherman. Of course, today, Brad Duguid is the one taking orders from the Premier's office as to what to do in the energy sector to make sure that the political stuff is being taken care of; not necessarily the needs of the energy sector, or the needs of the industry, or the needs of the consumers, but that the political needs of, particularly, George Smitherman and other members of the Liberal Party are being well served by the orders from the Premier's office to the Minister of Energy.

So we are curious as to what might happen next week. Will we have a new energy minister? We don't know that. We can't predict that, just as we couldn't necessarily have predicted Mr. Bilodeau's gold medal on Sunday in mogul skiing. Congratulations-Canada's first gold medal ever achieved on Canadian soil at the Olympics. So, Pierre Bilodeau, thank you very much-

**Mr. Ted Arnott:** Alexandre Bilodeau.

**Mr. John Yakabuski:** Alexandre Bilodeau, congratulations. Thank you very much.

That's why Ted is here; he's here to correct me, and it's wonderful to have him nearby because he'll always make sure that I'm getting the facts straight.

But congratulations; it was a great day for him and a great day for Canada. Everyone who was watching there Sunday was exceedingly and justifiably proud.

But just as that isn't easy to predict, it's not easy to predict where this government is going in the energy sector. One thing is certain: Look at the politics of the issue, and that's exactly where they'll be heading. They'll be heading down that road of what they can do to politically advance their cause, not necessarily what is necessary in the energy sector.

So you have to ask yourself-change was asked for, change was needed, changes were expected much sooner than this government ever did anything about it. Several years ago, it was clear that there was a problem with energy retailers in this province. There was a problem with whether or not consumers were being properly informed, properly treated, and if there was a problem, if they were given the proper opportunity to exit themselves from these energy contracts.

Myself, I might be at somewhat of an advantage-or disadvantage, depending how you look at it. As the energy critic, I probably get-and I'm not going to presuppose what anybody else in this House has go through their office-as many or more requests from consumers about concerns with energy contracts that they have signed at their home and at the door. It has made it clear to me, as I know it is clear to every member of this House-I know that there's not a single member of this House, I would be pretty confident in saying, who hasn't had some contact with a consumer who has a horror story to tell about an energy retailer or the representative-in fairness, the representative-of an energy retailer come to their door. In many cases, they can absolutely prove that there was a misrepresentation on the part of that agent. That's one of the things that absolutely something had to be done about; there was a clear environment out there where people were going to the door and saying things that they had no right to say or that were, in fact, completely untrue.

One of the things that this legislation-I don't want my friends across the way to think that I'm negative, because I am not a Negative Nelly; you know that. No, I want you to understand that we support the premise behind bringing forth legislation to protect consumers, because that has to be our highest priority.

The challenge is sometimes just getting it right. Sometimes they have a good idea here, but then you ask yourself, "If it was such a good idea on December 10, 2009, was it not just as good an idea in January 2009 or December 2008?" I can't remember exactly when David Ramsay brought in the private member's bill. Because I remember having conversations with-

**Mr. Dave Levac:** It was a good idea before that.

**0910**

**Mr. John Yakabuski:** It was a good idea before that. The member from Brant is absolutely right, and I know he's one of the guys who has raised this issue himself. He's probably had issues in his own riding with people bringing that to his attention. But, yes, it was a good issue before that, and you have to ask yourself, why did the Minister of Energy at the time, George Smitherman, take so long to react and bring in a piece of legislation?

I remember having conversations with the minister-because I was the energy critic, and still am-and saying, "What's happening here?" "Well, Yak, we're coming with something. We're coming," and then he actually made the public announcement before we left, before we shut down the House in June, that he'd have new legislation coming in September. Well, September came and went; the leaves turned colour. October came and went; Halloween passed. November came and went; Remembrance Day ceremonies were over. The only thing that changed is that George stepped down as the Minister of Energy to run for mayor of Toronto and left it to Gerry Phillips to bring forth this piece of legislation.

Now, there is clearly a need for the protection, but there are definitely some issues with this legislation as well. That's what our job is, as opposition, and you're going to hear this not only from us. I'm actually very pleased that the issue is being brought before the House early in this new-what do we call this? It's not a session. Whatever we call these things whenever we break.

**Mr. Michael A. Brown:** Maybe we should prorogue.

**Mr. John Yakabuski:** No, we're not prorogued. We're not prorogued yet, I say to the member from Algoma-Manitoulin. We're not prorogued yet; the Premier apparently wants to. But when we come back from a recess, a break.

