



Scott Stoll

Partner *

Admitted to the Ontario Bar: 2002

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* *Practising as a professional corporation*

Scott's education and experience in both the technical and legal aspects of energy and environmental law make him a unique expert in the field. Having worked first as a project engineer and more recently as a lawyer, his clients trust him to understand their needs and solve their problems. Scott establishes a level of comfort with his clients that allows him to be an advisor and a negotiator who identifies and effectively manages risks and opportunities.

Scott is a partner and member of the firm's Litigation, Energy, Environmental, Mining, First Nations, Infrastructure and Expropriation Groups.

Scott often deals with both private and public sector clients who own or develop significant infrastructure or operate in regulated industries, including utilities, mining and manufacturing. He regularly appears at the Ontario Energy Board, the New Brunswick Energy & Utilities Board and the Environmental Review Tribunal on a variety of issues, including rates, licenses and facility applications, expropriation, IESO-administered markets and regulatory compliance. Scott advises proponents responding to government procurement and regularly works with government ministries and agencies to assist clients in developing projects and ensuring innovative approaches comply with regulatory requirements.

Environmental issues, such as carbon trading, are changing the drivers of business like never before. Scott regularly advises clients on various environmental matters, including greenhouse gases, recycling and waste, environmental assessments, environmental compliance approvals, contaminated land remediation and transactions, compliance, prosecutions and other litigation matters. Whether it is a mall owner with a gas

Expertise

Litigation & Dispute Resolution

- > Alternative Dispute Resolution
- > Commercial, Corporate & Securities Litigation
- > Real Estate & Commercial Leasing Litigation

Energy

- > Climate Change and Cap & Trade
- > Electricity & Natural Gas Regulatory Matters
- > Energy Contracting and M&A
- > Energy Efficiency, Conservation & Clean Technology
- > Renewable Energy

Environmental Infrastructure

Industries

Expropriation Indigenous Mines & Minerals

station or responding to a Ministry investigation, he assists clients in developing and implementing an effective strategy to maximize the opportunity and minimize risk. Scott was part of the Ministry of the Environment - Walkerton Support Team during Phase 2 of the Walkerton Inquiry. While at the Ministry of the Environment, he provided advice to the Environmental Assessment and Approvals Branch and helped lead the standardization of terms and conditions in certificates of approval.

Infrastructure development must not only comply with the technical regulatory framework but must also ensure that adequate consultation with impacted indigenous communities has occurred. Scott regularly advises on consultation matters and in negotiating agreements and partnerships with indigenous communities.

Awards & Recognition

- > Recognized in *The Best Lawyers in Canada* in the fields of Energy Regulatory Law and Environmental Law
- > Recognized in *The Canadian Legal Lexpert Directory* as a leading lawyer in the area of Energy (Electricity)
- > Recommended in *The Legal 500 Canada* for his practice in environmental law
- > Listed in the *Lexpert Leading Canadian Lawyers in Global Mining* Special Edition

Professional Involvement

Professional Activities

- > Co-author with Fred D. Cass and Ron W. Clark, *Ontario Energy Law: Electricity*, December 2012, published by LexisNexis Canada

Memberships

- > Association of Power Producers of Ontario
- > Ontario Energy Association
- > Ontario Energy Network
- > Ontario Expropriation Association
- > Ontario Society of Professional Engineers
- > Ontario Waterpower Association, Board and Executive Member
- > Professional Engineers Ontario

Representative Matters

Defended multiple municipalities and industrial clients (mining, waste, commercial property owners, manufacturers) against various environmental prosecutions including charges under the *Environmental Protection Act*, *Fisheries Act* and municipal by-laws.

Advised clients regarding environmental assessment matters including Part II order requests (“bump-ups”) and mediations.

Represented clients in contaminated land purchases and in contaminated land civil claims.

Provided advice regarding due diligence, compliance, representations, warranties and indemnities in transactions involving environmental issues.

Acted for EHG in connection with the acquisition (and related European and local financing) of Roadtrek. Aird & Berlis LLP acted as Canadian counsel.

Acted as Canadian counsel to C.R. Laurence Co. Inc., a leading global manufacturer and distributor of architectural glass based in Los Angeles, in connection with its sale to Oldcastle Building Envelope for US\$1.3 billion.

Successfully represented renewable generators in defending several appeals of the Renewable Energy Approvals issued by the Ministry of the Environment. Two appeals settled prior to oral hearing and without modification of the facility. Successful court challenge of Tribunal decision.

Co-counsel with Fred Cass on leave to construct Enbridge Gas Distribution pipeline reinforcement, GTA Project, which involved more than 30 intervenors.

Represent clients in environmental assessments, environmental prosecutions and the negotiation and compliance with Ministry of the Environment and Climate Change and Technical Standards and Safety Authority orders.

Represented cement batch plant operator and waste company in appeals at the Environmental Review Tribunal.

Represent and advise utilities on template contracts for distribution services, service standards, condition of service, custom complaint processes and responses.

Advised generator in renegotiation of agreement with the Ontario Power Authority for transition from non-utility generation contract.

Represented large natural gas distributor during generic hearing for special rate treatment for low-income customers.

Advise generators (water, solar, biogas, wind, landfill gas, natural gas) on all regulatory matters, Crown site release and negotiation of various agreements such as connection agreements, power purchase agreements and market participation.

