



Gordon Kaiser is a Arbitrator and Mediator practicing in Toronto and Washington DC. His practice involves domestic and international disputes in energy, regulation and competition law. He served as Vice Chairman of the Ontario Energy Board for six years. Prior to that he was a partner in the Gowlings law firm for 25 years where he appeared in the courts of five provinces as well as the Federal Court of Appeal and the Supreme Court of Canada.

Mr. Kaiser has advised both regulators and utilities. The regulators include the Ontario Energy Board, the Alberta Utilities Commission, the Commissioner of Competition, the Ontario Independent Electricity System Operator, The Attorney General of Canada, the Competition Tribunal, the Commissioner of Patents, the Ontario Telephone

Commission and the Ontario Farm Products Marketing Commission. He has also served as the Market Surveillance Administrator for the province of Alberta.

Mr. Kaiser has mediated settlements in energy and competition law including disputes on multi-year rate plans long term contracts for the pricing of gas and electricity and competition disputes regarding wireless data, franchise agreements and class actions He has advised the Alberta's Utility Commission and the Ontario IESO on settlements under the Market Rules and the Attorney General Canada on settlements under the Competition Act. He has acted for the Commissioner of Competition in the Petroleum Products Inquiry as well as in telecommunication regulatory proceedings. He has acted for the Commissioner of Competition, the Attorney General of Canada and as defense counsel in over 50 criminal and civil cases throughout Canada

Mr. Kaiser has arbitrated disputes dealing with the construction of transmission and pipeline facilities, power purchase agreements, gas supply contracts, wind and solar interconnection and competition class actions . He is a member of the ICC Canadian arbitration panel in Ottawa and the London Court of International Arbitration.

Mr. Kaiser is an Adjunct Professor, Competition Law at the Osgoode Hall Law School, Co-Chair of the Canadian Energy Law Forum, Managing Editor of the Energy Regulation Quarterly and President of the Canadian Chapter of The Energy Bar Association.

He is the author or editor of *Competition Law in Canada*, *Energy Law and Policy*, *Corporate Crime and Civil Liability* and *The Guide to Energy Arbitration*. He has served on a number of corporate boards including subsidiaries of Bell Canada and AltaLink, Alberta's largest electricity transmitter. He currently serves on two non profit boards - the St. Elizabeth Foundation, a nationwide healthcare provider and the Cleantech Division of the Mars Discovery District at the University of Toronto.

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ARBITRATIONS

Arbitration in Calgary under the Alberta Rules between an Alberta electricity generator and an Alberta public utility regarding the price of electricity under a 20 year Power Purchase Agreement.

Arbitration in Calgary under the Alberta Rules regarding an Alberta gas producer and an Ontario electricity generator regarding the price of gas under a 20 year Gas Supply Agreement.

Arbitration in Calgary under the Alberta Rules regarding the damages relating to the use of defective materials in a natural gas drilling operation.

Arbitration in Toronto under the Ontario Rules regarding an Internet name dispute and the non-competition provisions of a franchise agreement.

Arbitration in Calgary under the Alberta Rules between an Alberta electricity generator and Alberta public utility under a 20 year Power Purchase Agreement.

Arbitration in Toronto in a class action under the *Competition Act* between a manufacturing company and consumers.

SETTLEMENT AGREEMENTS

Ontario Energy Board, as Vice Chair issued 15 decisions approving Settlement Agreements between regulated gas and electricity utilities and their major customers.

Ontario Telephone Commission, as a part time Member issued 6 decisions approving Settlement Agreements between Ontario telephone companies and their major customers.

Alberta Utilities Commission, retained to write a Report and Chair a Consultation on the procedures for approving Settlement Agreements between the Alberta Market Surveillance Administrator and market participants relating to a breach of the *Market Rules* under the *Alberta Electricity Act*. All the recommendations were accepted.

Ontario Farm Products Marketing Commission, retained by the Commission to mediate a dispute between Chicken Farmers of Ontario and the Association of Ontario Chicken Processors regarding a formula set the price of chicken in Ontario over a five-year period.

Horizon Utilities, retained by the OEB to mediate a settlement between Horizon Utilities and its major customers with respect to a five year rate plan. Settlement Agreement reached and approved by the Ontario Energy Board.

Environmental Data Analytics Ltd., retained by MARS Discovery District, University of Toronto to mediate a Settlement Agreement between the two founding shareholders of a technology start-up. Settlement Agreement reached.

Independent Electricity System Operator of Ontario, retained by the IESO to mediate settlement between a market participant and the IESO relating to a breach of the *Market Rules* under the *Ontario Electricity Act*. Settlement Agreement reached.

Greater Toronto Airport Authority (GTAA), retained by the Authority to mediate a dispute with the Ontario Independent Electricity System Operator relating to a breach of the *Market Rules* under the *Ontario Electricity Act*. The matter is ongoing.

Independent Electricity System Operator, retained by both parties to provide a Fairness Opinion regarding a Settlement Agreement reached between the IESO and Ontario Power Generation. Opinion accepted by the Auditor General.