I'm actually pleased that the government is moving quickly on this so that we can get this issue to committee and get this dealt with as quickly as possible, so that stakeholders in the industry also are aware of the commitment, not only of the government but of this entire legislative body, to bring forth legislation that will protect consumers from nefarious acts at the door. The sooner we get this dealt with in second reading debate, which we've resumed this morning, the sooner we get this to committee.

I've had the opportunity to meet in the intersession with some of those stakeholders and groups, who expressed some of their concerns. Some of their concerns strike me as legitimate. We have to ask ourselves sometimes, do we need a sledgehammer if a fly swatter will do? I'm not suggesting that this is a minor problem, not in the least, but some of the scope of this legislation goes beyond energy retailing and into-and I think this is something the members on the opposite side should be very worried about. I see the Minister of Training, Colleges and Universities listening carefully, because I know that these are things he would be concerned about. We're actually looking at ripping apart the mandate of the Ontario Energy Board in this piece of legislation. That is something that should concern us all.

You know, my friend from Peterborough, Mr. Leal, is more of a historian than I am, but I do believe it was the Davis government that brought in the Ontario Energy Board. My father would have been a member of that government. That was brought in to protect; its mandate was to protect the energy consumer in the province of Ontario. It took the politics out of the issue. It took the responsibility of running the Ministry of Energy and left it with the Minister of Energy and his or her ministry, but it took the issue of protecting the consumer-and sometimes that meant protecting the consumer from the Minister of Energy and the minister, and at that time Ontario Hydro, which had an essential monopoly-almost a monopoly-of power generation and distribution in the province of Ontario.

So what this piece of legislation does, in some ways-but if it does it in any way, it's something that we should be concerned about in all ways-is what it does to the Ontario Energy Board, because the establishment of that was done for very, very good reason: that the consumer had to be able to confidently know that there was a watchdog in place whose mandate was there to protect them. That has never gone away.

Now, what the Minister of Energy and the ministry have a responsibility to do is to ensure that the Ontario Energy Board actually has the arrows in its quiver, the tools in its arsenal, as they say, to effect that protection to consumers in the province of Ontario. It is not the job of the ministry to take that quiver and empty it so that the Ontario Energy Board becomes a mere shell of what it was intended to be, and those are concerns that have been raised to us in the Progressive Conservative caucus by stakeholders here in the province of Ontario about what this piece of legislation might be doing to the Ontario Energy Board.

If you want to ensure that there's protection-and we support the premise behind the legislation, absolutely. But I believe we can accomplish that without eviscerating the Ontario Energy Board itself. That's something that I think the government needs to take a real look at, and I'll get into more details about some of those concerns-more specifically, how that might impact the Ontario Energy Board and the business itself.

We have to remember that when you enact a piece of legislation, you cannot ensure everything. The only way to ensure that there would not be a problem in the sale of any product, be it electricity or gas at the door, be it a vacuum cleaner, be it a product that is sold over the Internet, be it a product that is sold in a retail establishment-the only way you could ever be absolutely, 100% certain that there would never be anything worrisome or of an illegal or a nefarious or unsavoury nature happening during one of those transactions is to make those transactions illegal.

I believe the member from Algoma-Manitoulin has actually brought forth a private member's bill that would make the sale of energy contracts at the door illegal, and I understand, to some degree, where he's coming from, but he also has to understand that if an energy contract should be illegal at the door, then perhaps selling anything at the door-some people might argue that selling anything at the door leaves so much grey area and

has so little control in place as to effectively disinvolve any agency or the government from having any ability to protect the consumer at all.

But one thing that industry does have in place and is actively-and they have made their pitch. I know they met with David Ramsay over his private member's bill, and I know they met with George Smitherman when he was the Minister of Energy, and I know they met with myself as the critic, and I'm quite certain they would have met with the critic for the New Democratic Party as well.

## **0920**

There were some undertakings offered by the industry that I think need to be at least looked at. They've raised some concerns with the bill about some of the effects that portions of this bill might have. If you're not going to go down the road of making the contracts illegal, which my friend from Algoma-Manitoulin would like to do-and I respect his views-then it seems kind of counterintuitive to create the environment that would actually push the people out of business anyway without having had some input into the legislation that governs them.

