

## **PAUL B. SOMMERVILLE, B.A., LLB**

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### **EXECUTIVE PROFILE**

Experienced regulatory lawyer and executive with a strong background in strategic planning and special expertise in Energy Law, Environmental Law, Administrative Law, Strategic Planning related to Energy and Environmental Issues, Privacy Law Issues, Corporate and Commercial Law, especially within a Regulated Environment, Human Rights Management, and Occupational Health and Safety.

Winner of the 2012 SOAR Medal for Outstanding Contribution to Administrative Justice. Highly Experienced Tribunal Member, with over 600 Decisions. I have provided numerous workshops for professionals on Decision Writing and Administrative Law issues associated with Adjudication.

Named Honorary Lifetime Member of CAMPUT, the national organization of Energy Regulators, and served as a long time Member of the Regulatory Affairs Committee. Former Member of the Confederation of Energy Regulators, Climate Change Committee.

As Executive Vice President, Chief Regulatory Officer and General Counsel of the largest Urban Electricity Distribution Company in Canada (Toronto Hydro) executive oversight of a team of 35 people, many of whom are lawyers or other professionals. Deep engagement in litigation, Claims management, Corporate Commercial, Privacy, Safety and Environmental Issues. Very successful budgetary performance, resulting in substantial cost savings to the Corporation.

Developed a genuinely unified Legal/Regulatory Team.

While at the Ontario Energy Board organized staff resources to manage long and complex written and oral proceedings.

Served as Chair of OEB Licensing Committee, Compliance Committee, Electricity Infrastructure Committee, Transmission Advisory Committee, Vice Chair of Electricity Distribution Committee, and member of Mergers and Acquisitions Committee.

Led an Energy think tank at the University of Toronto, designing and delivering research on a range of current Regulatory, Energy and Climate Change related subjects for government and the private sector. Have written and commissioned cutting edge

research on Distributed Energy Resources, Utility Business Model options, and policy evolution.

Currently serving as Chair of the Administrative Penalty Tribunal (APT). The APT is a new Tribunal established by the City of Toronto. It is intended to serve as an independent quasi judicial body focused on the review of decisions pertaining to parking violations. Since June, 2017 I have been engaged in establishing the Rules of Procedure, Guiding Principles, and the Orientation, Scheduling and Training of the 25 Member Board. I have written numerous decisions in this role, concerning cases of first instance or those with special policy implications.

### **QUASI-JUDICIAL ADJUDICATION**

Appointed in July, 2001 to the Ontario Energy Board. (LGIC)

Presided over numerous complex rates and policy proceedings involving all aspects of administrative law, practice and procedure, many expert and non-expert witnesses, many parties from a very broad spectrum of opinion, and numerous, highly experienced counsel.

Drafted and issued numerous complex Reasons For Decision. Participated as Member or Presiding Member in over 600 Decisions.

Served as Chair of OEB Licensing Committee, Compliance Committee, Electricity Infrastructure Committee, Transmission Advisory Committee, Vice Chair of Electricity Distribution Committee, and member of Mergers and Acquisitions Committee.

Has been deeply engaged in developing Continuing Education courses and programs focused on adjudication, Decision Writing, Conduct of Proceedings, and a wide range of administrative law issues. Has delivered many such programs, and participated in numerous expert panels and as moderator on a wide range of issues including practice before administrative tribunals, Aboriginal consultation issues, Energy and environmental issues, local, national and international.

Winner of the SOAR Medal in 2012 for outstanding contribution to the administrative justice system.

Currently Chair of the Administrative Penalty Tribunal, an independent, quasi-judicial tribunal established by the City of Toronto. The Tribunal reviews decisions respecting parking violations.

## **PRIVACY**

As General Counsel of Toronto Hydro-Electric System I oversaw all aspects of a very active Privacy Law engagement. I organized and approved all Privacy-related request responses made pursuant to MFIPPA.

Developed Strategy with respect to the jurisdiction issues associated with the Ontario Ombudsman' oversight of Toronto Hydro.

Developed and implemented a comprehensive compliance program related to the adoption of Bill C6 by the Federal Government for General Motors Canada Limited. This involved a detailed assessment of Information Technologies, extremely diverse and complex marketing relationships, and internal structures. In the course of this effort unique privacy policies and statements were developed so as to ensure the ongoing utility of consumer information. Developed key elements of Privacy policy for the broader international context.

## **HUMAN RIGHTS**

- Managed all Legal aspects of Human Rights issues, complaints and investigations for all of General Motors of Canada operations in Canada.
- Served as part of a cross-functional team to develop a very successful internal Complaint resolution process for all GM operations.
- Conducted numerous investigations, and resolved numerous complaints, involving Unionized and non-Unionized employees.

## **OCCUPATIONAL HEALTH AND SAFETY**

- While at General Motors. created a new, innovative approach to the management of Work Refusals in production facilities. This approach, which now has received regulatory endorsement, has virtually eliminated production losses attributable to the misuse of the Work Refusal procedure. Prior to its adoption very significant losses were being experienced, unnecessarily. Trained every first-line supervisor in the protocol.
- Developed the company's strategy with respect to compliance, due diligence, and sound safety management issues. Served as a key member of the Health and Safety Steering Committee.
- Developed company strategy with respect to the handling of Inspector's orders.

- Represented the company in serious accident investigations.
- Reviewed all relevant legislative and regulatory proposals and reported to management on their implications.

## **ENVIRONMENT AND ENERGY**

Recently designed, developed and implemented three major application processes at the Ontario Energy Board:

A Multi-Year Incremental Capital Module Application (ICM), which was the first of its kind. It involved the application of ICM methodology to a very broad, very deep multi-year capital spending program. This application was extremely successful, and enabled the Company to implement its system renovation program, as intended.

