

Fisher, Petra (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: November-14-11 10:02 AM
To: Lindsay, David (ENERGY)
Subject: Re: Erika's questions

Okay, thanks Deputy. We'll see you this PM.

Sent using BlackBerry Wireless

From: Lindsay, David (ENERGY)
To: Silva, Joseph (ENERGY)
Sent: Mon Nov 14 09:59:28 2011
Subject: Re: Erika's questions

Thanks Joseph,

Craig is asking me to join a 1:30 meeting with Jamison Steeve to discuss other options on this file.

I guess I'm not going out to Durham region today.

David

From: Silva, Joseph (ENERGY)
To: Lindsay, David (ENERGY)
Sent: Mon Nov 14 09:49:33 2011
Subject: Erika's questions

Fyi

From: Kulendran, Jesse (ENERGY)
Sent: November 14, 2011 9:33 AM
To: Silva, Joseph (ENERGY)
Subject: FW: ASAP
Importance: High

Looping ...

From: Botond, Erika (ENERGY)
Sent: November 14, 2011 9:14 AM
To: Sharkawi, Rula (ENERGY); Kulendran, Jesse (ENERGY)
Cc: Kett, Jennifer (OPO); Dunn, Ryan (ENERGY)
Subject: RE: ASAP
Importance: High

Hi Rula and Jesse – I'm going through the Q and A – assume we are supposed to be using the clean version?

We need to discuss a strategy. Do we release and be proactive? Do we manage and be reactive?

Have these options been a part of the discussion with CO?

Based on the things the company can do when they get this letter what happens ...

Will they play nice, tools down?

Will they issue a release to say this is ridiculous?

We need to discuss with the OPA also.

Can we please chat this morning at 10 AM and also set up a call with Kristin and the OPA following that please.

Kett – do you have time to join us also?

Thx,
Erika

From: MacLennan, Craig (ENERGY)
Sent: November 12, 2011 2:52 PM
To: Botond, Erika (ENERGY); Kett, Jennifer (OPO)
Subject: Fw: ASAP

Fyi.

From: Lindsay, David (ENERGY)
To: MacLennan, Craig (ENERGY)
Cc: Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY)
Sent: Sat Nov 12 14:49:47 2011
Subject: Fw: ASAP

Hi Craig,

Just received this update from Halyna at legal on the communications preparations to date. I have asked Rula and the team to get ready for a new wave of media interest.

David

From: Perun, Halyna N. (ENERGY)
To: Lindsay, David (ENERGY)
Cc: Sharkawi, Rula (ENERGY)
Sent: Sat Nov 12 14:42:22 2011
Subject: Fw: ASAP

Hi Deputy - the attached went to CO yesterday aft - it will need to be finalized once we're clear whether OPA is proceeding w one step vs two-step approach - this was noted by Sylvia - I believe this would be the most up to date comms strategy we have - co took the lead on it til now - but you will see we noted that we need to anticipate that the opa and min's letters could be made public and we need a comms strategy for that. A huddle Mon morning would be a good idea - I could be available before that if needed -

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

From: Kovesfalvi, Sylvia (ENERGY)
To: McMichael, Rhonda (CAB); Sharkawi, Rula (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Sent: Fri Nov 11 15:37:52 2011
Subject: ASAP

Hi –

See Legal's response below. There are several approaches under discussion – nothing has been decided yet. In light of this, we have added an additional question to the chart (also reflected in messaging), in case we take the two-step approach (OPA sends 1st letter saying we'd like to negotiate, pls stop work while we do so, followed by 2nd letter saying negotiations haven't been successful, you haven't stopped working, we are not proceeding with contract).

Note: the OPA has sent the Minister a letter (our legal folks haven't seen it). The Minister is expected to send OPA a letter in response. It has not been sent yet – and there's no definitive timeline.

There is discussion to release these letters publicly. If that happens, Legal has advised we'll need a coms strategy. I've indicated that content/objective of letters and method of release will determine coms strategy (Rhonda – have you seen letters? Is this something CO/Greenfield working group is discussing?)

Attached are two versions of the chart: tracked with OPA's suggested change as noted in Halyna's email and below, and the additional QA/messaging in case a 2-step approach is adopted.

We have notified Eastern that we are not proceeding with the contract and advised Eastern to stop construction. We have made it clear that Eastern is financially liable if construction continues. We will pursue further discussions about stopping work at the site.

Note: Legal has advised that only the OPA should communicate the reference to financial liability. So this is only in OPA's response track.

I'll be off-line for the next couple of hours (driving).

From: Perun, Halyna N. (ENERGY)
Sent: November 11, 2011 2:45 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY)
Subject: RE: ASAP

Privileged and Confidential

Hi - Re CO's comment – the OPA added to this line:

We have notified Eastern that we are not proceeding with the contract and advised Eastern to stop construction. We have made it clear that Eastern is financially liable if construction continues. We will pursue further discussions about stopping work at the site.

So – that should address CO concerns. I have reviewed this with OPA General Counsel and this is what he advises could be added.

As you and I have discussed, the “who says what” chart is written from the point of view that the contract is terminated.

This chart applies once the OPA actually sends a letter of termination to Eastern.

However, my understanding from OPA General Counsel is that it remains undecided whether this is the approach that will be taken. Another approach (which he believes will be the approach) is what we refer to as the “two step approach” whereby:

(1) First letter from the OPA to go to Eastern would say

- OPA continues to desire reaching a mutual agreement to terminate the contract and negotiate terms of a new contract for a facility in a different location
- If these negotiations are not successful, OPA will not proceed with the Contract

(2) Second letter would follow a few days later should negotiations continue to fail – that now the contract is terminated.

So – the attached chart does not address the two-step approach.

To address the two-step, you'd need to build in a Q and A something like following:

Q. Has the contract been terminated?

A. No, but should negotiations not be successful, the OPA has notified Eastern Power that it is not proceeding with the contract.

A. In the meantime, the OPA has requested Eastern Power to stop construction at the site.

Also please note: – there has been discussion today about the public release of the two letters – one from the OPA to the Minister and the expected letter from the Minister to the OPA (not yet sent). There needs to be a communications strategy developed pertaining to these two letters should it be desired to release them.

Thanks Sylvia

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
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From: Kovesfalvi, Sylvia (ENERGY)
To: King, Ryan (ENERGY); Calwell, Carolyn (ENERGY)
Sent: Fri Nov 11 11:11:20 2011
Subject: ASAP

Hi - pls provide comment asap - thank you.

Sent from my BlackBerry Wireless Handheld

From: McMichael, Rhonda (CAB)
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)

Sent: Fri Nov 11 10:58:10 2011

Subject: Fw:

Hi Rula and Sylvia -- see below -- Giles changes to pass thru policy/legal and also answers to a couple of follow-up qs. Thanks -- let me know if you have questions.

From: McMichael, Rhonda (CAB)

To: Gherson, Giles (CAB)

Cc: Lindsay, David (ENERGY); Betzner, Lynn (CAB)

Sent: Fri Nov 11 10:56:21 2011

Subject: Re:

Thanks Giles -- I think we'll need an answer to a follow-up question or two as well.

Does that mean work is going to stop immediately? What if it doesn't?

I'll work with Energy to craft.

From: Gherson, Giles (CAB)

To: McMichael, Rhonda (CAB)

Cc: Lindsay, David (ENERGY)

Sent: Fri Nov 11 10:03:14 2011

Subject: RE:

Thanks Rhonda,

I think this is all fine except for the response to the question about stopping work. I think it is far too weak. It reads:

We have notified Eastern that we are not proceeding with the contract. We will pursue further discussions about stopping work at the site.

I think we need to be messaging that we expect construction at this site to stop immediately while we pursue further discussions about relocating the plant.

Giles

416.325.3759 (o)

416.587.0983 (c)

From: McMichael, Rhonda (CAB)

Sent: November 11, 2011 6:32 AM

To: 'kristin.jenkins@powerauthority.on.ca'; 'colin.andersen@powerauthority.on.ca'; Lindsay, David (ENERGY); Wallace, Peter (FIN); Livingston, David (IO); 'abirchenough@cogeco.ca'; Mayman, Gadi (OFA); Imbrogno, Serge (OFA); Segal, Murray (JUS)

Cc: Gherson, Giles (CAB); Betzner, Lynn (CAB); Sharkawi, Rula (ENERGY); Hume, Steen (CAB)

Subject: Fw:

Please find attached revised q/a with OPA recommended changes, approved by Energy policy and legal. (The attachments include both track changes and clean versions).

From: Kovesfalvi, Sylvia (ENERGY)
To: McMichael, Rhonda (CAB)
Cc: Sharkawi, Rula (ENERGY)
Sent: Thu Nov 10 20:57:46 2011
Subject:

Hi – attached are Legal's and policy's suggestions (in tracked version). See Legal's explanation below.

Also attached is a clean copy, accepting Legal, policy's and OPA's changes.

From: Calwell, Carolyn (ENERGY)
Sent: November 10, 2011 6:21 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: King, Ryan (ENERGY)
Subject: FW: Urgent: 4:00 PM Meeting

Apologies for my delay – please see suggestions in the attached.

By way of explanation, rather than refer to the government's intention, proposed correspondence refers to the government's commitment to relocate the plant. Rather than say that the OPA "will seek further discussions" with Eastern, I would suggest that the "OPA will pursue" – which is a bit vaguer and more optimistic.

Carolyn

From: McMichael, Rhonda (CAB)
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Sent: Thu Nov 10 16:01:05 2011
Subject: FW: 4:00 PM Meeting

Can you take a look and pass thru your legal? thanks.

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: November 10, 2011 3:22 PM
To: abirchenough@cogeco.ca; Colin Andersen; Lindsay, David (ENERGY); Michael Lyle; JoAnne Butler; Imbrogno, Serge (OFA); Mayman, Gadi (OFA); Segal, Murray (JUS); Livingston, David (IO); Betzner, Lynn (CAB); Wallace, Peter (FIN); Hume, Steen (CAB); McMichael, Rhonda (CAB)
Cc: Amaral-Costa, Maria (CAB)
Subject: RE: 4:00 PM Meeting

Attached are OPA's proposed revisions to the messaging and Qs and As circulated yesterday.

Kristin

Kristin Jenkins | Vice President, Corporate Communications | **Ontario Power Authority** | 120 Adelaide Street West, Suite 1600 | Toronto, ON M5H 1T1 | tel. 416.969.6007 | fax. 416.967.1947 | www.powerauthority.on.ca

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Cayley, Daniel (ENERGY)

From: MacNaughton, Catherine (JUS)
Sent: November-14-11 10:03 AM
To: Rehob, James (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY)
Subject: RE: Instructions, Greenfield South Bill

Thanks James. Tara Partington is shadowing me on this file and will take it over when I leave next month. I will be forwarding what you sent me to her as well as all drafts. If you remember, please cc her on emails to me.

thanks

Catherine Macnaughton
Legislative Counsel
Office of Legislative Counsel
3600-99 Wellesley Street West
Toronto, Ontario M7A 1A2
phone: (416) 326-2787
fax: (416) 326-2806
email: catherine.macnaughton@ontario.ca

From: Rehob, James (ENERGY)
Sent: November 10, 2011 19:48
To: MacNaughton, Catherine (JUS)
Cc: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY)
Subject: Instructions, Greenfield South Bill

Privileged & Confidential Legal Advice / Solicitor & Client Privileged

November 10, 2011

Good evening, Catherine! I hope you had a terrific long weekend! I attach what are my first (very rough and bare) instructions on your very good first draft of the above-noted Bill. The password is the same as that first assigned to this file, and I will send this to you again out of an abundance of caution.

Please feel free to contact me on (x.56676) should you wish to discuss. I will also leave you with my home telephone number and cell number below, in case you should need it throughout this project:

-Home: (905) 426-7839 (Ajax)
-Cell: (647) 218-3964

Thank you!

James

James P. H. Rehob
Senior Counsel
Ministry of Energy and
Ministry of Infrastructure
Legal Services Branch
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Tel: 416-325-6676

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james.rehob@ontario.ca

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Cayley, Daniel (ENERGY)

From: Kulendran, Jesse (ENERGY)
Sent: November-14-11 10:53 AM
To: Lindsay, David (ENERGY); Jennings, Rick (ENERGY); Perun, Halyna N. (ENERGY)
Cc: Silva, Joseph (ENERGY)
Subject: OPA's Letter to Minister
Attachments: OPA letter to Minister - 10 NOV 2011.pdf

For our records, here's a copy of the final that came in.

Jesse Kulendran · Senior Coordinator, Policy & Special Projects
Office of the Deputy Minister · Ministry of Energy
Tel.: 416-327-7025 · Blackberry: 416-206-1394



120 Adelaide Street West
Suite 1600
Toronto, Ontario M5H 1T1
T 416-967-7474
F 416-967-1947
www.powerauthority.on.ca

November 10, 2011

Minister Christopher Bentley
Office of the Minister
Ministry of Energy
4th Floor, Hearst Block
900 Bay Street
Toronto, Ontario
M7A 2E1

Dear Minister:

I am writing to you on behalf of the Ontario Power Authority's (OPA) Board of Directors with respect to the Greenfield South Power Plant, which the Ministry of Energy procured in 2004. The OPA was subsequently directed to enter into a contract with Greenfield and is now the sole counterparty. The Board clearly understands the government's intention to relocate the plant as outlined in your letter to the OPA on October 24, 2011. The purpose of this letter is to ensure that the government's intention is met.

The OPA Board of Directors takes very seriously its responsibilities to our contract counter-parties. Like the provincial government, we would like to achieve a resolution for the Greenfield South plant that provides both fair treatment to the counterparty and Ontario ratepayers. We also think it is important that electricity developers generally continue to have confidence to invest in Ontario and that gas-fired generation continues to be accepted as an important, cost-effective and safe part of the province's electricity supply mix. At the same time, we recognize the public concern about the location of this plant and public requests that construction of the plant stop.

After receiving your October 24th letter, the OPA commenced discussions with Greenfield South. To date, the OPA's preferred approach has been to reach an agreement with Greenfield South to stop construction and negotiate an arrangement to relocate the plant or terminate the contract. Since then, it has become clearer that Greenfield South may not agree to such an approach. In light of this, the logical next step appears to be to notify Greenfield South that the OPA will not be proceeding with the contract.

I wish to assure you that, even after taking this step, the OPA will seek to continue discussions with Greenfield South to arrive at an agreement on appropriate compensation. Given our shared interest in ratepayer value, the board would then also like to commence a dialogue with you on the most appropriate way to allocate the compensation between the OPA and the Crown.

I look forward to your reply.

Yours sincerely,

A handwritten signature in black ink, appearing to read "J. Hinds".

Jim Hinds
Chair

Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: November-14-11 10:56 AM
To: Calwell, Carolyn (ENERGY)
Subject: Re: Greenfield deck

I have the draft into Rick. I'll follow up with him

----- Original Message -----

From: Calwell, Carolyn (ENERGY)
To: King, Ryan (ENERGY)
Sent: Mon Nov 14 10:54:43 2011
Subject: Greenfield deck

Hi - would you please send me what you have? DMO looking for draft early this aft.

Carolyn

Cayley, Daniel (ENERGY)

From: McMichael, Rhonda (CAB)
Sent: November-14-11 10:59 AM
To: Kovesfalvi, Sylvia (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: RE: Evening Update

Importance: High

Hi all -- please see attached changes to messaging from CO Policy (DM Gherson) below. Could you ps confirm there are no issues. If you could make the changes and send revised version -- thanks. (it's "will not be" in the first scenario "is not" in the second.)

Scenario A (2 step):

The OPA is in negotiations with Greenfield South.

I understand the OPA has notified Greenfield South that it will not be proceeding with the contract.

In the meantime, the OPA has asked Greenfield South to stop construction at the site.

SCENARIO B - If Contract is Terminated

I understand the OPA has had discussions with the developer -- Greenfield South. The OPA has notified Greenfield that the OPA is not proceeding with the contract.

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 13, 2011 7:59 PM
To: McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: Fw: Evening Update

Hi - all comments incorporated. Good to forward.

Sent from my BlackBerry Wireless Handheld

From: Ted DeWelles <horatio@idirect.com>
To: Kovesfalvi, Sylvia (ENERGY)
Sent: Sun Nov 13 19:53:59 2011
Subject: Evening Update

Unrelated content removed

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-14-11 10:58 AM
To: King, Ryan (ENERGY)
Subject: Re: Greenfield deck

Please just send. I have further legal issues to address.

----- Original Message -----

From: King, Ryan (ENERGY)
To: Calwell, Carolyn (ENERGY)
Sent: Mon Nov 14 10:56:23 2011
Subject: Re: Greenfield deck

I have the draft into Rick. I'll follow up with him

----- Original Message -----

From: Calwell, Carolyn (ENERGY)
To: King, Ryan (ENERGY)
Sent: Mon Nov 14 10:54:43 2011
Subject: Greenfield deck

Hi - would you please send me what you have? DMO looking for draft early this aft.

Carolyn

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-14-11 11:07 AM
To: King, Ryan (ENERGY)
Cc: Nutter, George (ENERGY)
Subject: Fw: Evening Update

Importance: High

Pls let george nutter know if you have any concerns asap. (I'm out of office today) so he'll be making next set of revisions.

Sent from my BlackBerry Wireless Handheld

From: McMichael, Rhonda (CAB)
To: Kovesfalvi, Sylvia (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Sent: Mon Nov 14 10:58:58 2011
Subject: RE: Evening Update

Hi all -- please see attached changes to messaging from CO Policy (DM Gherson) below. Could you ps confirm there are no issues. If you could make the changes and send revised version -- thanks. (it's "will not be" in the first scenario "is not" in the second.)

Scenario A (2 step):

The OPA is in negotiations with Greenfield South.

I understand the OPA has notified Greenfield South that it will not be proceeding with the contract.

In the meantime, the OPA has asked Greenfield South to stop construction at the site.

SCENARIO B - If Contract is Terminated

I understand the OPA has had discussions with the developer -- Greenfield South. The OPA has notified Greenfield that the OPA is not proceeding with the contract.

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 13, 2011 7:59 PM
To: McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: Fw: Evening Update

Hi - all comments incorporated. Good to forward.

Sent from my BlackBerry Wireless Handheld

From: Ted DeWelles <horatio@idirect.com>
To: Kovesfalvi, Sylvia (ENERGY)

Sent: Sun Nov 13 19:53:59 2011

Subject: Evening Update

Unrelated content removed

Fisher, Petra (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: November-14-11 11:09 AM
To: King, Ryan (ENERGY)
Subject: FW: Evening Update
Attachments: QA-repudiationNov13(letter release).Legal.730pm.doc

Duplicate attachment removed

From: Perun, Halyna N. (ENERGY)
Sent: November 14, 2011 8:59 AM
To: Lindsay, David (ENERGY)
Cc: Jennings, Rick (ENERGY); Silva, Joseph (ENERGY); Calwell, Carolyn (ENERGY); Sharkawi, Rula (ENERGY)
Subject: FW: Evening Update

Privileged and Confidential

Latest Comms info - sent to CO last evening -

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
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From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 13, 2011 7:59 PM
To: McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: Fw: Evening Update

Hi - all comments incorporated. Good to forward.

Sent from my BlackBerry Wireless Handheld

Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November-14-11 11:15 AM
To: Botond, Erika (ENERGY)
Cc: Kulendran, Jesse (ENERGY); Silva, Joseph (ENERGY); Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY)
Subject: FW: Greenfield
Attachments: Greenfield South Letters - Letterhead - November 11 2011 - reworded.wbk; greenest2011_english-(custom)verysmall.gif

Duplicate attachment removed/gif attachment is image below

Privileged and Confidential

As requested – proposed letters from the OPA to Eastern

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

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From: Nimi Visram [<mailto:Nimi.Visram@powerauthority.on.ca>]
Sent: November 11, 2011 1:54 PM
To: Perun, Halyna N. (ENERGY)
Cc: Michael Lyle
Subject: Greenfield

Mike asked that I forward the attached to your attention.

Thnx
Nimi

Nimi Visram | Ontario Power Authority | Executive Assistant & Board Coordinator, to General Counsel & Vice President, Legal, Aboriginal and Regulatory Affairs
120 Adelaide St W., Suite 1600 | Toronto, Ontario, M5H 1T1
☎ Phone: 416.969.6027 | 📠 Fax: 416.969.6383 | ✉ Email: nimi.visram@powerauthority.on.ca

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Cayley, Daniel (ENERGY)

From: Brown, Meredith (JUS)
Sent: November-14-11 11:25 AM
To: Perun, Halyna N. (ENERGY)
Cc: Wong, Taia (JUS); Wilson, Malliha (JUS); Lung, Ken (JUS); Di Ciano, Sandra (JUS)
Subject: RE: Draft letter for review - Privileged and Confidential

Thanks – DAG may wish to speak with you shortly.

From: Perun, Halyna N. (ENERGY)
Sent: November 14, 2011 11:19 AM
To: Brown, Meredith (JUS)
Cc: Wong, Taia (JUS); Wilson, Malliha (JUS); Lung, Ken (JUS)
Subject: FW: Draft letter for review - Privileged and Confidential

Privileged and Confidential

What I understand is to be the version of the proposed Minister's letter to the OPA – please see email below sent on Friday to Minister Bentley:

Directly below is the text of the letter that went to the Minister from the OPA:

Privileged and Confidential

Text of Letter from the OPA:

Dear Minister:

I am writing to you on behalf of the Ontario Power Authority's (OPA) Board of Directors with respect to the Greenfield South Power Plant, which the Ministry of Energy procured in 2004. The OPA was subsequently directed to enter into a contract with Greenfield and is now the sole counterparty. The Board clearly understands that the government's intention is to relocate the plant as outlined in your letter to the OPA on October 24, 2011. The purpose of this letter is to ensure that the government's intention is met.

The OPA Board of Directors takes very seriously its responsibilities to our contract counter-parties. Like the provincial government, we would like to achieve a resolution for the Greenfield South plant that provides both fair treatment to the counterparty and Ontario ratepayers. We also think it is important that electricity developers generally continue to have confidence to invest in Ontario and that gas-fired generation continues to be accepted as an important, cost-effective and safe part of the province's electricity supply mix. At the same time, we recognize the public concern about the location of this plant and public requests that construction of the plant stop.

After receiving your October 24th letter, the OPA commenced discussions with Greenfield South. To date, the OPA's preferred approach has been to reach an agreement with Greenfield South to stop construction and negotiate an arrangement to relocate the plant or terminate the contract. Since then, it has become clear that Greenfield South may not agree to such an approach. In light of this, the logical next step appears to be to notify Greenfield South that the OPA will not be proceeding with the contract.

I wish to assure you that, even after taking this step, the OPA will seek to continue discussions with Greenfield South to arrive at an agreement on appropriate compensation. Given our shared interest in ratepayer value,

the board would then also like to commence a dialogue with you on the most appropriate way to allocate the compensation between the OPA and the Crown.

I look forward to your reply.

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
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E-mail: Halyna.Perun2@ontario.ca

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From: Perun, Halyna N. (ENERGY)
Sent: November 11, 2011 2:20 PM
To: 'chrisbentley@liberal.ola.org'
Cc: MacLennan, Craig (ENERGY); Lindsay, David (ENERGY)
Subject: Draft letter for review - Privileged and Confidential

Privileged and Confidential

Minister – For your consideration, please see below the text for the proposed letter to the OPA, with the additional sentence highlighted. The addition picks up on the statement about compensation in the letter the OPA sent to you. This draft text with the addition has been approved by the Deputy Attorney General:

Dear Mr. Hinds:

In response to your letter of November 10, 2011 and in recognition that community opposition to the Greenfield South Generation Facility is ongoing and well documented, I am writing to acknowledge the OPA's efforts to negotiate with the developer of the facility, Greenfield South Power Corporation, with an aim to achieving a satisfactory resolution concerning the Mississauga site. The government remains committed to having the plant relocated.

I have given careful consideration to public statements, correspondence to the government and resolutions of the Council of the City of Mississauga. While full recognition must be given to rate-payer value and the fair treatment of contractual counterparties, as suggested in your letter, in light of the strong and persistent opposition to the plant, the government supports the OPA's decision to not proceed with the contract and any other appropriate commercial and other steps that the OPA must take in seeking to stop construction of the gas plant at its current location. **I will be engaging my colleagues in any dialogue with you on the most appropriate way to allocate compensation between the OPA and the Crown.**

The circumstances in Mississauga are unique. The government remains committed to a strong, stable supply of electricity for Ontario and continued support of those making investments in Ontario's electricity system.

Sincerely,

Chris Bentley,
Minister

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
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Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-14-11 11:29 AM
To: McMichael, Rhonda (CAB); Kovesfalvi, Sylvia (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: RE: Evening Update

That change is appropriate.

Carolyn

Carolyn Calwell
Deputy Director
Ministry of Energy & Ministry of Infrastructure
Legal Services Branch
Ministry of the Attorney General
777 Bay Street, Suite 425
Toronto ON M5G 2E5
416.212.5409

From: McMichael, Rhonda (CAB)
Sent: November 14, 2011 10:59 AM
To: Kovesfalvi, Sylvia (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: RE: Evening Update
Importance: High

Hi all -- please see attached changes to messaging from CO Policy (DM Gherson) below. Could you ps confirm there are no issues. If you could make the changes and send revised version -- thanks. (it's "will not be" in the first scenario "is not" in the second.)

