

From: Jennings, Rick (ENERGY)
Sent: October 21, 2011 5:27 PM
To: Calwell, Carolyn (ENERGY); Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: RE: Draft transition deck - take 2

Attached are my edits –

Clarification of 2nd and 3rd bullets on Background
Update of 3rd bullet on considerations page
Correction of 4th bullet on Legal Issues page.

From: Calwell, Carolyn (ENERGY)
Sent: October 21, 2011 4:54 PM
To: Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Subject: Draft transition deck - take 2

Confidential/Solicitor-Client Privileged

Joseph, thank you for taking the time to talk to me about the content of the deck. I have revised the last version that you saw to include the options considered by the OPA. I modified the pros and cons outlined in the OPA's deck in minor ways.

Rick/Ryan, this deck talks about alternate sites – you may want to change or modify these points.

Carolyn

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: Perun, Halyna N. (ENERGY)
Sent: October-24-11 11:11 AM
To: Rehob, James (ENERGY); Johnson, Paul (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: FW: note re plant
Attachments: Greenfield South BN LSB Oct 19-11 for DMLindsay.doc

What was sent to the Deputy – more detail – will be of help to James and Paul (I hope)

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

Notice

This communication may be solicitor/client privileged and contain confidential information intended only 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.

From: Perun, Halyna N. (ENERGY)
Sent: October 19, 2011 4:37 PM
To: Lindsay, David (ENERGY)
Cc: Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY); Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Subject: note re plant

Privileged and Confidential

David – This note outlines the legal issues with the contemplated option and sets out the alternative options (building on what's in the OPA deck) for your ease of reference. We'd be happy to review it with you.

Also, Mike Lyall left me a message asking about the status of the deck going to Cabinet. From the call it seems to me that the OPA is thinking that their revised deck is what will be used tomorrow. I'd like to let him know that it was helpful for us to have their deck but that the Ministry was asked to create a slimmer product.

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

Notice

This communication may be solicitor/client privileged and contain confidential information intended only 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.

Confidential and Solicitor-Client Privileged

Ministry of the Attorney General

Briefing Note

Legal Services Division

Legal Services Branch – ENE/MOI

ISSUE:

- Greenfield South Gas Generating Plant in Mississauga
- It is proposed that the Ministry of Energy work with the Ontario Power Authority (OPA) to enter into discussions with Greenfield South Power Corporation (controlled by Eastern Power Corporation, referred to as “Eastern Power”) towards a satisfactory resolution of the Mississauga site

BACKGROUND

- Eastern Power is developing the Greenfield South Generating Station, a 280 MW combined cycle natural gas plant under construction in the City of Mississauga on a 4.5 hectare property at 2315 Loreland Avenue.
- The project arose out of a Ministry of Energy Clean Energy Supply (CES) procurement process in 2004. This contract was eventually assumed by the OPA.
- The project was undertaken to meet local reliability needs for the Southwest and Western GTA and has been positioned as part of the coal closure strategy.
- The plant is 200 metres from the nearest residence, 700 metres from the nearest hospital and 1.1 km from the nearest school.
- The project is strongly opposed by local residents. On October 12, 2011, the Mississauga Council passed a motion requesting that the government and the Premier take immediate action to cancel the contract, stop construction and return the site to pre-construction condition.
- In 2007, the Ontario Municipal Board reviewed and approved of the zoning of the project site after a lengthy and protracted process.
- In 2008, Ministry of Environment (MOE) granted all necessary environmental approvals.
- In March 2011, OPA renegotiated the initial Commercial Operation Date (C.O.D.) with Eastern Power, in recognition of lengthy regulatory approvals and financing delays experienced by Eastern Power. The new Milestone Date for Commercial Operation, when the plant is required to be fully operational, is September 1, 2014.
- In May 2011, Eastern Power finalized its financing arrangements with Credit Suisse and EIG. Around that time, the City of Mississauga issued building permits for the construction at the site.

- In June 2011, MOE announced that it will conduct an updated review of the approval for the gas plant to assess recent developments. No end-date was set for this process.
- In July 2011, Eastern Power reported that it had laid foundations for the steam and gas turbine halls and placed orders for the major equipment (generators, turbines, etc.).
- Construction continues at the site. Eastern Power has informed the OPA that it will not “down tools” until it receives formal notification of next steps.
- Next steps would require the OPA to be asked to approach Eastern Power to initiate discussions.
 - The discussion would likely include potential treatment of costs incurred to date (sunk costs – including equipment costs), treatment of construction and equipment related contracts, estimates and treatment of foregone revenue, and options and Eastern’s interest with respect to relocating to an alternative site.

DISCUSSION:

- Discussion with Eastern Power may not be successful and could require the Government to consider other options (e.g. legislation).
- Initiating discussions to relocate or otherwise cancel the Mississauga plant may immediately cause Eastern Power to launch a law suit against either or both of the OPA and the Government.
 - Such a discussion will signal repudiation of the contract, which gives Eastern Power the right to sue the OPA.
- The Minister’s request of the OPA may be found to be contractual interference and may attract liability to the Province.
 - Eastern Power could claim that the Crown induced the OPA’s breach of contract where Eastern Power can show: 1) that the Crown knew about the contract; 2) the Crown’s action was intended to cause the OPA to breach the contract; 3) the Crown’s action caused the OPA to breach the contract; and 4) Eastern Power suffered damages as a result.
- The OPA may ask for a “direction” from the Minister under the *Electricity Act, 1998* before undertaking any discussions with Eastern Power. The Minister’s authority to direct the OPA in this way is unclear.
 - The *Electricity Act, 1998* gives the Minister of Energy the authority to issue directions and directives to the OPA, which the OPA must follow.

- Under s.25.30(2), the Minister may issue, and the OPA shall follow in preparing its integrated power system plans, directives that have been approved by the Lieutenant Governor in Council that set out the goals to be achieved during the period to be covered by an integrated power system plan, including goals relating to,
 - (a) the production of electricity from particular combinations of energy sources and generation technologies;
 - (b) Increases in generation capacity from alternative energy sources, renewable energy sources or other energy sources;
 - (c) the phasing-out of coal-fired generation facilities; and
 - (d) the development and implementation of conservation measures, programs and targets on a system-wide basis or in particular service areas.
 - Under s.25.32(4.1), the Minister may direct the OPA to undertake any request for proposal, any other form of procurement solicitation or any other initiative or activity that relates to,
 - (a) the procurement of electricity supply or capacity derived from renewable energy sources;
 - (b) reductions in electricity demand; or
 - (c) measures related to conservation or the management of electricity demand.
 - Under s.25.32(7), the OPA shall enter into any contract following a procurement solicitation or other initiative referred to in clause (4)
 - (a) [transition provision] if directed to do so by the Minister of Energy, and that contract shall be deemed to be a procurement contract that was entered into in accordance with any integrated power system plan and procurement process approved by the [Ontario Energy] Board.
- The Minister could likely rely on certain of these authorities to direct the OPA to enter into *negotiations* with Eastern Power but if the result is termination of the contract then none of these authorities unambiguously allows the Minister to direct the OPA to terminate a contract.
- Eastern Power's financiers may have a trade-related (e.g. NAFTA) claim if this project does not proceed.
 - An investor could allege treatment less favourable than that accorded to investments of other investors or could allege arbitrary and unfair application of government (including OPA) measures.
- Eastern Power's claim to damages is not clear. The contract limits liability for certain types of damages, including lost profits. The contract also provides for

damages for discriminatory action (e.g. legislation, regulation, or OIC that detrimentally affects Eastern Power). The enforceability of these provisions is not certain in these circumstances.

ALTERNATIVES CONSIDERED

Option 1 – Legislation

- The contract could be cancelled by legislation that would include provisions such as:
 - A provision expressly terminating the agreement;
 - A provision immunizing the Crown and the OPA from any and all lawsuits arising from the cancellation of the agreement
 - If desired, a provision addressing the types of compensation that will be provided and a mechanism (such as arbitration) for determining compensation, or alternatively stipulating that no compensation at all will be provided.
 - As the courts interpret these types of provisions very restrictively, the legislation would have to be drafted very carefully and be very clear and explicit.
 - Precedent: *Adams Mine Lake Act, 2004*
 - Pros
 - Allows Government to control level of compensation to be paid
 - Government can specify that no compensation will be paid for costs incurred past certain date (e.g. announcement of Government's policy or date of first reading)
 - Cons
 - Will be controversial and requires time to enact
 - Developer could bring law suit in the interim, though legislation could ultimately preclude liability and damages and address other issues under the contract, such as the discriminatory action clause
 - Potential impact on investment climate

Option 2 – Regulatory

- Existing regulatory approvals could be revoked or other regulatory steps could be taken to terminate the project
 - Pros
 - Eastern Power is subject to a Certificate of Approval under the *Environmental Protection Act*. Technically, approvals can be amended or revoked if legally justified.
 - Cons
 - Any revocation or other regulatory actions would be subject to appeal or judicial review. The Ministry of Environment would be required to demonstrate an environmental justification for the action

in order to successfully defend the challenge. No apparent environmental basis for action at this point.

- If such a challenge was successful, Eastern Power may initiate a civil action in tort against the Crown.
- Eastern Power may also seek a remedy against the OPA under the terms of the contract under the discriminatory action clause.

Option 3 – Negotiation (recommended)

- The OPA could attempt to commence negotiations with Eastern Power regarding stopping construction and developing a new location for a different facility.
 - Pros
 - OPA has the opportunity to assess position of Eastern Power and its interests in stopping construction.
 - OPA can begin discussion of a new site.
 - Cons
 - Eastern Power may refuse to commence discussions or seek to drag on discussions while it continues to construct the plant.

Option 4 – Unilateral termination of contract

- The OPA would inform Eastern Power that it will not perform its obligations under the contract
 - Pros
 - Eastern Power will be required to begin to mitigate its damages which means it should stop construction and the OPA will avoid damages for Eastern Power's additional costs that could have been avoided after the date of termination of contract
 - Cons
 - Does not provide opportunity to explore options for relocating project
 - Sends negative message to other OPA counterparties

Option 5 – Pay the plant not to run

- Allow plant to be constructed but ensure that it does not operate using contractual provisions related to directed dispatch.
 - Pros
 - OPA obligations to make monthly payments are low based on outcome of 2005 RFP process and paying plant not to operate over 20 years may be cheaper than paying for sunk costs, remediation of the site and potentially some lost profits
 - Cons
 - Will be difficult to convince community that plant will not operate

Date: October 19, 2011

Prepared by: Carolyn Calwell Deputy Director
Legal Service Branch
Ministry of Energy/Ministry of Infrastructure
(416) 212-5409

Approved by: Halyna Perun, A/Director
Legal Service Branch
Ministry of Energy/Ministry of Infrastructure
(416) 325--6681

Fisher, Petra (ENERGY)

From: Tully, Keegan (ENERGY)
Sent: October-24-11 11:14 AM
To: King, Ryan (ENERGY)
Cc: MacCallum, Doug (ENERGY); McKeever, Garry (ENERGY)
Subject: Eastern Power
Attachments: Information on Eastern Power.doc

Hi Ryan,

Here is some information I found on Eastern Power on the web. Let me know if you need me to look for anything else.