Designed, developed and implemented a forbearance application before the Ontario Energy Board related to the adoption of Competitive Pricing for the leverage of certain wireless attachments on the Distribution System. This has laid the groundwork for the broader application of Competitive Pricing for other Distribution System Assets. The Ontario Energy Board, as a direct result of this Application embarked on a province-wide consultation to extend the revised wireless attachments rates architecture to all Local Distribution Systems in Ontario.

Designed, Developed and implemented a comprehensive 5 Year Custom Incentive Rate Application, in substantial conformity with the Board's Regulatory Reform For Electricity Policy Paper-the first such application in Ontario. It comprises over 8000 pages of evidence and represents a new paradigm for rate making in Ontario.

Under my leadership at Toronto Hydro, we began to explore new ways of coping with an increasingly challenging technical, Legal, and Regulatory operating environment.

In addition to the above, I have a strong record of successful innovation in meeting regulatory challenges:

- Developed the first Flexible, Single Site Certificate of Approval for Air Emissions in Canada. This Certificate represented a significant milestone in the regulatory approach

to multi-faceted and complex manufacturing sites, and provided both the regulator and the operator with enhanced knowledge and operational flexibility.

- Served as part of the Energy Team for the company, reviewing all contractual arrangements for all aspects of energy procurement. Directly engaged in strategic planning activities directed to the deregulation of energy markets, including equipment transition issues related to fuel usage and greenhouse gas production.
- Served as key member of Emissions Trading strategy team, and the environment team working on Emissions Reporting, NPRI, Greenhouse Gas, and mandated energy usage reductions.
- Implemented a pilot project for the destruction of PCB waste materials at a manufacturing site in Ontario. This unprecedented project allowed the company to destroy virtually its entire inventory of these waste materials in a highly cost effective and environmentally responsible manner.
- Guided the implementation of ISO 14000 Environmental Management Systems throughout diverse production facilities.
- Participated in the development of overall environmental, due diligence and compliance strategies for the organization, including issues related to energy market deregulation, and emissions trading.
  - Reviewed all relevant federal and provincial legislative proposals and advised as to the implications thereof.
- Served as part of an international professional team, whose mandate was to assess the implications and value of different regulatory efforts and responses around the world.
- Trained a professional engineering staff in regulatory requirements, policy objectives, and due diligence issues.
- Devised, managed and implemented a comprehensive environmental audit program.
- Created the protocol for the Environmental Assessment of properties to be acquired or disposed of, ensuring that the company was appropriately positioned for negotiation and allocation of risk.
- Developed strategies relating to the characterization, transportation and handling of Waste Materials across all production facilities, so as to minimize corporate risk, and enhance environmental management.

- Managed remediation activities for all subject properties across Canada, and in some cases, around the world.
- Provided day-to-day legal advice to the professional engineering staff and company leadership.

## **PROFESSIONAL EXPERIENCE**

### **ADMINISTRATIVE PENALTY TRIBUNAL**

City of Toronto

June, 2017 to present

Chair

An independent, quasi-judicial tribunal

### **MOWAT CENTRE**

School of Public Policy and Governance,

University of Toronto

July 2015-to date

Executive Director, MOWAT ENERGY

Direction of Evidence based Research Projects in the Energy Sector

### **TORONTO HYDRO-ELECTRIC SYSTEM LIMITED**

September 2012-July 2015

Executive Vice President, Regulatory Affairs and General Counsel

Executive management of all aspects of the Company's Government Relations, Regulatory, and Legal portfolios

### **ONTARIO ENERGY BOARD, Toronto, Ontario**

July 2001-August 2012

Adjudication of matters respecting the regulation of the gas and electricity markets in Ontario;

### **GENERAL MOTORS OF CANADA LIMITED, Oshawa, Ontario**

May 1989-Jan 2001

Counsel responsible for Privacy, Environment, Health and Safety and Human Rights matters

ONTARIO TRUCKING ASSOCIATION, Toronto, Ontario  
1985-April 1989

Director, Legal Services

A major trucking industry trade organization.

A very intense litigation environment, involving frequent representation of Members at the Ontario Highway Transport Board, the then licensing body for Commercial Trucking Authorities in Ontario.

SOMMERVILLE & SOMMERVILLE, Toronto, Ontario- 1983-1985

Law Firm substantially specialized in transportation matters.

## **EDUCATION**

University of Western Ontario Law School, London, Ontario      Bachelor of Laws  
1981

Called to the Bar of Ontario      1983

Glendon College, York University, Toronto, Ontario      Bachelor of Arts      1978

Glendon College, York University, Toronto, Ontario      Bachelor of Arts  
1972

## **COMMUNITY AFFILIATIONS**

Recently Appointed Chair of the Administrative Penalty Tribunal for the City of Toronto.

Former Member of the Board of Directors, Society of Ontario Adjudicators and Regulators, Former Chair Education Advisory Committee. Recipient of the SOAR Medal in 2012.

Former Member of International Confederation of Energy Regulators Climate Change Committee.

Lifetime Member of CAMPUT and long-time member of its Regulatory Affairs Committee.

Former Member, Board of Directors, Friends of Second Marsh, an organization dedicated to the Conservation of a significant wetland in Durham.

- Served on several committees of the City of Oshawa related to Airport operation and enhancement, and land use issues.
- Former Member, Board of Directors, Trees Ontario.
- Former Member Community Liaison Group, organized and funded by the Federal government, related to the Low Level Radioactive Waste Site in the Municipality of Clarington.
- Former Member, Oshawa Rotary Club.
- Appointed by Minister of Health to the Central East Ontario Mental Health Implementation Task Force.