

## **J. Thomas Brett**

### **1. Educational Background**

University of Toronto B.A. Political Science 1963

University of Toronto M.A. Political Economy 1965 (led undergraduate seminar in macroeconomics for the late professor, Don Forster; awarded university fellowship for Ph.D. in Economics at Harvard University, 1965) on the recommendation of Professor J.S. Dupre (Declined).

University of Toronto LL.B. 1968 – Medal in Contract Law: CMHC Fellowship in Planning law; top 10% of class.

### **2. Professional and Employment Background**

2009 – present, Partner, Fogler, Rubinoff LLP. Specialist in Energy Regulation Transactions. Clients include energy consumers, First Nations Consortia, local distribution companies, independent transmission companies, solar power developers/customers/equipment manufacturers, wind power developers, water power developers, US gas utilities; Expertise in Green Energy Act; Chairman of International Bar Association Energy Committee Biennial Meeting in Toronto, May 2010; mentor to other lawyers; many projects require close collaboration with Ontario Energy Board staff. I have advised solar, wind and water power developers, on power purchase agreements, including FIT and microFIT contracts, O&M agreements, interconnection agreements, construction agreements, and related agreements. I have been a member of the Board of Directors of the Association of Power Producers of Ontario for fourteen years, and am familiar with all aspects of Ontario's electricity industry.

1999 – 2009, Partner, Gowling Lafleur Henderson LLP. Specialist in Energy Regulation and Transactions. Similar range of clients to Foglers. In addition, retained by State of Alaska with respect to all Canadian Regulatory aspects of The Alaska Northwest Gas Pipeline.

1985 -1999, Partner, Johnston & Buchan, Ottawa. Energy regulation and transactions. Leading Administrative Law Boutique Firm in Energy, Telecommunications, Broadcasting, Trade and Copyright. Clients mainly institutional, commercial, industrial energy consumers. Created some of initial buying groups for natural gas and electricity in Ontario, including Association of Municipalities of Ontario (AMO), various school board consortia, Ottawa Regional Consortium including schools, universities, colleges, municipalities and hospitals.

1982 – 1985, Vice-President and General Manager, Canertech Conservation Ltd. (a Petrocan subsidiary/energy services company, specializing in energy efficiency retrofit work in institutions, commercial buildings and industry. Managed Start-Up Energy Services Company specializing in Energy Efficiency Retrofit in buildings across Canada, established joint ventures with engineering firms across Canada (selected partners, negotiated joint ventures, prepared budgets, hired key staff). Highly collaborative decision-making style; built on government policy work in Conservation and Renewables; developed appreciation of practical business aspects of implementing Energy Efficiency projects.

1974 – 1982, Various senior executive positions with the Government of Canada, including:

1979 – 1982 – Dept. Dir. -- Gen General Enercan – Conservation and Renewables: led policy development efforts in conservation and renewables sector of the federal energy ministry, including creation of federal-provincial programs for research, development and demonstration in renewables and conservation, grant programs, tax incentives, building code reform, and creation of a federal energy services company called Canertech Conservation Inc., a national Crown corporation.

1977 – 1979 -- Treasury Board Secretariat – Energy Division: particular expertise in financial aspects of large energy projects or companies, including formation of Petro-Canada, nuclear reactor exports and sales to Canadian utilities by Atomic Energy of Canada, off oil infrastructure programs; led and

mentored a group of central agency calibre analysts, most of whom eventually became senior executives and leaders in the federal public service.

1974 – 1977 -- Investment Canada – Energy Division: led a group of analysts in preparing regulations and guidelines and drafting cabinet memoranda on foreign takeovers of Canadian Companies.

1972 – 1974, A.E. Ames & Co. (Investment Bank), Corporate Finance Officer (Energy). Worked on financing various energy companies and merger and acquisition projects.

1970 – 1972, Blake Cassels Graydon, Toronto – Associate Lawyer (Business). Associate with leading Canadian business law firm; worked on various contracts, corporate transactions and financings.

1968 – 1970, Chief of Staff/Policy Advisor to Federal Cabinet Minister, Ottawa. Responsible for maintaining and organizing legislative agenda and procedures; general policy advice; staffing; media relations; speech writing.

### **3. Community Involvement**

Member of Board of Directors, Castlehill Owners Association, 2006-2007.

Coach, Fisher Park Girls Baseball Association, Ontario, 1974-1977.

Managed federal election campaign in Broadview, Toronto, 1968.

Member, Institute for Research and Public Policy (current).

Founder and first Chairman of Canadian Association of Energy Services Companies, Board of Directors, 1985-1995.

Member of Board of Directors, The Association of Power Producers of Ontario, 1986-present. President and CEO for two years, Chairman of Executive Committee for five years.

Policy Advisor, Ontario election campaign of 1971.

### **4. Memberships in professional organizations**

Canadian Bar Association, Ontario Bar Association.

Energy Bar Association (Washington, D.C.), member of renewables and transmission committees.

Legal Associates of the American Gas Association (Washington, D.C.)

SEERIL (Section on Energy, Environment, Natural Resources and Infrastructure Law) (gas regulatory specialists and in-house lawyer for gas LDCs), International Bar Association Chair, Toronto Host City Steering Committee, 20<sup>th</sup> Biennial Meeting of SEERIL on April 24, 2010.

### **5. Additional Information**

I have practised energy law for over 25 years with leading law firms: Foglers, Gowlings, Smith/Lyons in Toronto, and Johnston & Buchan in Ottawa, and appeared in more than 50 Ontario Energy Board hearings, including rates, facilities, generic, and "policy hearings". Often represented energy consumer interests. Have appeared many times before the National Energy Board, and on occasion, the Manitoba Public Utilities Board and have acted for the California Public Utilities Board. I was, for three years (2007-09), the International Articles Editor of the Energy Law Journal, published by the Energy Bar Association, in Washington, D.C., the leading English language legal journal on energy matters.

Was a member of the three person editorial board for the publication, "Electricity Law In Canada"

(Carswell, 2009); authored chapter on Conservation and Demand Management.

Familiar with principal texts in regulatory economics, including Bonbright, Philips, Sidak, Nordhaus; have worked in three areas of public law, energy, foreign investment, and land use planning; familiar with principles of judicial review of administrative tribunals.

Co-authored a chapter on natural gas regulation in Canada for several years, for the US legal text "Natural Gas Regulation in North America".

Have spoken regularly, over the last 25 years, to many groups, in Canada and abroad on energy law topics, including, in Canada, APPrO, the Ontario Bar Association, Enercom (electricity distribution), the Canadian Petroleum Law Foundation, Insight and Canadian Institute Conferences and, outside Canada, to meetings of the Energy Bar Association, Legal Associates Committee of the American Gas Association (United States), and SEERIL (International Bar Association) (Abroad).