Keegan

Keegan Tully

Advisor, Energy Supply
Energy Supply and Competition Branch
Ontario Ministry of Energy
416-325-6881
Keegan.Tully@Ontario.ca

Information on Eastern Power

- Eastern Power Ltd. is a privately-owned company founded in 1985.
- Greg Vogt is the president of Eastern Power.
- Hubert Vogt is vice-president of Eastern Power.
- Dr. Bruce E. Holbein is the public face of the company's involvement in Greenfield South.
- Eastern Power has two landfill gas NUG contracts for the Keele Valley Power Plant in Vaughan and the Brock West Power Plant in Pickering.
- Eastern Power sued Ontario Electricity Financial Corporation (Ontario Hydro) for \$121 million in 2007-08 over a dispute about the Keele Valley contract.
- Super Blue Box Recycling Corp (SUBBOR) is an affiliate of Eastern Power which operated a demonstration Energy from Waste facility in Guelph between 1998 and 2002. Guelph terminated the relationship when they couldn't obtain proof that the facility was operating at full-scale.

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: October-24-11 11:21 AM
To: Perun, Halyna N. (ENERGY)
Subject: Re: Mississauga decision tree

Will do.

From: Perun, Halyna N. (ENERGY)
To: Calwell, Carolyn (ENERGY)
Sent: Mon Oct 24 11:12:01 2011
Subject: RE: Mississauga decision tree

Thanks Carolyn – if you could check in with Ryan at your break that would be helpful –

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

Notice

This communication may be solicitor/client privileged and contain confidential information intended only 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.

From: Calwell, Carolyn (ENERGY)
Sent: October 24, 2011 11:09 AM
To: Perun, Halyna N. (ENERGY)
Subject: Re: Mississauga decision tree

Let me know how I can help.

Carolyn

From: Perun, Halyna N. (ENERGY)
To: Rehob, James (ENERGY); Johnson, Paul (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Sent: Mon Oct 24 11:03:53 2011
Subject: FW: Mississauga decision tree

Hi – I will need your help on this as Carolyn is away at a forum and I am going into briefings.

I will send you further info asap

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

Notice

This communication may be solicitor/client privileged and contain confidential information intended only 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.

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 11:02 AM
To: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); Sharkawi, Rula (ENERGY); Jennings, Rick (ENERGY)
Subject: Mississauga decision tree
Importance: High

Hi everyone,

PO/CO would like to send the letter out today. In order to facilitate Minister review and possibly signature today, Craig would like to see a "decision tree" type document setting out what could happen after we send out the letter. He would like Communications lens on each step (messaging, etc).

Halyna – can you guys take the lead on this, with input from Rick and Rula? Let's chat over the phone. We'll need a draft early afternoon. I think we've got the thinking already, just need to organise and put on paper.

Many thanks
Joseph

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: Rehob, James (ENERGY)
Sent: October-24-11 11:25 AM
To: Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: RE: Mississauga decision tree

Yes, I'm working with Ryan on this – Ryan will send his first draft and we will take it from there. Thanks!
James

From: Perun, Halyna N. (ENERGY)
Sent: October 24, 2011 11:04 AM
To: Rehob, James (ENERGY); Johnson, Paul (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: FW: Mississauga decision tree
Importance: High

Hi – I will need your help on this as Carolyn is away at a forum and I am going into briefings.

I will send you further info asap

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

Notice

This communication may be solicitor/client privileged and contain confidential information intended only 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.

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 11:02 AM
To: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); Sharkawi, Rula (ENERGY); Jennings, Rick (ENERGY)
Subject: Mississauga decision tree
Importance: High

Hi everyone,

PO/CO would like to send the letter out today. In order to facilitate Minister review and possibly signature today, Craig would like to see a “decision tree” type document setting out what could

happen after we send out the letter. He would like Communications lens on each step (messaging, etc).

Halyna – can you guys take the lead on this, with input from Rick and Rula? Let's chat over the phone. We'll need a draft early afternoon. I think we've got the thinking already, just need to organise and put on paper.

Many thanks
Joseph

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: Jennings, Rick (ENERGY)
Sent: October-24-11 11:34 AM
To: King, Ryan (ENERGY)
Cc: Jenkins, Allan (ENERGY); MacCallum, Doug (ENERGY); McKeever, Garry (ENERGY)
Subject: Fw: Fwd: Eastern Power

This is what Finance sent, please include in the one pager on who is Eastern Power.

Sent from my BlackBerry Wireless Handheld

From: Serge Imbrogno <Serge.Imbrogno@ofina.on.ca>
To: Jennings, Rick (ENERGY)
Sent: Mon Oct 24 11:08:22 2011
Subject: Fwd: Eastern Power

Hi Rick,

We'll keep looking but this is what we have so far.

Serge

Begin forwarded message:

From: Sandy Roberts <Sandy.Roberts@ofina.on.ca>
Date: 24 October, 2011 11:06:06 AM EDT
To: Serge Imbrogno <Serge.Imbrogno@ofina.on.ca>
Cc: Sam Colalillo <Sam.Colalillo@ofina.on.ca>
Subject: RE: Eastern Power

What we have found internally is a GHG emissions report from Eastern Power in 2005 where it states that "Eastern Power is a private, Canadian-owned, Ontario-based corporation with its corporate administrative offices in Toronto."

The 2008 Court decision with respect to Keele Valley states that Hubert Vogt is the vice president of Eastern Power. Greg Vogt is the president of Eastern Power. Previously Herman Walter had been the president.

Eastern Power owns and operates Keele Valley and Brock West Landfill Gas facilities.

Ken is away until next week and Sarah in legal has been unable to find any additional information, to this point.

Hopefully this is helpful,
sandy

From: Serge Imbrogno
Sent: Monday, October 24, 2011 10:52 AM
To: Sandy Roberts
Cc: Sam Colalillo
Subject: RE: Eastern Power

You were able to get more detail on this?

Serge

From: Sandy Roberts
Sent: Friday, October 21, 2011 10:56 PM
To: Serge Imbrogno
Subject: Re: Eastern Power

There isn't a lot on the web-besides that they own keele valley and brock west. Ken always describes it as the two voigt brothers are the owners. We likely have more in the files at the office in legal but they might be almost impossible to get until monday.

Sent using BlackBerry

From: Serge Imbrogno
To: Sandy Roberts
Cc: Sam Colalillo
Sent: Fri Oct 21 17:06:15 2011
Subject: Eastern Power

Hi Sandy,

Do we have anything on Eastern Power's Corporate structure? I'm assuming we have this information from the lawsuit. I told Rick I would get back to him asap.

Serge

This message, including any attachments, is meant only for the use of the individual(s) to whom it is intended and may contain information that is privileged/confidential. Any unauthorized use, copying or disclosure is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify us immediately by reply e-mail and permanently delete this message, including any attachments, without reading them, and destroy all copies. Thank you.

Fisher, Petra (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: October-24-11 11:38 AM
To: McKeever, Garry (ENERGY)
Cc: King, Ryan (ENERGY)
Subject: Re: Mississauga decision tree

Letter is from Minister to the OPA to ask them to begin discussions with Eastern to reach a resolution on the site.

Sent from my BlackBerry Wireless Handheld

From: McKeever, Garry (ENERGY)
To: Jennings, Rick (ENERGY)
Cc: King, Ryan (ENERGY); Jenkins, Allan (ENERGY); MacCallum, Doug (ENERGY)
Sent: Mon Oct 24 11:23:19 2011
Subject: RE: Mississauga decision tree

What will the OPA letter say?

From: Jennings, Rick (ENERGY)
Sent: October 24, 2011 11:11 AM
To: King, Ryan (ENERGY); Jenkins, Allan (ENERGY); MacCallum, Doug (ENERGY); McKeever, Garry (ENERGY)
Cc: Silva, Joseph (ENERGY)
Subject: Fw: Mississauga decision tree
Importance: High

See attached, I assume Carolyn has the lead from Legal on this but we will have to provide input.

I assume by "decision tree" they mean upon receipt of the letter OPA contacts Eastern Power which then can:

- 1) Agree to start discussions and either continue construction or cease construction.
- 2) Agree to start discussions but limit to a monetary settlement, ask for exceptionally high settlement etc., again can be tied to ceasing construction or not.
- 3) Refuse to enter into discussions and launch a lawsuit

Sent from my BlackBerry Wireless Handheld

From: Silva, Joseph (ENERGY)
To: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); Sharkawi, Rula (ENERGY); Jennings, Rick (ENERGY)
Sent: Mon Oct 24 11:01:47 2011
Subject: Mississauga decision tree

Hi everyone,

PO/CO would like to send the letter out today. In order to facilitate Minister review and possibly signature today, Craig would like to see a "decision tree" type document setting out what could

happen after we send out the letter. He would like Communications lens on each step (messaging, etc).

Halyna – can you guys take the lead on this, with input from Rick and Rula? Let's chat over the phone. We'll need a draft early afternoon. I think we've got the thinking already, just need to organise and put on paper.

Many thanks
Joseph

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: McKeever, Garry (ENERGY)
Sent: October-24-11 11:44 AM
To: Tully, Keegan (ENERGY)
Cc: MacCallum, Doug (ENERGY)
Subject: RE: Eastern Power

Thanks Keegan.. OFA are going to send me the briefing note they gave to the OEFC updating them on this case. Should be available soon. They said the case was still being worked on, which is consistent with your info.

From: Tully, Keegan (ENERGY)
Sent: October 24, 2011 11:41 AM
To: McKeever, Garry (ENERGY)
Subject: Eastern Power

Hi Garry,

Here is an excerpt from an appeal from 2010. The original decision is from 2008. The appeal focused on the one claim Eastern won and the appeal decided in favour of Eastern. It looks like another case to decide on the issue may be coming in the future.