There are a number of issues that they have raised, and I'm not in a position to make a determination, based on what we do know, that this would be the right way to go, the somewhat right way to go, the not-so-right way to go or the wrong way to go. But I think that it's part of the process, and it's why I'm saying that it's a good thing that the government is bringing this bill forward early, in this first week back after the winter break, so that we can get some of the things dealt with, so that we can have some of these stakeholders join us at committee, so that we can hear from them with the myriad of concerns that they've raised with us and I know they have raised with members of the government caucus as well.

One of the concerns they have talked about, for example, is the third party verification. The way they put it is, if you have a third party verification, as one stakeholder said to me, that's all fine and good, but that will be 80 jobs immediately cut out of their company; 80 jobs will be cut from their payroll if you have that third party verification.

The other thing that they raised, for example, was a 30-day time to verify. There are a number of issues that could come into play, whether it's a billing cycle change, but also, whether that is a proper length of time versus any other industry. Their view was that the best way to get that contract verified was to have a verbal verification, reaffirmation within 10 days or after 10 days of signing the contract.

They also offered something that the government should think about, too: an opportunity for the buyer, the purchaser of the contract, to get out of it without any penalty after the first bill. They can then make their determination whether or not it's something they want.

What brought these contracts about in the first place was a desire for certainty. Back in the early part of last decade, there was a move to deregulate the electricity industry. At

that time, energy contracts-and quite frankly, the side that has caused the most angst is the electricity side of it; not the gas side of it so much, but the electricity side of it. Back in the early 2000s there was a move by the then government to deregulate electricity prices. What happened was-the timing probably couldn't have been worse-it spawned the sale and the introduction of these energy contracts, because what some people wanted was certainty. They wanted to know, because there were all kinds of speculation at that time as to what could happen to electricity prices as the market became deregulated. A lot of people wanted certainty in their pricing, and an energy contract was supposed to bring that.

Then, in November 2002, after a summer of really difficult situations in the marketplace where prices skyrocketed, the government of the day made the decision that they would re-regulate prices. That rendered all of these contracts null and void, but the business was still out there signing contracts.

What we've got today-and I see my friends there chortling a little bit but not overly loud, kind of under their breath, because of the problems that beset the previous government. But what of today, when a person signs a contract because they want certainty and they get anything but? I'm not suggesting that that isn't one of the reasons, but the biggest reason that they have no certainty in the contract today is because of the absolute mess this government has made of the electricity sector.

On the IESO website, they call it a provincial benefit. Now, if you're one of these people who has purchased an electricity contract from an energy retailer, then that provincial benefit is anything but, because whatever the amount may be, whether it's seven cents, eight cents, 8.2 cents, whatever the rate may be that you purchased that electricity at for a five-year contract-it's usually a five-year contract-from the retailer, in Dalton McGuinty's electrical embarrassment you are now paying that provincial benefit on top of that contract price. This month, I believe the provincial benefit is 3.28 cents per kilowatt hour. So whatever you're paying that energy retailer, tack on another 3.28 cents because of the contracts that Dalton McGuinty has signed here in Ontario.

At one point in 2009-and I can't tell you exactly which month it was; I don't have that note with me-the provincial benefit, and take note of this, I say to the member from Algoma-Manitoulin, was 4.18 cents per kilowatt hour. That was at a time when the market price of electricity was below a cent per kilowatt hour, but what was Dalton McGuinty doing in Ontario? Here we were in Ontario in the summer of 2009, after he had killed some 200,000 manufacturing jobs in Ontario since 2005, with 146,000 net jobs lost last year. While the market price of electricity was at some times under a cent-sometimes it was below zero-we were actually spilling water at our hydraulic stations, letting it go by without spinning the turbines, because Dalton McGuinty had to allow whatever wind was out there into the system. So we were spilling water, renewable energy, past our dams because we couldn't use the power. If you understand how the electricity system works, you can't have more electricity being produced at any given time than is being used. It has to be an exact match. You can't just produce all the energy

you want and hope that you've got a buyer for it-no. You can only produce what is being used. It has to be an exact match.

So what was happening? We were actually having water go by our dams, not turning the turbines. Water, which we can produce electricity out of at about two cents a kilowatt hour, was going by the turbines, letting all of the wind turbines go at 13.5 cents-or whatever contracts Dalton has signed secretly that we don't know about-and selling that power to the United States, because we were exporting it; we had too much. We were selling it to the United States at whatever the market price would be, which on some days was under a penny, some days it was two pennies, and some days it was actually a negative price.