Scenario A (2 step):

The OPA is in negotiations with Greenfield South.

I understand the OPA has notified Greenfield South that it will not be proceeding with the contract.

In the meantime, the OPA has asked Greenfield South to stop construction at the site.

SCENARIO B - If Contract is Terminated

I understand the OPA has had discussions with the developer -- Greenfield South. The OPA has notified Greenfield that the OPA is not proceeding with the contract.

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 13, 2011 7:59 PM
To: McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: Fw: Evening Update

Hi - all comments incorporated. Good to forward.

Sent from my BlackBerry Wireless Handheld

From: Ted DeWelles <horatio@idirect.com>

To: Kovesfalvi, Sylvia (ENERGY)

Sent: Sun Nov 13 19:53:59 2011

Subject: Evening Update

Unrelated content removed

Fisher, Petra (ENERGY)

From: Kulendran, Jesse (ENERGY)
Sent: November-14-11 11:34 AM
To: Lindsay, David (ENERGY)
Cc: Silva, Joseph (ENERGY)
Subject: RE: Gas Plant Siting

Craig just asked us to brush off the materials and brief the M on this tomorrow. We'll work on that and connect w/ you when you're back.

Thanks, J

From: Lindsay, David (ENERGY)
Sent: November 14, 2011 11:11 AM
To: Kulendran, Jesse (ENERGY)
Cc: Silva, Joseph (ENERGY)
Subject: Re: Gas Plant Siting

Thanks.

I knew we had done work on this but have not spent any time diving deep on it or thinking about next steps. My suspicion is that this will gain momentum as the Mississauga story unfolds.

I plan to be in the office by 12:30 so hopefully will have time to review before the 1:30 meeting.

Thanks again,

David

From: Kulendran, Jesse (ENERGY)
To: Lindsay, David (ENERGY)
Cc: Silva, Joseph (ENERGY)
Sent: Mon Nov 14 11:07:46 2011
Subject: Gas Plant Siting

Morning Deputy,

Attached is the gas plant siting deck that we developed for transition. We were supposed to brief the M on this last week but it got bumped by the current file.

The deck provides an overview of siting challenges and approaches other jurisdictions have used.

It provides options on next steps – including launching a public review. I believe we have communications products on the shelf for this, but can double check.

-Jesse

Fisher, Petra (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: November-14-11 11:47 AM
To: Lindsay, David (ENERGY)
Subject: Fw: 2011-11-14 Minister's Statement.DOC
Attachments: 2011-11-14 Minister's Statement.DOC

Hi deputy - MO has asked for draft statement Minister can release. Text below is consistent with one-step approach. We'll be discussing with MO in a follow-up call in a few mins.

The Ontario Power Authority (OPA) has informed the government that it will not proceed with the Greenfield South Power Corporation contract and the OPA has asked Greenfield to stop construction at the Mississauga site.

The Ontario government is supportive of this decision and is committed to continuing progress and taking action toward relocating the plant.

We will continue to ensure that the best interests of Ontario's communities and ratepayers remains the primary priority, and will keep the public informed of further progress.

Sent using BlackBerry Wireless

----- Original Message -----

From: Nutter, George (ENERGY)
To: Silva, Joseph (ENERGY)
Sent: Mon Nov 14 11:45:06 2011
Subject: Fw: 2011-11-14 Minister's Statement.DOC

George Nutter
Manager, Energy Communications
Communications Branch
Ministry of Energy &
Ministry of Infrastructure
416-326-9602 Queen's Park
647-220-1183 Mobile

Sent from my BlackBerry® wireless device

----- Original Message -----

From: Nutter, George (ENERGY)
To: Calwell, Carolyn (ENERGY)
Sent: Mon Nov 14 11:39:59 2011
Subject: 2011-11-14 Minister's Statement.DOC

<<2011-11-14 Minister's Statement.DOC>>

**ONTARIO NOT PROCEEDING WITH
GREENFIELD SOUTH GENERATION FACILITY**
Statement by Chris Bentley, Minister of Energy

November 14, 2011

The Ontario Power Authority (OPA) has informed the government that it will not proceed with the Greenfield South Power Corporation contract and the OPA has asked Greenfield to stop construction at the Mississauga site.

The Ontario government is supportive of this decision and is committed to continuing progress and taking action toward relocating the plant.

We will continue to ensure that the best interests of Ontario's communities and ratepayers remains the primary priority, and will keep the public informed of further progress.

For media inquiries call:

Erika Botond, Minister's Office, 416-327-4418

erika.botond@ontario.ca

Paul Gerard, Communications Branch, 416-327-7726

Paul.gerard@ontario.ca

ontario.ca/energy-news

Disponible en français

For public inquiries call:

1-888-668-4636 TTY: 1-800-239-4224

Cayley, Daniel (ENERGY)

From: Rehob, James (ENERGY)
Sent: November-14-11 11:48 AM
To: King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY)
Subject: RE: Greenfield South - Questions

No problem, Ryan – I'll work your good answers into the next draft (that should give Rick ample time to add his excellent thoughts in while still keeping us moving forward!)

Thanks, and I'll likely be in touch later on this afternoon to touch base!
James

From: King, Ryan (ENERGY)
Sent: November 14, 2011 11:42 AM
To: Rehob, James (ENERGY)
Subject: FW: Greenfield South - Questions

Hi James,
This is in with Rick so there may be further changes. However in the interest of time, I'm sending your way.

From: King, Ryan (ENERGY)
Sent: November 10, 2011 4:43 PM
To: Jennings, Rick (ENERGY)
Subject: RE: Greenfield South - Questions

Rick, my comments in red. Please let me know what you think

From: Rehob, James (ENERGY)
Sent: November 10, 2011 4:27 PM
To: King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY)
Subject: Greenfield South - Questions

Privileged & Confidential / Solicitor & Client Privileged

November 10, 2011

Hi, Ryan – In connection with our conversation, here are some questions we need your assistance with:

1. Confirmation of site/municipal address: We have it as "Lot 3, Concession 1, in Municipality of Mississauga, municipal address: 2315 Loreland Avenue; (yes)"
2. Description of project: Currently, the description for the project reads: "'project' means the Greenfield South Power Project undertaken by the Corporation on the site" and site has a description related to the above-noted land description/municipal address; – are there any other elements of the project which you wish us to capture as part of the "project" – e.g. any related facilities, equipment, buildings, lands or structures not necessarily captured by the bolded language above but which you want us to capture in order to cease or halt activity? **The plant is a natural gas-fired combined cycle electricity generating facility with a capacity of 280 MW. We should use the OPA contract as the basis for legal reference.**
3. Other structures on, improvements to, the land –

- a. Do you want to (i) maintain the structures that are both related and unrelated to the project? Do you just want those structures unrelated to the project? (fencing, lighting, storage buildings on site that are not directly project-related - not sure what they'd be but we put the question forward. Put another way, should land be completely cleared or remain "as is" at the time construction ceases. (I believe it's been referenced as restoring the site to its pre-construction condition)
 - b. Electricity-related equipment/installation – do we know what transmission-connection or other equipment are now on-site? Is all such equipment to be removed? This could be confirmed and verified in discussions with the proponent but all equipment would need to be removed to ensure the pre-construction condition is met.
 - c. Are there other structures on adjacent property, on the street (hydro poles, sewer/water manes, etc.) which need to be dealt with? (removed?); only insofar as those structures were required or added to support the proposed plant.
 - d. Confirm whether our approach of leaving all municipal services (electrical, water, sewage) in place to the extent those services have been provided. Can you assist in helping us confirm whether such services are now in place? We would need to determine what infrastructure was in place prior to construction.
4. Remediation of the land: in line with the above, is it the intention that the land be returned to its "pre-remediation stage" (yes) or will the construction simply be expected to cease and the land left "as is" (e.g. with the partial construction-related improvements remaining). If the latter, this will likely form part and parcel of "sunk costs" where there might be some salvage or alternative use value that the developer might be expected to provide for itself (e.g. to sell to another project-developer, to return to the supplier, to put to an alternative use (doubtful) – I gather any salvage value would be quite low but we have to consider).
 5. Currently, the legislative draft differentiates between the "generation facility" (e.g. turbines, equipment, etc.) and the "land" (real property) on which the generation facility is located. This is to reflect the fact that the turbines and equipment may well be relocated to another site, and the site put to an alternative, more environmentally benign use. Let us know if at first blush this approach causes any problems from the information or policy instructions you have for us at this time. Obviously we understand that the policy is still maturing. (No concerns for now)
 6. Financing – did the OPA or any other entity (e.g. the Crown) provide "up front" financing that needs to be repaid to the Crown? On this point, we understand that the main financiers are "EIG" and "Credit Swiss"- can you confirm – are there any additional lenders? (Our understanding is that these were the sole lenders)
 7. Follow-on Contracts: The main contract between the OPA and Greenfield South Power Co. is obviously the main target. However, significant liability will arise under the many follow-on contracts including with sub-contractors, contracts for equipment, installation of gas line and provision of natural gas, other related suppliers. Is there any policy decision on whether or not to compensate suppliers for the loss or termination of those contracts? (this should be taken into consideration as 'sunk costs' in discussions with Eastern power) (We will be looking at these issues closely with CLOC but your directional advice at this point is important for us to keep the Bill moving forward). Termination of all contracts can give rise to several types of liability including (i) liability for sunk costs which we are addressing; (ii) liability for lost revenue (no instructions yet – can you confirm position on same?) (iii) liability based on the penalty/default and other discipline provisions contained in the follow-on contracts (do you have any policy instructions on whether these are to be addressed? Of course the positions Energy takes may have to be modified once we run the issues and the drafts of this Bill by CLOC who have to consider wider Government implications).
 8. Note re. Date/Timing: The current draft uses "April 12, 2005" (which is the date of the restated contract entered into between the OPA and Greenfield South as the trigger date). We are exploring whether we need to take the date back further (e.g. date at which the RFP was issued). Do you have any thoughts or instructions on this?

Kind regards,

James

James P. H. Rehob

Senior Counsel

Ministry of Energy and

Ministry of Infrastructure

Legal Services Branch

777 Bay Street, 4th Floor, Suite 425

Toronto, ON M5G 2E5

Tel: 416-325-6676

Fax: 416-325-1781

james.rehob@ontario.ca

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Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-14-11 12:24 PM
To: King, Ryan (ENERGY); Rehob, James (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Subject: Deck for 1:00 today
Attachments: GS Options on Site.14 11 2011.ppt

Confidential/Solicitor-Client Privileged

I understand that the DM wants to walk a deck into a meeting about Greenfield that he is having today to start a conversation about the draft legislation. Ryan, I've built on the version that you sent me to address the compensation question – please see attached.

I welcome your comments – I don't pretend this version is at all definitive. I need to get this to Joseph by about 1.

Carolyn

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Greenfield South Power Corporation Options

DRAFT FOR DISCUSSION

Confidential/Solicitor Client Privileged
November 14, 2011

Issues

- Next steps to resolve the Greenfield South gas plant require the government and the OPA to determine:
 - 1) what compensation Greenfield South should receive for termination of the contract; and
 - 2) what will happen with the Greenfield South site

Compensation

- There are at least 3 options to address compensation
 1. Formula based on provable costs incurred by Greenfield South
 2. Fixed amount based on estimated costs incurred by Greenfield South
 3. Referral to a third party arbitrator for determination of compensation
 - Compensation is assumed to include construction and equipment sunk costs; costs paid to terminate construction and equipment contracts; soft development costs, such as engineering, design, surveys, and legal fees
 - There is a decision point as to whether compensation should include lost profits

Option 1 – Formula based on costs incurred

- Greenfield would receive compensation for reasonable costs incurred in developing the project based on costs that it could prove through documentation and, potentially, audit
- Pros
 - Places onus on Greenfield South to prove its costs
 - Payment would be based on verifiable information
 - This approach was taken in the *Adams Mine Lake Act, 2004*
- Cons
 - It is unclear whether a formula could be negotiated with Greenfield

Option 2 – Fixed Amount

- Greenfield would receive compensation based on an amount determined by the OPA. This amount would be an estimate of costs to the date of termination of the contract, without verification from Greenfield South
- Pros
 - An amount could be determined quickly
- Cons
 - Would require implementation through legislation.
 - Greenfield would not agree to an amount imposed by the OPA or the government
 - Appears arbitrary and unfair

Option 3 – Referral to Arbitrator

- An arbitrator could be appointed to resolve compensation either with consensus of Greenfield South or through legislation
- Pros
 - Provides for resolution of compensation through an independent third party
 - Allows for fair, impartial assessment of the amount of compensation
- Cons
 - Could result in a lengthy process, although process could be negotiated or legislated
 - Once arbitration commences, the ability of the OPA and the government to control the process is reduced

The Project Site

- There are at least 3 options to address the project site, which is a brownfield in a mostly industrial and commercial area:
 1. Acquire the site
 2. Greenfield retains the site
 3. Engage the City of Mississauga to seek its interest in acquiring the site from Greenfield South or contributing to compensation to Greenfield South

Site Option 1 – Acquisition

- Infrastructure Ontario or Ontario Power Generation acquires the site “as is” from Greenfield South
- Greenfield is compensated for sunk costs of project development and fair value for land
- Pros
 - Quick to implement
 - Costs of demolition and restoration of site are deferred
 - Site becomes available for public use or for resale
- Cons
 - Costs of security of site
 - Tantamount to expropriation

Option 2 – Greenfield retains site

- Use of site for electricity generation is prohibited through agreement or legislation
- Greenfield is compensated for sunk costs of project development, costs of restoring site to its pre-construction state and retains title to the land
- Pros
 - Limits OPA's and government's interests to financial
 - Less intrusive to private interests
- Cons
 - Public may continue to have ongoing concerns about future use of site

Option 3 – City of Mississauga Participation

- Begin discussions with the City of Mississauga to seek their interest in acquiring the site from Greenfield South Power Corporation or playing a role in resolution of the site
- City could contribute financially to compensation for Greenfield South and in turn have a say in the future use of the land
- Pros
 - Could potentially reduce total costs borne by the OPA or the Province
 - City could show that it is doing something positive in light of the cancellation
- Cons
 - Would likely require some convincing of the City.

Other Considerations

- Relocation – Greenfield South develops a generation project at another site or Greenfield South's turbines are used at another site
 - Relocation complicates and potentially delays resolution of the Mississauga site

Cayley, Daniel (ENERGY)

From: Nutter, George (ENERGY)
Sent: November-14-11 12:29 PM
To: Gemmiti, Paola (MAA)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kovesfalvi, Sylvia (ENERGY); McMichael, Rhonda (CAB)
Subject: RE: Evening Update -- REVISED per CO request
Attachments: QA-repudiationNov14(letter release) CO 1130am.doc

Attached contains changes as suggested by CO below.

George Nutter
Manager, Energy Communications
Communications Branch
Ministry of Energy
Ministry of Infrastructure

4th fl. Hearst Block
900 Bay Street
Queen's Park, Toronto
Ontario, Canada M7A 2E1

416-326-9602 office
416-326-3947 fax

george.nutter@ontario.ca

From: Gemmiti, Paola (MAA)
Sent: November 14, 2011 11:01 AM
To: Nutter, George (ENERGY)
Cc: Sharkawi, Rula (ENERGY)
Subject: FW: Evening Update
Importance: High

Hi George, as discussed, can you please make these changes? Thanks, Paola

From: McMichael, Rhonda (CAB)
Sent: November 14, 2011 10:59 AM
To: Kovesfalvi, Sylvia (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: RE: Evening Update
Importance: High

Hi all -- please see attached changes to messaging from CO Policy (DM Gherson) below. Could you ps confirm there are no issues. If you could make the changes and send revised version -- thanks. (it's 'will not be' in the first scenario 'is not' in the second.)

Scenario A (2 step):

The OPA is in negotiations with Greenfield South.

I understand the OPA has notified Greenfield South that it will not be proceeding with the contract.

In the meantime, the OPA has asked Greenfield South to stop construction at the site.

SCENARIO B - If Contract is Terminated

I understand the OPA has had discussions with the developer – Greenfield South. The OPA has notified Greenfield that the OPA is not proceeding with the contract.

From: Kovesfalvi, Sylvia (ENERGY)

Sent: November 13, 2011 7:59 PM

To: McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)

Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)

Subject: Fw: Evening Update

Hi - all comments incorporated. Good to forward.

Sent from my BlackBerry Wireless Handheld

From: Ted DeWelles <horatio@idirect.com>

To: Kovesfalvi, Sylvia (ENERGY)

Sent: Sun Nov 13 19:53:59 2011

Subject: Evening Update

Unrelated content removed

MEDIA PROTOCOL

Generally the Minister's Office responds to strategic questions and OPA responds to operational questions.

Strategic - Minister's Office (Minister or Erika Botond)

- Government's decision to relocate the plant
- Government's commitment to relocate the plant.

Operational - OPA (Colin Andersen or Kristen Jenkins)

- Status of contract negotiations, and process for finding another site
- History of Greenfield site selection (required approvals, public consultation, etc).

Process

- The OPA immediately notifies the Ministry of Energy of any Greenfield-related media call (Communications Director, Media Manager and Spokesperson).
- The Ministry immediately notifies Minister's Office, Deputy Minister's Office, Legal and Cabinet Office.
- The OPA submits proposed responses; the ministry secures approvals (Cabinet Office, DMO, Legal, Policy).
- The Minister's Office confirms who responds and how (phone/email).

WHO SAYS WHAT – General Guidelines

	MINISTER	OPA
Key Messages	<p><u>SCENARIO A - If OPA sends letter to Greenfield South advising unsuccessful negotiations lead to termination (2-step approach)</u></p> <p>The OPA is in negotiations with Greenfield South.</p> <p>I understand the OPA has notified Greenfield South that it is <u>will not be</u> proceeding with the contract if negotiations are unsuccessful.</p> <p>In the meantime, the OPA has asked Greenfield South to stop construction at the site.</p> <p><u>SCENARIO B - If Contract is Terminated</u></p> <p>I understand the OPA has had discussions with the developer – Greenfield South. The OPA has notified Greenfield that the OPA is <u>not</u> will not <u>proceeding</u> with the contract.</p> <p>The OPA will look for another site for the gas plant.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p>	<p><i>We are in discussions with Greenfield South.</i></p> <p><i>We have notified them that we will not be proceeding with the contract if our negotiations are not successful.</i></p> <p><i>In the meantime, we have asked Greenfield South to stop construction at the site.</i></p> <p><i>After pursuing discussions to reach a negotiated agreement, we have notified Greenfield South that the OPA will <u>is</u> not proceeding <u>ing</u> with the contract.</i></p> <p><i>We are seeking to continue discussions with Greenfield South on next steps. We cannot provide any additional information on these discussions at this time.</i></p> <p><i>We will look for another site for the gas plant.</i></p> <p><i>Once potential sites have been identified, the public will be consulted before a final decision is made.</i></p>

<p>Letters</p> <p>What does/do these letters mean?</p>	<p><u>SCENARIO C – If letter/letters become public</u></p> <p>Despite OPA's best efforts, a successful negotiation could not be reached.</p> <p>OPA has decided that the contract come to an end and we support their decision.</p> <p>The government is committed to relocating this plant. It is in the ratepayer's interest to stop construction of this plant as soon as possible.</p> <p>It is also in the interest of Ontario's economy to resolve this as quickly as possible. We need to reassure electricity developers and investors that Ontario remains a good place to make energy investments.</p> <p>Gas-fired generation is an important and cost-effective role in building a cleaner, more modern electricity system that meets Ontario's energy needs.</p> <p>The government remains committed to providing a strong, stable supply of electricity for Ontario. We also remain committed to providing support to those making investments in Ontario's electricity system.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p> <p><i>It/they mean the government supports OPA's decision to terminate the contract with Greenfield South.</i></p>	<p><i>Despite our best efforts, a successful negotiation could not be reached.</i></p> <p><i>We have decided- that the contract come to an end and appreciate the government's support.</i></p> <p><i>The government is committed to relocating this plant. It is in the ratepayer's interest to stop construction of this plant as soon as possible.</i></p> <p><i>It is also in the interest of Ontario's economy to resolve this as quickly as possible. We need to reassure electricity developers and investors that Ontario remains a good place to make energy investments.</i></p> <p><i>Gas-fired generation is an important and cost-effective role in building a cleaner, more modern electricity system that meets Ontario's energy needs.</i></p> <p><i>We share the government's commitment to ratepayer value.</i></p> <p><i>We hope to continue discussions with the developer to arrive at a resolution fair to all parties.</i></p> <p><i>It/they mean negotiations had stalled and the OPA recognized the best next step for all parties involved – ratepayers, the developer and OPA – was to terminate the contract. The OPA decided to terminate the contract and the government indicated their support.</i></p>
--	--	---

<p>Does this mean construction stops immediately?</p> <p>What kind of penalty does the developer face if they don't stop construction?</p> <p>Why did negotiations fail?</p> <p>How long did the OPA give it? How extensive have the discussions been?</p> <p>There's been strong and persistent opposition in other communities – Northern York Region for example, yet those plants are proceeding. Why are you stopping this one?</p> <p>What does “most appropriate way to allocate compensation</p>	<p>That is what the OPA asked and that is our expectation.</p> <p>—The developer will not be able to recover its costs of ongoing construction. We expect Greenfield to stop construction.</p> <p>The OPA and the developer could not reach an agreement.</p> <p>I understand the OPA and developer have been speaking frequently for the past month.</p> <p>This is a unique case and these circumstances do not apply to other contracts or issues.</p> <p>It means that we will sit down together to determine how to share the cost of cancelling the contract, giving full recognition to ratepayer value and contractual obligations.</p>	<p><i>That is what we asked and that is our expectation.</i></p> <p><i>The developer will not be able to recover its costs of ongoing construction. We have asked them to stop and that it our expectation.</i></p> <p><i>We could not reach an agreement.</i></p> <p><i>We have been speaking frequently with the developer for the past month.</i></p> <p><i>This is a unique case and these circumstances do not apply to other contracts or issues.</i></p> <p><i>It means that we will sit down together to determine how to share the cost of cancelling the contract, giving full recognition to ratepayer value and contractual obligations.</i></p>
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<p>between the OPA and Crown” mean?</p> <p>Exactly how much is it going to cost to cancel this contract?</p> <p>How long will settlement negotiations take? Is there a drop-dead date?</p> <p>Are these letters precedent-setting? Has the Ministry or OPA sent similar letters before?</p> <p><u>Contract Termination</u></p> <p>Has the contract been terminated?</p>	<p>That has yet to be determined. The OPA is committed to resolving this matter with ratepayer value top of mind.</p> <p>The OPA will take the time necessary to come to a fair resolution.</p> <p>No. Such letters are not precedent-setting. Our government conducts business on behalf of the people of Ontario in an open and transparent manner.</p> <p><u>SCENARIO A</u></p> <p>No, however if negotiations are not successful, the OPA has notified Greenfield South that it will not be is not proceeding with the contract. In the meantime, the OPA has asked Greenfield South to stop construction at the site.</p>	<p><i>We hope to start negotiations soon. We are committed to finding a fair resolution that upholds ratepayer value.</i></p> <p><i>We will take the time needed to find a fair solution.</i></p> <p><i>No. Such letters are not precedent-setting. Our agency conducts business on behalf of the people of Ontario. We do so in an open and transparent manner.</i></p> <p><i>No. We are in discussions with Greenfield South. We have notified them however that if our negotiations are not successful, we will not be proceeding with the contract. In the meantime, we have asked Greenfield South to stop construction at the site.</i></p>
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<p>Who terminated the contract?</p> <p>Why was the contract terminated? Were other solutions not viable?</p> <p>Did the OPA terminate the contract at the government's request?</p> <p>Why wasn't the contract terminated sooner?</p> <p>If the OPA is terminating the contract, how can you get the company to work with the OPA to relocate the site?</p>	<p><u>SCENARIO B AND C</u></p> <p>Following discussions with Greenfield South, OPA decided that not proceeding with the contract would best serve the public's interest.</p> <p>Contract negotiations are commercially sensitive. These discussions are confidential. We are confident the OPA is working in the best interests of Ontarians.</p> <p>The OPA, as the contract holder, has been in discussions with Greenfield South to resolve this matter in the best interests of Ontarians. Following discussions with Greenfield South, OPA decided that not proceeding with the contract best serves the public's interest. We support the OPA's decision.</p> <p>Discussions began as soon as they could between OPA and Greenfield South. This decision is the result of those discussions.</p> <p>The OPA will pursue further discussions with Greenfield South and we expect them to find a satisfactory resolution.</p>	<p><i>After pursuing discussions to reach a negotiated agreement, we have notified Greenfield South that the OPA will is not proceeding with the contract.</i></p> <p><i>Contract negotiations are commercially sensitive. These discussions are confidential. We will continue to negotiate in the best interests of Ontarians.</i></p> <p><i>The government has been clear that it is committed relocating the plant. Given the government's commitment, and following discussions with Greenfield South, we decided not proceeding with the contract was the appropriate next step.</i></p> <p><i>Our goal has been to resolve this matter in the best interests of Ontarians. We believe this decision best serves the public interest. Contract negotiations are commercial sensitive and we cannot say more than that.</i></p> <p><i>We initiated discussions with Greenfield South as soon as we received the Minister's letter asking us to begin discussions. Not proceeding with the contract is the result of these discussions.</i></p> <p><i>We will pursue further discussions with Greenfield South.</i></p>
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<p>Will Greenfield South be the company to build the relocated plant? Do you have assurances from them on that?</p> <p>Will you put this back out to tender?</p> <p>What is the process for finding another site?</p> <p>How come you've cancelled the plants in Mississauga and Oakville but not in Northern York Region?</p>	<p>The OPA will pursue further discussions with Greenfield South to find a satisfactory resolution.</p> <p>The OPA will pursue further discussions with Greenfield South to find a satisfactory resolution.</p> <p>The OPA is best able to answer this. We can confirm that the site selection will include public consultation.</p> <p>These are two very different situations. The OPA has advised that Southwest GTA's local reliability issues can be addressed through building transmission. Transmission projects were rejected by the people of Northern York Region, and a generating facility is required immediately in the region to meet North American standards for reliability.</p>	<p><i>We expect to continue discussions with Greenfield South and hope to reach a satisfactory resolution.</i></p> <p><i>We expect to continue discussions with Greenfield South and hope to reach a satisfactory resolution.</i></p> <p><i>This will require further consideration, but we will consider local generation needs and transmission and distribution support. Once options are identified, the public will be consulted.</i></p> <p><i>These are two very different situations. Southwest GTA's local reliability issues can be addressed through building transmission. Transmission projects were rejected by the people of Northern York Region, and a generating facility is required immediately in the region to meet North American standards for reliability.</i></p>
<p><u>Construction</u></p> <p>Now that the OPA has terminated the contract, will work stop at the site?</p>	<p>SCENARIO A</p> <p>My understanding is that the OPA has notified the developer that it <u>is it will</u> not <u>be</u> proceeding with the contract. The OPA has asked the developer to stop work at the site.</p>	<p>SCENARIO A</p> <p><i>We have notified Greenfield South that we are will <u>not be</u> not proceeding with the contract and asked Greenfield to stop construction. We have made it clear that Greenfield is financially liable if construction continues. We will pursue further discussions about stopping work at the site.</i></p>