Excerpt:

In 1998, Eastern Power sued Ontario Hydro, claiming that it committed numerous breaches of the power purchase agreement. The trial took 23 days. In a thorough and well-reasoned decision, Bellamy J. dismissed all of Eastern Power's claims save one: a claim for an "inter-area transmission credit". The trial judge concluded that Ontario Hydro breached the power purchase agreement by failing to include a component for inter-area transmission in the rates it paid to Eastern Power. However, the trial judge declined to award any damages for this breach of contract because she concluded that she had no reliable and credible evidence from which to calculate those damages. She went on to say that, if she were wrong, she would award nominal damages of \$5 million, inclusive of interest to the date of judgment, and a pro-rated amount for the remainder of the contract.

Keegan Tully
Advisor, Energy Supply
Energy Supply and Competition Branch
Ontario Ministry of Energy
416-325-6881
Keegan.Tully@Ontario.ca

Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-24-11 11:46 AM
To: Jennings, Rick (ENERGY)
Cc: Jenkins, Allan (ENERGY); MacCallum, Doug (ENERGY); McKeever, Garry (ENERGY)
Subject: RE: Fwd: Eastern Power
Attachments: Eastern Power BN.doc

Eastern Power profile for review. Please let me know of any edits.

From: Jennings, Rick (ENERGY)
Sent: October 24, 2011 11:34 AM
To: King, Ryan (ENERGY)
Cc: Jenkins, Allan (ENERGY); MacCallum, Doug (ENERGY); McKeever, Garry (ENERGY)
Subject: Fw: Fwd: Eastern Power

This is what Finance sent, please include in the one pager on who is Eastern Power.

Sent from my BlackBerry Wireless Handheld

From: Serge Imbrogno <Serge.Imbrogno@ofina.on.ca>
To: Jennings, Rick (ENERGY)
Sent: Mon Oct 24 11:08:22 2011
Subject: Fwd: Eastern Power

Hi Rick,

We'll keep looking but this is what we have so far.

Serge

Begin forwarded message:

From: Sandy Roberts <Sandy.Roberts@ofina.on.ca>
Date: 24 October, 2011 11:06:06 AM EDT
To: Serge Imbrogno <Serge.Imbrogno@ofina.on.ca>
Cc: Sam Colalillo <Sam.Colalillo@ofina.on.ca>
Subject: RE: Eastern Power

What we have found internally is a GHG emissions report from Eastern Power in 2005 where it states that "Eastern Power is a private, Canadian-owned, Ontario-based corporation with its corporate administrative offices in Toronto."

The 2008 Court decision with respect to Keele Valley states that Hubert Vogt is the vice president of Eastern Power. Greg Vogt is the president of Eastern Power. Previously Herman Walter had been the president.

Eastern Power owns and operates Keele Valley and Brock West Landfill Gas facilities.

Ken is away until next week and Sarah in legal has been unable to find any additional information, to this point.

Hopefully this is helpful,
sandy

From: Serge Imbrogno
Sent: Monday, October 24, 2011 10:52 AM
To: Sandy Roberts
Cc: Sam Colalillo
Subject: RE: Eastern Power

You were able to get more detail on this?

Serge

From: Sandy Roberts
Sent: Friday, October 21, 2011 10:56 PM
To: Serge Imbrogno
Subject: Re: Eastern Power

There isn't a lot on the web-besides that they own keele valley and brock west. Ken always describes it as the two voigt brothers are the owners. We likely have more in the files at the office in legal but they might be almost impossible to get until monday.

Sent using BlackBerry

From: Serge Imbrogno
To: Sandy Roberts
Cc: Sam Colalillo
Sent: Fri Oct 21 17:06:15 2011
Subject: Eastern Power

Hi Sandy,

Do we have anything on Eastern Power's Corporate structure? I'm assuming we have this information from the lawsuit. I told Rick I would get back to him asap.

Serge

This message, including any attachments, is meant only for the use of the individual(s) to whom it is intended and may contain information that is privileged/confidential. Any unauthorized use, copying or disclosure is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify us immediately by reply e-mail and permanently delete this message, including any attachments, without reading them, and destroy all copies. Thank you.

Brief: Eastern Power Limited

Address

401-2275 Lake Shore Blvd W
Toronto, ON
M8V 3Y3

Company Profile

- Eastern Power Ltd. is a privately-owned company founded in 1985. Eastern Power Limited is an Ontario-based corporation with its corporate administrative offices in Toronto and with various operating subsidiaries in the greater Toronto area.
- Greg Vogt is the president of Eastern Power.
- Hubert Vogt is vice-president of Eastern Power.
- Dr. Bruce E. Holbein is the public face of the company's involvement in Greenfield South.

Projects/Background

- Eastern Power has two landfill gas non-utility generation (NUG) contracts for the Keele Valley Power Plant in Vaughan and the Brock West Power Plant in Pickering.
- Eastern Power sued Ontario Electricity Financial Corporation (OEFC) (NUG contract holder) for \$121 million in 2007-08 over a dispute about the Keele Valley contract.
- Super Blue Box Recycling Corp (SUBBOR) is an affiliate of Eastern Power which operated a demonstration Energy from Waste facility in Guelph between 1998 and 2002. Guelph terminated the relationship when they couldn't obtain proof that the facility was operating at full-scale.
- Greenfield Power is an affiliate of Eastern Power and the construction company is also an affiliate.
- Greenfield South Power Corporation, together with its affiliate Eastern Power Limited, is developing the Greenfield South Power Plant.

Fisher, Petra (ENERGY)

From: McKeever, Garry (ENERGY)
Sent: October-24-11 12:06 PM
To: King, Ryan (ENERGY); Jennings, Rick (ENERGY)
Cc: Jenkins, Allan (ENERGY); MacCallum, Doug (ENERGY); Tully, Keegan (ENERGY)
Subject: RE: Fwd: Eastern Power

We will be adding a brief note on the ongoing lawsuit with the OEFC – ready shortly

From: King, Ryan (ENERGY)
Sent: October 24, 2011 11:46 AM
To: Jennings, Rick (ENERGY)
Cc: Jenkins, Allan (ENERGY); MacCallum, Doug (ENERGY); McKeever, Garry (ENERGY)
Subject: RE: Fwd: Eastern Power

Eastern Power profile for review. Please let me know of any edits.

From: Jennings, Rick (ENERGY)
Sent: October 24, 2011 11:34 AM
To: King, Ryan (ENERGY)
Cc: Jenkins, Allan (ENERGY); MacCallum, Doug (ENERGY); McKeever, Garry (ENERGY)
Subject: Fw: Fwd: Eastern Power

This is what Finance sent, please include in the one pager on who is Eastern Power.

Sent from my BlackBerry Wireless Handheld

From: Serge Imbrogno <Serge.Imbrogno@ofina.on.ca>
To: Jennings, Rick (ENERGY)
Sent: Mon Oct 24 11:08:22 2011
Subject: Fwd: Eastern Power

Hi Rick,

We'll keep looking but this is what we have so far.

Serge

Begin forwarded message:

From: Sandy Roberts <Sandy.Roberts@ofina.on.ca>
Date: 24 October, 2011 11:06:06 AM EDT
To: Serge Imbrogno <Serge.Imbrogno@ofina.on.ca>
Cc: Sam Colalillo <Sam.Colalillo@ofina.on.ca>
Subject: RE: Eastern Power

What we have found internally is a GHG emissions report from Eastern Power in 2005 where it states that "Eastern Power is a private, Canadian-owned, Ontario-based corporation with its corporate administrative offices in Toronto."

The 2008 Court decision with respect to Keele Valley states that Hubert Vogt is the vice president of Eastern Power. Greg Vogt is the president of Eastern Power. Previously Herman Walter had been the president.

Eastern Power owns and operates Keele Valley and Brock West Landfill Gas facilities.

Ken is away until next week and Sarah in legal has been unable to find any additional information, to this point.

Hopefully this is helpful,
sandy

From: Serge Imbrogno
Sent: Monday, October 24, 2011 10:52 AM
To: Sandy Roberts
Cc: Sam Colalillo
Subject: RE: Eastern Power

You were able to get more detail on this?

Serge

From: Sandy Roberts
Sent: Friday, October 21, 2011 10:56 PM
To: Serge Imbrogno
Subject: Re: Eastern Power

There isn't a lot on the web-besides that they own keele valley and brock west. Ken always describes it as the two voigt brothers are the owners. We likely have more in the files at the office in legal but they might be almost impossible to get until monday.

Sent using BlackBerry

From: Serge Imbrogno
To: Sandy Roberts
Cc: Sam Colalillo
Sent: Fri Oct 21 17:06:15 2011
Subject: Eastern Power

Hi Sandy,

Do we have anything on Eastern Power's Corporate structure? I'm assuming we have this information from the lawsuit. I told Rick I would get back to him asap.

Serge

Cayley, Daniel (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: October-24-11 12:25 PM
To: King, Ryan (ENERGY)
Subject: Re: Fwd: Eastern Power

Please send up to DMO once legal case from Garry is added.

Sent from my BlackBerry Wireless Handheld

From: King, Ryan (ENERGY)
To: Jennings, Rick (ENERGY)
Cc: Jenkins, Allan (ENERGY); MacCallum, Doug (ENERGY); McKeever, Garry (ENERGY)
Sent: Mon Oct 24 11:45:35 2011
Subject: RE: Fwd: Eastern Power

Eastern Power profile for review. Please let me know of any edits.

From: Jennings, Rick (ENERGY)
Sent: October 24, 2011 11:34 AM
To: King, Ryan (ENERGY)
Cc: Jenkins, Allan (ENERGY); MacCallum, Doug (ENERGY); McKeever, Garry (ENERGY)
Subject: Fw: Fwd: Eastern Power

This is what Finance sent, please include in the one pager on who is Eastern Power.

Sent from my BlackBerry Wireless Handheld

From: Serge Imbrogno <Serge.Imbrogno@ofina.on.ca>
To: Jennings, Rick (ENERGY)
Sent: Mon Oct 24 11:08:22 2011
Subject: Fwd: Eastern Power

Hi Rick,

We'll keep looking but this is what we have so far.

Serge

Begin forwarded message:

From: Sandy Roberts <Sandy.Roberts@ofina.on.ca>
Date: 24 October, 2011 11:06:06 AM EDT
To: Serge Imbrogno <Serge.Imbrogno@ofina.on.ca>

Cc: Sam Colalillo <Sam.Colalillo@ofina.on.ca>

Subject: RE: Eastern Power

What we have found internally is a GHG emissions report from Eastern Power in 2005 where it states that "Eastern Power is a private, Canadian-owned, Ontario-based corporation with its corporate administrative offices in Toronto."

The 2008 Court decision with respect to Keele Valley states that Hubert Vogt is the vice president of Eastern Power. Greg Vogt is the president of Eastern Power. Previously Herman Walter had been the president.

Eastern Power owns and operates Keele Valley and Brock West Landfill Gas facilities.

Ken is away until next week and Sarah in legal has been unable to find any additional information, to this point.