Union Gas Limited, retained by company to negotiate a settlement agreement with major customers regarding a five-year rate plan. Settlement Agreement reached and approved by the Ontario Energy Board.

Hydro One Networks, retained by the company to negotiate a settlement agreement with major customer groups regarding a two-year plan for rate increases. Settlement Agreement reached and, approved by the Ontario Energy Board.

PowerStream Inc., retained by the company to negotiate a settlement with major customer groups regarding a five-year rate plan.

Attorney General of Canada, retained to mediate and settle alleged contraventions of criminal provisions of the *Competition Act* in the following cases:

R v. RE/MAX Inc., price maintenance, Settlement Agreement reached, Consent Order approved by the Federal Court of Canada.

R v. John Deere Limited, price maintenance, Settlement Agreement reached, Consent Order approved by the Federal Court of Canada [1.9 million in restitution approved].

R v. Global Online Ltd, pyramid selling, Settlement Agreement reached, Consent Order approved by the Federal Court of Canada.

R v. Ajinomoto, international price agreement, Settlement Agreement reached, Consent Order approved by the Federal Court of Canada.

R v. Para Paint, retained by the Commission of Competition to negotiate a settlement regarding allegations of misleading advertising, Settlement Agreement reached, Consent Order approved by the Competition Tribunal.

Canadian National Hotels Inc., retained by the company to negotiate a settlement with the Atty. Gen. of Canada regarding an allegation of bid rigging contrary to the *Competition Act*. Settlement Agreement reached, Consent Order approved by Supreme Court of Ontario.

RL Crane Limited, retained by the company to negotiate a settlement agreement with the Atty. Gen. of Canada regarding an allegation of bid rigging contrary to the *Competition Act*, Settlement Agreement reached, Consent Order approved by the Nova Scotia Supreme Court.

Canadian Real Estate Association, retained by the Association to negotiate a settlement agreement with the Atty. Gen. Canada with respect to an allegation price maintenance contrary to the *Competition Act*, Settlement Agreement reached, Consent Order approved by the Federal Court of Canada.

Waterloo law Association, retained by the Association to negotiate a settlement agreement with the Attorney General of Canada relating to an allegation of an agreement to limit competition contrary to the *Competition Act* through the use of County Real Estate Fees Tariffs. Settlement Agreement reached with the Atty. Gen. of Canada and the Law Society of Upper Canada, Settlement Agreement approved by the Supreme Court of Ontario and the Law Society of Upper Canada.

PRESENTATIONS

The National Electricity Conference, Cambridge “*The Regulatory Challenges of Capacity Markets*”

Appro Conference, Toronto “*Rethinking Energy Regulation*”

University of Ottawa, Ottawa “*Corporate Crime & Civil Liability: The New Regulatory Landscape*”

Queens University “*Deregulation of Local Generation and Storage.*”

ADR Institute of Ontario, Toronto, “*Arbitration and Mediation in the Regulated Sector.*”

Osgoode Hall Law School, Toronto, “*Regulatory Advocacy: Hearings and Settlements.*”

Osgoode Hall Law School, Toronto, “*The New Regulatory Landscape.*”

Energy Law Forum, Lake Louise, Alberta, “*Energy Regulation and Natural Gas Expansion Programs.*”

Queens University, CAMPUT Energy Regulation Seminar, Kingston, “*The “New World of Competition in Electricity Generation.*”

Canadian Electricity Association, Calgary, “*Stranded Assets: The New Reality for Canadian Public Utilities.*”

Energy Bar Association, Second Annual Canadian Forum, Calgary, “*Gaming Electricity Markets.*”

APPRO Annual Convention, Toronto, *“Stranded Asset Costs and Customer Generation: The New Reality for Canadian Electricity Distributors.”*

Osgoode Hall Law School, Competition Law Program, Toronto,
“Distribution and Pricing Strategies.”

Energy Bar Association, North American Forum, Toronto
“Market Manipulation in Canadian and US Energy Markets.”

ADR Institute of Canada, Annual Convention, Montréal
“Arbitration and Mediation in Class Actions and Regulatory Proceedings.”

Chartered Institute of Arbitrators, Annual Symposium, Toronto
“The Important Ethical Issues in International Arbitration.”

“Arbitration of Competition Law Class Actions”, Osgoode Hall Law School, Toronto.

“Advocacy before Regulatory Tribunals”, Canadian Gas Association, Annual Regulatory Course, Edmonton, Alberta,

“Gaming Energy Markets, Developments in the USA Canada and the UK”, Seventh Annual Energy Law Forum, Toronto.

“Regulatory Challenges and North American Gas Markets”, Industrial Gas Users Association, Annual Conference, Québec City.

“New Developments in Public Utility Law”, Ninth Annual Energy Regulation Course, Queens University, Kingston, Ontario.

“The New Regulatory Landscape”, Keynote Address, The Future of Energy Regulation Conference, University of Calgary.