<p>Will legislation be required to stop construction?</p> <p>Minister, your spokesperson said that legislation was not needed, is this true?</p>	<p>SCENARIO B & C</p> <p>My understanding is that the OPA has notified the developer that it is not proceeding with the contract. The OPA requires the developer to stop work at the site.</p> <p>Legislation is an option, however, the best option, and the one we are choosing at this time, is to have the OPA work with Greenfield South to find satisfactory resolution.</p> <p>It is our expectation the OPA and Greenfield South will work together to find a satisfactory resolution.</p> <p>The best option, and the one we are choosing at this time, is to have the OPA work with Greenfield South to find satisfactory resolution to the site.</p>	<p>SCENARIO B & C</p> <p><i>The government is best able to answer this question.</i></p> <p><i>We have notified Greenfield South that we are not proceeding with the contract. We have stated that we require Greenfield to stop construction. We have made it clear that Greenfield is financially liable if construction continues. We will pursue further discussions about stopping work at the site, and hope to reach a satisfactory resolution..</i></p> <p><i>The government is best able to answer this question.</i></p>
<p><u>Contract Value</u></p> <p>Why should anyone want to contract with OPA or government after this?</p> <p>What's the status of negotiations with TransCanada?</p>	<p>The government and our agencies have successful track records for negotiating and fulfilling contracts in the best interest of Ontario taxpayers. This is a unique case and these circumstances do not apply to other contracts or issues.</p> <p>Like any other business, energy partners work together to respond to changing conditions. Contracts are renegotiated or terminated on a small and large scale across businesses of all types.</p> <p>Discussions with TransCanada continue. We do not have an update at this time.</p>	<p><i>Our agency has a successful track record for negotiating and fulfilling contracts in the best interest of Ontario ratepayers.</i></p> <p><i>This is a unique case and these circumstances do not apply to other contracts or issues.</i></p> <p><i>Discussions with TransCanada continue. We do not have an update at this time.</i></p>

<p>Will the cost of these contract cancellations be made public knowledge at some time?</p>	<p>Our government is committed to conducting business in an open and transparent manner. We will provide what we can when we can.</p>	<p><i>Contracts are commercially sensitive. It is up to the developer to determine what they are willing to make public and when.</i></p>
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Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-14-11 12:49 PM
To: Silva, Joseph (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: Draft Deck
Attachments: GS Options on Site.14 11 2011.ppt

Duplicate attachment removed

Confidential/Solicitor-Client Privileged

Hi Joseph,

I understand that the DM was looking for a draft deck that presents some of the policy options that will need to be resolved for Greenfield. Attached is a first cut – Ryan and Rick have it but have not had the opportunity to review the “compensation” slides – they have looked and provided input to the “site” slides.

Carolyn

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Cayley, Daniel (ENERGY)

From: Nutter, George (ENERGY)
Sent: November-14-11 12:53 PM
To: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY); Gemmiti, Paola (MAA); Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY)
Subject: Statement draft 2
Attachments: 2011-11-14 Minister's Statement2.DOC

I've tried to incorporate thoughts heard round the table.

George Nutter
Manager, Energy Communications
Communications Branch
Ministry of Energy
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GREENFIELD SOUTH GENERATION FACILITY*Statement by Chris Bentley, Minister of Energy*

November 14, 2011

After several weeks of continuing discussions with Greenfield South Power Corporation, the Ontario Power Authority (OPA) is moving forward on the government's commitment to relocate the Greenfield South generating plant away from its current Mississauga site.

The OPA has informed the government that it is not proceeding with its contract with Greenfield South Power Corporation. The OPA has determined that this next step would best serve the public interest.

The Ontario government remains committed to moving forward toward relocating the plant. We will continue to ensure that the best interests of Ontario communities and ratepayers remains the primary priority.

For media inquiries call:

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erika.botond@ontario.ca

Paul Gerard, Communications Branch, 416-327-7726

Paul.gerard@ontario.ca

ontario.ca/energy-news

Disponible en français

For public inquiries call:

1-888-668-4636 TTY: 1-800-239-4224

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-14-11 1:13 PM
To: Nutter, George (ENERGY); Botond, Erika (ENERGY); Dunn, Ryan (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY); 'SOM.Paola.Gemmiti@ontario.ca'; Jennings, Rick (ENERGY)
Subject: Re: Statement draft 2

We need it to come from the OPA. It's not clear to me that it has.

Carolyn

From: Nutter, George (ENERGY)
To: Calwell, Carolyn (ENERGY); Botond, Erika (ENERGY); Dunn, Ryan (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY); Gemmiti, Paola (MAA); Jennings, Rick (ENERGY)
Sent: Mon Nov 14 13:11:38 2011
Subject: RE: Statement draft 2

The "public interest" language is taken directly from the q's and a's. Happy to take out if all concur – but that is the source.

George Nutter
Manager, Energy Communications
Communications Branch
Ministry of Energy
Ministry of Infrastructure

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Ontario, Canada M7A 2E1

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george.nutter@ontario.ca

From: Calwell, Carolyn (ENERGY)
Sent: November 14, 2011 1:04 PM
To: Nutter, George (ENERGY); Botond, Erika (ENERGY); Dunn, Ryan (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY); Gemmiti, Paola (MAA); Jennings, Rick (ENERGY)
Subject: Re: Statement draft 2

I don't believe that we have any paper from the OPA referring to the public interest - this statement should come out.

Carolyn

From: Nutter, George (ENERGY)

To: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY)

Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY); Gemmiti, Paola (MAA); Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY)

Sent: Mon Nov 14 12:52:52 2011

Subject: Statement draft 2

I've tried to incorporate thoughts heard round the table.

George Nutter
Manager, Energy Communications
Communications Branch
Ministry of Energy
Ministry of Infrastructure

4th fl. Hearst Block
900 Bay Street
Queen's Park, Toronto
Ontario, Canada M7A 2E1

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416-326-3947 fax

george.nutter@ontario.ca

Cayley, Daniel (ENERGY)

From: Rehob, James (ENERGY)
Sent: November-14-11 1:14 PM
To: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Subject: RE: Deck for 1:00 today

Hi, Carolyn – just seeing your deck now as I return from lunch – briefly reviewed it and it is very good (particularly given the rush regarding preparation). No comments from me at this time – thank you!
James

From: Calwell, Carolyn (ENERGY)
Sent: November 14, 2011 12:24 PM
To: King, Ryan (ENERGY); Rehob, James (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Subject: Deck for 1:00 today

Confidential/Solicitor-Client Privileged

I understand that the DM wants to walk a deck into a meeting about Greenfield that he is having today to start a conversation about the draft legislation. Ryan, I've built on the version that you sent me to address the compensation question – please see attached.

I welcome your comments – I don't pretend this version is at all definitive. I need to get this to Joseph by about 1.

Carolyn

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Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-14-11 1:15 PM
To: Silva, Joseph (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: Fw: Deck for 1:00 today
Attachments: GS Options on Site 14 11 2011(rk).ppt

Please see Ryan's change in the attached.

Carolyn

From: King, Ryan (ENERGY)
To: Calwell, Carolyn (ENERGY); Rehob, James (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Sent: Mon Nov 14 13:12:22 2011
Subject: RE: Deck for 1:00 today

One comment/question on slide 5 (attached)

From: Calwell, Carolyn (ENERGY)
Sent: November 14, 2011 12:24 PM
To: King, Ryan (ENERGY); Rehob, James (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Subject: Deck for 1:00 today

Confidential/Solicitor-Client Privileged

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I welcome your comments – I don't pretend this version is at all definitive. I need to get this to Joseph by about 1.

Carolyn

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Greenfield South Power Corporation Options

DRAFT FOR DISCUSSION

Confidential/Solicitor Client Privileged
November 14, 2011

Issues

- Next steps to resolve the Greenfield South gas plant require the government and the OPA to determine:
 - 1) what compensation Greenfield South should receive for termination of the contract; and
 - 2) what will happen with the Greenfield South site

Compensation

- There are at least 3 options to address compensation
 1. **Formula based on provable costs incurred by Greenfield South**
 2. **Fixed amount based on estimated costs incurred by Greenfield South**
 3. **Referral to a third party arbitrator for determination of compensation**
 - Compensation is assumed to include construction and equipment sunk costs; costs paid to terminate construction and equipment contracts; soft development costs, such as engineering, design, surveys, and legal fees
 - There is a decision point as to whether compensation should include lost profits

Option 1 – Formula based on costs incurred

- Greenfield would receive compensation for reasonable costs incurred in developing the project based on costs that it could prove through documentation and, potentially, audit
- Pros
 - Places onus on Greenfield South to prove its costs
 - Payment would be based on verifiable information
 - This approach was taken in the *Adams Mine Lake Act, 2004*
- Cons
 - It is unclear whether a formula could be negotiated with Greenfield

Option 2 – Fixed Amount

- Greenfield would receive compensation based on an amount determined by the OPA. This amount would be an estimate of costs to the date of termination of the contract, without verification from Greenfield South
- Pros
 - An amount could be determined quickly
- Cons
 - Would require implementation through legislation.
 - Greenfield would not agree to an amount imposed by the OPA or the government
 - Appears arbitrary and unfair

k1

Slide 5

k1

Would Greenfield have any further legal recourse if they did not agree to the amount?

kingry, 11/14/2011

Option 3 – Referral to Arbitrator

- An arbitrator could be appointed to resolve compensation either with consensus of Greenfield South or through legislation
- Pros
 - Provides for resolution of compensation through an independent third party
 - Allows for fair, impartial assessment of the amount of compensation
- Cons
 - Could result in a lengthy process, although process could be negotiated or legislated
 - Once arbitration commences, the ability of the OPA and the government to control the process is reduced

The Project Site

- There are at least 3 options to address the project site, which is a brownfield in a mostly industrial and commercial area:
 1. Acquire the site
 2. Greenfield retains the site
 3. Engage the City of Mississauga to seek its interest in acquiring the site from Greenfield South or contributing to compensation to Greenfield South

Site Option 1 – Acquisition

- Infrastructure Ontario or Ontario Power Generation acquires the site “as is” from Greenfield South
- Greenfield is compensated for sunk costs of project development and fair value for land
- Pros
 - Quick to implement
 - Costs of demolition and restoration of site are deferred
 - Site becomes available for public use or for resale
- Cons
 - Costs of security of site
 - Tantamount to expropriation

Option 2 – Greenfield retains site

- Use of site for electricity generation is prohibited through agreement or legislation
- Greenfield is compensated for sunk costs of project development, costs of restoring site to its pre-construction state and retains title to the land
- Pros
 - Limits OPA's and government's interests to financial
 - Less intrusive to private interests
- Cons
 - Public may continue to have ongoing concerns about future use of site

Option 3 – City of Mississauga Participation

- Begin discussions with the City of Mississauga to seek their interest in acquiring the site from Greenfield South Power Corporation or playing a role in resolution of the site
- City could contribute financially to compensation for Greenfield South and in turn have a say in the future use of the land
- Pros
 - Could potentially reduce total costs borne by the OPA or the Province
 - City could show that it is doing something positive in light of the cancellation
- Cons
 - Would likely require some convincing of the City.

Other Considerations

- Relocation – Greenfield South develops a generation project at another site or Greenfield South's turbines are used at another site
 - Relocation complicates and potentially delays resolution of the Mississauga site

Cayley, Daniel (ENERGY)

From: Rehob, James (ENERGY)
Sent: November-14-11 1:25 PM
To: King, Ryan (ENERGY); Calwell, Carolyn (ENERGY)
Subject: RE: Deck for 1:00 today

Hi, Carolyn – Ryan had a further comment regarding noting that any legislation could be judicially reviewed and could result in ongoing litigation – If desired, you could add the point to Slide 5 under Cons.

From: King, Ryan (ENERGY)
Sent: November 14, 2011 1:12 PM
To: Calwell, Carolyn (ENERGY); Rehob, James (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Subject: RE: Deck for 1:00 today

One comment/question on slide 5 (attached)

From: Calwell, Carolyn (ENERGY)
Sent: November 14, 2011 12:24 PM
To: King, Ryan (ENERGY); Rehob, James (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Subject: Deck for 1:00 today

Confidential/Solicitor-Client Privileged

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I welcome your comments – I don't pretend this version is at all definitive. I need to get this to Joseph by about 1.

Carolyn

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Cayley, Daniel (ENERGY)

From: Botond, Erika (ENERGY)
Sent: November-14-11 1:30 PM
To: Nutter, George (ENERGY); Dunn, Ryan (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY); Gemmiti, Paola (MAA); Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY); Kett, Jennifer (OPO)
Subject: RE: Statement draft 2
Attachments: 2011-11-14 Minister's Statement2.DOC
Importance: High Duplicate attachment removed

Hi gang – we have played around with this a bit. The way it was written, this seemed just to be another Oakville. Felt we needed to be clearer. Advice?

From: Nutter, George (ENERGY)
Sent: November 14, 2011 12:53 PM
To: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY); Gemmiti, Paola (MAA); Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY)
Subject: Statement draft 2

I've tried to incorporate thoughts heard round the table.

George Nutter
Manager, Energy Communications
Communications Branch
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Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-14-11 1:40 PM
To: 'michael.lyle@powerauthority.on.ca'
Cc: Perun, Halyna N. (ENERGY)
Subject: Contract

Mike,

You previously sent us a copy of the Greenfield contract without schedules. Now that the common interest agreement is resolved, would you please send the agreement in its entirety?

Carolyn

Fisher, Petra (ENERGY)

From: Nutter, George (ENERGY)
Sent: November-14-11 2:59 PM
To: King, Ryan (ENERGY); Jennings, Rick (ENERGY)
Cc: Gemmiti, Paola (ENERGY)
Subject: Greenfield draft statement, latest version
Attachments: 2011-11-14 Minister's Statement4a legal.DOC

FYI and any comment, attached has been reviewed by MO, DMO and Legal, and is in hands of OPA for comment.

George Nutter
Manager, Energy Communications
Communications Branch
Ministry of Energy
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george.nutter@ontario.ca

STATEMENT BY CHRIS BENTLEY, MINISTER OF ENERGY

November 14, 2011

The Ontario Power Authority (OPA) has informed the province that despite best efforts to ~~negotiate~~work with Greenfield South Power Corporation, the OPA is moving forward with the next step to meet the government's commitment to relocate the Greenfield South generating plant.

After several weeks of continuing discussions with Greenfield South ~~Power Corporation~~, it has become clear that Greenfield South has not agreed to stop construction and relocate the plant. In light of this, the OPA has informed Greenfield South that it will not proceed with this contract.

This decision is in the best interests of Ontario communities and ratepayers, ensuring they remain the primary priority.

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erika.botond@ontario.ca

Paul Gerard, Communications Branch, 416-327-7726

Paul.gerard@ontario.ca

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1-888-668-4636 TTY: 1-800-239-4224

ontario.ca/energy-news

Disponible en français

Fisher, Petra (ENERGY)

From: King, Ryan (ENERGY)
Sent: November-14-11 3:42 PM
To: Nutter, George (ENERGY); Jennings, Rick (ENERGY)
Cc: Gemmiti, Paola (ENERGY)
Subject: RE: Greenfield draft statement, latest version
Attachments: 2011-11-14 Minister's Statement4a legal(rk).DOC

[One suggestion](#)

From: Nutter, George (ENERGY)
Sent: November 14, 2011 2:59 PM
To: King, Ryan (ENERGY); Jennings, Rick (ENERGY)
Cc: Gemmiti, Paola (ENERGY)
Subject: Greenfield draft statement, latest version

FYI and any comment, attached has been reviewed by MO, DMO and Legal, and is in hands of OPA for comment.

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416-326-9602 office
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george.nutter@ontario.ca



STATEMENT

Ministry of Energy

STATEMENT BY CHRIS BENTLEY, MINISTER OF ENERGY

November 14, 2011

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After several weeks of continuing discussions with Greenfield South ~~Power Corporation~~, it has become clear that Greenfield South has not agreed to stop construction and relocate the plant. In light of this, the OPA has informed Greenfield South that it will not proceed with this contract.

This decision is in the best interests of Ontario communities and ratepayers, ensuring they remain the primary priority.

Comment [k1]: Might be better phrasing to say '...it has become clear Greenfield South has no intent to discuss relocation and has continued construction.'

For media inquiries call:

Erika Botond, Minister's Office, 416-327-4418

erika.botond@ontario.ca

Paul Gerard, Communications Branch, 416-327-7726

Paul.gerard@ontario.ca

ontario.ca/energy-news

Disponible en français

For public inquiries call:

1-888-668-4636 TTY: 1-800-239-4224

Fisher, Petra (ENERGY)

From: Rehob, James (ENERGY)
Sent: November-14-11 3:46 PM
To: Letourneau, Amanda (ENERGY)
Subject: Research, Greenfield South Power Corporation

Hi, Amanda – could you please do a corporate search on the Greenfield South Power Corporation, in order to identify the actual Co. Name and Number (all Ontario Companies receive a number and I may need to reference it in the legislation or regulations).

-Next, could you go back on to the Mississauga website and see (in order to list for me) any and all approvals provided by the City of Mississauga to Grreenfield South Power Corporation or the Numbered Ontario co (once you find that number)
Thanks!

James P. H. Rehob

Senior Counsel
Ministry of Energy and
Ministry of Infrastructure
Legal Services Branch
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Tel: 416-325-6676
Fax: 416-325-1781
james.rehob@ontario.ca

Notice

This communication may be solicitor/client privileged and contain confidential information only intended for the person(s) to whom it is addressed. Any dissemination or use of this information by others than the intended recipient(s) is prohibited. If you have received this message in error please notify the writer and permanently delete the message and all attachments. Thank you.

Fisher, Petra (ENERGY)

From: Nutter, George (ENERGY)
Sent: November-14-11 4:07 PM
To: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY); 'Patricia.Phillips@powerauthority.on.ca'
Subject: FW: Greenfield draft statement, latest version
Attachments: 2011-11-14 Minister's Statement4a legal(rk).DOC

Duplicate attachment removed

Policy staff are suggesting we change the wording in paragraph 2 as below:

I have no recommendation or preference.

From: it has become clear that Greenfield South has not agreed to stop construction and relocate the plant.
to: it has become clear Greenfield South has no intent to discuss relocation and has continued construction.

George Nutter
Manager, Energy Communications
Communications Branch
Ministry of Energy
Ministry of Infrastructure

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Queen's Park, Toronto
Ontario, Canada M7A 2E1

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416-326-3947 fax

george.nutter@ontario.ca

From: King, Ryan (ENERGY)
Sent: November 14, 2011 3:42 PM
To: Nutter, George (ENERGY); Jennings, Rick (ENERGY)
Cc: Gemmiti, Paola (ENERGY)
Subject: RE: Greenfield draft statement, latest version

One suggestion

From: Nutter, George (ENERGY)
Sent: November 14, 2011 2:59 PM
To: King, Ryan (ENERGY); Jennings, Rick (ENERGY)
Cc: Gemmiti, Paola (ENERGY)
Subject: Greenfield draft statement, latest version

FYI and any comment, attached has been reviewed by MO, DMO and Legal, and is in hands of OPA for comment.

George Nutter
Manager, Energy Communications

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Cayley, Daniel (ENERGY)

From: Nutter, George (ENERGY)
Sent: November-14-11 4:15 PM
To: McMichael, Rhonda (CAB); Gemmiti, Paola (MAA)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Evening Update -- REVISED per CO request

Will do.

George Nutter
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Sent: November 14, 2011 4:14 PM
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Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Evening Update -- REVISED per CO request

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It currently reads:

I understand the OPA has notified Greenfield South that it will not be proceeding with the contract if negotiations are unsuccessful.

It should read simply --

I understand the OPA has notified Greenfield South that it will not be proceeding with the contract.

The shorter version should be applied to both govt and OPA responses.

Can you ps amend and resend?

thanks.

From: Nutter, George (ENERGY)
Sent: November 14, 2011 12:29 PM
To: Gemmiti, Paola (MAA)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Calwell, Carolyn (ENERGY);

Kovesfalvi, Sylvia (ENERGY); McMichael, Rhonda (CAB)
Subject: RE: Evening Update -- REVISED per CO request

Attached contains changes as suggested by CO below.

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george.nutter@ontario.ca

From: Gemmiti, Paola (MAA)
Sent: November 14, 2011 11:01 AM
To: Nutter, George (ENERGY)
Cc: Sharkawi, Rula (ENERGY)
Subject: FW: Evening Update
Importance: High

Hi George, as discussed, can you please make these changes? Thanks, Paola

From: McMichael, Rhonda (CAB)
Sent: November 14, 2011 10:59 AM
To: Kovesfalvi, Sylvia (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: RE: Evening Update
Importance: High

Hi all -- please see attached changes to messaging from CO Policy (DM Gherson) below. Could you ps confirm there are no issues. If you could make the changes and send revised version -- thanks. (it's "will not be" in the first scenario "is not" in the second.)

Scenario A (2 step):

The OPA is in negotiations with Greenfield South.

I understand the OPA has notified Greenfield South that it will not be proceeding with the contract.

In the meantime, the OPA has asked Greenfield South to stop construction at the site.

SCENARIO B - If Contract is Terminated

I understand the OPA has had discussions with the developer -- Greenfield South. The OPA has notified Greenfield that the OPA is not proceeding with the contract.

From: Kovesfalvi, Sylvia (ENERGY)

Sent: November 13, 2011 7:59 PM

To: McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)

Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)

Subject: Fw: Evening Update

Hi - all comments incorporated. Good to forward.

Sent from my BlackBerry Wireless Handheld

From: Ted DeWelles <horatio@idirect.com>

To: Kovesfalvi, Sylvia (ENERGY)

Sent: Sun Nov 13 19:53:59 2011

Subject: Evening Update

Unrelated content removed

Cayley, Daniel (ENERGY)

From: Nutter, George (ENERGY)
Sent: November-14-11 4:18 PM
To: McMichael, Rhonda (CAB); Gemmiti, Paola (MAA)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Evening Update -- REVISED per CO request
Attachments: QA-repudiationNov14(letter release) CO 417pm.doc

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Kovesfalvi, Sylvia (ENERGY); McMichael, Rhonda (CAB)
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Sent: November 13, 2011 7:59 PM

To: McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)

Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)

Subject: Fw: Evening Update

Hi - all comments incorporated. Good to forward.

Sent from my BlackBerry Wireless Handheld

From: Ted DeWelles <horatio@idirect.com>

To: Kovesfalvi, Sylvia (ENERGY)

Sent: Sun Nov 13 19:53:59 2011

Subject: Evening Update

(sending from home computer, which is in husband's name).

MEDIA PROTOCOL

Generally the Minister's Office responds to strategic questions and OPA responds to operational questions.

Strategic - Minister's Office (Minister or Erika Botond)

- Government's decision to relocate the plant
- Government's commitment to relocate the plant.

Operational - OPA (Colin Andersen or Kristen Jenkins)

- Status of contract negotiations, and process for finding another site
- History of Greenfield site selection (required approvals, public consultation, etc).