Hopefully this is helpful,
sandy

From: Serge Imbrogno
Sent: Monday, October 24, 2011 10:52 AM
To: Sandy Roberts
Cc: Sam Colalillo
Subject: RE: Eastern Power

You were able to get more detail on this?

Serge

From: Sandy Roberts
Sent: Friday, October 21, 2011 10:56 PM
To: Serge Imbrogno
Subject: Re: Eastern Power

There isn't a lot on the web-besides that they own keele valley and brock west. Ken always describes it as the two voigt brothers are the owners. We likely have more in the files at the office in legal but they might be almost impossible to get until monday.

Sent using BlackBerry

From: Serge Imbrogno
To: Sandy Roberts
Cc: Sam Colalillo
Sent: Fri Oct 21 17:06:15 2011
Subject: Eastern Power

Hi Sandy,

Do we have anything on Eastern Power's Corporate structure? I'm assuming we have this information from the lawsuit. I told Rick I would get back to him asap.

Serge

This message, including any attachments, is meant only for the use of the individual(s) to whom it is intended and may contain information that is privileged/confidential. Any unauthorized use, copying or disclosure is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify us immediately by reply e-mail and permanently delete this message, including any attachments, without reading them, and destroy all copies. Thank you.

Fisher, Petra (ENERGY)

From: Jenkins, Allan (ENERGY)
Sent: October-24-11 12:26 PM
To: Lolos, Katerina (ENERGY)
Subject: RE: Priority Supply Issue (Greenfield) Deck
Attachments: Greenfield South Construction Oct 20 2011 LSB ESTDP (v6).ppt; Greenfield South Options.pdf

This is the latest version I have – there may be later versions. I've also attached the OPA briefing deck in case Gary doesn't have it.

From: Lolos, Katerina (ENERGY)
Sent: October 24, 2011 11:42 AM
To: Jenkins, Allan (ENERGY)
Subject: Priority Supply Issue (Greenfield) Deck

Allan, did you work on this deck? If you have, do you mind sending me the updated version?

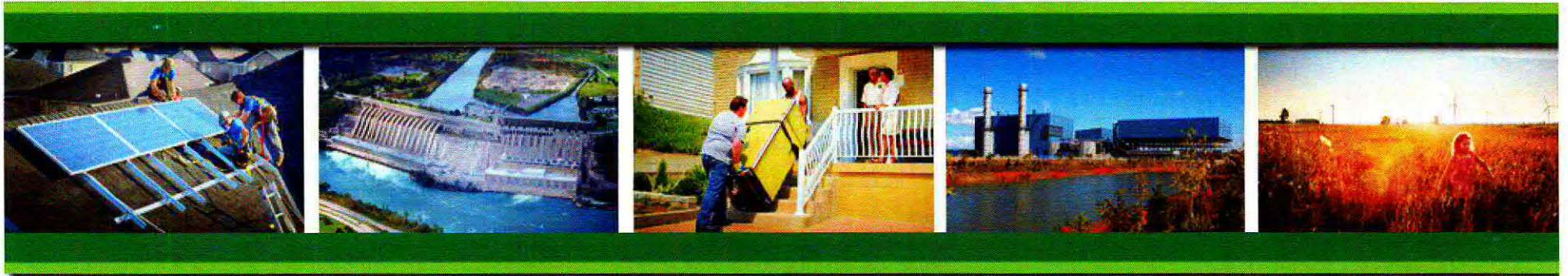
Thank you,

Katerina Lolos

Adm. Assistant to Garry McKeever

Ministry of Energy
880 Bay Street, 3rd Floor, Toronto, ON M7A 2C1
Direct 416.325.6586 | Fax 416.325.7023
Katerina.lolos@ontario.ca

THIS MESSAGE IS ONLY INTENDED FOR THE USE OF THE INTENDED RECIPIENT(S) AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, PROPRIETARY AND/OR CONFIDENTIAL. If you are not the intended recipient, you are hereby notified that any review, retransmission, dissemination, distribution, copying, conversion to hard copy or other use of this communication is strictly prohibited. If you are not the intended recipient and have received this message in error, please notify me by return e-mail and delete this message from your system.
Ministry of Energy.



Greenfield South Options

October 20, 2011

Privileged and Confidential – Prepared in Contemplation of Litigation

Background

- Greenfield South Power Corporation (“Greenfield”) and the OPA entered into a contract on 12 April 2005
- Greenfield is controlled by Eastern Power Corporation
- Contract was amended on 16 March 2009
- Reason for amendment was long delays project suffered in securing necessary approvals to construct the project and to do away with the oil-fired option for fuelling the plant
- OPA and Province also motivated in part to keep project alive by low cost to ratepayers of project established in the competitive RFP process in 2004/2005
- In May 2011 Greenfield achieved financial close, securing debt financing from Credit Suisse and EIG for \$550 million

Contract Facility

- The Contract Facility is an approximately 300 MW combined cycle gas-fired generation station
- Major components of facility include a GE 7FA gas turbine (“GT”) a heat recovery steam generator (“HRSG”) and a steam turbine
- All major items for the project are completed
- Construction began in June 2011 and is approximately x% complete now
- The Milestone Date for Commercial Operation is September 1, 2014

Contract Facility

- The total dollar value of capital expenditures (“CAPEX”) for the facility are between \$250 - \$350 million
- Gas and electrical interconnection work has not yet commenced
- Total estimated sunk and committed costs are on the neighbourhood of \$x million
- We estimate the profits from the contract, excluding any residual value, are approximately \$x million

Moving Greenfield South does not result in immediate unreliability, but accelerates the need for Tx solutions

- Planning studies indicate that transmission reinforcement in west GTA could be required 2 years earlier, as early as 2018, if Greenfield South is not located within west GTA
- These need dates are based on assumptions associated with the LTEP and current reliability criteria, which are likely to evolve
- The transmission reinforcements are extensive in scope and require the immediate initiation of planning and development work with local utilities, the IESO and transmitters

Siting Options - There are several alternative site options

Some deliver more value than others with different levels of complexity

- Considerations
 - Value of Location, Gas Availability, Transmission, Counterparty
- There may be a system need starting in 2016 to 2018
- Regional needs include:
 - Northwest System
 - Cambridge
 - GTA
- Some sites have gas available in varying quantities
- Examples of potential sites :
 - OPG (Lennox, Nanticoke (some gas there now), Thunder Bay (pipeline required))
 - NUGs (TCPL compressor sites, Trans Alta Pearson Airport, Whitby, Fort Frances(was on gas now on BIO))
 - Portlands, Goreway
- Some arrangements could be more straight forward or more complicated depending on the counterparty.

Key Contractual Provisions

- Grounds for termination of contract limited to certain types of breach and extended force majeure (none of which applicable here)
- Contract excludes liability for certain types of damages including loss of profits
- Contract provides right to damages including lost profits for discriminatory action (legislation or regulation passed) where impact focused on contract counter-party
- Damages for discriminatory action determined through arbitration process
- All other disputes only go to arbitration if both parties agree

Payment Under Contract

- Once plant in commercial operation, generator is paid monthly capacity payment to cover its costs and profit
- Monthly payment reduced by amount generator is deemed to earn in the market selling electricity
- This reduction is calculated using formula to determine when it is economic for generator to be generating electricity
- OPA may also direct the plant operator to dispatch or not dispatch its facility at specified dates and times

Option 1- Contract Termination

- Unilateral termination of contract – OPA informs contract counter-party that it will not perform its obligations under the contract
 - Pros:
 - » Greenfield South will be required to begin to mitigate its damages which means they should stop construction (or at the very least, the OPA will not likely be liable for those additional costs that could have been avoided after date of termination of contract)
 - Cons:
 - » Does not provide opportunity to explore options for relocating project
 - » Sends negative message to other OPA counter-parties

Option 2 - Legislation

- Legislation passed to terminate the contract, set compensation or provide a process and methodology for determining compensation
 - Pros:
 - » Allows Government to control level of compensation to be paid
 - » Government can specify that no compensation will be paid for costs incurred past certain date (e.g. announcement of Government's policy or date of first reading)
 - Cons:
 - » Will be controversial
 - » Potential impact on investment climate

Option 3 - Negotiation

- OPA attempts to commence negotiations with Greenfield South re stopping construction and new location for facility

- Pros:

- » OPA has opportunity to assess position of Greenfield South and what they are seeking to agree to stop construction
 - » OPA can begin discussion of alternative sites

- Cons:

- » Greenfield South may refuse to commence discussions or seek to drag discussions on while it continues to construct plant
 - » May need to revert at some stage to other options

Option 4 - Pay Plant Not to Run

- Allow plant to be constructed but ensure it does not operate using directed dispatch mechanism in contract
 - Pros:
 - » OPA obligations to make monthly payments are low based on outcome of 2005 RFP process and paying plant to not operate over 20 years may be cheaper than paying for sunk costs, remediation of the site and potentially some lost profits
 - Cons:
 - » Will be difficult to convince community that plant will not operate

Recommendation

- OPA to commence negotiations with Greenfield South (Option 3)
- If negotiations do not succeed in stopping construction of plant, will likely need to revert to one of the other options

Greenfield South Generating Station

Next Steps – Advice to Cabinet

Date: October 20, 2011

Local Context

- Local residents do not support the Greenfield South gas plant in Mississauga, which is currently under construction.
- On October 12 the Mississauga Council passed a motion requesting that the Government and the Premier take immediate action to cancel the contract, stop construction and return the site to pre-construction condition

Issues

- Construction continues at the Greenfield South site.
- The project has an enforceable contract with the Ontario Power Authority and all applicable approvals. The developer's work **appears to be** in compliance with the contract and current approvals.
- The OPA is party to and administers the contract with Eastern Power. The Province is not a party to the contract. The OPA **has advised that it has** no right under the contract to terminate **in the current circumstances**.
- The OPA has asked for instruction from government to approach the developer to begin negotiations to change or to terminate the contract.
- Eastern Power has informed the OPA that it will not 'down tools' until it receives formal notification of **next steps**.
- **The identification of potential alternative site options has not yet been completed.**
- **Some** local politicians have stated that the plant would not be relocated to a site in Mississauga or Toronto.

Next Steps Involve the OPA

- The OPA to be asked to approach Eastern Power to initiate discussions. The discussion would likely include potential treatment of costs incurred to date (sunk costs – including equipment costs), treatment of construction and equipment related contracts, estimates and treatment of foregone revenue, and options and Eastern's interest with respect to relocating to an alternative site.
- The OPA has made some preliminary analysis of costs and foregone revenue. **Further analysis of these costs is required and their allocation between the tax base and the rate base is required.**
- The OPA has also identified several sites that would require government **and OPA** review before being shared with Eastern Power. Each of these alternative sites have various issues associated with them.
- Eastern Power may or may not be interested in developing the proposed alternative sites, may be willing to walk away from the Mississauga plant for a financial cash settlement or may view its prospects as being better through the courts.