“Ethical Issues in Arbitration Today”, Annual Conference, ADR Institute of Canada, Toronto.

“Class Actions in Arbitrations”, Annual Conference, ADR Institute of Canada, Toronto.

“Counsel Misconduct in Arbitrations”, Chartered Institute of Arbitrators, Symposium on Professionalism in International Arbitration, Toronto.

“Expert Evidence and Settlements – Is It Getting More Difficult?” Law Society of Upper Canada, Toronto,

“Running an Efficient Hearing: Process and Legal Issues”, Canadian Regulatory Forum, Montreal,

“Advocacy before Regulatory Tribunals”, CGA Regulation Conference, Calgary, Alberta,

“Can Competition Replace Regulation?” Energy Regulatory Forum, Calgary, Alberta, .

“Settlement and Enforcement Practices by Tribunals”, Energy Law Forum, Vancouver

“Alternative Dispute Resolution in Administrative Law”, Canadian Institute, Toronto,.

“Regulation and Competition Law: The New Boundary”, Canadian Bar Association, Annual Fall Conference on Competition Law, Ottawa,

“Regulatory ADR: The Past and the Future”, Canadian Institute, Toronto, .

“Remedies and Enforcement under the Competition Act”, Osgoode Hall Law School, .

“International Price Agreements: A Comparison of Canadian and American Criminal and Civil Enforcement”, Queen’s University, Faculty of Law,

“The New North American Market: Will It Work With Conflicting Antitrust Law?” University of Tennessee, Knoxville, Tennessee,

“Competition in the North American Telecommunication Industry: The Role of Anti-Trust Law”, International Bar Association, London, England,

“The New Competition Tribunal and Civil Proceedings Regarding Marketing Practices”, Canadian Bar Association, Annual Conference, Montreal,

“Unfair Competition: The Misuse of Confidential Information and Trade Secrets”, Canadian Institute for Professional Development, Toronto, Ontario,

“Strategies and Regulatory Issues Involved in the Privatization of Teleglobe Canada”, International Symposium on Forecasting, Paris, France,

PUBLICATIONS

“Enforcing Arbitration Awards” in J.W. Rowley Q.C. (ed) *The Guide to Challenging and Enforcing Arbitration Awards* (Law Business Research, 2019)

“Windstream Energy: NAFTA Arbitrators Order Canada to Pay \$25 Million” Energy Regulation Quarterly, March 2017, Volume 5, Issue 1.

“Energy Market Manipulation in Alberta: TransAlta Pays \$ 56 million”, Energy Regulation Quarterly, 2016, Volume 1.

“Corruption and International Energy Arbitration” in Jim Gaitis (ed) *The Leading Practitioners Guide to International Oil and Gas Industry Arbitration* (Juris Publishing, 2015).

“Disputes Involving Regulated Utilities” in J.W. Rowley (ed) *The Guide to Energy Arbitration* (Law Business Research, 2015).

“The TransCanada Mainline Decision: Toward Hybrid Regulation”, Energy Regulation Quarterly 2013, Vol. 1 at 59.

“Corruption in the International Energy Sector: Criminal Fines, Civil Judgments and Lost Arbitrations”, Energy Law Journal (Spring 2013).

Corporate Crime and Civil Liability (Lexis Nexis, 2013).

“*New Developments in Public Utility Law*”, in *Energy Law and Policy*, Kaiser and Heggie (ed.) 2011.

Report on Settlement Agreements between the Alberta Utilities Commission and the Market Surveillance Panel (2011).

“*The Canadian Competition Act*”, *Swiss Review of International Competition Law*, February 1987.

“*Developments in Canadian Telecommunication Regulation*” in M.S. Snow (Ed.) *Marketplace for Telecommunications*, Longmans Inc., 1986.

“*Competition Law*”, *Ottawa Law Review*, 1986 vol. 18 at 401.

“*Competition in North American Telecommunications: Implications for West Germany*” in E.J. Mestmacker, (ed) *Kommunikation Ohne Monopole Uber Legitimation Und Grenzen des Fernmoldemonopls*, Max Planck Institute, 1980.

“*Competition in Telecommunications: Refusals to Supply Facilities by Regulated Common Carriers*”, *University of Ottawa Law Journal*, Fall 1980.

“*Industrial Property and Competition Law: Recent Canadian Developments*”, *International Business Lawyer*, 1979.

Canadian Competition Law, Matthew Bender & Co., Inc. (New York, 1979, 1981, 1984).

“*The Regulated Sector and Competition Law*” in *Canadian Competition Policy: Essays in Law and Economics*, J.R.S. Prichard, T.A. Wilson, editors, University of Toronto Press, 1978.

“*Federal Competition Law and the Professions: Problems of Jurisdiction*” in M.J. Trebilcock and P. Slayton (editors), *Professions and Public Policy*, University of Toronto Press, 1978.

“*Reviewable Marketing Practices: The New Jurisdiction of the Restrictive Trade Practices Commission*” (1977) 31 *Canadian Patent Reporter* 12.