Process

- The OPA immediately notifies the Ministry of Energy of any Greenfield-related media call (Communications Director, Media Manager and Spokesperson).
- The Ministry immediately notifies Minister's Office, Deputy Minister's Office, Legal and Cabinet Office.
- The OPA submits proposed responses; the ministry secures approvals (Cabinet Office, DMO, Legal, Policy).
- The Minister's Office confirms who responds and how (phone/email).

WHO SAYS WHAT – General Guidelines

	MINISTER	OPA
Key Messages	<p><u>SCENARIO A - If OPA sends letter to Greenfield South advising unsuccessful negotiations lead to termination (2-step approach)</u></p> <p>The OPA is in negotiations with Greenfield South.</p> <p>I understand the OPA has notified Greenfield South that it is <u>will not be</u> proceeding with the contract if negotiations are unsuccessful.</p> <p>In the meantime, the OPA has asked Greenfield South to stop construction at the site.</p> <p><u>SCENARIO B - If Contract is Terminated</u></p> <p>I understand the OPA has had discussions with the developer – Greenfield South. The OPA has notified Greenfield that the OPA is <u>not</u> will not <u>proceeding</u> with the contract.</p> <p>The OPA will look for another site for the gas plant.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p>	<p><i>We are in discussions with Greenfield South.</i></p> <p><i>We have notified them that we will not be proceeding with the contract, if our negotiations are not successful.</i></p> <p><i>In the meantime, we have asked Greenfield South to stop construction at the site.</i></p> <p><i>After pursuing discussions to reach a negotiated agreement, we have notified Greenfield South that the OPA will <u>is</u> not <u>proceeding</u> with the contract.</i></p> <p><i>We are seeking to continue discussions with Greenfield South on next steps. We cannot provide any additional information on these discussions at this time.</i></p> <p><i>We will look for another site for the gas plant.</i></p> <p><i>Once potential sites have been identified, the public will be consulted before a final decision is made.</i></p>

	<p><u>SCENARIO C – If letter/letters become public</u></p> <p>Despite OPA's best efforts, a successful negotiation could not be reached.</p> <p>OPA has decided that the contract come to an end and we support their decision.</p> <p>The government is committed to relocating this plant. It is in the ratepayer's interest to stop construction of this plant as soon as possible.</p> <p>It is also in the interest of Ontario's economy to resolve this as quickly as possible. We need to reassure electricity developers and investors that Ontario remains a good place to make energy investments.</p> <p>Gas-fired generation is an important and cost-effective role in building a cleaner, more modern electricity system that meets Ontario's energy needs.</p> <p>The government remains committed to providing a strong, stable supply of electricity for Ontario. We also remain committed to providing support to those making investments in Ontario's electricity system.</p> <p>The government will continue to ensure that the best interests of Ontario's communities and ratepayers remain the primary priority.</p> <p><i>It/they mean the government supports OPA's decision to terminate the contract with Greenfield South.</i></p>	<p><i>Despite our best efforts, a successful negotiation could not be reached.</i></p> <p><i>We have decided- that the contract come to an end and appreciate the government's support.</i></p> <p><i>The government is committed to relocating this plant. It is in the ratepayer's interest to stop construction of this plant as soon as possible.</i></p> <p><i>It is also in the interest of Ontario's economy to resolve this as quickly as possible. We need to reassure electricity developers and investors that Ontario remains a good place to make energy investments.</i></p> <p><i>Gas-fired generation is an important and cost-effective role in building a cleaner, more modern electricity system that meets Ontario's energy needs.</i></p> <p><i>We share the government's commitment to ratepayer value.</i></p> <p><i>We hope to continue discussions with the developer to arrive at a resolution fair to all parties.</i></p> <p><i>It/they mean negotiations had stalled and the OPA recognized the best next step for all parties involved – ratepayers, the developer and OPA – was to terminate the contract. The OPA decided to terminate the contract and the government indicated their support.</i></p>
<p><u>Letters</u></p> <p>What does/do these letters mean?</p>		

<p>Does this mean construction stops immediately?</p> <p>What kind of penalty does the developer face if they don't stop construction?</p> <p>Why did negotiations fail?</p> <p>How long did the OPA give it? How extensive have the discussions been?</p> <p>There's been strong and persistent opposition in other communities – Northern York Region for example, yet those plants are proceeding. Why are you stopping this one?</p> <p>What does “most appropriate way to</p>	<p>That is what the OPA asked and that is our expectation.</p> <p>—The developer will not be able to recover its costs of ongoing construction. We expect Greenfield to stop construction.</p> <p>The OPA and the developer could not reach an agreement.</p> <p>I understand the OPA and developer have been speaking frequently for the past month.</p> <p>This is a unique case and these circumstances do not apply to other contracts or issues.</p> <p>It means that we will sit down together to determine how to share the cost of cancelling the contract, giving full recognition to ratepayer value and contractual obligations.</p>	<p><i>That is what we asked and that is our expectation.</i></p> <p><i>The developer will not be able to recover its costs of ongoing construction. We have asked them to stop and that it our expectation.</i></p> <p><i>We could not reach an agreement.</i></p> <p><i>We have been speaking frequently with the developer for the past month.</i></p> <p><i>This is a unique case and these circumstances do not apply to other contracts or issues.</i></p> <p><i>It means that we will sit down together to determine how to share the cost of cancelling the contract, giving full recognition to ratepayer value and</i></p>
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<p>allocate compensation between the OPA and Crown” mean?</p> <p>Exactly how much is it going to cost to cancel this contract?</p> <p>How long will settlement negotiations take? Is there a drop-dead date?</p> <p>Are these letters precedent-setting? Has the Ministry or OPA sent similar letters before?</p> <p><u>Contract Termination</u></p> <p>Has the contract been terminated?</p>	<p>That has yet to be determined. The OPA is committed to resolving this matter with ratepayer value top of mind.</p> <p>The OPA will take the time necessary to come to a fair resolution.</p> <p>No. Such letters are not precedent-setting. Our government conducts business on behalf of the people of Ontario in an open and transparent manner.</p> <p><u>SCENARIO A</u></p> <p>No, however if negotiations are not successful, the OPA has notified Greenfield South that it will not be is not proceeding with the contract. In the meantime, the OPA has asked Greenfield South to stop construction at the site.</p>	<p><i>contractual obligations.</i></p> <p><i>We hope to start negotiations soon. We are committed to finding a fair resolution that upholds ratepayer value.</i></p> <p><i>We will take the time needed to find a fair solution.</i></p> <p><i>No. Such letters are not precedent-setting. Our agency conducts business on behalf of the people of Ontario. We do so in an open and transparent manner.</i></p> <p><i>No. We are in discussions with Greenfield South. We have notified them however that if our negotiations are not successful, we will not be proceeding with the contract. In the meantime, we have asked Greenfield South to stop construction at the site.</i></p>
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<p>Who terminated the contract?</p> <p>Why was the contract terminated? Were other solutions not viable?</p> <p>Did the OPA terminate the contract at the government's request?</p> <p>Why wasn't the contract terminated sooner?</p> <p>If the OPA is terminating the contract, how can you get the company to work with the OPA to relocate the site?</p>	<p><u>SCENARIO B AND C</u></p> <p>Following discussions with Greenfield South, OPA decided that not proceeding with the contract would best serve the public's interest.</p> <p>Contract negotiations are commercially sensitive. These discussions are confidential. We are confident the OPA is working in the best interests of Ontarians.</p> <p>The OPA, as the contract holder, has been in discussions with Greenfield South to resolve this matter in the best interests of Ontarians. Following discussions with Greenfield South, OPA decided that not proceeding with the contract best serves the public's interest. We support the OPA's decision.</p> <p>Discussions began as soon as they could between OPA and Greenfield South. This decision is the result of those discussions.</p> <p>The OPA will pursue further discussions with Greenfield South and we expect them to find a satisfactory resolution.</p>	<p><i>After pursuing discussions to reach a negotiated agreement, we have notified Greenfield South that the OPA will is not proceeding with the contract.</i></p> <p><i>Contract negotiations are commercially sensitive. These discussions are confidential. We will continue to negotiate in the best interests of Ontarians.</i></p> <p><i>The government has been clear that it is committed relocating the plant. Given the government's commitment, and following discussions with Greenfield South, we decided not proceeding with the contract was the appropriate next step.</i></p> <p><i>Our goal has been to resolve this matter in the best interests of Ontarians. We believe this decision best serves the public interest. Contract negotiations are commercial sensitive and we cannot say more than that.</i></p> <p><i>We initiated discussions with Greenfield South as soon as we received the Minister's letter asking us to begin discussions. Not proceeding with the contract is the result of these discussions.</i></p> <p><i>We will pursue further discussions with Greenfield South.</i></p>
--	--	--

<p>Will Greenfield South be the company to build the relocated plant? Do you have assurances from them on that?</p> <p>Will you put this back out to tender?</p> <p>What is the process for finding another site?</p> <p>How come you've cancelled the plants in Mississauga and Oakville but not in Northern York Region?</p>	<p>The OPA will pursue further discussions with Greenfield South to find a satisfactory resolution.</p> <p>The OPA will pursue further discussions with Greenfield South to find a satisfactory resolution.</p> <p>The OPA is best able to answer this. We can confirm that the site selection will include public consultation.</p> <p>These are two very different situations. The OPA has advised that Southwest GTA's local reliability issues can be addressed through building transmission. Transmission projects were rejected by the people of Northern York Region, and a generating facility is required immediately in the region to meet North American standards for reliability.</p>	<p><i>We expect to continue discussions with Greenfield South and hope to reach a satisfactory resolution.</i></p> <p><i>We expect to continue discussions with Greenfield South and hope to reach a satisfactory resolution.</i></p> <p><i>This will require further consideration, but we will consider local generation needs and transmission and distribution support. Once options are identified, the public will be consulted.</i></p> <p><i>These are two very different situations. Southwest GTA's local reliability issues can be addressed through building transmission. Transmission projects were rejected by the people of Northern York Region, and a generating facility is required immediately in the region to meet North American standards for reliability.</i></p>
<p><u>Construction</u></p> <p>Now that the OPA has terminated the contract, will work stop at the site?</p>	<p>SCENARIO A</p> <p>My understanding is that the OPA has notified the developer that it <u>is it will</u> not <u>be</u> proceeding with the contract. The OPA has asked the developer to stop work at the site.</p>	<p>SCENARIO A</p> <p><i>We have notified Greenfield South that we are will <u>not be not</u> proceeding with the contract and asked Greenfield to stop construction. We have made it clear that Greenfield is financially liable if construction continues. We will pursue further</i></p>

<p>Will legislation be required to stop construction?</p> <p>Minister, your spokesperson said that legislation was not needed, is this true?</p>	<p>SCENARIO B & C</p> <p>My understanding is that the OPA has notified the developer that it is not proceeding with the contract. The OPA requires the developer to stop work at the site.</p> <p>Legislation is an option, however, the best option, and the one we are choosing at this time, is to have the OPA work with Greenfield South to find satisfactory resolution.</p> <p>It is our expectation the OPA and Greenfield South will work together to find a satisfactory resolution.</p> <p>The best option, and the one we are choosing at this time, is to have the OPA work with Greenfield South to find satisfactory resolution to the site.</p>	<p><i>discussions about stopping work at the site.</i></p> <p>SCENARIO B & C</p> <p><i>The government is best able to answer this question.</i></p> <p><i>We have notified Greenfield South that we are not proceeding with the contract. We have stated that we require Greenfield to stop construction. We have made it clear that Greenfield is financially liable if construction continues. We will pursue further discussions about stopping work at the site, and hope to reach a satisfactory resolution..</i></p> <p><i>The government is best able to answer this question.</i></p>
<p><u>Contract Value</u></p> <p>Why should anyone want to contract with OPA or government after this?</p> <p>What's the status of negotiations with TransCanada?</p>	<p>The government and our agencies have successful track records for negotiating and fulfilling contracts in the best interest of Ontario taxpayers. This is a unique case and these circumstances do not apply to other contracts or issues.</p> <p>Like any other business, energy partners work together to respond to changing conditions. Contracts are renegotiated or terminated on a small and large scale across businesses of all types.</p> <p>Discussions with TransCanada continue. We do not have an update at this time.</p>	<p><i>Our agency has a successful track record for negotiating and fulfilling contracts in the best interest of Ontario ratepayers.</i></p> <p><i>This is a unique case and these circumstances do not apply to other contracts or issues.</i></p> <p><i>Discussions with TransCanada continue. We do not have an update at this time.</i></p>

<p>Will the cost of these contract cancellations be made public knowledge at some time?</p>	<p>Our government is committed to conducting business in an open and transparent manner. We will provide what we can when we can.</p>	<p><i>Contracts are commercially sensitive. It is up to the developer to determine what they are willing to make public and when.</i></p>
--	---	---

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-14-11 4:31 PM
To: Nutter, George (ENERGY); McMichael, Rhonda (CAB); Gemmiti, Paola (MAA)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Evening Update -- REVISED per CO request

Legal has no comments.

Carolyn

From: Nutter, George (ENERGY)
Sent: November 14, 2011 4:18 PM
To: McMichael, Rhonda (CAB); Gemmiti, Paola (MAA)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kovesfalvi, Sylvia (ENERGY)
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From: Gemmiti, Paola (MAA)
Sent: November 14, 2011 11:01 AM
To: Nutter, George (ENERGY)
Cc: Sharkawi, Rula (ENERGY)
Subject: FW: Evening Update
Importance: High

Hi George, as discussed, can you please make these changes? Thanks, Paola

From: McMichael, Rhonda (CAB)
Sent: November 14, 2011 10:59 AM
To: Kovesfalvi, Sylvia (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: RE: Evening Update
Importance: High

Hi all -- please see attached changes to messaging from CO Policy (DM Gherson) below. Could you ps confirm there are no issues. If you could make the changes and send revised version -- thanks. (it's 'will not be' in the first scenario 'is not' in the second.)

Scenario A (2 step):

The OPA is in negotiations with Greenfield South.

I understand the OPA has notified Greenfield South that it will not be proceeding with the contract.

In the meantime, the OPA has asked Greenfield South to stop construction at the site.

SCENARIO B - If Contract is Terminated

I understand the OPA has had discussions with the developer – Greenfield South. The OPA has notified Greenfield that the OPA is not proceeding with the contract.

From: Kovesfalvi, Sylvia (ENERGY)

Sent: November 13, 2011 7:59 PM

To: McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)

Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)

Subject: Fw: Evening Update

Hi - all comments incorporated. Good to forward.

Sent from my BlackBerry Wireless Handheld

From: Ted DeWelles <horatio@idirect.com>

To: Kovesfalvi, Sylvia (ENERGY)

Sent: Sun Nov 13 19:53:59 2011

Subject: Evening Update

Unrelated content removed

Fisher, Petra (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-14-11 4:33 PM
To: Nutter, George (ENERGY)
Subject: RE: Greenfield draft statement, latest version

No concerns here.

Carolyn

From: Nutter, George (ENERGY)
Sent: November 14, 2011 4:07 PM
To: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY); 'Patricia.Phillips@powerauthority.on.ca'
Subject: FW: Greenfield draft statement, latest version

Policy staff are suggesting we change the wording in paragraph 2 as below:

I have no recommendation or preference.

From: it has become clear that Greenfield South has not agreed to stop construction and relocate the plant.
to: it has become clear Greenfield South has no intent to discuss relocation and has continued construction.

George Nutter
Manager, Energy Communications
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Queen's Park, Toronto
Ontario, Canada M7A 2E1

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george.nutter@ontario.ca

From: King, Ryan (ENERGY)
Sent: November 14, 2011 3:42 PM
To: Nutter, George (ENERGY); Jennings, Rick (ENERGY)
Cc: Gemmiti, Paola (ENERGY)
Subject: RE: Greenfield draft statement, latest version

One suggestion

From: Nutter, George (ENERGY)
Sent: November 14, 2011 2:59 PM

To: King, Ryan (ENERGY); Jennings, Rick (ENERGY)

Cc: Gemmiti, Paola (ENERGY)

Subject: Greenfield draft statement, latest version

FYI and any comment, attached has been reviewed by MO, DMO and Legal, and is in hands of OPA for comment.

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Fisher, Petra (ENERGY)

From: Sharkawi, Rula (ENERGY)
Sent: November-14-11 4:34 PM
To: Nutter, George (ENERGY); Gemmiti, Paola (MAA); Gemmiti, Paola (ENERGY)
Subject: FW: 2011-11-14 Minister's Statement2.DOC

George/Paola –

The following line is problematic:

After repeated requests by the OPA to Greenfield to stop work on the site, Greenfield continues their work.

They don't think it's accurate, and sets up a "he said she said" -- it should come out or be reworked.

Feedback on Q and A to follow

R

Cayley, Daniel (ENERGY)

From: Letourneau, Amanda (ENERGY)
Sent: November-14-11 4:37 PM
To: Perun, Halyna N. (ENERGY)
Subject: RE: research
Attachments: Elements of the Tort of Misfeasance in Public Office.doc

Categories: Green Category

Hi Halyna,

Here is the research on misfeasance in public office. I could not find specific information on defences, but the elements of the tort provide guidance on how allegations would be rebutted.

Hope this helps, let me know if you need anything else.

Thanks,

Amanda

From: Perun, Halyna N. (ENERGY)
Sent: November 14, 2011 2:42 PM
To: Letourneau, Amanda (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Carson, Cheryl (ENERGY)
Subject: research

Hi Amanda –

The Minister of Energy has asked for a “coles notes” version of the tort of misfeasance in public office – could you please send a short blurb to me about this tort and defences – thank you.

As this pertains to the Mississauga gas plant matter – it’s urgent. End of day please -

I must apologize for not thanking for the last bit of research you did on this matter – so thank you for that!

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

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Elements of the Tort of Misfeasance in Public Office

There are three elements unique to this tort which must be demonstrated by a successful plaintiff, and two further elements which are common to torts generally.¹

- (1) The defendant must be a public official who was exercising or purporting to exercise public functions.
- (2) The public officer must act unlawfully. The unlawful act can be a breach of relevant statutory provisions, acting in excess of the powers granted to the public official, omitting to act in circumstances in which the public officer is under a legal duty to act, or acting for an improper purpose. Unlawful acts could also include tortious acts and breaches of contract.
- (3) The public official must be aware that his or her conduct is unlawful and that it is likely to injure the plaintiff.
- (4) The plaintiff must prove that the public official's tortious conduct was the legal cause of his or her injuries.
- (5) The injuries suffered must be compensable in tort law.

The tort of misfeasance in public office can arise in one of two ways.²

- conduct that is specifically intended to injure a person or class of persons; and (Category A)
- a public officer who acts with knowledge both that he or she has no power to do the act complained of and that the act is likely to injure the plaintiff (Category B)

In either case, the essential elements that must be established are the same and include:

- (1) deliberate and unlawful conduct in the exercise of public functions, and
- (2) awareness that the conduct is unlawful and likely to injure the plaintiff

The distinguishing features between the two categories of the tort are in the manner in which the plaintiff proves each element of the tort:

- in Category A, the fact that a public official acted with the express purpose of causing harm is sufficient to satisfy each element of the tort (because a public officer does not have the authority to exercise their powers for an improper purpose)
- in Category B, the plaintiff must prove both elements of the tort individually

¹ *Foschia v. Conseil des Écoles Catholique de Langue Française du Centre-Est* [2009] O.J. No. 2536 at para 22

² *Odhavji Estate v. Woodhouse* [2003] S.C.J. No. 74 at para. 22 [*Odjhavji*]
See also: *O'Dwyer v. Ontario (Racing Commission)* [2008] O.J. No. 2219.

In both cases, the focus of the inquiry is on whether the alleged misconduct is deliberate and unlawful.

- Most importantly, the defendant must have been aware that their conduct was unlawful
- The state of mind required to establish liability depends on which category the tort falls into:
 - o Category A involves "targeted malice",
 - o Category B may be satisfied by reckless indifference as to the legality of the act or its probable consequences: "[a]t the very least...the defendant must have been subjectively reckless or wilfully blind as to the possibility that harm was a likely consequence of the alleged misconduct".³

Defences

The plaintiff has the burden of establishing the elements of the tort. The defendant would have to provide evidence to establish that the action was not unlawful and was made in good faith and without the intention of inflicting harm on the plaintiff. Legal authority for the action complained of would also provide a defence to allegations as the tort requires unlawful conduct.

³ *Odhavji* at para. 38.

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-14-11 4:55 PM
To: McMichael, Rhonda (CAB); Nutter, George (ENERGY); Gemmiti, Paola (MAA)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Evening Update -- REVISED per CO request

I understand that MO is working on a different version. I propose to hold off review until we see the next iteration.

Carolyn

From: McMichael, Rhonda (CAB)
Sent: November 14, 2011 4:32 PM
To: McMichael, Rhonda (CAB); Nutter, George (ENERGY); Gemmiti, Paola (MAA)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Evening Update -- REVISED per CO request

Ps see revised version with some further tweaks to messaging.

From: McMichael, Rhonda (CAB)
Sent: November 14, 2011 4:14 PM
To: Nutter, George (ENERGY); Gemmiti, Paola (MAA)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Evening Update -- REVISED per CO request

Hi -- just realized that the messaging changes were not translated as expected.

It currently reads:

I understand the OPA has notified Greenfield South that it will not be proceeding with the contract if negotiations are unsuccessful.

It should read simply --

I understand the OPA has notified Greenfield South that it will not be proceeding with the contract.

The shorter version should be applied to both govt and OPA responses.

Can you ps amend and resend?

thanks.

From: Nutter, George (ENERGY)
Sent: November 14, 2011 12:29 PM
To: Gemmiti, Paola (MAA)
Cc: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kovesfalvi, Sylvia (ENERGY); McMichael, Rhonda (CAB)
Subject: RE: Evening Update -- REVISED per CO request

Attached contains changes as suggested by CO below.

George Nutter
Manager, Energy Communications
Communications Branch
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Ministry of Infrastructure

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900 Bay Street
Queen's Park, Toronto
Ontario, Canada M7A 2E1

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416-326-3947 fax

george.nutter@ontario.ca

From: Gemmiti, Paola (MAA)
Sent: November 14, 2011 11:01 AM
To: Nutter, George (ENERGY)
Cc: Sharkawi, Rula (ENERGY)
Subject: FW: Evening Update
Importance: High

Hi George, as discussed, can you please make these changes? Thanks, Paola

From: McMichael, Rhonda (CAB)
Sent: November 14, 2011 10:59 AM
To: Kovesfalvi, Sylvia (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)
Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)
Subject: RE: Evening Update
Importance: High

Hi all -- please see attached changes to messaging from CO Policy (DM Gherson) below. Could you ps confirm there are no issues. If you could make the changes and send revised version -- thanks. (it's 'will not be' in the first scenario 'is not' in the second.)

Scenario A (2 step):

The OPA is in negotiations with Greenfield South.

I understand the OPA has notified Greenfield South that it will not be proceeding with the contract.

In the meantime, the OPA has asked Greenfield South to stop construction at the site.

SCENARIO B - If Contract is Terminated

I understand the OPA has had discussions with the developer -- Greenfield South. The OPA has notified Greenfield that the OPA is not proceeding with the contract.

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 13, 2011 7:59 PM
To: McMichael, Rhonda (CAB); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)

Cc: King, Ryan (ENERGY); Gemmiti, Paola (MAA)

Subject: Fw: Evening Update

Hi - all comments incorporated. Good to forward.

Sent from my BlackBerry Wireless Handheld

From: Ted DeWelles <horatio@idirect.com>

To: Kovesfalvi, Sylvia (ENERGY)

Sent: Sun Nov 13 19:53:59 2011

Subject: Evening Update

Unrelated content removed

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-14-11 5:18 PM
To: Silva, Joseph (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: Contract
Attachments: Amended and Restated CES Contract with Greenfield South dated March 16 2009.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Duplicate attachment removed
(previously released)

Joseph, attached is the contract between the OPA and Greenfield South. We have asked for but have not yet received the various schedules to the contract.

Carolyn

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Fisher, Petra (ENERGY)

From: Patricia Phillips <Patricia.Phillips@powerauthority.on.ca>
Sent: November-14-11 5:20 PM
To: Nutter, George (ENERGY); Botond, Erika (ENERGY); Dunn, Ryan (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY)
Subject: RE: Greenfield draft statement, latest version

We prefer the changed version of para 2. Pat

From: Nutter, George (ENERGY) [mailto:George.Nutter@ontario.ca]
Sent: November 14, 2011 4:07 PM
To: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY); Patricia Phillips
Subject: FW: Greenfield draft statement, latest version

Policy staff are suggesting we change the wording in paragraph 2 as below:

I have no recommendation or preference.

From: it has become clear that Greenfield South has not agreed to stop construction and relocate the plant.
to: it has become clear Greenfield South has no intent to discuss relocation and has continued construction.

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Sent: November 14, 2011 3:42 PM
To: Nutter, George (ENERGY); Jennings, Rick (ENERGY)
Cc: Gemmiti, Paola (ENERGY)
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One suggestion

From: Nutter, George (ENERGY)
Sent: November 14, 2011 2:59 PM

To: King, Ryan (ENERGY); Jennings, Rick (ENERGY)

Cc: Gemmiti, Paola (ENERGY)

Subject: Greenfield draft statement, latest version

FYI and any comment, attached has been reviewed by MO, DMO and Legal, and is in hands of OPA for comment.