Advise infrastructure developers, generators, transmitters, pipeline companies and mining companies, on stakeholder issues and negotiation of agreements with First Nations.

Advised several generators (water, solar, biogas, wind, landfill gas, natural gas) in respect of Feed-in Tariff Applications and compliance with the Feed In Tariff Contract.

Advised mining companies on OEB and IESO regulatory requirements for the construction transmission facilities and participation in the wholesale electricity market.

Advised and negotiated agreements including gas purchase and transportation, power purchase, connection and cost recovery agreements for numerous industrial clients.

Advised successful co-generation respondent to the Ministry of Energy and Ontario Power Authority procurement process for new generation. This was the first facility of its kind built using GE equipment in North America and utilized carbon dioxide emissions to fertilize crops.

Negotiation of power purchase agreement, sale of unregulated business, and acquisition of distribution system and customers for a municipally-owned electricity distributor.

Represented the Ontario Waterpower Association regarding negotiation of a template document and the *Endangered Species Act, 2007* and in discussion with the Ontario Power Authority regarding specific contracts for heritage waterpower assets. Also represented members of the association in a proceeding with the Ontario Energy Board to obtain an exemption from specific elements of the Distribution System Code.

Represents municipal distributors in various regulatory proceedings (OATT, rate, cost allocation) at the New Brunswick Energy and Utility Board.

Represented natural gas distributor in several OEB leave to construct proceedings for pipelines and development of storage facilities.

Represented electricity distributors at the OEB with respect to rate applications, licensing, compliance and generic proceedings such as the generic service area hearing.

Represented distributors in sale of water heater business.

Represented a transmitter and First Nation at the OEB's Transmission System Code Review.

Represented natural gas distributor in rate hearing, a rehearing application and other OEB proceedings.

Intervened on behalf of various clients in Union Gas rate applications and Hydro One application for leave to construct and exemption applications.

Represented natural gas generator in a significant arbitration relating to energy supply contract terms.

Advised proponents of new electricity transmission expansion project in respect of leave to construct application with the Ontario Energy Board.

Represented an independent storage developer in pipeline leave to construct and storage designation proceedings.

Providing advice for the restructuring of the electricity industry in Iraq.

Advised numerous clients on contaminated lands issues, negotiation of orders with the Ministry, and the required remediation.

Selected Speaking Engagements

"Bending the Cost Curve for Hydroelectric Projects," Power of Water Canada Conference, October 18, 2016.

"A Primer on LDCs for Municipal Professionals," Aird & Berlis LLP *Municipal Webinar*, October 6, 2016.

"First Nations Consultations," 2016 OGRA/ROMA Combined Conference, February 23, 2016.

Panellist, "Ontario Solar FIT Program: Opportunities & Challenges for Farmers," Ontario Solar Network Seminar, June 22, 2010.

"Connectivity to the Grid," Educational Program Innovation Center, December 2009.

"Developing Infrastructure Projects: Identifying the Need and Understanding the Details," Lexpert Developing Infrastructure Projects Program, November 17, 2009.

"Understanding the New Endangered Species Act Framework Agreements," OWA Ninth Annual Power of Water Conference, October 15 - 16, 2009.

"The Class EA is a Survivable Event," AMCTO Infrastructure Funding for Municipal Projects Seminar, June 3, 2009.

"Regulation of Brownfields: Issues for Municipalities," Ontario Small Urban Municipalities, May 2008.

"Energy and the Law," The 14th Queen's Annual Business Law Symposium, October 19, 2007.

"Managing Public Consultation: How to Avoid Project Roadblocks and Facilitate Timely Development," Best Practices in Planning & Managing Major Projects, May 15-16, 2007.

"Effectively Connecting Renewable Energy to the Grid," Commercial Renewable Energy Forum: Developing Ontario's Green Energy Portfolio, April 18, 2007.

Selected Publications

"Northstar Canada: Directors Challenge Ontario Ministry of the Environment Expanded Personal "No-fault" Liability," *Corporate Financing*, December 2013.

"The OPA Releases Draft Renewable Energy Feed-In Tariff ('FIT') Program Rules," Aird & Berlis LLP *Energy Bulletin*, March 2009.

"Using Legal Counsel Effectively for OEB Proceedings," *The Distributor*, November 2008.

"Renewable SOP Changes Catch Generators Off Guard," *Energy Analects*, June 30, 2008.

Co-author, "OPA Announces New Clean Energy Project Initiatives," *Energy Analects*, July 3, 2007.

"Individual Suite Metering," *Condo Business*, June 2007.

"Recent Consultation Events May Benefit Developers," *Energy Analects*, March 26, 2007.

"Trouble Ahead for Cost of Capital, Incentive Ideas?" (with Ron Clark) *Energy Analects*, September 25, 2006.

"Obstructing Justice? The Duty to Provide Information When Reporting A Spill Under The Environmental Protection Act," Aird & Berlis LLP *Energy and Environmental Law Bulletin*, December 2005.

"Don't Count Your Megawatts Before You Generate," *Energy Analects*, June 2005.

Education

- > LLB, University of Western Ontario, 2000
- > Licensed Professional Engineer, 1992
- > B.Eng.Mgt., McMaster University, 1990