Immediate Legal Issues

- **Discussion with Eastern Power may not be successful and could require** the Government to consider other options (e.g. legislation).
- Initiating discussions to relocate or otherwise cancel the Mississauga plant may immediately cause Eastern Power to launch a law suit against either or both of the OPA and the Government.
- The Minister's request of the OPA may be **found to be** contractual interference and may attract liability to the Province.
- The OPA may ask for a "direction" from the Minister under the *Electricity Act, 1998* before undertaking any discussions with Eastern Power. The Minister's authority to direct the OPA in this way is unclear.
- Eastern Power's financiers may have a claim under NAFTA if this project does not proceed.

Cabinet Minute

Cabinet agreed that:

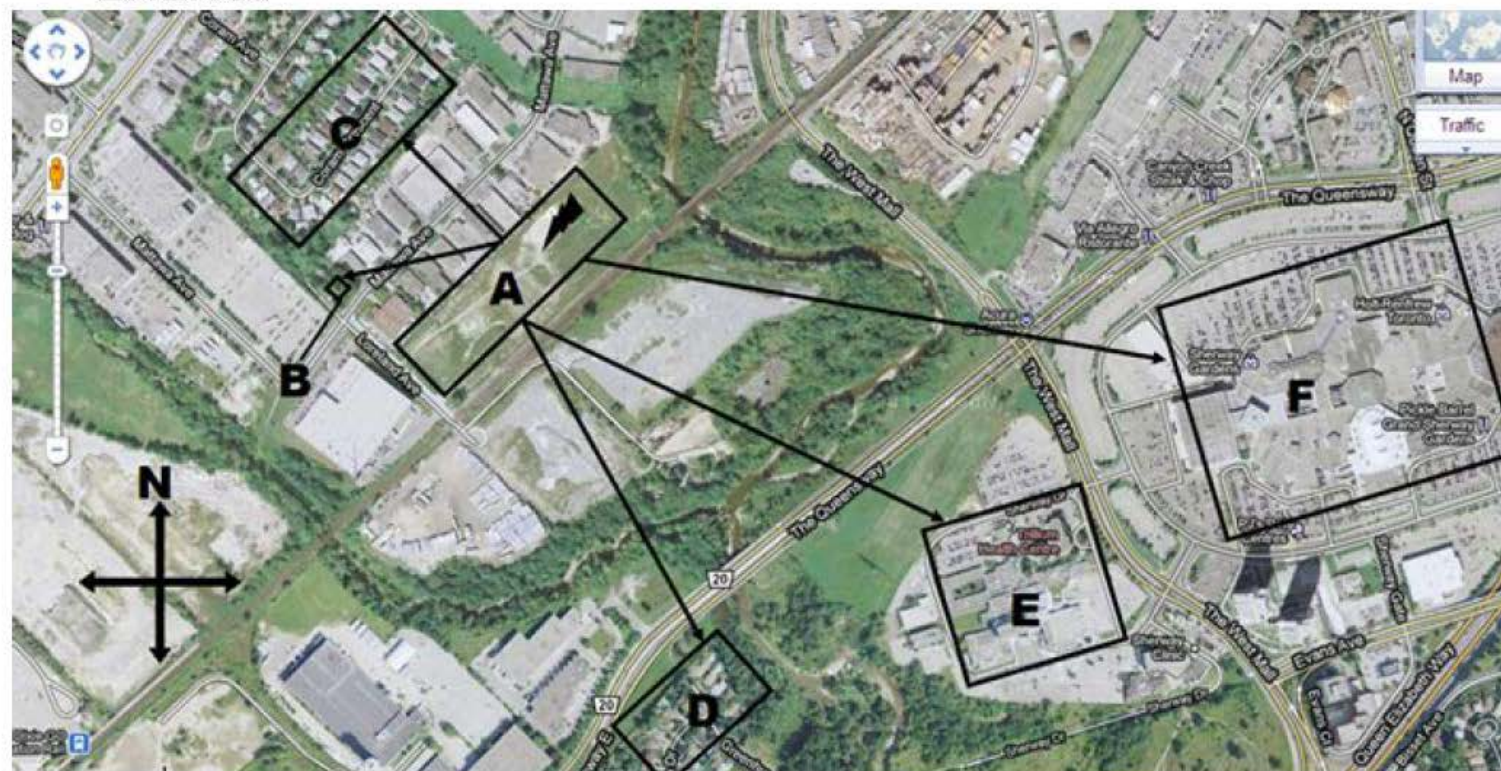
- **The Ministry of Energy to work with the Ontario Power Authority to enter into discussions with Eastern Power toward a satisfactory resolution of the Mississauga site.**
- **The Ministry of Energy to work with the Ontario Power Authority, the Ministry of Finance and the Ministry of the Attorney General to develop strategies to reach an agreement with Eastern Power.**
- The Minister of Energy to report back to Cabinet by December 2011 with the details of the discussions with Eastern Power.
- The Ministry of Energy to work with Premier's Office/Cabinet Office on a stakeholder management and communications strategy.

Appendix 1

Greenfield South Background

Key Facts About the Greenfield South Plant

- Greenfield South Power Corporation (controlled by Eastern Power Corporation) was the successful applicant in Ministry of Energy run Clean Energy Supply (CES) RFP and signed a contract with the OPA in April 2005.
- Eastern Power, based in Ontario, has received all required provincial approvals, including Environmental Assessment and Certificates of Approval.
- Eastern Power has received all required municipal approvals, including building site approval from the City of Mississauga issued in May 2011.
- Eastern Power has secured debt financing from Credit Suisse and ElG (confirmed by the OPA).



Legend:

A – Proposed Greenfield Site

B – Closest House

C – Closest Subdivision (North)

D – Closest Subdivision (South)

E – Trillium Heath Centre

F – Sherway Gardens Mall

Distance:

A to B: 220 Meters

A to C: 270 Meters

A to D: 500 Meters

A to E: 740 Meters

A to F: 910 Meters



*Plant construction as of 28 September 2011



Appendix 2

Greenfield South Background

Other Options Proposed by the OPA

- **Unilateral termination of contract**
 - **Pros**
 - Greenfield South will be required to being to mitigate its damages which means they should stop construction (or at the very least, the OPA will not likely be liable for those additional costs that could have been avoided after date of termination of contract)
 - **Cons**
 - Does not provide opportunity to explore options for relocating project
 - Sends negative message to other OPA counter-parties

Other Options Proposed by the OPA Con'd

- **Legislation**

- **Pros**

- Allows Government to control level of compensation to be paid
 - Government can specify that no compensation will be paid for costs incurred past certain date (e.g. announcement of Government's policy or date of first reading)

- **Cons**

- Will be controversial
 - Potential impact on investment climate

Other Options Proposed by the OPA Con'd

- **Pay the plant not to run**
 - Pros
 - OPA obligations to make monthly payments are low based on outcome of 2005 RFP process and paying plant not to operate over 20 years may be cheaper than paying for sunk costs, remediation of the site and potentially some lost profits
 - Cons
 - Will be difficult to convince community that plant will not operate

Fisher, Petra (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-24-11 12:26 PM
To: Rehob, James (ENERGY); Johnson, Paul (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Jennings, Rick (ENERGY); Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY)
Subject: RE: Mississauga decision tree
Attachments: Greenfield South Decision Tree.doc
Importance: High

James, Paul, Rula,

Attached is a draft decision tree. I'm not sure if this is precisely what MO envisaged so please change if needed or expanded. I'm told we need to have something this afternoon.

From: Perun, Halyna N. (ENERGY)
Sent: October 24, 2011 11:10 AM
To: Silva, Joseph (ENERGY); Calwell, Carolyn (ENERGY); Sharkawi, Rula (ENERGY); Jennings, Rick (ENERGY); King, Ryan (ENERGY)
Cc: Rehob, James (ENERGY); Johnson, Paul (ENERGY)
Subject: RE: Mississauga decision tree

Ryan – just talked to Joseph – and if you could take the pen on this (as Carolyn is at a forum and I am going into the briefings) we would appreciate it

Request is for simple decision tree –

Letter goes out today – with two boxes –

(1) they agree to negotiate – what follow ;

(2) or they don't – what follows –

so what happens in each scenario and what can be said publicly.

The request is for this product for the 4 p. briefing today.

I have asked James and Paul to work on this – so please loop them in

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

Notice

This communication may be solicitor/client privileged and contain confidential information intended only 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.

From: Silva, Joseph (ENERGY)

Sent: October 24, 2011 11:02 AM

To: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); Sharkawi, Rula (ENERGY); Jennings, Rick (ENERGY)

Subject: Mississauga decision tree

Importance: High

Hi everyone,

PO/CO would like to send the letter out today. In order to facilitate Minister review and possibly signature today, Craig would like to see a "decision tree" type document setting out what could happen after we send out the letter. He would like Communications lens on each step (messaging, etc).

Halyna – can you guys take the lead on this, with input from Rick and Rula? Let's chat over the phone. We'll need a draft early afternoon. I think we've got the thinking already, just need to organise and put on paper.