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Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November-14-11 5:24 PM
To: Lindsay, David (ENERGY)
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Attachments: Amended and Restated CES Contract with Greenfield South dated March 16 2009.pdf

Duplicate attachment removed
(previously released)

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
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BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

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Sent: November 14, 2011 5:18 PM
To: Silva, Joseph (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
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Cayley, Daniel (ENERGY)

To: Rehob, James (ENERGY)
Subject: RE: Research, Greenfield South Power Corporation
Attachments: image001.gif

Attachment is image below

From: Rehob, James (ENERGY)
Sent: October-02-12 7:55 PM
To: Rehob, James (ENERGY)
Subject: FW: Research, Greenfield South Power Corporation

From: Rehob, James (ENERGY)
Sent: Monday, November 14, 2011 5:28 PM
To: Letourneau, Amanda (ENERGY)
Subject: RE: Research, Greenfield South Power Corporation

Thanks very much, Amanda – now please do the same corporate search for Eastern Power Limited – note any connections (e.g. connected corporations, partnerships or entities, etc. if possible).

Thanks!
James

From: Letourneau, Amanda (ENERGY)
Sent: November 14, 2011 5:19 PM
To: Rehob, James (ENERGY)
Subject: RE: Research, Greenfield South Power Corporation

Hi James,

Here is the corporate information I found:

GREENFIELD SOUTH POWER CORPORATION

Previous Name(s): **GREENFIELD 407 POWER CORPORATION**
 Corporate Number: **002060572**
 Date of Inc./Amalg.: **2004-12-13**
 Amalg. Indicator Status: **ACTIVE**
 Establishment Type: **ONTARIO BUSINESS CORP.**
 Share: **SHARE**
 Jurisdiction: **ONTARIO**

Building Permit issued to Greenfield South Power Corp.:

Permit No.: 05 7583
Location: 2135 Loreland Avenue
Value: \$140,000
Building Size: 2,423 Sq metres
Lot size: 43,869 Sq Metres
Description: New- Power generating plant – Greenfield South Power Corp.

Here is information from the Mississauga website on past building permits and development applications for the power plant site location:

Building Permits

App Number App Date	Address Description	Scope Type Description	Issue Date Status
BP 3NEW 11 6380 2011-10-04	2315 LORELAND AVE Unit- PHASE 4 ALTER - FOUNDATION/SUPPORT FOR HEAT RECOVERY STEAM GENERATOR, GREENFIELD SOUTH POWER CORP	OTHER SINGLE TENANT INDUSTRIAL	WITHHELD
BP 3NEW 11 5678 2011-07-20	2315 LORELAND AVE Unit- PHS-3 NEW - COOLING TOWER & PUMP HOUSE	NEW BUILDING SINGLE TENANT INDUSTRIAL	WITHHELD
BP 3NEW 11 5409 2011-07-04	2315 LORELAND AVE Unit- PHASE-2 NEW - (1) COMPRESSOR BLD, (2) TRANSFORMER ENCLOSURE & 1-CONC-PAD, GREENFIELD SOUTH POWER PLANT	NEW BUILDING SINGLE TENANT INDUSTRIAL	WITHHELD
DRAIN 5 7583 R1 2009-11-12	2315 LORELAND AVE REVISED SITE SERVICING	REVISIONS SINGLE TENANT INDUSTRIAL	2009-12-04 ISSUED PERMIT
DRAIN 5 7583 SS 2009-03-17	2315 LORELAND AVE SITE SERVICING	OTHER INDUSTRIAL - OTHER	2009-05-28 ISSUED PERMIT
BP 3NEW 5 7583 2005-09-09	2315 LORELAND AVE NEW - POWER GENERATING PLANT, GREENFIELD SOUTH POWER CORP	NEW BUILDING SINGLE TENANT INDUSTRIAL	2011-05-30 ISSUED PERMIT

Development Applications

▫ App Number ▫ Type	▫ Location	▫ Description	▫ App Date	▫ Status
H-OZ 5 4 REMOVAL OF 'H' HOLDING SYMBOL	EAST OF DIXIE ROAD, SOUTH OF DUNDAS STREET EAST	REMOVAL OF HOLDING ZONE	2005- 08-04	APPROVED
SP 5 251 STANDARD SITE PLAN	S OF DUNDAS ST. E., E OF DIXIE RD	NEW POWER PLANT	2005- 08-04	APPROVED

From: Rehob, James (ENERGY)
Sent: November 14, 2011 3:46 PM
To: Letourneau, Amanda (ENERGY)
Subject: Research, Greenfield South Power Corporation

Hi, Amanda – could you please do a corporate search on the Greenfield South Power Corporation, in order to identify the actual Co. Name and Number (all Ontario Companies receive a number and I may need to reference it in the legislation or regulations).

-Next, could you go back on to the Mississauga website and see (in order to list for me) any and all approvals provided by the City of Mississauga to Greenfield South Power Corporation or the Numbered Ontario co (once you find that number) Thanks!

James P. H. Rehob
Senior Counsel
Ministry of Energy and
Ministry of Infrastructure
Legal Services Branch
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Tel: 416-325-6676
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james.rehob@ontario.ca

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Fisher, Petra (ENERGY)

From: Botond, Erika (ENERGY)
Sent: November-14-11 5:31 PM
To: 'Patricia Phillips'; Nutter, George (ENERGY); Dunn, Ryan (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY); Kett, Jennifer (OPO)
Subject: RE: Greenfield draft statement, latest version
Attachments: 2011-11-14 Minister's Statement4a legal(rk) (2).DOC

Some input from PO attached.

From: Patricia Phillips [mailto:Patricia.Phillips@powerauthority.on.ca]
Sent: November 14, 2011 5:20 PM
To: Nutter, George (ENERGY); Botond, Erika (ENERGY); Dunn, Ryan (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY)
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Sent: November 14, 2011 4:07 PM
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Policy staff are suggesting we change the wording in paragraph 2 as below:

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to: it has become clear Greenfield South has no intent to discuss relocation and has continued construction.

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From: King, Ryan (ENERGY)
Sent: November 14, 2011 3:42 PM
To: Nutter, George (ENERGY); Jennings, Rick (ENERGY)
Cc: Gemmiti, Paola (ENERGY)
Subject: RE: Greenfield draft statement, latest version

One suggestion

From: Nutter, George (ENERGY)
Sent: November 14, 2011 2:59 PM
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Cc: Gemmiti, Paola (ENERGY)
Subject: Greenfield draft statement, latest version

FYI and any comment, attached has been reviewed by MO, DMO and Legal, and is in hands of OPA for comment.

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STATEMENT

Ministry of Energy

STATEMENT BY CHRIS BENTLEY, MINISTER OF ENERGY

November 14, 2011

The government made a commitment to Mississauga residents to relocate the Greenfield South generating plant.

Today, ~~T~~he Ontario Power Authority (OPA) ~~has~~ informed the province that despite best efforts to negotiate work with Greenfield South Power Corporation, the OPA is moving forward with the next step to meet the government's commitment to relocate the Greenfield South generating plant.

After several weeks of continuing discussions with Greenfield South Power Corporation, it has become clear that Greenfield South has not agreed to stop construction and relocate the plant. In light of this, the OPA has informed Greenfield South that it will not proceed with this contract.

This decision is in the best interests of Ontario communities and ratepayers, ensuring they remain the primary priority. The government intends to honour its commitment to relocate the gas generation plant as expeditiously as possible.

Comment [k1]: Might be better phrasing to say '...it has become clear Greenfield South has no intent to discuss relocation and has continued construction.'

For media inquiries call:

Erika Botond, Minister's Office, 416-327-4418

erika.botond@ontario.ca

Paul Gerard, Communications Branch, 416-327-7726

Paul.gerard@ontario.ca

ontario.ca/energy-news

Disponible en français

For public inquiries call:

1-888-668-4636 TTY: 1-800-239-4224

Fisher, Petra (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: November-14-11 8:01 PM
To: Lindsay, David (ENERGY)
Subject: RE: talked to
Attachments: image001.gif

Attachment is image below

Thanks Deputy.

I'm just getting through my emails, and there's indication from MO (Erika Botond) that the statement is planned for release no earlier than tomorrow afternoon.

Once we've received a version that ENERGY and OPA folks are comfortable with, we'll share with CO before sending out.

Joseph

From: Lindsay, David (ENERGY)
Sent: November 14, 2011 7:57 PM
To: Silva, Joseph (ENERGY)
Subject: Fw: talked to

FYI.

We need to be clear on what is going when.

I'm not clear on when the Minister's statement should be released. So let's double check with Cabinet office before anyone "presses send". Colin makes some good points about timing, but I wasn't in the communications meetings to know if there is another strategy.

David

From: Colin Andersen <Colin.Andersen@powerauthority.on.ca>
To: Lindsay, David (ENERGY); Gherson, Giles (CAB)
Cc: Michael Lyle <Michael.Lyle@powerauthority.on.ca>; abirchenough@cogeco.ca <abirchenough@cogeco.ca>; Michael Killeavy <Michael.Killeavy@powerauthority.on.ca>; jim.hinds@irish-line.com <jim.hinds@irish-line.com>; Patricia Phillips <Patricia.Phillips@powerauthority.on.ca>
Sent: Mon Nov 14 19:41:36 2011
Subject: RE: talked to

To be more consistent with where discussions are at (ie another meeting before phase 2 letter) I think the last sentence of para 2 should read as:

In light of this, the OPA has informed Greenfield South that if mutual agreement based on appropriate compensation is not reached, the OPA will not proceed with this contract.

If a press release could wait till tomorrow night or wed that might be better re discussions, but understand the desire for sooner

We are on standby to send letter to GV once we receive M letter. We will notify when sent. Let us know if NR is to go out.

Full NR body with my change:

The Ontario Power Authority (OPA) has informed the province that despite best efforts to work with Greenfield South Power Corporation, the OPA is moving forward with the next step to meet the government's commitment to relocate the Greenfield South generating plant.

After several weeks of continuing discussions with Greenfield South, it has become clear that Greenfield South has not agreed to stop construction and relocate the plant. In light of this, the OPA has informed Greenfield South that if mutual agreement based on appropriate compensation is not reached, the OPA will not proceed with this contract.

This decision is in the best interests of Ontario communities and ratepayers, ensuring they remain the primary priority.

Colin Andersen
Chief Executive Officer

Ontario Power Authority
120 Adelaide Street West, Suite 1600
Toronto, Ontario M5H 1T1
T. 416 969 6399
F. 416 969 6380
colin.andersen@powerauthority.on.ca
www.powerauthority.on.ca



Please consider your environmental responsibility before printing this email

From: Lindsay, David (ENERGY) [mailto:David.Lindsay@ontario.ca]
Sent: Monday, November 14, 2011 7:28 PM
To: Colin Andersen; Gherson, Giles (CAB)
Cc: Michael Lyle; abirchenough@cogeco.ca; Michael Killeavy; jim.hinds@irish-line.com
Subject: RE: talked to

Colin,

I mis-spoke in my previous e-mail ... apparently the draft of the communications statement is to get feedback from OPA not Cabinet office...

From: Colin Andersen [mailto:Colin.Andersen@powerauthority.on.ca]
Sent: November 14, 2011 7:14 PM
To: Gherson, Giles (CAB); Lindsay, David (ENERGY)
Cc: Michael Lyle; abirchenough@cogeco.ca; Michael Killeavy; jim.hinds@irish-line.com
Subject: talked to

GV – re a meeting tomorrow aft. He needs to change some things but will get back to me in the morning. Told him a letter likely coming tonight or tomorrow.

Do we have a signed letter from M yet? Or a press release redraft?

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Chief Executive Officer

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Fisher, Petra (ENERGY)

From: Lindsay, David (ENERGY)
Sent: November-14-11 8:02 PM
To: 'Colin.Andersen@powerauthority.on.ca'
Subject: Re: talked to
Attachments: image001.gif

Attachment is image below

Hi Colin,

Thanks for the good suggestions. I'm not sure who is the final pen on this "Minister's Statement" it seems to have lots of input from various sources. I'll forward your wording comments to our communications folks but other offices seem to get involved at various points so we will just need to keep a watching brief on where it lands.

David

From: Colin Andersen <Colin.Andersen@powerauthority.on.ca>
To: Lindsay, David (ENERGY); Gherson, Giles (CAB)
Cc: Michael Lyle <Michael.Lyle@powerauthority.on.ca>; abirchenough@cogeco.ca <abirchenough@cogeco.ca>; Michael Killeavy <Michael.Killeavy@powerauthority.on.ca>; jim.hinds@irish-line.com <jim.hinds@irish-line.com>; Patricia Phillips <Patricia.Phillips@powerauthority.on.ca>
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distribution or copying of this e-mail message or any files transmitted with it is strictly prohibited. If you have received this message in error, or are not the named recipient(s), please notify the sender immediately and delete this e-mail message.

Cayley, Daniel (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: November-14-11 8:36 PM
To: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); Jennings, Rick (ENERGY); MacLennan, Craig (ENERGY)
Cc: Kulendran, Jesse (ENERGY)
Subject: Scanned - Letter to J Hinds
Attachments: document2011-11-14-202257.pdf

Hi everyone – attached is the scanned copy of the letter signed by the Minister. This has been emailed to Mr Hinds a few minutes ago. Hard copy to come by mail.

Joseph

From: DoNotReply@ontario.ca [mailto:DoNotReply@ontario.ca]
Sent: November 14, 2011 8:23 PM
To: Silva, Joseph (ENERGY)
Subject: scanned document from MEI DMO IBM 1769MFP

Ministry of Energy

Office of the Minister

4th Floor, Hearst Block
900 Bay Street
Toronto ON M7A 2E1
Tel.: 416-327-6758
Fax: 416-327-6754

Ministère de l'Énergie

Bureau du ministre

4^e étage, édifice Hearst
900, rue Bay
Toronto ON M7A 2E1
Tél. : 416 327-6758
Téléc. : 416 327-6754



November 14, 2011

Mr. Jim Hinds
Chair
Ontario Power Authority
1600-120 Adelaide Street West
Toronto ON M5H 1T1

Dear Mr. Hinds:

In response to your letter of November 10, 2011 and in recognition that community opposition to the Greenfield South Generation Facility is ongoing and well documented, I am writing to acknowledge the OPA's efforts to negotiate with the developer of the facility, Greenfield South Power Corporation, with an aim to achieving a satisfactory resolution concerning the Mississauga site. The government remains committed to having the plant relocated.

I have given careful consideration to public statements, correspondence to the government and resolutions of the Council of the City of Mississauga. While full recognition must be given to rate-payer value and the fair treatment of contractual counterparties, as suggested in your letter, in light of the strong and persistent opposition to the plant, the government supports the OPA's decision to not proceed with the contract and any other appropriate commercial and other steps that the OPA must take in seeking to stop construction of the gas plant at its current location. The government will give due consideration to the question you have raised about the allocation of compensation.

The circumstances in Mississauga are unique. The government remains committed to a strong, stable supply of electricity for Ontario and continued support of those making investments in Ontario's electricity system.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Bentley".

Chris Bentley
Minister

c: David Lindsay, Deputy Minister

Fisher, Petra (ENERGY)

From: Lindsay, David (ENERGY)
Sent: November-14-11 8:39 PM
To: 'Colin.Andersen@powerauthority.on.ca'
Subject: Fw: Letter from the Minister of Energy re Greenfield South Generation Facility
Attachments: Letter to Jim Hinds from Minister of Energy November 14 2011.pdf
Importance: High Duplicate attachment removed

Colin,

Here is the Minister's signed letter.

David

From: Silva, Joseph (ENERGY)
To: 'Jim.hinds@irish-line.com' <Jim.hinds@irish-line.com>
Cc: Lindsay, David (ENERGY)
Sent: Mon Nov 14 20:33:46 2011
Subject: Letter from the Minister of Energy re Greenfield South Generation Facility

Good evening Mr. Hinds.

Please find attached the scanned copy of a letter from the Honourable Chris Bentley, Minister of Energy.

The original letter will be sent to your office at the Ontario Power Authority.

Thank you.

Joseph Silva
Executive Assistant to the Deputy Minister of Energy
Hearst Block 4th Flr, 900 Bay St, Toronto ON M7A 2E1
Tel: 416-325-2371 , Email: Joseph.Silva@ontario.ca

Cayley, Daniel (ENERGY)

From: jim.hinds@irish-line.com
Sent: November-14-11 8:43 PM
To: Silva, Joseph (ENERGY)
Cc: Lindsay, David (ENERGY); Colin Andersen
Subject: Re: Letter from the Minister of Energy re Greenfield South Generation Facility

Joseph,

Good letter. Acknowledge receipt. Regards,

Jim.

Sent from my BlackBerry device on the Rogers Wireless Network

From: "Silva, Joseph (ENERGY)" <Joseph.Silva@ontario.ca>
Date: Mon, 14 Nov 2011 20:33:46 -0500
To: <Jim.hinds@irish-line.com>
Cc: Lindsay, David (ENERGY)<David.Lindsay@ontario.ca>
Subject: Letter from the Minister of Energy re Greenfield South Generation Facility

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Joseph Silva
Executive Assistant to the Deputy Minister of Energy
Hearst Block 4th Flr, 900 Bay St, Toronto ON M7A 2E1
Tel: 416-325-2371 , Email: Joseph.Silva@ontario.ca

Fisher, Petra (ENERGY)

From: Lindsay, David (ENERGY)
Sent: November-14-11 8:45 PM
To: Gherson, Giles (CAB)
Subject: Fw: Letter from the Minister of Energy re Greenfield South Generation Facility

Looks like we can move on from the letter to the communications strategy.

David

From: jim.hinds@irish-line.com <jim.hinds@irish-line.com>
To: Silva, Joseph (ENERGY)
Cc: Lindsay, David (ENERGY); Colin Andersen <colin.andersen@powerauthority.on.ca>
Sent: Mon Nov 14 20:43:11 2011
Subject: Re: Letter from the Minister of Energy re Greenfield South Generation Facility

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Good letter. Acknowledge receipt. Regards,

Jim.

Sent from my BlackBerry device on the Rogers Wireless Network

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Date: Mon, 14 Nov 2011 20:33:46 -0500
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Cc: Lindsay, David (ENERGY)<David.Lindsay@ontario.ca>
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Executive Assistant to the Deputy Minister of Energy
Hearst Block 4th Flr, 900 Bay St, Toronto ON M7A 2E1
Tel: 416-325-2371 , Email: Joseph.Silva@ontario.ca

Fisher, Petra (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: November-14-11 8:55 PM
To: Lindsay, David (ENERGY)
Cc: Kulendran, Jesse (ENERGY)
Subject: RE:

Thanks Deputy.

I'm cc'ng Jesse as she's been helping with the liaison on the statement while I've been trying to focus on the letter.

Jesse indicated to me that the latest intel (from MO) is to now wait until after the Step 2 (repudiation letter from OPA to Greenfield) has been sent out. This means the media release won't happen until Wednesday. In any event, we'll be vigilant on timing of the media release and ensure content accordingly.

Joseph

From: Lindsay, David (ENERGY)
Sent: November 14, 2011 8:38 PM
To: Silva, Joseph (ENERGY)
Subject: Re:

Thanks for all your help processing this. Sounds like we have touched all the right bases.

The one outstanding issue is the timing of the media release. I tend to agree with Colin that the public announcement is not urgent for tomorrow but if the political decision is to send out a statement then the appropriate wording change as per Colin's suggestion should be made.

David

From: Silva, Joseph (ENERGY)
To: Lindsay, David (ENERGY)
Sent: Mon Nov 14 20:30:19 2011
Subject:

Deputy – Minister has signed. I'll scan and send out to Mr Hinds, cc you, by email. Will you share with Colin and Giles?

I will then share a scanned copy with Craig, our legal team. I also plan on sharing a copy with Steen.

Joseph Silva

Executive Assistant (A) to the Deputy Minister of Energy

Hearst Block 4th Flr, 900 Bay St, Toronto ON M7A 2E1

Tel: 416-325-2371 , Email: Joseph.Silva@ontario.ca

Fisher, Petra (ENERGY)

From: Gherson, Giles (CAB)
Sent: November-14-11 11:07 PM
To: 'Colin.Andersen@powerauthority.on.ca'; Betzner, Lynn (CAB); Lindsay, David (ENERGY); 'Michael.Lyle@powerauthority.on.ca'
Subject: Re: Status

That should be OK as long as the P doesn't have a media availability tomorrow. If he does, it's clear he wants to say something stronger in response to "when will construction on the plant stop?" than simply "discussions are continuing". That's not working for him any longer.
If he can wait till pre-Cabinet scrum at Wednesday noon, we'll have the stage 2 statement.

----- Original Message -----

From: Colin Andersen <Colin.Andersen@powerauthority.on.ca>
To: Gherson, Giles (CAB); Betzner, Lynn (CAB); Lindsay, David (ENERGY); Michael Lyle <Michael.Lyle@powerauthority.on.ca>
Sent: Mon Nov 14 22:35:09 2011
Subject: Status

After various emails/phone calls here's where I think we should go:

- send stage 1 letter to vogt tonight/first thing tues am
- OPA (me) to meet vogt tues pm
- prepare to do stage 2 wed if appropriate (no visble work stoppage imminent)
- no press release til stage 2 letter sent (My understanding is that ministry and PO comms had agreed to this)

The alternative is to send out a press release with my wording if one is needed before stage 2. We are not sending letter to have it scuppered by the other wrongly worded press release so pls confirm no press release til wed

G and/or L, pls confirm.

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Fisher, Petra (ENERGY)

From: Betzner, Lynn (CAB)
Sent: November-15-11 6:01 AM
To: 'Colin.Andersen@powerauthority.on.ca'; Gherson, Giles (CAB); Lindsay, David (ENERGY); 'Michael.Lyle@powerauthority.on.ca'
Subject: Re: Status

Hi - the P has a speech to the economic club today, so I would expect him to be scrummed. As Giles has indicated, he should have a line to use that is different than previous messages.

Will link in and let you know re: timing of news release whether today or tomorrow - Lynn

----- Original Message -----

From: Colin Andersen <Colin.Andersen@powerauthority.on.ca>
To: Gherson, Giles (CAB); Betzner, Lynn (CAB); Lindsay, David (ENERGY); Michael Lyle <Michael.Lyle@powerauthority.on.ca>
Sent: Mon Nov 14 23:25:20 2011
Subject: Re: Status

We will send letter in morning first thing. Pls alert us before a nr goes out if one is necessary. Alternatively, perhaps he could message similar to what would otherwise be in the nr (our latest wording)

----- Original Message -----

From: Gherson, Giles (CAB) [mailto:giles.gherson@ontario.ca]
Sent: Monday, November 14, 2011 11:07 PM
To: Colin Andersen; Betzner, Lynn (CAB) <Lynn.Betzner@ontario.ca>; Lindsay, David (ENERGY) <David.Lindsay@ontario.ca>; Michael Lyle
Subject: Re: Status

That should be OK as long as the P doesn't have a media availability tomorrow. If he does, it's clear he wants to say something stronger in response to "when will construction on the plant stop?" than simply "discussions are continuing". That's not working for him any longer.

If he can wait till pre-Cabinet scrum at Wednesday noon, we'll have the stage 2 statement.

----- Original Message -----

From: Colin Andersen <Colin.Andersen@powerauthority.on.ca>
To: Gherson, Giles (CAB); Betzner, Lynn (CAB); Lindsay, David (ENERGY); Michael Lyle <Michael.Lyle@powerauthority.on.ca>
Sent: Mon Nov 14 22:35:09 2011
Subject: Status

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Fisher, Petra (ENERGY)

From: Betzner, Lynn (CAB)
Sent: November-15-11 6:01 AM
To: Lindsay, David (ENERGY)
Subject: Re: Tuesday and Wednesday Communications

Hi David - that would be great. I am available at 7:15 at 416-232-2989 if that works. Lynn

----- Original Message -----

From: Lindsay, David (ENERGY)
To: Betzner, Lynn (CAB)
Sent: Mon Nov 14 23:01:13 2011
Subject: Tuesday and Wednesday Communications

Giles has asked me to help explain the sequence of letters and negotiations on the Mississauga file over the next 24 hours in order to help coordinate our communications.

I have an 8 o'clock breakfast. Can we chat before that tomorrow morning?

David

Fisher, Petra (ENERGY)

From: Gherson, Giles (CAB)
Sent: November-15-11 6:41 AM
To: Betzner, Lynn (CAB); Lindsay, David (ENERGY)
Subject: Re:

I'm fine with this messaging --and it is what PO is looking for. But does it go too far for Colin's purposes, which is to seek a voluntary work stop at his meeting with Eastern today?

----- Original Message -----

From: Betzner, Lynn (CAB)
To: Gherson, Giles (CAB); Lindsay, David (MNDMF)
Cc: McMichael, Rhonda (CAB)
Sent: Tue Nov 15 06:14:17 2011
Subject:

Hi - The below was the 2 step messaging for Tuesday. Let me know if you are OK with this. Its messaging we can give to the PO. Then have more formal communications on Wed. Noting the P gets scrummed before 12:00 cabinet on wed. David and I will discuss this morning:

"I understand the OPA has notified Greenfield South that it will not be proceeding with the contract.