### **0930**

So you have to ask yourself, wouldn't you really want to try to fix this? Wouldn't you really want to be doing something in the energy sector to try to make it actually representative of what our needs are and what our abilities to produce are?

What does he do? He then signs a contract with Samsung in Korea-\$437 million of free money to Samsung; just, "There you go. Good luck to your Olympic team." Some \$437 million to create, purportedly, 1,440 jobs: That translates to \$303,000 per job.

I don't have a crystal ball, but I'm pretty confident that if I went out there and canvassed the province of Ontario and went around to company XYZ and entrepreneur ABC and said, "Look, here's the deal: We're the government of Ontario"-assuming I was the government, and I know I'm not, before they remind me of that. "Listen, fellas, here's the deal: We'll give you \$303,000 for every job you produce. We're here to create jobs. We want to create jobs in the province of Ontario. My name is Dalton McGuinty, and I am the job producer, the job creator."

**Mr. Gilles Bisson:** I don't think so. You got that wrong. He's not the job producer; he's the job killer.

**Mr. John Yakabuski:** Yes, but that's what I'm claiming to be-this is a claim. I want to just bring my friend from Timmins-James Bay into the mix here. This is just play-acting at this point.

"So here I am, folks. I'm going to give you \$303,000 for every job you create." Well, I guarantee you there would be no limit to the number of jobs people would be willing to create at \$303,000 a pop. They might be analyzing the cloud cover of the day and drawing pictures of it. It might be counting the number of stray cats that go by the bus stop at Yonge and Eglinton. I don't know what it might be, but they'll find a job for that person. At \$303,000 a pop, they'll get themselves a job. They'll create a job. That's the job creation program that the Premier's using the Ministry of Energy for, and he's using your tax dollars-\$437 million to Samsung.

Just slide her out there, folks, because, you see, people aren't paying attention sometimes. They only see the headlines in some of the newspapers that are quite friendly to the Liberal Party, as you know. I would never be one to criticize the media, but there are times when even the most objective observer would say that they seem to have taken the position that they need to be the cheerleader for the McGuinty government.

**Mr. Jeff Leal:** I think we got the endorsement of the Barry's Bay Bugle-

**Mr. John Yakabuski:** There is no Barry's Bay Bugle. It's the Barry's Bay This Week, I say to my friend from Peterborough. But I haven't seen the endorsement for your program in there at any time recently.

The agenda of the government is to try to promote their so-called energy plan. The cost of their energy plan will come back to haunt not only them but the public here in the province of Ontario.

Getting back to that provincial benefit, it's not only the person who signs an energy contract with an energy retailer that pays the price of that provincial benefit. This provincial benefit is basically, so we can put this into the package, the cost of those sweetheart deals that Dwight Duncan and George Smitherman have signed over the years with their friends in what they see as the answer, with the renewable energy contracts that are priced significantly higher than the market. These are the contracts that are so much higher than the market price of the product they are producing that that is the additional cost; that's part of what is calculated in the provincial benefit. So when you see the provincial benefit and it continues to rise, that is the cost of George Smitherman's Green Energy Act. That's part of it. It's going to continue to rise the more contracts they sign with foreign-based nationals like Samsung that offer no guarantees to Ontario, only guarantees of profit in Korea. That's quite a job creation program that he has embarked on. But he gets the headline he is looking for, and that makes him happy.

The provincial benefit not only affects people who sign a retail energy contract. All of these people who are major energy consumers-over 250,000 kilowatt hours a month-also are victims of the energy policy of this government. I say "victims," and I emphasize that, Madam Speaker. You see, when the economy was a little better-and the longer Dalton McGuinty has his fingers on the pulse, the farther in the past that better economy is going to be. But when the economy was better and the demand for electricity was higher, and therefore the market price of that electricity was higher, the provincial benefit, although it was very minuscule in nature, did actually amount to a benefit to those large consumers. What it meant then was that when the market price of electricity might have been 6.5 cents per kilowatt hour at any given time-because they pay the market price based on the hourly price, and it can be low at 2 in the morning when the demand is low, but it can be very high at 5 o'clock in the afternoon or 6 o'clock in the evening. It fluctuates on a continuous basis. When the market price was high, that provincial benefit would actually act to mitigate the cost for that major power consumer. So when the times were good, energy prices were high, but, as I say, the provincial benefit was very minuscule. So

energy prices were high and the businessman and the producer, the manufacturer, took it on the chin because they paid a high market price for energy.