Many thanks

Joseph

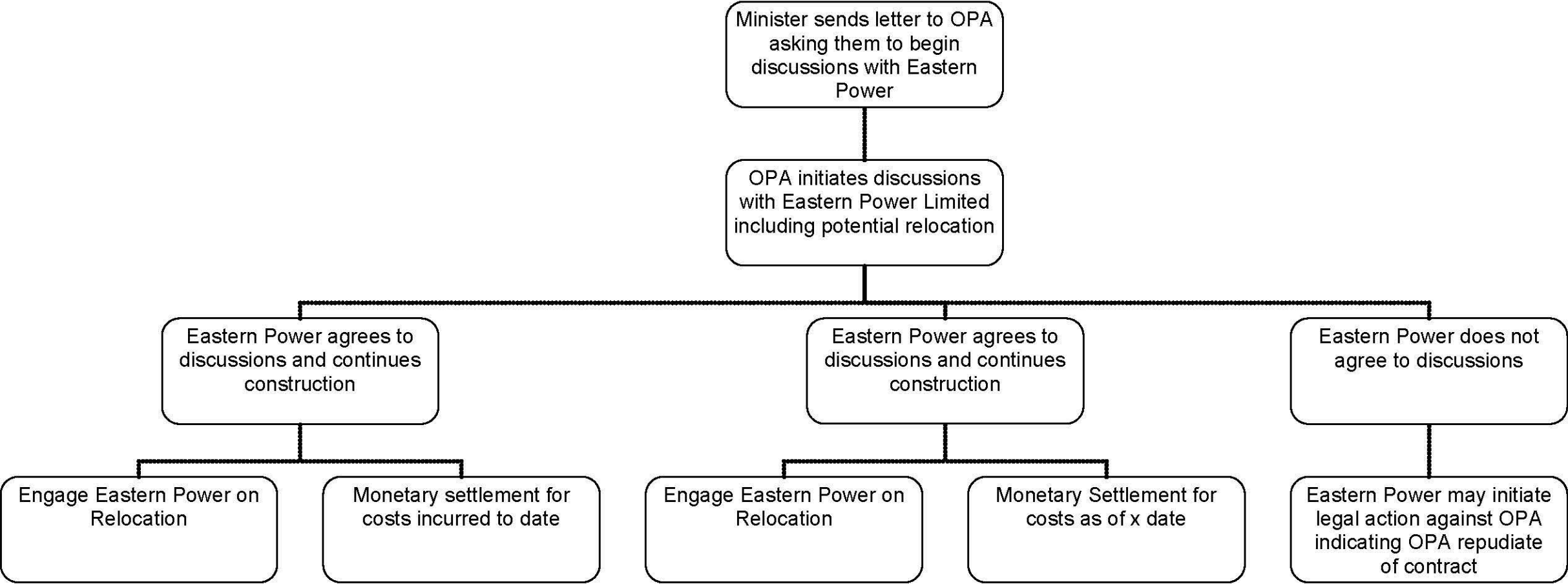
Joseph Silva

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

Greenfield South: Decision Tree



Fisher, Petra (ENERGY)

From: McKeever, Garry (ENERGY)
Sent: October-24-11 12:27 PM
To: King, Ryan (ENERGY)
Cc: MacCallum, Doug (ENERGY); Tully, Keegan (ENERGY)
Subject: FW: Fwd: Eastern Power
Attachments: Eastern Power BN.doc

Ryan

We added a bullet (3rd under projects/background) to reflect info from Serge Imbrogno.

g

From: Tully, Keegan (ENERGY)
Sent: October 24, 2011 12:13 PM
To: McKeever, Garry (ENERGY)
Cc: MacCallum, Doug (ENERGY)
Subject: RE: Fwd: Eastern Power

Here is the BN with the additional bullet.

Keegan

From: McKeever, Garry (ENERGY)
Sent: October 24, 2011 12:08 PM
To: Tully, Keegan (ENERGY)
Subject: Fw: Fwd: Eastern Power

Garry McKeever
Sent from my BlackBerry

From: King, Ryan (ENERGY)
To: Jennings, Rick (ENERGY)
Cc: Jenkins, Allan (ENERGY); MacCallum, Doug (ENERGY); McKeever, Garry (ENERGY)
Sent: Mon Oct 24 11:45:35 2011
Subject: RE: Fwd: Eastern Power

Eastern Power profile for review. Please let me know of any edits.

From: Jennings, Rick (ENERGY)
Sent: October 24, 2011 11:34 AM
To: King, Ryan (ENERGY)
Cc: Jenkins, Allan (ENERGY); MacCallum, Doug (ENERGY); McKeever, Garry (ENERGY)
Subject: Fw: Fwd: Eastern Power

This is what Finance sent, please include in the one pager on who is Eastern Power.

Sent from my BlackBerry Wireless Handheld

From: Serge Imbrogno <Serge.Imbrogno@ofina.on.ca>
To: Jennings, Rick (ENERGY)
Sent: Mon Oct 24 11:08:22 2011
Subject: Fwd: Eastern Power

Hi Rick,

We'll keep looking but this is what we have so far.

Serge

Begin forwarded message:

From: Sandy Roberts <Sandy.Roberts@ofina.on.ca>
Date: 24 October, 2011 11:06:06 AM EDT
To: Serge Imbrogno <Serge.Imbrogno@ofina.on.ca>
Cc: Sam Colalillo <Sam.Colalillo@ofina.on.ca>
Subject: RE: Eastern Power

What we have found internally is a GHG emissions report from Eastern Power in 2005 where it states that "Eastern Power is a private, Canadian-owned, Ontario-based corporation with its corporate administrative offices in Toronto."

The 2008 Court decision with respect to Keele Valley states that Hubert Vogt is the vice president of Eastern Power. Greg Vogt is the president of Eastern Power. Previously Herman Walter had been the president.

Eastern Power owns and operates Keele Valley and Brock West Landfill Gas facilities.

Ken is away until next week and Sarah in legal has been unable to find any additional information, to this point.

Hopefully this is helpful,
sandy

From: Serge Imbrogno
Sent: Monday, October 24, 2011 10:52 AM
To: Sandy Roberts
Cc: Sam Colalillo
Subject: RE: Eastern Power

You were able to get more detail on this?

Serge

From: Sandy Roberts
Sent: Friday, October 21, 2011 10:56 PM
To: Serge Imbrogno
Subject: Re: Eastern Power

There isn't a lot on the web-besides that they own keele valley and brock west. Ken always describes it as the two voigt brothers are the owners. We likely have more in the files at the office in legal but they might be almost impossible to get until monday.

Sent using BlackBerry

From: Serge Imbrogno
To: Sandy Roberts
Cc: Sam Colalillo
Sent: Fri Oct 21 17:06:15 2011
Subject: Eastern Power

Hi Sandy,

Do we have anything on Eastern Power's Corporate structure? I'm assuming we have this information from the lawsuit. I told Rick I would get back to him asap.

Serge

This message, including any attachments, is meant only for the use of the individual(s) to whom it is intended and may contain information that is privileged/confidential. Any unauthorized use, copying or disclosure is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify us immediately by reply e-mail and permanently delete this message, including any attachments, without reading them, and destroy all copies. Thank you.

Brief: Eastern Power Limited

Address

401-2275 Lake Shore Blvd W
Toronto, ON
M8V 3Y3

Company Profile

- Eastern Power Ltd. is a privately-owned company founded in 1985. Eastern Power Limited is an Ontario-based corporation with its corporate administrative offices in Toronto and with various operating subsidiaries in the greater Toronto area.
- Greg Vogt is the president of Eastern Power.
- Hubert Vogt is vice-president of Eastern Power.
- Dr. Bruce E. Holbein is the public face of the company's involvement in Greenfield South.

Projects/Background

- Eastern Power has two landfill gas non-utility generation (NUG) contracts for the Keele Valley Power Plant in Vaughan and the Brock West Power Plant in Pickering.
- Eastern Power sued Ontario Electricity Financial Corporation (OEFC) (NUG contract holder) for \$121 million in 1998 over a dispute about the Keele Valley contract.
- The case was decided in favour of the OEFC except for one issue where the courts sided with Eastern Power. The OEFC has made an offer to settle on this issue, but Eastern Power has not responded. Eastern Power has indicated that they may continue to pursue the issue in the courts rather than respond.
- Super Blue Box Recycling Corp (SUBBOR) is an affiliate of Eastern Power which operated a demonstration Energy from Waste facility in Guelph between 1998 and 2002. Guelph terminated the relationship when they couldn't obtain proof that the facility was operating at full-scale.
- Greenfield Power is an affiliate of Eastern Power and the construction company is also an affiliate.
- Greenfield South Power Corporation, together with its affiliate Eastern Power Limited, is developing the Greenfield South Power Plant.

Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-24-11 12:31 PM
To: Rehob, James (ENERGY); Johnson, Paul (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Jennings, Rick (ENERGY); Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY)
Subject: RE: Mississauga decision tree
Attachments: Greenfield South Decision Treeev2.doc

Please use this version (a typo in one of the boxes)

From: King, Ryan (ENERGY)
Sent: October 24, 2011 12:26 PM
To: Rehob, James (ENERGY); Johnson, Paul (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Jennings, Rick (ENERGY); Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY)
Subject: RE: Mississauga decision tree
Importance: High

James, Paul, Rula,
Attached is a draft decision tree. I'm not sure if this is precisely what MO envisaged so please change if needed or expanded. I'm told we need to have something this afternoon.

From: Perun, Halyna N. (ENERGY)
Sent: October 24, 2011 11:10 AM
To: Silva, Joseph (ENERGY); Calwell, Carolyn (ENERGY); Sharkawi, Rula (ENERGY); Jennings, Rick (ENERGY); King, Ryan (ENERGY)
Cc: Rehob, James (ENERGY); Johnson, Paul (ENERGY)
Subject: RE: Mississauga decision tree

Ryan – just talked to Joseph – and if you could take the pen on this (as Carolyn is at a forum and I am going into the briefings) we would appreciate it

Request is for simple decision tree –

Letter goes out today – with two boxes –

(1) they agree to negotiate – what follow ;

(2) or they don't – what follows –

so what happens in each scenario and what can be said publicly.

The request is for this product for the 4 p. briefing today.

I have asked James and Paul to work on this – so please loop them in

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

Notice

This communication may be solicitor/client privileged and contain confidential information intended only 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.

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 11:02 AM
To: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); Sharkawi, Rula (ENERGY); Jennings, Rick (ENERGY)
Subject: Mississauga decision tree
Importance: High

Hi everyone,

PO/CO would like to send the letter out today. In order to facilitate Minister review and possibly signature today, Craig would like to see a "decision tree" type document setting out what could happen after we send out the letter. He would like Communications lens on each step (messaging, etc).