It is our expectation that Greenfield South will stop construction at the site."

Fisher, Petra (ENERGY)

From: Kulendran, Jesse (ENERGY)
Sent: November-15-11 9:31 AM
To: Lindsay, David (ENERGY)
Cc: Silva, Joseph (ENERGY)
Subject: Statement
Attachments: 2011-11-15 Minister's Statement4a legal(rk)PO.clean.DOC

Here's the latest version of the statement (incorporates PO's changes). The statement is intended for release *after* the phase 2 letter goes out from the OPA (ideally Wednesday morning).

STATEMENT BY CHRIS BENTLEY, MINISTER OF ENERGY

November 15, 2011

The government made a commitment to Mississauga residents to relocate the Greenfield South generating plant.

Today, the Ontario Power Authority (OPA) informed the province that despite best efforts to work with Greenfield South Power Corporation, they have taken the next step to meet the government's commitment to relocate the Greenfield South generating plant.

After several weeks of discussions, it has become clear that Greenfield South has no intent to consider relocation and continues construction. In light of this, the OPA has informed Greenfield South that it will not proceed with this contract.

This decision is in the best interests of Ontario communities and ratepayers, ensuring they remain the primary priority. The government intends to honour its commitment to relocate the gas generation plant as expeditiously as possible.

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For media inquiries call:
Erika Botond, Minister's Office, 416-327-4418
erika.botond@ontario.ca
Paul Gerard, Communications Branch, 416-327-7226
Paul.gerard@ontario.ca

ontario.ca/energy-news
Disponible en français

For public inquiries call:
1-888-668-4636 TTY: 1-800-239-4224

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-15-11 9:32 AM
To: Kovesfalvi, Sylvia (ENERGY); Botond, Erika (ENERGY);
'Patricia.Phillips@powerauthority.on.ca'; Dunn, Ryan (ENERGY); Kulendran, Jesse (ENERGY); King, Ryan (ENERGY)
Cc: Nutter, George (ENERGY); Gemmiti, Paola (ENERGY); Sharkawi, Rula (ENERGY)
Subject: Re: TIME-SENSITIVE: Greenfield draft statement, latest version

The reference to "they" in the 2nd sentence of the 2nd para is ambiguous - should be "the OPA".

I think the second option (addressing the comment) is more accurate.

Carolyn

From: Kovesfalvi, Sylvia (ENERGY)
To: Botond, Erika (ENERGY); Patricia Phillips <Patricia.Phillips@powerauthority.on.ca>; Dunn, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY); King, Ryan (ENERGY)
Cc: Nutter, George (ENERGY); Gemmiti, Paola (MAA); Sharkawi, Rula (ENERGY)
Sent: Tue Nov 15 09:22:18 2011
Subject: TIME-SENSITIVE: Greenfield draft statement, latest version

Hi all –

George is away today so I'll be coordinating comments on the Minister's draft statement.

Attached is latest version (clean and tracked) incorporating comments from PO received late yesterday.



STATEMENT

Ministry of Energy

STATEMENT BY CHRIS BENTLEY, MINISTER OF ENERGY

November 15, 2011

The government made a commitment to Mississauga residents to relocate the Greenfield South generating plant.

Today, the Ontario Power Authority (OPA) has informed the province that despite best efforts to ~~negotiate work with Greenfield South Power Corporation, the OPA is they moving forward with~~ have taken the next step to meet the government's commitment to relocate the Greenfield South generating plant.

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This decision is in the best interests of Ontario communities and ratepayers, ensuring they remain the primary priority. The government intends to honour its commitment to relocate the gas generation plant as expeditiously as possible.

Comment [k1]: Might be better phrasing to say '...it has become clear Greenfield South has no intent to discuss relocation and has continued construction.'

For media inquiries call:
Erika Botond, Minister's Office, 416-327-4418
erika.botond@ontario.ca
Paul Gerard, Communications Branch, 416-327-7272
Paul.gerard@ontario.ca

ontario.ca/energy-news
Disponible en français

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For media inquiries call:
Erika Botond, Minister's Office, 416-327-4418
erika.botond@ontario.ca
Paul Gerard, Communications Branch, 416-327-7226
Paul.gerard@ontario.ca

ontario.ca/energy-news
Disponible en français

For public inquiries call:
1-888-668-4636 TTY: 1-800-239-4224

Cayley, Daniel (ENERGY)

From: Michael Lyle <Michael.Lyle@powerauthority.on.ca>
Sent: November-15-11 9:37 AM
To: Perun, Halyna N. (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: RE: Scanned - Letter to J Hinds
Attachments: greenest2011_english-(custom)verysmall.gif

Attachment is image below

Thanks. I will forward to you shortly the letter which went from the OPA to Greenfield South copied to the secured lenders. We are currently reviewing the exhibits to determine what of them we will still need to redact.

Michael Lyle
General Counsel and Vice President
Legal, Aboriginal & Regulatory Affairs
Ontario Power Authority
120 Adelaide Street West, Suite 1600
Toronto, Ontario, M5H 1T1
Direct: 416-969-6035
Fax: 416.969.6383
Email: michael.lyle@powerauthority.on.ca

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From: Perun, Halyna N. (ENERGY) [mailto:Halyna.Perun2@ontario.ca]
Sent: November 15, 2011 9:25 AM
To: Michael Lyle
Cc: Calwell, Carolyn (ENERGY)
Subject: FW: Scanned - Letter to J Hinds

Privileged and Confidential

Hi Mike – this was emailed to Mr. Hinds last evening – hard copy to follow today by mail.

We're in meetings this morning – but Carolyn will aim to call you about next steps later this morning. Contents of attached letter assume a "one step" approach – so we'd like to review that with you.

Minister would still like to see all schedules to the contract, so hope that that could be accommodated

Thank you!

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

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Cayley, Daniel (ENERGY)

From: Michael Lyle <Michael.Lyle@powerauthority.on.ca>
Sent: November-15-11 9:40 AM
To: Perun, Halyna N. (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: FW: ARCES Contract Between Greenfield Power Corporation and the OPA
Attachments: November 14 2011 OPA Letter to Greenfield South.pdf

Importance: High

Duplicate attachment
removed (previously
released)

Michael Lyle
General Counsel and Vice President
Legal, Aboriginal & Regulatory Affairs
Ontario Power Authority
120 Adelaide Street West, Suite 1600
Toronto, Ontario, M5H 1T1
Direct: 416-969-6035
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-----Original Message-----

From: Michael Killeavy
Sent: November 15, 2011 7:39 AM
To: Gergory M. Vogt (gvogt@easternpower.on.ca)
Cc: abirchenough@cogeco.ca
Subject: ARCES Contract Between Greenfield Power Corporation and the OPA
Importance: High

Greg,

Further to your conversation yesterday with Colin Andersen, attached please find the letter Colin mentioned.

Michael

Michael Killeavy, LL.B., MBA, P.Eng.

Director, Contract Management

Ontario Power Authority

120 Adelaide St. West, Suite 1600

Toronto, Ontario, M5H 1T1

416-969-6288 (office)

416-969-6071 (fax)

416-520-9788 (cell)

Michael.killeavy@powerauthority.on.ca

Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November-15-11 9:49 AM
To: Sharkawi, Rula (ENERGY); Silva, Joseph (ENERGY); Gemmiti, Paola (ENERGY)
Cc: Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY); King, Ryan (ENERGY)
Subject: Fw: ARCES Contract Between Greenfield Power Corporation and the OPA
Attachments: November 14 2011 OPA Letter to Greenfield South.pdf
Importance: High

Duplicate attachment removed
(previously released)

Hi - please see attached - the comms material may need to be adjusted to reflect this approach (OPA still negotiating - hasn't terminated)

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

----- Original Message -----

From: Michael Lyle <Michael.Lyle@powerauthority.on.ca>
To: Perun, Halyna N. (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Sent: Tue Nov 15 09:39:52 2011
Subject: FW: ARCES Contract Between Greenfield Power Corporation and the OPA

Michael Lyle
General Counsel and Vice President
Legal, Aboriginal & Regulatory Affairs
Ontario Power Authority
120 Adelaide Street West, Suite 1600
Toronto, Ontario, M5H 1T1
Direct: 416-969-6035
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Cc: abirchenough@cogeco.ca

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Importance: High

Greg,

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Michael

Michael Killeavy, LL.B., MBA, P.Eng.

Director, Contract Management

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120 Adelaide St. West, Suite 1600

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Michael.killeavy@powerauthority.on.ca

Fisher, Petra (ENERGY)

From: Botond, Erika (ENERGY)
Sent: November-15-11 9:59 AM
To: Kovesfalvi, Sylvia (ENERGY); 'Patricia Phillips'; Dunn, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY); King, Ryan (ENERGY)
Cc: Nutter, George (ENERGY); Gemmiti, Paola (MAA); Sharkawi, Rula (ENERGY); Kett, Jennifer (OPO)
Subject: RE: TIME-SENSITIVE: Greenfield draft statement, latest version
Attachments: 2011-11-15 Minister's Statement4a legal(rk)PO clean.DOC

Some other revisions from PO. Concern is it is not clear about the relocation part. That we will relocate, but that doesn't mean with Greenfield. Thoughts?

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 15, 2011 9:22 AM
To: Botond, Erika (ENERGY); Patricia Phillips; Dunn, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY); King, Ryan (ENERGY)
Cc: Nutter, George (ENERGY); Gemmiti, Paola (MAA); Sharkawi, Rula (ENERGY)
Subject: TIME-SENSITIVE: Greenfield draft statement, latest version

Hi all –

George is away today so I'll be coordinating comments on the Minister's draft statement.

Attached is latest version (clean and tracked) incorporating comments from PO received late yesterday.

STATEMENT FROM ONTARIO MINISTER OF ENERGY CHRIS BENTLEY
STATEMENT BY CHRIS BENTLEY, MINISTER OF ENERGY

November 15, 2011

~~The government made a commitment to Mississauga residents to relocate the Greenfield South generating plant. The government made a specific commitment to Mississauga residents to relocate the generating plant currently under construction on the Greenfield South site.~~

Today, the Ontario Power Authority (OPA) informed the province that despite best efforts to work with Greenfield South Power Corporation, they have taken the next step to meet the government's commitment to relocate the Greenfield South generating plant.

After several weeks of discussions, it has become clear that Greenfield South has no intent to consider relocation and continues construction. In light of this, the OPA has informed Greenfield South that it will not proceed with this contract.

This decision is in the best interests of Ontario communities and ratepayers, ensuring they remain the primary priority. The government intends to honour its commitment to relocate the gas generation plant as expeditiously as possible.

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Erika Botond, Minister's Office, 416-327-4418
erika.botond@ontario.ca
Paul Gerard, Communications Branch, 416-327-7226
Paul.gerard@ontario.ca

ontario.ca/energy-news
Disponible en français

For public inquiries call:
1-888-668-4636 TTY: 1-800-239-4224

Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November-15-11 10:02 AM
To: Calwell, Carolyn (ENERGY); Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Subject: Fw: ARCES Contract Between Greenfield Power Corporation and the OPA

Fyi

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

----- Original Message -----

From: Michael Lyle <Michael.Lyle@powerauthority.on.ca>
To: Perun, Halyna N. (ENERGY)
Sent: Tue Nov 15 09:55:48 2011
Subject: RE: ARCES Contract Between Greenfield Power Corporation and the OPA

Yes. Our Comms people have been talking. There was an exchange yesterday evening re the Comms message when we were pushing for clarity on the 2 step process. It appears now that there will be no communication around the letter that went out today and this will await the issuance of a 2nd letter.

Michael Lyle
General Counsel and Vice President
Legal, Aboriginal & Regulatory Affairs
Ontario Power Authority
120 Adelaide Street West, Suite 1600
Toronto, Ontario, M5H 1T1
Direct: 416-969-6035
Fax: 416.969.6383
Email: michael.lyle@powerauthority.on.ca

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-----Original Message-----

From: Perun, Halyna N. (ENERGY) [mailto:Halyna.Perun2@ontario.ca]
Sent: November 15, 2011 9:52 AM
To: Michael Lyle
Subject: Re: ARCES Contract Between Greenfield Power Corporation and the OPA

So - two step? (Am having hard time seeing this on bb) - also has your comms person been in touch w energy's about this letter by any chance? I am assuming so but have forwarded this letter to Rula's attention -

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

----- Original Message -----

From: Michael Lyle <Michael.Lyle@powerauthority.on.ca>
To: Perun, Halyna N. (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Sent: Tue Nov 15 09:39:52 2011
Subject: FW: ARCES Contract Between Greenfield Power Corporation and the OPA

Michael Lyle
General Counsel and Vice President
Legal, Aboriginal & Regulatory Affairs
Ontario Power Authority
120 Adelaide Street West, Suite 1600
Toronto, Ontario, M5H 1T1
Direct: 416-969-6035
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Sent: November 15, 2011 7:39 AM

To: Gergory M. Vogt (gvogt@easternpower.on.ca)

Cc: abirchenough@cogeco.ca

Subject: ARCES Contract Between Greenfield Power Corporation and the OPA

Importance: High

Greg,

Further to your conversation yesterday with Colin Andersen, attached please find the letter Colin mentioned.

Michael

Michael Killeavy, LL.B., MBA, P.Eng.

Director, Contract Management

Ontario Power Authority

120 Adelaide St. West, Suite 1600

Toronto, Ontario, M5H 1T1

416-969-6288 (office)

416-969-6071 (fax)

416-520-9788 (cell)

Michael.killeavy@powerauthority.on.ca

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-15-11 10:48 AM
To: 'Botond, Erika (ENERGY)'; 'Patricia Phillips'; Dunn, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY); King, Ryan (ENERGY)
Cc: Nutter, George (ENERGY); Gemmiti, Paola (MAA); Sharkawi, Rula (ENERGY); Kett, Jennifer (OPO)
Subject: RE: TIME-SENSITIVE: Greenfield draft statement, latest version
Attachments: 2011-11-15 Minister's Statement4a legal(rk)PO tracked.(5).DOC

I've made some suggested changes to help clarify.

From: Botond, Erika (ENERGY)
Sent: November 15, 2011 9:59 AM
To: Kovesfalvi, Sylvia (ENERGY); 'Patricia Phillips'; Dunn, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY); King, Ryan (ENERGY)
Cc: Nutter, George (ENERGY); Gemmiti, Paola (MAA); Sharkawi, Rula (ENERGY); Kett, Jennifer (OPO)
Subject: RE: TIME-SENSITIVE: Greenfield draft statement, latest version

Some other revisions from PO. Concern is it is not clear about the relocation part. That we will relocate, but that doesn't mean with Greenfield. Thoughts?

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 15, 2011 9:22 AM
To: Botond, Erika (ENERGY); Patricia Phillips; Dunn, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY); King, Ryan (ENERGY)
Cc: Nutter, George (ENERGY); Gemmiti, Paola (MAA); Sharkawi, Rula (ENERGY)
Subject: TIME-SENSITIVE: Greenfield draft statement, latest version

Hi all –

George is away today so I'll be coordinating comments on the Minister's draft statement.

Attached is latest version (clean and tracked) incorporating comments from PO received late yesterday.

STATEMENT FROM ONTARIO MINISTER OF ENERGY CHRIS BENTLEY
STATEMENT BY CHRIS BENTLEY, MINISTER OF ENERGY

November 15, 2011

~~The government made a commitment to Mississauga residents to relocate the Greenfield South generating plant. The government made a specific commitment to Mississauga residents to relocate the generating plant currently under construction on the Greenfield South site.~~

Today, the Ontario Power Authority (OPA) informed the province that despite best efforts to work with Greenfield South Power Corporation, the OPA has ~~they have~~ taken the next step to meet the government's commitment to relocate the Greenfield South generating plant.

After several weeks of discussions, it has become clear that Greenfield South has no intent to negotiate terms of a new contract for a facility in a different location. ~~consider relocation and continues construction.~~ In light of this, the OPA has informed Greenfield South that it will not proceed with this contract.

This decision is in the best interests of Ontario communities and ratepayers, ensuring they remain the primary priority. The government intends to honour its commitment to relocate the gas generation plant as expeditiously as possible.

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erika.botond@ontario.ca
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Paul.gerard@ontario.ca

ontario.ca/energy-news
Disponible en français

For public inquiries call:
1-888-668-4636 TTY: 1-800-239-4224

Fisher, Petra (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-15-11 10:48 AM
To: Botond, Erika (ENERGY); Kovesfalvi, Sylvia (ENERGY);
'Patricia.Phillips@powerauthority.on.ca'; Dunn, Ryan (ENERGY); Kulendran, Jesse (ENERGY); King, Ryan (ENERGY)
Cc: Nutter, George (ENERGY); Gemmiti, Paola (MAA); Sharkawi, Rula (ENERGY); Kett, Jennifer (OPO)
Subject: Re: TIME-SENSITIVE: Greenfield draft statement, latest version

No concerns.

Carolyn

From: Botond, Erika (ENERGY)
To: Kovesfalvi, Sylvia (ENERGY); 'Patricia Phillips' <Patricia.Phillips@powerauthority.on.ca>; Dunn, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY); King, Ryan (ENERGY)
Cc: Nutter, George (ENERGY); Gemmiti, Paola (MAA); Sharkawi, Rula (ENERGY); Kett, Jennifer (OPO)
Sent: Tue Nov 15 09:59:10 2011
Subject: RE: TIME-SENSITIVE: Greenfield draft statement, latest version

Some other revisions from PO. Concern is it is not clear about the relocation part. That we will relocate, but that doesn't mean with Greenfield. Thoughts?

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 15, 2011 9:22 AM
To: Botond, Erika (ENERGY); Patricia Phillips; Dunn, Ryan (ENERGY); Calwell, Carolyn (ENERGY); Kulendran, Jesse (ENERGY); King, Ryan (ENERGY)
Cc: Nutter, George (ENERGY); Gemmiti, Paola (MAA); Sharkawi, Rula (ENERGY)
Subject: TIME-SENSITIVE: Greenfield draft statement, latest version

Hi all –

George is away today so I'll be coordinating comments on the Minister's draft statement.

Attached is latest version (clean and tracked) incorporating comments from PO received late yesterday.

Fisher, Petra (ENERGY)

From: Kulendran, Jesse (ENERGY)
Sent: November-15-11 11:00 AM
To: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY); Kett, Jennifer (OPO)
Cc: Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY); Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: DRAFT OPA STATEMENT

Here's OPA's draft statement – we've set up a call at 2pm to discuss our feedback and next steps.

DRAFT-Nov 15 11 AM

OPA TERMINATES CONTRACT FOR MISSISSAUGA POWER PLANT

TORONTO, November 16, 2011- The Ontario Power Authority announced today, that despite best efforts to work with Greenfield South Power Corporation, the contract for Greenfield's power plant in Mississauga is being terminated.

The OPA is taking this action after the owners made it clear they were not interested in negotiating an agreement to relocate the plant. With the contract terminated, Greenfield is financially liable for any further investments in the project.

OPA will work with the government to identify another site for the gas plant based on local generation needs and transmission and distribution support. Once options are identified, the public will be consulted.

Electricity supply in the southwest Greater Toronto Area is sufficient for the next five years.

-30-

Fisher, Petra (ENERGY)

From: Kulendran, Jesse (ENERGY)
Sent: November-15-11 11:01 AM
To: Lindsay, David (ENERGY)
Cc: Silva, Joseph (ENERGY)
Subject: FW: Privileged and Confidential-Draft News Release

Here's OPA's draft statement - it's been circulated with our legal/policy team as well as MO for simultaneous review.

-----Original Message-----

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: November 15, 2011 10:56 AM
To: Kulendran, Jesse (ENERGY)
Subject: Privileged and Confidential-Draft News Release

Here you go. I am at APPRO and doing this all on Blackberry. Can we set up call to discuss at 2 PM.

DRAFT-Nov 15 11 AM

OPA TERMINATES CONTRACT FOR MISSISSAUGA POWER PLANT

TORONTO, November 16, 2011- The Ontario Power Authority announced today, that despite best efforts to work with Greenfield South Power Corporation, the contract for Greenfield's power plant in Mississauga is being terminated.

The OPA is taking this action after the owners made it clear they were not interested in negotiating an agreement to relocate the plant. With the contract terminated, Greenfield is financially liable for any further investments in the project.

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Fisher, Petra (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-15-11 11:03 AM
To: Calwell, Carolyn (ENERGY)
Subject: FW: ARCES Contract Between Greenfield Power Corporation and the OPA
Attachments: November 14 2011 OPA Letter to Greenfield South.pdf

Importance: High

Duplicate attachment removed
(previously released)

Sorry for delay. Computer crashed.

-----Original Message-----

From: Sharkawi, Rula (ENERGY)
Sent: November 15, 2011 10:17 AM
To: Kovesfalvi, Sylvia (ENERGY)
Subject: Fw: ARCES Contract Between Greenfield Power Corporation and the OPA
Importance: High

Looping you in.

----- Original Message -----

From: Perun, Halyna N. (ENERGY)
To: Sharkawi, Rula (ENERGY); Silva, Joseph (ENERGY); Gemmiti, Paola (ENERGY)
Cc: Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY); King, Ryan (ENERGY)
Sent: Tue Nov 15 09:48:52 2011
Subject: Fw: ARCES Contract Between Greenfield Power Corporation and the OPA

Hi - please see attached - the comms material may need to be adjusted to reflect this approach (OPA still negotiating - hasn't terminated)

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

----- Original Message -----

From: Michael Lyle <Michael.Lyle@powerauthority.on.ca>
To: Perun, Halyna N. (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Sent: Tue Nov 15 09:39:52 2011
Subject: FW: ARCES Contract Between Greenfield Power Corporation and the OPA

Michael Lyle
General Counsel and Vice President

Legal, Aboriginal & Regulatory Affairs
Ontario Power Authority
120 Adelaide Street West, Suite 1600
Toronto, Ontario, M5H 1T1
Direct: 416-969-6035
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From: Michael Killeavy
Sent: November 15, 2011 7:39 AM
To: Gergory M. Vogt (gvogt@easternpower.on.ca)
Cc: abirchenough@cogeco.ca
Subject: ARCES Contract Between Greenfield Power Corporation and the OPA
Importance: High

Greg,

Further to your conversation yesterday with Colin Andersen, attached please find the letter Colin mentioned.

Michael

Michael Killeavy, LL.B., MBA, P.Eng.
Director, Contract Management
Ontario Power Authority
120 Adelaide St. West, Suite 1600
Toronto, Ontario, M5H 1T1
416-969-6288 (office)
416-969-6071 (fax)
416-520-9788 (cell)
Michael.killeavy@powerauthority.on.ca

Fisher, Petra (ENERGY)

From: Botond, Erika (ENERGY)
Sent: November-15-11 11:15 AM
To: Kulendran, Jesse (ENERGY)
Cc: Dunn, Ryan (ENERGY); Kett, Jennifer (OPO)
Subject: Our thoughts

Sending to PO now. Here are opur thoughts.

DRAFT-Nov 15 11 AM

OPA TERMINATES CONTRACT FOR MISSISSAUGA POWER PLANT

TORONTO, November 16, 2011- The Ontario Power Authority announced today, that despite best efforts to work with Greenfield South Power Corporation, the contract for Greenfield's power plant in Mississauga is being terminated.

After several weeks of discussions it has become clear that Greenfield South has no intent to consider relocation and continues construction. In light of this, the company has been notified that the contract is terminated. Greenfield is financially liable for any further investments in the project.

The OPA will continue to work with the government to identify another site for the gas plant based on local generation needs and transmission and distribution support to ensure a long-term reliable supply of electricity.

-30-

Fisher, Petra (ENERGY)

From: Kulendran, Jesse (ENERGY)
Sent: November-15-11 11:15 AM
To: Lindsay, David (ENERGY)
Cc: Silva, Joseph (ENERGY)
Subject: Minister's Statement

Seems the MO has redrafted ... the newest version is below ...

We made a commitment to residents in Mississauga and Etobicoke to relocate the gas generating plant currently under construction.

When the plant was first proposed, there were empty fields surrounding it. Now, there are hundreds of families living in condominiums nearby. ~~next door~~. We listened to the community's concerns ~~and we acted~~.

Unfortunately, after several weeks of discussion with the corporate owners of the plant, they have not agreed to stop construction and relocate.

In light of this, the Ontario Power Authority has formally informed the corporation that it will not proceed with its contract. And we are updating our guidelines for where gas-fired generating plants can be located in Ontario.

Ontario families and businesses still need new, reliable supplies of clean power to power our homes and businesses. That's why we intend to relocate the gas generation plant and have it supplying power as quickly as possible.

Fisher, Petra (ENERGY)

From: Botond, Erika (ENERGY)
Sent: November-15-11 11:22 AM
To: Kulendran, Jesse (ENERGY)
Cc: Dunn, Ryan (ENERGY); Kett, Jennifer (OPO)
Subject: FW: 2011-11-16 Minister's Statemen.DOC
Attachments: 2011-11-16 Minister's Statemen.DOC

Importance: High

Hey – can you share with the OPA. This has legal's changes and input from PO.