Then, when business got poorer and they had to lay off people and they were struggling just to keep their heads above water, electricity demand dropped because they were producing fewer products. When the electricity demand dropped, the price went down too. But just when that manufacturer was hoping that, "Oh, great. The price of electricity has gone down. Here it is today at"-we'll just say, for example, it's three cents a kilowatt hour. "Oh, that's great because, you know, two years ago it was 6.9 or 7.3," whatever. "This is fantastic. It's down to three cents a kilowatt hour." But then when they get their bill in that infamous month, I think it was August or something this past year, tack on 4.18 cents. Tack on another 4.18 cents for every kilowatt hour used, because that was the provincial benefit. I don't what dictionary the Ministry of Energy uses, but I'll tell you, when you're taking a provincial benefit of 4.18 cents per kilowatt hour, it's time to get the salve out, because that's painful. That's painful. Every manufacturer, every major consumer in this province, was experiencing that this past summer.

Did you hear a word from this government about trying to address that? Not a word. No, because that didn't fit into the plan with trying to convince the people out there that we had an answer. Just sign more of these expensive contracts; send George Smitherman out there to sign more of these expensive contracts; negotiate behind closed doors with Samsung of Korea for more of these expensive contracts-a \$437-million expensive contract-while our manufacturers were taking it on the chin, in the teeth. That's what was going on in the province of Ontario with this Ministry of Energy.

**0940**

We're talking about protecting consumers. That's the whole premise of this bill: protecting consumers. Good Lord, you have to ask yourself: What took so long for them to think of the consumer in this province? While the summer drifted on, dragged on, and job losses continued and escalated, where was the government? Planning a mayoralty race for the city of Toronto. Can you imagine that? That's what our Ministry of Energy was being used for, to catapult a former member, a former minister, into city hall.

**Hon. Monique M. Smith:** If you want to run for mayor of Barry's Bay, we'll help you. It's just an offer.

**Mr. John Yakabuski:** I would never use my position to advantage myself in that way, I say to the government House leader. She was offering to help me become mayor of Barry's Bay. I appreciate the offer but I'm going to decline because I feel that it would not be proper for me to use my office as a member of this Legislature to try to propel myself into another office. I say this to the government House leader, should I choose at some time to seek another office, I will declare that to this House well in advance, and if she's prepared to help me at that time, I will gracefully accept any help she's prepared to give me, but will not do so while working on behalf of the people of Renfrew-Nipissing-Pembroke in this Legislature.

Look, I've got great respect for George Smitherman, and we got along quite well as minister and critic, but I was really disappointed with the way he handled his exit from this place. I think it could have been done in a much greater and more fitting manner than to basically just try to pave the golden sidewalks down Bay Street to city hall from the Minister of Energy's tower. Where is the Ministry of Energy? I'm not even sure where it is. He never invited me over to his office for a meeting.

**Hon. John Milloy:** What kind of a critic are you?

**Mr. John Yakabuski:** Well, I don't have to know where the office is, I say to the Minister of Training, Colleges and Universities. It's not that important that I know where the office is, but I tell you, I know what the issues are, and this McGuinty government is failing to deal with the issues other than in the most political sense possible. That is what is truly regrettable here in the province of Ontario. There has to be a better way.

Getting back to the OEB, an agency whose very conception was based on the protection of the energy consumer, it's now being told, "You're not important any more. The Minister of Energy will take care of things." We know how the Minister of Energy took care of things and we know how the Minister of Energy will take care of things. The Minister of Energy tends to look after the Minister of Energy.

Now I'm not implying that the new Minister of Energy has his sights set on a mayoralty campaign, because they can't all run for mayor of Toronto; I know that. Well, we have one going for Ottawa, but he didn't have anything to do with energy.

Of course, you really have to ask yourself the motives when people jump. I can understand when people go from provincial politics to federal politics. It is a natural ascension. It's the senior House in the country, and it's a natural progression. When somebody indicates they are going to run for federal Parliament, I give them all the credit in the world, but they don't know when that election is going to be. But when you say you're going to run for mayor, you know when that election's going to be. It's already scheduled. There's nothing that can change it. There's not a falling of a government or a non-confidence vote or the Governor General or the Lieutenant Governor dissolving the Parliament of the day. No, it's a predetermined date. So when you're sitting in this House and you say, "I'm going to quit to run for mayor," you've already quit, because everything you do from that day on is about your run for mayor, not to serve your constituents as MPP.