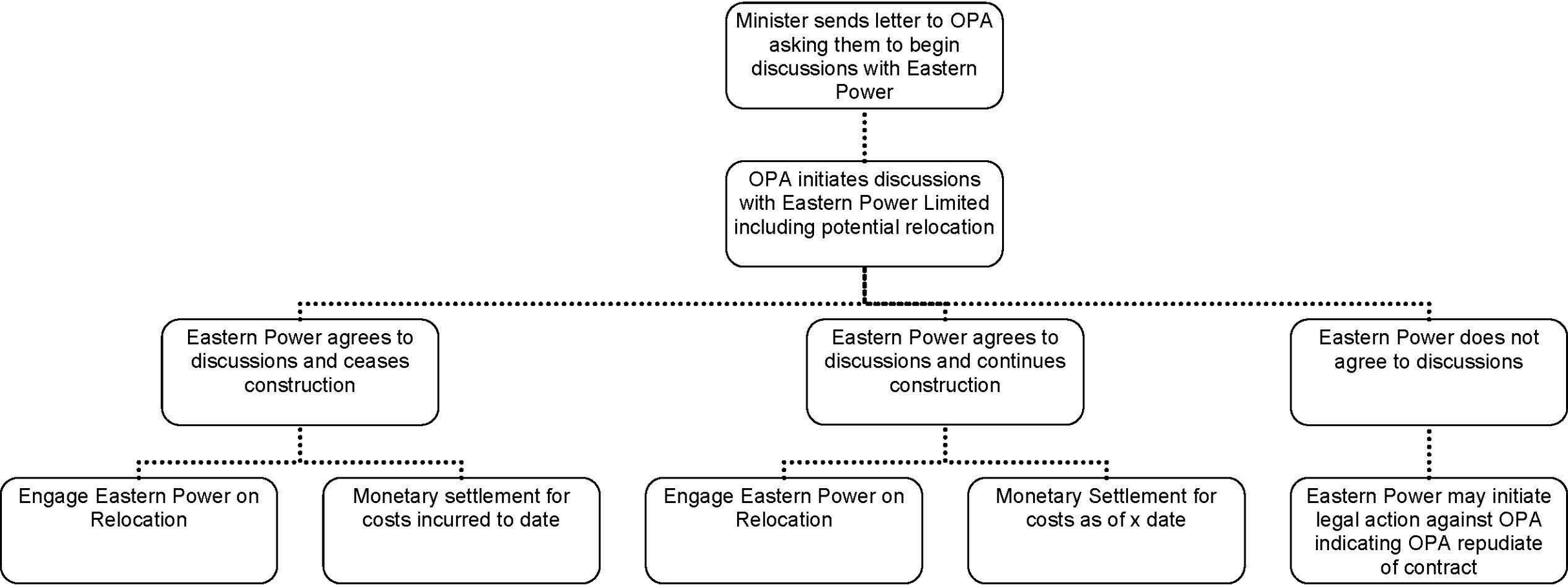
Halyna – can you guys take the lead on this, with input from Rick and Rula? Let's chat over the phone. We'll need a draft early afternoon. I think we've got the thinking already, just need to organise and put on paper.

Many thanks
Joseph

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

Greenfield South: Decision Tree



Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-24-11 12:33 PM
To: Silva, Joseph (ENERGY)
Cc: McKeever, Garry (ENERGY); Jennings, Rick (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY)
Subject: Eastern Power BN (v2).doc
Attachments: Eastern Power BN (v2).doc

Hi Joseph,
Eastern Power Corporate Profile attached for CO

Brief: Eastern Power Limited

Address

401-2275 Lake Shore Blvd W
Toronto, ON
M8V 3Y3

Company Profile

- Eastern Power Ltd. is a privately-owned company founded in 1985. Eastern Power Limited is an Ontario-based corporation with its corporate administrative offices in Toronto and with various operating subsidiaries in the greater Toronto area.
- Greg Vogt is the president of Eastern Power.
- Hubert Vogt is vice-president of Eastern Power.
- Dr. Bruce E. Holbein is the public face of the company's involvement in Greenfield South.

Projects/Background

- Eastern Power has two landfill gas non-utility generation (NUG) contracts for the Keele Valley Power Plant in Vaughan and the Brock West Power Plant in Pickering.
- Eastern Power sued Ontario Electricity Financial Corporation (OEFC) (NUG contract holder) for \$121 million in 1998 over a dispute about the Keele Valley contract.
- The case was decided in favour of the OEFC except for one issue where the courts sided with Eastern Power. The OEFC has made an offer to settle on this issue, but Eastern Power has not responded. Eastern Power has indicated that they may continue to pursue the issue in the courts rather than respond.
- Super Blue Box Recycling Corp (SUBBOR) is an affiliate of Eastern Power which operated a demonstration Energy from Waste facility in Guelph between 1998 and 2002. Guelph terminated the relationship when they couldn't obtain proof that the facility was operating at full-scale.
- Greenfield Power is an affiliate of Eastern Power and the construction company is also an affiliate.
- Greenfield South Power Corporation, together with its affiliate Eastern Power Limited, is developing the Greenfield South Power Plant.

Prepared by: Ryan King, Senior Advisor and Executive Assistant
ADM's Office
4-6204

Approved by; Garry McKeever, Director

Energy Supply and Competition
5-8627

Rick Jennings, Assistant Deputy Minister
Energy Supply, Transmission and Distribution Policy
4-6190

Fisher, Petra (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-24-11 12:33 PM
To: Silva, Joseph (ENERGY)
Cc: McKeever, Garry (ENERGY); Jennings, Rick (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY)
Subject: Eastern Power BN (v2).doc
Attachments: Eastern Power BN (v2).doc

Duplicate attachment removed

Hi Joseph,
Eastern Power Corporate Profile attached for CO

Fisher, Petra (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-24-11 12:49 PM
To: McKeever, Garry (ENERGY); Lolos, Katerina (ENERGY)
Cc: Teixeira, Wanda (ENERGY)
Subject: FW: Draft transition deck - take 2 1/2
Attachments: Greenfield South Construction Transition Oct 21 2011 (2).ppt

Duplicate attachment removed

This is the latest GS deck I have

From: Calwell, Carolyn (ENERGY)
Sent: October 21, 2011 5:39 PM
To: Jennings, Rick (ENERGY); Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: FW: Draft transition deck - take 2 1/2

Thank you, Rick.

For what it's worth, it would be preferable to refer to "resolution" (or something along those lines – instead of "settlement") in the 4th bullet of the Legal Issues slide because settlement implies litigation, which we hope to avoid. I made that change in the attached.

Carolyn

From: Jennings, Rick (ENERGY)
Sent: October 21, 2011 5:27 PM
To: Calwell, Carolyn (ENERGY); Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: RE: Draft transition deck - take 2

Attached are my edits –

Clarification of 2nd and 3rd bullets on Background
Update of 3rd bullet on considerations page
Correction of 4th bullet on Legal Issues page.

From: Calwell, Carolyn (ENERGY)
Sent: October 21, 2011 4:54 PM
To: Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Subject: Draft transition deck - take 2

Confidential/Solicitor-Client Privileged

Joseph, thank you for taking the time to talk to me about the content of the deck. I have revised the last version that you saw to include the options considered by the OPA. I modified the pros and cons outlined in the OPA's deck in minor ways.

Rick/Ryan, this deck talks about alternate sites – you may want to change or modify these points.

Carolyn

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: Rehob, James (ENERGY)
Sent: October-24-11 12:54 PM
To: King, Ryan (ENERGY); Johnson, Paul (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Jennings, Rick (ENERGY); Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY)
Subject: RE: Mississauga decision tree
Attachments: Greenfield South Decision Treeev2 (LSB (JPR) Cmnts - Oct 24-11 (1A)).doc

Privileged & Confidential Legal Advice / Solicitor & Client Privileged

October 24, 2011

Hi, Ryan. Attached, please find a gently revised version of your good Decision Tree document which reflects LSB comments on the understanding that this document (i) is only dealing with one, discrete option – the option of sending a non-binding letter from the Minister to the OPA as opposed to a binding letter of direction; (ii) that the option deals only with the OPA entering into “discussions/negotiations” with the OPA with a view to finding an appropriate resolution to the matter.

Please consider these proposed revisions and contact me at x.56676 should you wish to further discuss.

One final point: although it is true that the OPA should be the main focal point of the commercial liability associated with this matter (e.g. Easter Power should focus any and all litigation interest on the OPA given the manner in which the legislation is structured and the fact that the OPA is the official counterparty to the contract, and the reasonably low risk that a successful action against Government would occur in the circumstances where the Minister sends a non-binding letter, I simply note that it remains open to Eastern to attempt to add the Crown as a party to any suit, if only to increase settlement pressure on the OPA – this may not need to be noted specifically on the decision tree, but it may be useful to bear in mind nonetheless as we develop the options.

Kindly note that Carolyn, Halyna or Paul may have further comments on the matter for us, hence more may be coming.

Kindly,

James

From: King, Ryan (ENERGY)
Sent: October 24, 2011 12:31 PM
To: Rehob, James (ENERGY); Johnson, Paul (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Jennings, Rick (ENERGY); Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY)
Subject: RE: Mississauga decision tree

Please use this version (a typo in one of the boxes)

From: King, Ryan (ENERGY)
Sent: October 24, 2011 12:26 PM
To: Rehob, James (ENERGY); Johnson, Paul (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Jennings, Rick (ENERGY); Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY)
Subject: RE: Mississauga decision tree
Importance: High

James, Paul, Rula,

Attached is a draft decision tree. I'm not sure if this is precisely what MO envisaged so please change if needed or expanded. I'm told we need to have something this afternoon.

From: Perun, Halyna N. (ENERGY)

Sent: October 24, 2011 11:10 AM

To: Silva, Joseph (ENERGY); Calwell, Carolyn (ENERGY); Sharkawi, Rula (ENERGY); Jennings, Rick (ENERGY); King, Ryan (ENERGY)

Cc: Rehob, James (ENERGY); Johnson, Paul (ENERGY)

Subject: RE: Mississauga decision tree

Ryan – just talked to Joseph – and if you could take the pen on this (as Carolyn is at a forum and I am going into the briefings) we would appreciate it

Request is for simple decision tree –

Letter goes out today – with two boxes –

(1) they agree to negotiate – what follow ;

(2) or they don't – what follows –

so what happens in each scenario and what can be said publicly.

The request is for this product for the 4 p. briefing today.

I have asked James and Paul to work on this – so please loop them in

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

Notice

This communication may be solicitor/client privileged and contain confidential information intended only 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.

From: Silva, Joseph (ENERGY)

Sent: October 24, 2011 11:02 AM

To: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); Sharkawi, Rula (ENERGY); Jennings, Rick (ENERGY)

Subject: Mississauga decision tree

Importance: High

Hi everyone,

PO/CO would like to send the letter out today. In order to facilitate Minister review and possibly signature today, Craig would like to see a “decision tree” type document setting out what could happen after we send out the letter. He would like Communications lens on each step (messaging, etc).

Halyna – can you guys take the lead on this, with input from Rick and Rula? Let's chat over the phone. We'll need a draft early afternoon. I think we've got the thinking already, just need to organise and put on paper.