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STATEMENT FROM ONTARIO MINISTER OF ENERGY CHRIS BENTLEY

November 16, 2011

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For media inquiries call:

Erika Botond, Minister's Office, 416-327-4418

erika.botond@ontario.ca

Paul Gerard, Communications Branch, 416-327-7226

Paul.gerard@ontario.ca

ontario.ca/energy-news

Disponible en français

For public inquiries call:

1-888-668-4636 TTY: 1-800-239-4224

Cayley, Daniel (ENERGY)

From: Michael Lyle <Michael.Lyle@powerauthority.on.ca>
Sent: November-15-11 11:31 AM
To: Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: Contract with Exhibits
Attachments: ARCES Greenfield South with Exhibits 20090316.pdf; greenest2011_english-(custom) verysmall.gif

Duplicate attachment removed (previously released)/gif attachment is image below

As per my phone message.

Michael Lyle
General Counsel and Vice President
Legal, Aboriginal & Regulatory Affairs
Ontario Power Authority
120 Adelaide Street West, Suite 1600
Toronto, Ontario, M5H 1T1
Direct: 416-969-6035
Fax: 416.969.6383
Email: michael.lyle@powerauthority.on.ca

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Fisher, Petra (ENERGY)

From: Kulendran, Jesse (ENERGY)
Sent: November-15-11 11:42 AM
To: Lindsay, David (ENERGY)
Cc: Silva, Joseph (ENERGY)
Subject: Fw: Revised Statements - OPA & ENERGY

FYI.

Jesse Kulendran - Senior Coordinator, Policy & Special Projects - Deputy Minister's Office - Ministry of Energy - Tel.: 416-327-7025 - Blackberry: 416-206-1394

From: Kristin Jenkins <Kristin.Jenkins@powerauthority.on.ca>
To: Kulendran, Jesse (ENERGY)
Cc: Colin Andersen <Colin.Andersen@powerauthority.on.ca>
Sent: Tue Nov 15 11:35:41 2011
Subject: Re: Revised Statements - OPA & ENERGY

Hi Jesse. I am fine with wording changes which were to eliminate last paragraph on local supply and tweak language on the process we've undertaken with GS. Colin on panel until noon so he can't review right now. Colin wants the draft discussed at 4 PM steering meeting particularly use of word "terminated" vs "not proceed" Is that planned?

From: Kulendran, Jesse (ENERGY) [mailto:Jesse.Kulendran@ontario.ca]
Sent: Tuesday, November 15, 2011 11:28 AM
To: Kristin Jenkins
Cc: Patricia Phillips; Lindsay, David (ENERGY) <David.Lindsay@ontario.ca>; Jennings, Rick (ENERGY) <Rick.Jennings@ontario.ca>; Calwell, Carolyn (ENERGY) <Carolyn.Calwell@ontario.ca>; Silva, Joseph (ENERGY) <Joseph.Silva@ontario.ca>; Sharkawi, Rula (ENERGY) <Rula.Sharkawi@ontario.ca>; Gemmiti, Paola (ENERGY) <Paola.Gemmiti@ontario.ca>; Kovesfalvi, Sylvia (ENERGY) <Sylvia.Kovesfalvi@ontario.ca>; Colin Andersen
Subject: Revised Statements - OPA & ENERGY

Kristin,

There are some tweaks to OPA's statement as well as a revised ENERGY statement. Could you please review both versions and let us know if you have any comments? Please note - these are simultaneously being reviewed by PO/CO.

OPA DRAFT- 15 NOV 2011 -11:30am

OPA TERMINATES CONTRACT FOR MISSISSAUGA POWER PLANT

TORONTO, November 16, 2011- The Ontario Power Authority announced today, that despite best efforts to work with Greenfield South Power Corporation, the contract for Greenfield's power plant in Mississauga is being terminated.

After several weeks of discussions it has become clear that Greenfield South has no intent to consider relocation and continues construction. In light of this, the company has been notified that the contract is terminated. Greenfield is financially liable for any further investments in the project.

The OPA will continue to work with the government to identify another site for the gas plant based on local generation needs and transmission and distribution support to ensure a long-term reliable supply of electricity.

-30-

MINISTRY DRAFT – 15 NOV 2011 – 11:30am

STATEMENT FROM ONTARIO MINISTER OF ENERGY CHRIS BENTLEY

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-30-

Thanks, Jesse

Jesse Kulendran · Senior Coordinator, Policy & Special Projects
Office of the Deputy Minister · Ministry of Energy
Tel.: 416-327-7025 · Blackberry: 416-206-1394

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Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-15-11 11:43 AM
To: Silva, Joseph (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: FW: Contract with Exhibits
Attachments: ARCES Greenfield South with Exhibits 20090316.pdf; greenest2011_english-(custom) verysmall.gif

Duplicate attachment removed (previously released)/gif attachment is image below

Joseph, attached is the contract with the Exhibits except for Exhibit B. Exhibit B contains confidential commercial information from Greenfield that was used to derive the Monthly Payment that Greenfield would receive. The OPA takes the position that it cannot provide this information due to the confidentiality provisions of the agreement itself. I would suggest that we can glean the information that we need without the benefit of this Exhibit.

Carolyn

From: Michael Lyle [mailto:Michael.Lyle@powerauthority.on.ca]
Sent: November 15, 2011 11:31 AM
To: Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: Contract with Exhibits

As per my phone message.

Michael Lyle
General Counsel and Vice President
Legal, Aboriginal & Regulatory Affairs
Ontario Power Authority
120 Adelaide Street West, Suite 1600
Toronto, Ontario, M5H 1T1
Direct: 416-969-6035
Fax: 416.969.6383
Email: michael.lyle@powerauthority.on.ca

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Cayley, Daniel (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: November-15-11 11:51 AM
To: King, Ryan (ENERGY)
Subject: FW: Revised Statements - OPA & ENERGY
Attachments: 2011-11-16 Minister's Statemen.DOC

Importance: High

2nd statement looks worse

From: Kulendran, Jesse (ENERGY)
Sent: November 15, 2011 11:29 AM
To: 'Kristin Jenkins'
Cc: Patricia Phillips; Lindsay, David (ENERGY); Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY); Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Kovesfalvi, Sylvia (ENERGY); Colin Andersen
Subject: Revised Statements - OPA & ENERGY
Importance: High

Kristin,

There are some tweaks to OPA's statement as well as a revised ENERGY statement. Could you please review both versions and let us know if you have any comments? Please note - these are simultaneously being reviewed by PO/CO.

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Thanks, Jesse

Jesse Kulendran · Senior Coordinator, Policy & Special Projects
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erika.botond@ontario.ca
Paul Gerard, Communications Branch, 416-327-7226
Paul.gerard@ontario.ca

ontario.ca/energy-news
Disponible en français

For public inquiries call:
1-888-668-4636 TTY: 1-800-239-4224

Fisher, Petra (ENERGY)

From: Rehob, James (ENERGY)
Sent: October-02-12 7:53 PM
To: Rehob, James (ENERGY)
Subject: FW: Greenfield South Matters
Attachments: Adams Mine Lakes Act-2004.doc

From: Rehob, James (ENERGY)
Sent: Tuesday, November 15, 2011 11:59 AM
To: Linington, Brenda (ENERGY)
Cc: Letourneau, Amanda (ENERGY)
Subject: Greenfield South Matters

Brenda, thanks so very much for sitting down with myself and Amanda today regarding the municipal law and land-use questions I had. I particularly appreciated you raising the issues related to the use of the "MZO", and have a bit better appreciation of its potential use, as well as its inherent limitations regarding stopping construction at the plant.

I left the draft legislation on your chair, marked "Strictly Confidential" (mostly so that the secretaries treat it with care, should they come across it ☺). As you review, please note that the yellow-highlighted text includes text I am just now considering (Leg. Counsel hasn't seen it yet). The rest of the tracked-changed language represents the very initial instructions I sent over to Leg. Counsel on Thursday evening, in order to get the draft moving along.

I attach the Adams Mine Act as well for the purposes of rounding out our discussions this morning.

Thank you,

James

James P. H. Rehob
Senior Counsel
Ministry of Energy and
Ministry of Infrastructure
Legal Services Branch
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Tel: 416-325-6676
Fax: 416-325-1781
james.rehob@ontario.ca

Notice

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Adams Mine Lake Act, 2004

S.O. 2004, CHAPTER 6

Consolidation Period: From December 15, 2009 to the [e-Laws currency date](#).

Last amendment: 2009, c. 33, Sched. 15, s. 1.

Definitions

1. In this Act,

“Adams Mine site” means the abandoned open pit mine, commonly known as the Adams Mine, located approximately 10 kilometres southeast of the Town of Kirkland Lake in the geographic township of Boston in the District of Timiskaming; (“mine Adams”)

“waste” has the same meaning as in Part V of the *Environmental Protection Act*. (“déchets”) 2004, c. 6, s. 1.

Prohibition on disposal of waste at Adams Mine site

2. No person shall dispose of waste at the Adams Mine site. 2004, c. 6, s. 2.

Revocation of approvals related to Adams Mine site

3. (1) The following are revoked:

1. The approval dated August 13, 1998 that was issued to Notre Development Corporation under the *Environmental Assessment Act*, including any amendments made after that date.
2. Certificate of Approval No. A 612007, dated April 23, 1999, issued to Notre Development Corporation under Part V of the *Environmental Protection Act*, including any amendments made after that date.
3. Approval No. 3250-4NMPDN, dated July 9, 2001, issued to Notre Development Corporation under section 53 of the *Ontario Water Resources Act*, including any amendments made after that date.
4. Any permit that was issued under section 34 of the *Ontario Water Resources Act* before this Act comes into force in response to the application submitted by 1532382 Ontario Inc. for New Permit #4121-5SCN9N (00-P-6040) and described on the environmental registry established under the *Environmental Bill of Rights, 1993* as EBR Registry Number XA03E0019. 2004, c. 6, s. 3 (1).

No permit for specified application

(2) No permit shall be issued under section 34 of the *Ontario Water Resources Act* after this Act comes into force in response to the application referred to in paragraph 4 of subsection (1). 2004, c. 6, s. 3 (2).

Schedule 1 lands

4. (1) An agreement entered into by Notre Development Corporation or 1532382 Ontario Inc. after December 31, 1988 and before this Act comes into force is of no force or effect if the agreement is with the Crown in right of Ontario and is in respect of,

- (a) the purchase or sale of the lands described in Schedule 1 or any part of those lands;
- (b) the granting of letters patent for the lands described in Schedule 1 or any part of those lands; or
- (c) any interest in, or any occupation or use of, the lands described in Schedule 1 or any part of those lands. 2004, c. 6, s. 4 (1).

Letters patent

(2) If any letters patent are issued to Notre Development Corporation or 1532382 Ontario Inc. before this Act comes into force or during the 60 days after this Act comes into force in respect of the lands described in Schedule 1, or any part of those lands,

- (a) the letters patent cease to have any force or effect on the coming into force of this Act or immediately after the letters patent are issued, whichever is later; and
- (b) the lands described in Schedule 1 are vested in the Crown in right of Ontario on the coming into force of this Act or immediately after the letters patent are issued, whichever is later. 2004, c. 6, s. 4 (2).

Extinguishment of causes of action

5. (1) Any cause of action that exists on the day this Act comes into force against the Crown in right of Ontario, a member or former member of the Executive Council, or an employee or agent or former employee or agent of the Crown in right of Ontario in respect of the Adams Mine site or the lands described in Schedule 1 is hereby extinguished. 2004, c. 6, s. 5 (1).

Same

(2) No cause of action arises after this Act comes into force against a person referred to in subsection (1) in respect of the Adams Mine site or the lands described in Schedule 1 if the cause of action would arise, in whole or in part, from anything that occurred after December 31, 1988 and before this Act comes into force. 2004, c. 6, s. 5 (2).

Aboriginal or treaty rights

(3) Subsections (1) and (2) do not apply to a cause of action that arises from any aboriginal or treaty right that is recognized and affirmed by section 35 of the *Constitution Act, 1982*. 2004, c. 6, s. 5 (3).

Enactment of this Act

(4) Subject to section 6, no cause of action arises against a person referred to in subsection (1), and no compensation is payable by a person referred to in subsection (1), as a direct or indirect result of the enactment of any provision of this Act. 2004, c. 6, s. 5 (4).

Application

(5) Without limiting the generality of subsections (1), (2) and (4), those subsections apply to a cause of action in respect of any agreement, or in respect of any representation or other conduct, that is related to the Adams Mine site or the lands described in Schedule 1. 2004, c. 6, s. 5 (5).

Same

(6) Without limiting the generality of subsections (1), (2) and (4), those subsections apply to a cause of action arising in contract, tort, restitution, trust, fiduciary obligations or otherwise. 2004, c. 6, s. 5 (6).

Legal proceedings

(7) No action or other proceeding shall be commenced or continued by any person against a person referred to in subsection (1) in respect of a cause of action that is extinguished by subsection (1) or a cause of action that, pursuant to subsection (2) or (4), does not arise. 2004, c. 6, s. 5 (7).

Same

(8) Without limiting the generality of subsection (7), that subsection applies to an action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages, or any other remedy or relief. 2004, c. 6, s. 5 (8).

Same

(9) Subsection (7) applies to actions and other proceedings commenced before or after this Act comes into force. 2004, c. 6, s. 5 (9).

No expropriation

(10) Nothing in this Act and nothing done or not done in accordance with this Act constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law. 2004, c. 6, s. 5 (10).

Compensation

6. (1) The Crown in right of Ontario shall pay compensation to 1532382 Ontario Inc. and Notre Development Corporation in accordance with this section. 2004, c. 6, s. 6 (1).

Amount

(2) Subject to subsection (3), the amount of the compensation payable to a corporation under subsection (1) shall be determined in accordance with the following formula:

$$A + B + C$$

where,

A = the reasonable expenses incurred and paid by the corporation after December 31, 1988 and before April 5, 2004 for the purpose of using the Adams Mine site to dispose of waste,

B = the lesser of,

- i. the reasonable expenses incurred by the corporation after December 31, 1988 and before April 5, 2004, but not paid before April 5, 2004, for the purpose of using the Adams Mine site to dispose of waste, and
- ii. \$1,500,000, in the case of Notre Development Corporation, or \$500,000, in the case of 1532382 Ontario Inc.,

C = the reasonable expenses incurred by the corporation on or after April 5, 2004 for the purpose of using the Adams Mine site to dispose of waste, if the expenses are for legal fees and disbursements in respect of legal services provided on or after April 5, 2004 and before this Act comes into force.

2004, c. 6, s. 6 (2).

Same

(3) The amount of the compensation payable to 1532382 Ontario Inc. under subsection (1) shall be the amount determined for that corporation under subsection (2), less the fair market value, on the day this Act comes into force, of the Adams Mine site. 2004, c. 6, s. 6 (3).

Accounting

(4) Subsection (1) does not apply to a corporation unless, not later than 120 days after this Act comes into force, it submits to the Crown in right of Ontario a full accounting of the expenses described in subsection (2), including any receipts for payment. 2004, c. 6, s. 6 (4).

Audit

(5) 1532382 Ontario Inc. and Notre Development Corporation shall provide the Crown in right of Ontario with reasonable access to their records, management staff, auditors and accountants for the purpose of reviewing and auditing any accounting submitted under subsection (4). 2004, c. 6, s. 6 (5).

Application to Superior Court of Justice

(6) 1532382 Ontario Inc., Notre Development Corporation or the Crown in right of Ontario may apply to the Superior Court of Justice to determine any issue of fact or law related to this section that is in dispute. 2004, c. 6, s. 6 (6).

Payment out of C.R.F.

(7) The Minister of Finance shall pay out of the Consolidated Revenue Fund any amount payable by the Crown in right of Ontario under this section. 2004, c. 6, s. 6 (7).

Loss of goodwill or possible profits

(8) For greater certainty, no compensation is payable under subsection (1) for any loss of goodwill or possible profits. 2004, c. 6, s. 6 (8).

Reasonable expenses

(9) For greater certainty, subject to subsection (10), a reference in this section to reasonable expenses incurred for the purpose of using the Adams Mine site to dispose of waste includes reasonable expenses incurred for that purpose for,

- (a) seeking to acquire and acquiring the Adams Mine site;
- (b) surveys, studies and testing;
- (c) engineering and design services;
- (d) legal fees and disbursements;
- (e) marketing and promotion;
- (f) property taxes;
- (g) seeking government approvals; and
- (h) seeking to acquire the lands described in Schedule 1. 2004, c. 6, s. 6 (9).

Same

(10) For greater certainty, a reference in this section to reasonable expenses,

- (a) does not include any expense that exceeds the fair market value of the goods or services for which the expense was incurred; and
- (b) does not include any expense for which 1532382 Ontario Inc. or Notre Development Corporation has been reimbursed by another person. 2004, c. 6, s. 6 (10); 2009, c. 33, Sched. 15, s. 1.

7. OMITTED (AMENDS OR REPEALS OTHER ACTS). 2004, c. 6, s. 7.

8. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT). 2004, c. 6, s. 8.

9. OMITTED (ENACTS SHORT TITLE OF THIS ACT). 2004, c. 6, s. 9.

SCHEDULE 1

The lands described as:

Location CL 411-A, Boston Township, District of Timiskaming, containing 387.48 hectares;
Location CLM 104, McElroy Township, District of Timiskaming, containing 238.72 hectares;
Parts 1, 2, 3, 4, 5, 6, Plan 54R-2947, Boston Township, District of Timiskaming, containing 14.58 hectares;
Parts 1, 2, 3, Plan 54R-1694, Boston Township, District of Timiskaming, containing 18.76 hectares;
Location CL 936, Plan TER-670, Boston Township, District of Timiskaming, containing 33.46 hectares;
Parts 1, 2, Plan 54R-1807, Boston Township, District of Timiskaming, containing 37.10 hectares;
Parts 1, 2, 3, Plan 54R-1693, Boston Township, District of Timiskaming, containing 12.12 hectares;
Parts 1, 2, Plan 54R-2322, Boston Township, District of Timiskaming, containing 18.69 hectares;
Part 1, Plan 54R-1540, Boston Township, District of Timiskaming, containing 14.48 hectares;
Location CL 1584, Part 1, Plan 54R-1511, Boston Township, District of Timiskaming, containing 16.06 hectares;
Location CL 1221, CL 1222, Parts 1, 2, Plan 54R-1291, McElroy Township, District of Timiskaming, containing 34.02 hectares;
Location CL 1220, Parts 1, 2, 3, 4, 5, 6, 7, Plan 54R-1292, McElroy Township, District of Timiskaming, containing 102.62 hectares;
Parts 1, 2, 3, Plan 54R-1619, McElroy Township, District of Timiskaming, containing 43.28 hectares.

2004, c. 6, Sched. 1.

Français

[Back to top](#)

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-15-11 12:04 PM
To: Jennings, Rick (ENERGY); Kulendran, Jesse (ENERGY)
Cc: Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE: DRAFT OPA STATEMENT

Rick's suggestion also works.

Carolyn

From: Jennings, Rick (ENERGY)
Sent: November 15, 2011 11:42 AM
To: Kulendran, Jesse (ENERGY); Calwell, Carolyn (ENERGY)
Cc: Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE: DRAFT OPA STATEMENT

I prefer this wording. Perhaps could change 2nd sentence in the 2nd paragraph to "Greenfield is fully financially liable for any further investments in the project." As we do not want to rule out a share of liabilities for what has already been spent.

From: Kulendran, Jesse (ENERGY)
Sent: November 15, 2011 11:19 AM
To: Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY)
Cc: Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE: DRAFT OPA STATEMENT

MO made changes to the 2nd and 3rd paragraphs.

Rick/Carolyn – do you have any concerns with the revised version before we send it back to OPA?

DRAFT-Nov 15 11 AM

OPA TERMINATES CONTRACT FOR MISSISSAUGA POWER PLANT

TORONTO, November 16, 2011- The Ontario Power Authority announced today, that despite best efforts to work with Greenfield South Power Corporation, the contract for Greenfield's power plant in Mississauga is being terminated.

After several weeks of discussions it has become clear that Greenfield South has no intent to consider relocation and continues construction. In light of this, the company has been notified that the contract is terminated. Greenfield is financially liable for any further investments in the project.

The OPA will continue to work with the government to identify another site for the gas plant based on local generation needs and transmission and distribution support to ensure a long-term reliable supply of electricity.

From: Kulendran, Jesse (ENERGY)

Sent: November 15, 2011 11:00 AM

To: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY); Kett, Jennifer (OPO)

Cc: Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY); Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Kovesfalvi, Sylvia (ENERGY)

Subject: DRAFT OPA STATEMENT

Here's OPA's draft statement – we've set up a call at 2pm to discuss our feedback and next steps.

DRAFT-Nov 15 11 AM

OPA TERMINATES CONTRACT FOR MISSISSAUGA POWER PLANT

TORONTO, November 16, 2011- The Ontario Power Authority announced today, that despite best efforts to work with Greenfield South Power Corporation, the contract for Greenfield's power plant in Mississauga is being terminated.

The OPA is taking this action after the owners made it clear they were not interested in negotiating an agreement to relocate the plant. With the contract terminated, Greenfield is financially liable for any further investments in the project.

OPA will work with the government to identify another site for the gas plant based on local generation needs and transmission and distribution support. Once options are identified, the public will be consulted.

Electricity supply in the southwest Greater Toronto Area is sufficient for the next five years.

-30-

Fisher, Petra (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: November-15-11 12:11 PM
To: Kulendran, Jesse (ENERGY); 'Kristin Jenkins'
Cc: 'Patricia Phillips'; Lindsay, David (ENERGY); Calwell, Carolyn (ENERGY); Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Kovesfalvi, Sylvia (ENERGY); 'Colin Andersen'
Subject: RE: Revised Statements - OPA & ENERGY
Attachments: 2011-11-16 Minister's Statemen.DOC

The Minister's statement as drafted could create more problems. I would recommend a shorter statement (attached) which sticks to listening to community opposition as the reason for stopping the plant. [The plant remains in an area zoned heavy industrial, the condominiums are no nearer the plant than the nearest subdivision.]

While technically the Vogts are "corporate" owners they are in reality two brothers who own a relatively small business.

Announcing a review of gas siting practices and stating that the gas plant is to be relocated as soon as possible may serve to keep the issue alive and even expand it from a local issue to a wider issue. I would recommend that the statement just focus on terminating the contract and fulfilling the September commitment.

From: Kulendran, Jesse (ENERGY)
Sent: November 15, 2011 11:29 AM
To: 'Kristin Jenkins'
Cc: Patricia Phillips; Lindsay, David (ENERGY); Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY); Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY); Gemmiti, Paola (ENERGY); Kovesfalvi, Sylvia (ENERGY); Colin Andersen
Subject: Revised Statements - OPA & ENERGY
Importance: High

Kristin,

There are some tweaks to OPA's statement as well as a revised ENERGY statement. Could you please review both versions and let us know if you have any comments? Please note - these are simultaneously being reviewed by PO/CO.

OPA DRAFT- 15 NOV 2011 -11:30am

OPA TERMINATES CONTRACT FOR MISSISSAUGA POWER PLANT

TORONTO, November 16, 2011- The Ontario Power Authority announced today, that despite best efforts to work with Greenfield South Power Corporation, the contract for Greenfield's power plant in Mississauga is being terminated.

After several weeks of discussions it has become clear that Greenfield South has no intent to consider relocation and continues construction. In light of this, the company has been notified that the contract is terminated. Greenfield is financially liable for any further investments in the project.

The OPA will continue to work with the government to identify another site for the gas plant based on local generation needs and transmission and distribution support to ensure a long-term reliable supply of electricity.

-30-

MINISTRY DRAFT – 15 NOV 2011 – 11:30am

STATEMENT FROM ONTARIO MINISTER OF ENERGY CHRIS BENTLEY

We made a specific commitment to residents in Mississauga and Etobicoke to relocate the gas generating plant currently under construction.

When the plant was first proposed, there were empty fields surrounding it. Now, there are hundreds of families living in condominiums nearby. We listened to the community's concerns.

Unfortunately, after several weeks of discussion with the corporate owners of the plant, they have not agreed to stop construction and relocate.

In light of this, the Ontario Power Authority has formally informed the corporation that it will not proceed with its contract. And we are reviewing practices for where gas-fired generating plants can be located in Ontario.

Ontario families and businesses still need new, reliable supplies of clean power to power our homes and businesses. That's why we intend to relocate the gas generation plant and have it supplying power as quickly as possible.

-30-

Thanks, Jesse

Jesse Kulendran · Senior Coordinator, Policy & Special Projects
Office of the Deputy Minister · Ministry of Energy
Tel.: 416-327-7025 · Blackberry: 416-206-1394

STATEMENT FROM ONTARIO MINISTER OF ENERGY CHRIS BENTLEY

November 16, 2011

We made a specific commitment to residents in Mississauga and Etobicoke to relocate the gas generating plant currently under construction.

~~When the plant was first proposed, there were empty fields surrounding it. Now, there are hundreds of families living in condominiums nearby.~~ We have listened to the community's concerns.

Unfortunately, after several weeks of discussion with the ~~corporate~~ owners of the plant, they have not agreed to stop construction and relocate.