What should have happened in this House was that when Mr. Smitherman and Mr. Watson determined they were going to run for mayor, they shouldn't have just resigned their cabinet posts; they should have resigned their seats on the same day. Because once they declare they're running for mayor, they're running for an election that has been scheduled. That's what they're doing. Nobody is silly enough to believe that they're actually working as an MPP after that. Everything they do is to try to build their profile for the job they want, not the job they want out of. That's the thing that I think people

shouldn't be using this Legislature for. I think that everyone who's thinking about these things in the future should question that action.

Anyway, we do have a lot to cover here and we are running painfully short of time. There are issues with this bill that we want to address on the part of the stakeholders as well.

I've had some opportunity to meet with a number of stakeholders and discuss what should or shouldn't be in this bill. One thing that we want to advise consumers-and I commend the government for bringing forth this legislation; we just have to get it right. This Legislature is doing the right thing by bringing in protective legislation. It can't do it outside the OEB; it has to work in concert with the OEB-

**Mr. Jeff Leal:** That's why we took our time to get it right.

**Mr. John Yakabuski:** To the member from Peterborough: I'll accept your version of that.

Listen, by getting it right, we'll actually produce something that is in the best interest of the consumer at the end of the day. The consumer has to be the number one priority, and we understand that.

I want consumers to remember one thing, and this is something that, in discussions I've had, in discussions that the OEA has had with the retailers and the stakeholders: If someone comes to your door and says they represent the utility, they're lying. They can't. They're representing a retailer. If they come to your door and they say, "We can save you money on your electricity bill," they can't say that. You cannot say that unless it is in fact the case. So if anybody comes to your door and makes statements like that, be wary. If you have any doubt in your mind whatsoever, do not sign that contract. In fact, if you have any doubt in your mind, don't sign any contract.

The consumer, who must be protected, must also be given the proper advice about protecting themselves. I understand, because my mother-in-law was one of the people who signed an electricity contract. Born in Lithuania, never worked off the farm or out of the house, never drove a car-she signed one of these contracts. She's 76 years old. She certainly didn't clearly understand what she was signing. Now, we were able to have that contract reversed. In fact, the company dealt with the agent, who not only misrepresented the product they were selling at the door but misrepresented the company they were supposed to be representing. That agent was dismissed. That's the kind of action that has to happen if a company is aware that they have a rogue agent out there.

**0950**

I want to make it clear that in my area, and in general, the problem exists more with the selling of electricity contracts than gas contracts because electricity is regulated. Even the industry itself has said it's questionable as to whether they can offer a five-year contract that offers much benefit to the consumer because there is a regulated price on the product

that they're selling. It's not likely to suffer the vagaries of the marketplace like gas prices, which can fluctuate on an ongoing basis.

Anyway, that's something that the industry has to do as well, to ensure that when they have somebody working for them who doesn't play by the rules, who doesn't follow the law, who misrepresents people, they should be the first ones to get rid of them. They shouldn't have to be told to get rid of them. They should get rid of them.

That's one of the concerns they raised about the 30-day verification period. If we don't have a verification period for 30 days, how do we even identify which agents are the problem out there, which agents are causing the grief, which agents are doing things wrong? If we can have that reaffirmation of the contract on a more orderly, quick basis, we can actually identify the rogues quicker.

I'm not a policy analyst nor, as I say, do I have a crystal ball, but I think some of these things are issues that we need to look at in committee-not as an opposition, not as a government, not as a third party, but as three partisan members of this Legislature that all have a common goal in this place. I know my friend from Timmins-James Bay and I have talked about this. We often differ on things, but we share our views about the importance of protecting the consumers. I know my friends on the government side want to do that as well. We've got to ensure, when we get this bill to committee, that everything we are doing is not based on what is going to be to your political advantage in the government.