In light of this, the Ontario Power Authority has formally informed the corporation that it will not proceed with its contract. ~~And we are reviewing practices for where gas-fired generating plants can be located in Ontario.~~

This is a unique situation, the Government remains committed to ensuring that Ontario families and businesses will have access to ~~still need new,~~ reliable supplies of clean power to power our homes and businesses. ~~That's why we intend to relocate the gas generation plant and have it supplying power as quickly as possible.~~

For media inquiries call:
Erika Botond, Minister's Office, 416-327-4418
erika.botond@ontario.ca
Paul Gerard, Communications Branch, 416-327-7226
Paul.gerard@ontario.ca

ontario.ca/energy-news
Disponible en français

For public inquiries call:
1-888-668-4636 TTY: 1-800-239-4224

Fisher, Petra (ENERGY)

From: Letourneau, Amanda (ENERGY)
Sent: November-15-11 12:16 PM
To: Rehob, James (ENERGY)
Subject: RE: Research, Greenfield South Power Corporation
Attachments: eastern power ltd.dot; image001.gif

gif attachment is image below

Hi James,

Attached is the corporate information I found on Eastern Power Ltd., essentially, Eastern Power and Greenfield South are affiliated companies as stated in the "about us" section on their website. I didn't find anything specific to Eastern Power on the Mississauga Website regarding approvals issued to Eastern Power.

Also, with some help from Brenda I believe I found the current zoning of the land, I just have to look into an OMB decision to confirm. I'll let you know when I know for sure.

Thanks,

Amanda

From: Rehob, James (ENERGY)
Sent: November 14, 2011 5:28 PM
To: Letourneau, Amanda (ENERGY)
Subject: RE: Research, Greenfield South Power Corporation

Thanks very much, Amanda – now please do the same corporate search for Eastern Power Limited – note any connections (e.g. connected corporations, partnerships or entities, etc. if possible).

Thanks!
James

From: Letourneau, Amanda (ENERGY)
Sent: November 14, 2011 5:19 PM
To: Rehob, James (ENERGY)
Subject: RE: Research, Greenfield South Power Corporation

Hi James,

Here is the corporate information I found:

GREENFIELD SOUTH POWER CORPORATION

us Name(s): **GREENFIELD 407 POWER CORPORATION**
 ate Number: **002060572**
 f Inc./Amalg.: **2004-12-13**
 Indicator Status: **ACTIVE**
 shment Type: **ONTARIO BUSINESS CORP.**
SHARE
 ction: **ONTARIO**

ing Permit issued to Greenfield South Power Corp.:

t No.: 05 7583
 on: 2135 Loreland Avenue
 \$140,000
 ng Size: 2,423 Sq metres
 ce: 43,869 Sq Metres
 ption: **New- Power generating plant – Greenfield South Power Corp.**

Information from the Mississauga website on past building permits and development applications for the power plant site location:

ing Permits

	<div>▣ Address</div> <div>▣ Description</div>	<div>▣ Scope</div> <div>▣ Type Description</div>	<div>▣ Issue Date</div> <div>▣ Status</div>
EW 0 00-	2315 LORELAND AVE Unit - PHASE 4 ALTER - FOUNDATION/SUPPORT FOR HEAT RECOVERY STEAM GENERATOR, GREENFIELD SOUTH POWER CORP	OTHER SINGLE TENANT INDUSTRIAL	WITHHELD
EW 8 07-	2315 LORELAND AVE Unit - PHS-3 NEW - COOLING TOWER & PUMP HOUSE	NEW BUILDING SINGLE TENANT INDUSTRIAL	WITHHELD
EW 9 07-	2315 LORELAND AVE Unit - PHASE-2 NEW - (1) COMPRESSOR BLD, (2) TRANSFORMER ENCLOSURE & 1-CONC-PAD, GREENFIELD SOUTH POWER PLANT	NEW BUILDING SINGLE TENANT INDUSTRIAL	WITHHELD
15 R1 11-	2315 LORELAND AVE REVISED SITE SERVICING	REVISIONS SINGLE TENANT INDUSTRIAL	2009-12-04 ISSUED PERMIT
15 SS 03-	2315 LORELAND AVE SITE SERVICING	OTHER INDUSTRIAL - OTHER	2009-05-28 ISSUED PERMIT
EW 09-	2315 LORELAND AVE NEW - POWER GENERATING PLANT, GREENFIELD SOUTH POWER CORP	NEW BUILDING SINGLE TENANT INDUSTRIAL	2011-05-30 ISSUED PERMIT

Development Applications

■ App Number ■ Type	■ Location	■ Description	■ App Date	■ Status
H-OZ 5 4 REMOVAL OF 'H' HOLDING SYMBOL	EAST OF DIXIE ROAD, SOUTH OF DUNDAS STREET EAST	REMOVAL OF HOLDING ZONE	2005- 08-04	APPROVED
SP 5 251 STANDARD SITE PLAN	S OF DUNDAS ST. E., E OF DIXIE RD	NEW POWER PLANT	2005- 08-04	APPROVED

From: Rehub, James (ENERGY)
Sent: November 14, 2011 3:46 PM
To: Letourneau, Amanda (ENERGY)
Subject: Research, Greenfield South Power Corporation

Hi, Amanda – could you please do a corporate search on the Greenfield South Power Corporation, in order to identify the actual Co. Name and Number (all Ontario Companies receive a number and I may need to reference it in the legislation or regulations).
-Next, could you go back on to the Mississauga website and see (in order to list for me) any and all approvals provided by the City of Mississauga to Greenfield South Power Corporation or the Numbered Ontario co (once you find that number)
Thanks!

James P. H. Rehub
Senior Counsel
Ministry of Energy and
Ministry of Infrastructure
Legal Services Branch
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Tel: 416-325-6676
Fax: 416-325-1781
james.rehub@ontario.ca

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October 2011

Eastern Power Ltd

2275 Lake Shore Blvd W
Etobicoke, ON M8V 3Y3
Canada

***** **COMMUNICATIONS** *****

TELEPHONE: +1.416.234.1301

URL: greenfieldsouth.ca

***** **COMPANY INFORMATION** *****

REVENUE: USD 17,500,000

EMPLOYEES: 75

LOAD-DATE: October 2, 2011

EASTERN POWER LIMITED

Corporate Number **001201984**

Date of Inc./Amalg. **1996-10-01**

Amalg. Indicator **A**

Status **ACTIVE**

Establishment Type **ONTARIO BUSINESS CORP.**

Share **SHARE**

Jurisdiction **ONTARIO**

Letter/ Amalg./ Inactive Date

Amalg. Ont. Corp. #

Total Amalg. Companies **2** (excludes current corporation)

EASTERN POWER DEVELOPERS INC.

Corporate Number **000772465**

Date of Inc./Amalg. **1988-04-27**

Amalg. Indicator

Status

AMALGAMATED

Establishment Type

ONTARIO BUSINESS CORP.

Share

SHARE

Jurisdiction

ONTARIO

Letter/ Amalg./ Inactive Date

1996/10/01

Amalg. Ont. Corp. #

001201984

Total Amalg. Companies

2 (excludes current corporation)

EASTERN POWER DEVELOPERS CORP.

<i>Corporate Number</i>	000937426
<i>Date of Inc./Amalg.</i>	1991-04-08
<i>Amalg. Indicator</i>	
<i>Status</i>	AMALGAMATED
<i>Establishment Type</i>	ONTARIO BUSINESS CORP.
<i>Share</i>	SHARE
<i>Jurisdiction</i>	ONTARIO
<i>Letter/ Amalg./ Inactive Date</i>	1996/10/01
<i>Amalg. Ont. Corp. #</i>	001201984
<i>Total Amalg. Companies</i>	2 (excludes current corporation)

About Us <http://greenfieldsouth.ca/>

Greenfield South is affiliated with Eastern Power Limited. An Ontario company, based in Toronto, Eastern Power builds, owns and operates clean and green power generation plants.

Since inception in 1985 the company has grown to become one of the largest green energy providers in Ontario. Eastern Power is active in the biogas, biomass, wind and high efficiency natural gas areas of power production.

Eastern Power owns and operates two of the world's largest landfill gas fuelled power plants, both located in the Greater Toronto Area (GTA): the Keele Valley Power Plant in Vaughan, Ontario; and the Brock West Power Plant in Pickering, Ontario. These plants have won awards from their local municipalities. Together, these two plants offset over 1,000,000 tonnes of carbon emissions per year, which is equivalent to the annual emissions of roughly 200,000 cars, and Eastern Power has registered the 25 million tonnes of carbon emissions reductions that these plants have achieved to date.

Many of Eastern Power's professional employees live in and around south Mississauga and our company's office is located near the Greenfield South Power Plant site, in south Etobicoke. We are proud that our local Greenfield South Power Plant is part of Ontario's off coal program.

Fisher, Petra (ENERGY)

From: Rehob, James (ENERGY)
Sent: November-15-11 1:16 PM
To: Linington, Brenda (ENERGY)
Cc: Letourneau, Amanda (ENERGY)
Subject: RE: Greenfield South Matters
Attachments: Questions for Brenda on Legislation (Nov 15-11).doc

Categories: Green Category, Red Category

Privileged & Confidential

Hi, again – just one more document – here are the questions I had drafted for our meeting – have a peak and see if any still remain relevant – Any thoughts on language for “site remediation” are welcome. Thanks! James

From: Rehob, James (ENERGY)
Sent: November 15, 2011 11:59 AM
To: Linington, Brenda (ENERGY)
Cc: Letourneau, Amanda (ENERGY)
Subject: Greenfield South Matters

Brenda, thanks so very much for sitting down with myself and Amanda today regarding the municipal law and land-use questions I had. I particularly appreciated you raising the issues related to the use of the “MZO”, and have a bit better appreciation of its potential use, as well as its inherent limitations regarding stopping construction at the plant.

I left the draft legislation on your chair, marked “Strictly Confidential” (mostly so that the secretaries treat it with care, should they come across it ☺). As you review, please note that the yellow-highlighted text includes text I am just now considering (Leg. Counsel hasn't seen it yet). The rest of the tracked-changed language represents the very initial instructions I sent over to Leg. Counsel on Thursday evening, in order to get the draft moving along.

I attach the Adams Mine Act as well for the purposes of rounding out our discussions this morning.

Thank you,

James

James P. H. Rehob
Senior Counsel
Ministry of Energy and
Ministry of Infrastructure
Legal Services Branch
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Tel: 416-325-6676
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james.rehob@ontario.ca

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November 15, 2011

Questions for Brenda on Legislation

- 1. Is there any way to determine whether the land was serviced before the project began?**
- 2. What would one commonly expect to see by way of site description for this kind of project (gas plant)?**
- 3. Do you know of any language which might be useful regarding “site remediation”?**

The legislation speaks of “improvements to the property” and those are (as we understand it) to be removed once the construction stops;

Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: November-15-11 1:46 PM
To: Jennings, Rick (ENERGY)
Subject: lincensing

Eastern Power Limited	EG-2003-0093	Dec 5, 2003	Dec 4, 2023	Hubert Vogt 2275 Lake Shore Blvd. West, Suite 401 Toronto, ON M8V 3Y3	(416) 234-1301
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Eastern Power is licensed by the OEB and the license is good until 2023

Ryan King | Sr. Advisor and Executive Assistant
Energy Supply, Transmission and Distribution Policy Division
Ministry of Energy | Tel: +1 416-314-6204

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-15-11 1:54 PM
To: Rehob, James (ENERGY)
Subject: FW: Contract with Exhibits
Attachments: ARCES Greenfield South with Exhibits 20090316.pdf; greenest2011_english-(custom) verysmall.gif

Duplicate attachment removed (previously released)/gif attachment is image below

James, further to your exchange with Ryan about the description of the "project" in the leg, attached is the contract. Exhibit "A" should provide you what you need to address this question.

Carolyn

From: Michael Lyle [mailto:Michael.Lyle@powerauthority.on.ca]
Sent: November 15, 2011 11:31 AM
To: Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: Contract with Exhibits

As per my phone message.

Michael Lyle
General Counsel and Vice President
Legal, Aboriginal & Regulatory Affairs
Ontario Power Authority
120 Adelaide Street West, Suite 1600
Toronto, Ontario, M5H 1T1
Direct: 416-969-6035
Fax: 416.969.6383
Email: michael.lyle@powerauthority.on.ca

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Fisher, Petra (ENERGY)

From: Kulendran, Jesse (ENERGY)
Sent: November-15-11 2:26 PM
To: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY); Kett, Jennifer (OPO)
Cc: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY); Gemmiti, Paola (ENERGY); Lindsay, David (ENERGY); Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY); Silva, Joseph (ENERGY)
Subject: Revised OPA Statement

Based on legal advice, OPA changed "terminated" has been changed to "is not proceeding."

OPA DRAFT- 15 NOV 2011 -2:00 pm

OPA NOT PROCEEDING WITH CONTRACT FOR MISSISSAUGA POWER PLANT

TORONTO, November 16, 2011- The Ontario Power Authority announced today, that despite best efforts to work with Greenfield South Power Corporation, is not proceeding with the contract for Greenfield's Mississauga power plant..

After several weeks of discussions it has become clear that Greenfield South has no intent to consider relocation and continues construction. In light of this, the company has been notified that OPA is not proceeding with the contract. Greenfield is financially liable for any further investments in the project.

The OPA will continue to work with the government to identify another site for the gas plant based on local generation needs and transmission and distribution support to ensure a long-term reliable supply of electricity.

-30-

Cayley, Daniel (ENERGY)

From: Bacci, Gloria (ENERGY)
Sent: November-15-11 2:48 PM
To: Collins, Jason R. (ENERGY); King, Ryan (ENERGY)
Subject: RE: For Review: OPA Q3 Supply Report due Nov. 14 @ noon

Importance: High

Hi Jason and Ryan,

FYI: OPA asked that I flag the following: Colin Andersen requested that a footnote be added to the last page of the report regarding Green field South, which reads:

"[1] The Government of Ontario has announced its intention to relocate the Greenfield South Generating Station.

This statement has been signed off by OPA legal.

MO and DMO are currently reviewing the Supply Report

From: Bacci, Gloria (ENERGY)
Sent: November 14, 2011 5:24 PM
To: Collins, Jason R. (ENERGY)
Subject: Re: For Review: OPA Q3 Supply Report due Nov. 14 @ noon

Hey jason - any comments?

From: Bacci, Gloria (ENERGY)
To: Collins, Jason R. (ENERGY)
Sent: Mon Nov 14 13:29:02 2011
Subject: FW: For Review: OPA Q3 Supply Report due Nov. 14 @ noon

FYI. ESTDP's comments below.

From: King, Ryan (ENERGY)
Sent: November 14, 2011 12:07 PM
To: Bacci, Gloria (ENERGY)
Subject: Fw: For Review: OPA Q3 Supply Report due Nov. 14 @ noon

Some comments below

From: Chapman, Tom (ENERGY)
To: King, Ryan (ENERGY)
Cc: McKeever, Garry (ENERGY); Christie, Tim (ENERGY)
Sent: Mon Nov 14 12:05:30 2011
Subject: FW: For Review: OPA Q3 Supply Report due Nov. 14 @ noon

Some comments

From: Christie, Tim (ENERGY)
Sent: November 14, 2011 11:50 AM
To: Chapman, Tom (ENERGY); Kuber, Kathryn (ENERGY)
Subject: RE: For Review: OPA Q3 Supply Report due Nov. 14 @ noon

On the "status of directive" page they don't list the Atikokan or Thunder Bay directives. It's not essential that they be there, but it seems a little strange that they've been omitted. Also, Greenfield South is listed as a contracted facility under development.

Tim

From: Chapman, Tom (ENERGY)
Sent: November 10, 2011 2:51 PM
To: Kuber, Kathryn (ENERGY); Christie, Tim (ENERGY)
Cc: England, Michael (ENERGY)
Subject: FW: For Review: OPA Q3 Supply Report due Nov. 14 @ noon
Importance: High

Can you take a look pls.
thanks

Tom Chapman | (office) 416 325 6898 | (cell) 416 458 6515

From: King, Ryan (ENERGY)
Sent: November 10, 2011 2:34 PM
To: Chapman, Tom (ENERGY); Jobe, Cedric (ENERGY); MacCallum, Doug (ENERGY)
Subject: FW: For Review: OPA Q3 Supply Report due Nov. 14 @ noon
Importance: High

Can you please review for noon Monday?
Thanks

From: Bacci, Gloria (ENERGY)
Sent: November 10, 2011 12:19 PM
To: King, Ryan (ENERGY); Collins, Jason R. (ENERGY)
Cc: Nutter, George (ENERGY); Biggs, Megan (ENERGY)
Subject: For Review: OPA Q3 Supply Report due Nov. 16 @ noon
Importance: High

Hi Ryan and Jason,

Attached for your review is the OPA's Q3 Supply report. We did not have any major concerns, just a few minor comments.

Can you please review by Wednesday, November 16 at Noon?

Thanks,

Gloria

Cayley, Daniel (ENERGY)

From: Rehob, James (ENERGY)
Sent: November-15-11 3:33 PM
To: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY)
Subject: FW: Greenfield South
Attachments: licence_eg_greenfield_20090603.pdf

Ryan, thanks so much for forwarding the Greenfield South Power Corporation license. From my review of the document, Restrictions (Article 6): Neither the licensee or its affiliates may own (acquire an interest in or purchase shares in) or construct a transmission or distribution system, etc.

Term: (Article 8), the license is valid from June 3, 2009 to June 3, 2029 (another 18 years!) but the authorization is only in respect of "the site" (see Schedule 1 at the very end of the license) located at 2315 Loreland Avenue, Mississauga. Hence, any change would require either a new license or, more likely in my view, an amendment to the existing license in order to amend it by adding a new or revised Schedule 1. I have a call into the licensing group at the OEB to verify this, and I'll let you know once I hear back from them.

From: King, Ryan (ENERGY)
Sent: November 15, 2011 2:46 PM
To: Rehob, James (ENERGY)
Subject: FW: Greenfield South

From: King, Ryan (ENERGY)
Sent: November 15, 2011 2:42 PM
To: Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY)
Subject: Greenfield South

Was able to track down Greenfield South Power Corporation's Generator License which is valid until June 2, 2029

Ryan King | Sr. Advisor and Executive Assistant
Energy Supply, Transmission and Distribution Policy Division
Ministry of Energy | Tel: +1 416-314-6204



Electricity Generation Licence

EG-2009-0023

Greenfield South Power Corporation

Valid Until

June 2, 2029

Original signed by

Jennifer Lea
Counsel, Special Projects
Ontario Energy Board
Date of Issuance: June 3, 2009

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street
27th. Floor
Toronto, ON M4P 1E4

Commission de l'énergie de l'Ontario
C.P. 2319
2300, rue Yonge
27e étage
Toronto ON M4P 1E4

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1 Definitions

In this Licence:

"**Act**" means the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B;

"**Electricity Act**" means the *Electricity Act, 1998*, S.O. 1998, c. 15, Schedule A;

"**generation facility**" means a facility for generating electricity or providing ancillary services, other than ancillary services provided by a transmitter or distributor through the operation of a transmission or distribution system and includes any structures, equipment or other things used for that purpose;

"**Licensee**" means Greenfield South Power Corporation;

"**regulation**" means a regulation made under the Act or the Electricity Act;

2 Interpretation

- 2.1 In this Licence words and phrases shall have the meaning ascribed to them in the Act or the Electricity Act. Words or phrases importing the singular shall include the plural and vice versa. Headings are for convenience only and shall not affect the interpretation of this Licence. Any reference to a document or a provision of a document includes an amendment or supplement to, or a replacement of, that document or that provision of that document. In the computation of time under this Licence where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens. Where the time for doing an act expires on a holiday, the act may be done on the next day that is not a holiday.

3 Authorization

- 3.1 The Licensee is authorized, under Part V of the Act and subject to the terms and conditions set out in this licence:
- a) to generate electricity or provide ancillary services for sale through the IESO-administered markets or directly to another person subject to the conditions set out in this Licence. This Licence authorizes the Licensee only in respect of those facilities set out in Schedule 1;
 - b) to purchase electricity or ancillary services in the IESO-administered markets or directly from a generator subject to the conditions set out in this Licence; and
 - c) to sell electricity or ancillary services through the IESO-administered markets or directly to another person, other than a consumer, subject to the conditions set out in this Licence.

4 Obligation to Comply with Legislation, Regulations and Market Rules

- 4.1 The Licensee shall comply with all applicable provisions of the Act and the Electricity Act, and regulations under these acts, except where the Licensee has been exempted from such compliance by regulation.
- 4.2 The Licensee shall comply with all applicable Market Rules.

5 Obligation to Maintain System Integrity

- 5.1 Where the IESO has identified, pursuant to the conditions of its licence and the Market Rules, that it is necessary for purposes of maintaining the reliability and security of the IESO-controlled grid, for the Licensee to provide energy or ancillary services, the IESO may require the Licensee to enter into an agreement for the supply of energy or such services.
- 5.2 Where an agreement is entered into in accordance with paragraph 5.1, it shall comply with the applicable provisions of the Market Rules or such other conditions as the Board may consider reasonable. The agreement shall be subject to approval by the Board prior to its implementation. Unresolved disputes relating to the terms of the Agreement, the interpretation of the Agreement, or amendment of the Agreement, may be determined by the Board.

6 Restrictions on Certain Business Activities

- 6.1 Neither the Licensee, nor an affiliate of the Licensee shall acquire an interest in a transmission or distribution system in Ontario, construct a transmission or distribution system in Ontario or purchase shares of a corporation that owns a transmission or distribution system in Ontario except in accordance with section 81 of the Act.

7 Provision of Information to the Board

- 7.1 The Licensee shall maintain records of and provide, in the manner and form determined by the Board, such information as the Board may require from time to time.
- 7.2 Without limiting the generality of paragraph 7.1 the Licensee shall notify the Board of any material change in circumstances that adversely affects or is likely to adversely affect the business, operations or assets of the Licensee, as soon as practicable, but in any event no more than twenty (20) days past the date upon which such change occurs.

8 Term of Licence

- 8.1 This Licence shall take effect on June 3, 2009 and expire on June 2, 2029. The term of this Licence may be extended by the Board.

9 Fees and Assessments

- 9.1 The Licensee shall pay all fees charged and amounts assessed by the Board.

10 Communication

- 10.1 The Licensee shall designate a person that will act as a primary contact with the Board on matters related to this Licence. The Licensee shall notify the Board promptly should the contact details change.
- 10.2 All official communication relating to this Licence shall be in writing.
- 10.3 All written communication is to be regarded as having been given by the sender and received by the addressee:
- a) when delivered in person to the addressee by hand, by registered mail or by courier;
 - b) ten (10) business days after the date of posting if the communication is sent by regular mail; or
 - c) when received by facsimile transmission by the addressee, according to the sender's transmission report.

11 Copies of the Licence

- 11.1 The Licensee shall:
- a) make a copy of this Licence available for inspection by members of the public at its head office and regional offices during normal business hours; and
 - b) provide a copy of this Licence to any person who requests it. The Licensee may impose a fair and reasonable charge for the cost of providing copies.

SCHEDULE 1 LIST OF LICENSED GENERATION FACILITIES

The Licence authorizes the Licensee only in respect to the following:

1. Greenfield South Power Project, owned and operated by the Licensee at 2315 Loreland Avenue, Mississauga, Ontario.

Fisher, Petra (ENERGY)

From: Kacaba, Jennifer (ENERGY)
Sent: November-15-11 3:51 PM
To: Calwell, Carolyn (ENERGY); Linington, Brenda (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Rehob, James (ENERGY)
Subject: RE: bullets for DM - Mississauga plant
Attachments: Privileged and Confidential - Missi Power.doc

Carolyn,

Attached are the bullets on the MZO. Brenda has reviewed and provided comments on these bullets. Please let me know if you have any questions.

Jennifer

From: Calwell, Carolyn (ENERGY)
Sent: November 15, 2011 3:46 PM
To: Linington, Brenda (ENERGY); Kacaba, Jennifer (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: RE: bullets for DM - Mississauga plant

Thanks for doing this so quickly, Brenda. I understand that the DM wants pros and cons. I tried to re-work what you sent to frame it in that way. Please revise as necessary:

Expropriation

- Government has 2 separate expropriating powers:
 - The Minister of Infrastructure has authority to expropriate land necessary for the use or purposes of the government.
 - The LGIC may direct the Minister of Infrastructure to expropriate land that the LGIC considers necessary for the benefit of the public.
- Pros
 - Would trigger a known process under the Expropriations Act, including the establishment of value to be paid for land
- Cons
 - Requires compliance with the Expropriations Act (less flexibility).
 - Exercise of expropriation authority could be challenged by current owner as not being necessary for purposes of government or necessary for the benefit of the public.

From: Linington, Brenda (ENERGY)
Sent: November 15, 2011 3:35 PM
To: Kacaba, Jennifer (ENERGY); Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: bullets for DM - Mississauga plant

- The Minister of Infrastructure has authority to expropriate land necessary for the use or purposes of the government. The LGIC may direct the Minister of Infrastructure to expropriate land that the LGIC considers necessary for the benefit of the public.