That sometimes is a hard thing to square because when you're in government and you get into 2010, when the election is in 2011, sometimes the only thing you can think about is getting re-elected. And sometimes the only thing we can think about is getting elected. So we have to caution ourselves and ensure that the goal is not about the politics of the issue but about what is right for consumers, what is right for energy users, what is right for jobs, what is right for workers, what is right for widows, what is right for single mothers-

**Mr. Toby Barrett:** Orphans.

**Mr. John Yakabuski:** For orphans, all of those people. You've got to make sure that the most vulnerable are being protected when you bring in a piece of legislation. Sometimes, and it has happened in the past with all governments, you bring in a piece of legislation and the result of it is that you actually harm the people you are trying to protect.

You remember that bill-was it 210 or whatever it was-Sandra Pupatello brought in when she was the Minister of Comsoc, Community and Social Services? She brought in that adoption law. Remember, she brought in that bill where you were going to open up the adoption records and reveal who was adopted and who wasn't? You remember when she brought in that law and she said, "We've got everything right here. We don't need to listen to the opposition. We don't need to listen to the people coming to committee"? What happened? You remember what happened, folks over there? I see the member from Etobicoke nodding his head. Yes, we remember what happened: She had to tear the whole damned thing up and fix it because she didn't get it right. She didn't listen. So what

we need to do today, members on all sides of this House, is listen to the people on all sides of the issue. We've got to make sure that we get it right-the number one priority, as always.

The former Minister of Consumer Services there-I see him sitting there-was a great advocate for consumers. I know that, and I know he continues to be. He knows that protection of the people is priority number one-priority, people, protection.

It's three Ps, not the three Ps that you're sometimes doing with public buildings and that you chastised us for. Do you remember when you guys used to rip us because we were going to build the new Royal Ottawa Hospital in Ottawa, the mental health hospital, and we were going to use a public-private partnership? You guys said it was crazy, and then you do the same thing. You just put a different kind of bow around the hospital when you cut the ribbon. You describe it differently. We don't want that kind of stuff.

You see, that's the kind of stuff that the public is wary of and that they don't like. They don't like that kind of repackaging of the same stuff. What they want is an honest approach to consumer protection. We have the opportunity here with Bill 235 to do that.

It is an important time to remember what-

**Mr. Bob Delaney:** Where is Bob Runciman? We miss Bob.

**Mr. John Yakabuski:** My friend from Mississauga is wondering where Bob Runciman is. As I said when I opened up here today, Bob Runciman, one of the greatest people ever to serve in this chamber, is now serving in the upper chamber of Canada as the honourable senator from Ontario. I'm very proud of that man. I'm very proud that he's there and thank him for the good work that he's done.

I know I shouldn't be paying any attention to those interjections, but when the name Bob Runciman is uttered in this chamber, I take notice. I take notice because he's one of the finest people ever to represent anybody in this chamber, and I'm very proud to have called him a friend and a mentor. When his name is mentioned, I will take notice.

Now, back to protection. I don't know when the government House leader-and she sometimes doesn't tell us things in a timely fashion, but for the most part we're trying to get along. We want to find out as quickly as possible when this bill might go to committee, because I'm anxious, and I anticipate with great-

**Mr. Jeff Leal:** Zeal.

**Mr. John Yakabuski:** Zeal and fervour-is it zeal because it rhymes with Leal? Is that why you say it? But I anticipate with great Leal-

**Mr. Jeff Leal:** Zeal.

**Mr. John Yakabuski:** And Leal-this coming forward at committee to hear what the industry, what consumers, what all of the people have to say about this bill so that at the end of the day we get it right.

I believe there's an opportunity: We can get it right. I believe we will get it right because you know what? We have to get it right. I'm not being aggressive here; you know that's not me. But I do want to warn you folks over there: Don't try to turn this into a political game. Don't try to turn this into some kind of a political game. You've been using the energy ministry, you've been using the energy sector, you've been using the industry and playing political games with it thus far. It's time to stop. It's time to stop and revert to why we're here.

I know that every one of you over there remembers what motivated you to become a member of this Legislature. I know what motivated you to put your name on that ballot, to run for a nomination if you had to run for one and to run for election. It was because you were committed to serving the constituents who were going to elect you. We cannot forget when we get here as a body, as a group, that owe that same commitment to the people of Ontario.

I'm looking forward to bringing this bill to committee, seeing every improvement that we can make to it happen and then proceeding with a piece of legislation that protects consumers in Ontario. I have many points that I can't get to at this point, but if we don't recess until 10:15, if they're prepared to let me go on, I'll go on. If not, we'll bring this up at a further time.

Don't forget the people.

**1000**