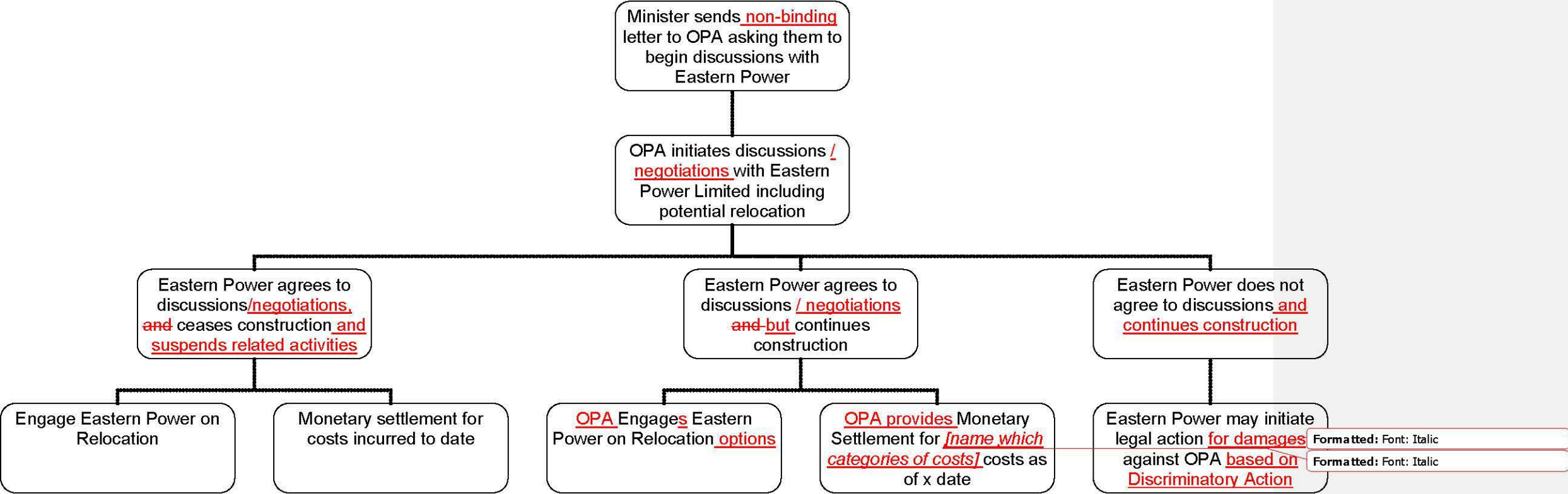
Many thanks
Joseph

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

LSB Comments (Oct-24-11) – Greenfield South: Decision Tree

Formatted: Highlight



Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: October-24-11 1:05 PM
To: Perun, Halyna N. (ENERGY)
Subject: Re: Mississauga decision tree

I can't see this doc on my bb. I have told James and Paul to call me if there are any issues - they seem to have felt comfortable proceeding. I'll be interested to hear how it goes.

Forum is very interesting - thank you for the opportunity to attend.

Carolyn

From: Perun, Halyna N. (ENERGY)
To: Rehob, James (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Sent: Mon Oct 24 12:57:40 2011
Subject: Re: Mississauga decision tree

Need to be really tight on advice - can't review this - will be walked in to min briefing

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

Sent using BlackBerry

From: Rehob, James (ENERGY)
To: King, Ryan (ENERGY); Johnson, Paul (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Jennings, Rick (ENERGY); Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY)
Sent: Mon Oct 24 12:53:49 2011
Subject: RE: Mississauga decision tree

Privileged & Confidential Legal Advice / Solicitor & Client Privileged

October 24, 2011

Hi, Ryan. Attached, please find a gently revised version of your good Decision Tree document which reflects LSB comments on the understanding that this document (i) is only dealing with one, discrete option – the option of sending a non-binding letter from the Minister to the OPA as opposed to a binding letter of direction; (ii) that the option deals only with the OPA entering into “discussions/negotiations” with the OPA with a view to finding an appropriate resolution to the matter.

Please consider these proposed revisions and contact me at x.56676 should you wish to further discuss.

One final point: although it is true that the OPA should be the main focal point of the commercial liability associated with this matter (e.g. Easter Power should focus any and all litigation interest on the OPA given the manner in which the legislation is structured and the fact that the OPA is the official counterparty to the contract, and the reasonably low risk that a successful action against Government would occur in the circumstances where the Minister sends a non-binding letter, I simply note that it remains open to Eastern to attempt to add the Crown as a party to any suit, if only to increase

settlement pressure on the OPA – this may not need to be noted specifically on the decision tree, but it may be useful to bear in mind nonetheless as we develop the options.

Kindly note that Carolyn, Halyna or Paul may have further comments on the matter for us, hence more may be coming.

Kindly,

James

From: King, Ryan (ENERGY)

Sent: October 24, 2011 12:31 PM

To: Rehob, James (ENERGY); Johnson, Paul (ENERGY); Sharkawi, Rula (ENERGY)

Cc: Jennings, Rick (ENERGY); Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY)

Subject: RE: Mississauga decision tree

Please use this version (a typo in one of the boxes)

From: King, Ryan (ENERGY)

Sent: October 24, 2011 12:26 PM

To: Rehob, James (ENERGY); Johnson, Paul (ENERGY); Sharkawi, Rula (ENERGY)

Cc: Jennings, Rick (ENERGY); Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY)

Subject: RE: Mississauga decision tree

Importance: High

James, Paul, Rula,

Attached is a draft decision tree. I'm not sure if this is precisely what MO envisaged so please change if needed or expanded. I'm told we need to have something this afternoon.

From: Perun, Halyna N. (ENERGY)

Sent: October 24, 2011 11:10 AM

To: Silva, Joseph (ENERGY); Calwell, Carolyn (ENERGY); Sharkawi, Rula (ENERGY); Jennings, Rick (ENERGY); King, Ryan (ENERGY)

Cc: Rehob, James (ENERGY); Johnson, Paul (ENERGY)

Subject: RE: Mississauga decision tree

Ryan – just talked to Joseph – and if you could take the pen on this (as Carolyn is at a forum and I am going into the briefings) we would appreciate it

Request is for simple decision tree –

Letter goes out today – with two boxes –

(1) they agree to negotiate – what follow ;

(2) or they don't – what follows –

so what happens in each scenario and what can be said publicly.

The request is for this product for the 4 p. briefing today.

I have asked James and Paul to work on this – so please loop them in

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

Notice

This communication may be solicitor/client privileged and contain confidential information intended only 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.

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 11:02 AM
To: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); Sharkawi, Rula (ENERGY); Jennings, Rick (ENERGY)
Subject: Mississauga decision tree
Importance: High

Hi everyone,

PO/CO would like to send the letter out today. In order to facilitate Minister review and possibly signature today, Craig would like to see a "decision tree" type document setting out what could happen after we send out the letter. He would like Communications lens on each step (messaging, etc).

Halyna – can you guys take the lead on this, with input from Rick and Rula? Let's chat over the phone. We'll need a draft early afternoon. I think we've got the thinking already, just need to organise and put on paper.

Many thanks
Joseph

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

Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: October-24-11 1:31 PM
To: Rehob, James (ENERGY)
Subject: Re: Mississauga decision tree

no I am fine if u and all are fine - I can't see this on my bb so am relying on u entirely - many thanks james!!

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

Sent using BlackBerry

From: Rehob, James (ENERGY)
To: Perun, Halyna N. (ENERGY)
Sent: Mon Oct 24 13:25:17 2011
Subject: RE: Mississauga decision tree

Hi, thanks – not sure if you're suggesting a change but discussed issue with Ryan and he seems to be comfortable with the revisions I sent – thanks! JR

From: Perun, Halyna N. (ENERGY)
Sent: October 24, 2011 12:58 PM
To: Rehob, James (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: Re: Mississauga decision tree

Need to be really tight on advice - can't review this - will be walked in to min briefing

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

Sent using BlackBerry

From: Rehob, James (ENERGY)
To: King, Ryan (ENERGY); Johnson, Paul (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Jennings, Rick (ENERGY); Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY)
Sent: Mon Oct 24 12:53:49 2011
Subject: RE: Mississauga decision tree

Privileged & Confidential Legal Advice / Solicitor & Client Privileged

October 24, 2011

Hi, Ryan. Attached, please find a gently revised version of your good Decision Tree document which reflects LSB comments on the understanding that this document (i) is only dealing with one, discrete option – the option of sending a

non-binding letter from the Minister to the OPA as opposed to a binding letter of direction; (ii) that the option deals only with the OPA entering into "discussions/negotiations" with the OPA with a view to finding an appropriate resolution to the matter.

Please consider these proposed revisions and contact me at x.56676 should you wish to further discuss.

One final point: although it is true that the OPA should be the main focal point of the commercial liability associated with this matter (e.g. Easter Power should focus any and all litigation interest on the OPA given the manner in which the legislation is structured and the fact that the OPA is the official counterparty to the contract, and the reasonably low risk that a successful action against Government would occur in the circumstances where the Minister sends a non-binding letter, I simply note that it remains open to Eastern to attempt to add the Crown as a party to any suit, if only to increase settlement pressure on the OPA – this may not need to be noted specifically on the decision tree, but it may be useful to bear in mind nonetheless as we develop the options.

Kindly note that Carolyn, Halyna or Paul may have further comments on the matter for us, hence more may be coming.

Kindly,

James

From: King, Ryan (ENERGY)
Sent: October 24, 2011 12:31 PM
To: Rehob, James (ENERGY); Johnson, Paul (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Jennings, Rick (ENERGY); Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY)
Subject: RE: Mississauga decision tree

Please use this version (a typo in one of the boxes)

From: King, Ryan (ENERGY)
Sent: October 24, 2011 12:26 PM
To: Rehob, James (ENERGY); Johnson, Paul (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Jennings, Rick (ENERGY); Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY)
Subject: RE: Mississauga decision tree
Importance: High

James, Paul, Rula,
Attached is a draft decision tree. I'm not sure if this is precisely what MO envisaged so please change if needed or expanded. I'm told we need to have something this afternoon.

From: Perun, Halyna N. (ENERGY)
Sent: October 24, 2011 11:10 AM
To: Silva, Joseph (ENERGY); Calwell, Carolyn (ENERGY); Sharkawi, Rula (ENERGY); Jennings, Rick (ENERGY); King, Ryan (ENERGY)
Cc: Rehob, James (ENERGY); Johnson, Paul (ENERGY)
Subject: RE: Mississauga decision tree

Ryan – just talked to Joseph – and if you could take the pen on this (as Carolyn is at a forum and I am going into the briefings) we would appreciate it

Request is for simple decision tree –

Letter goes out today – with two boxes –

(1) they agree to negotiate – what follow ;

(2) or they don't – what follows –

so what happens in each scenario and what can be said publicly.

The request is for this product for the 4 p. briefing today.

I have asked James and Paul to work on this – so please loop them in

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

Notice

This communication may be solicitor/client privileged and contain confidential information intended only 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.

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 11:02 AM
To: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); Sharkawi, Rula (ENERGY); Jennings, Rick (ENERGY)
Subject: Mississauga decision tree
Importance: High

Hi everyone,

PO/CO would like to send the letter out today. In order to facilitate Minister review and possibly signature today, Craig would like to see a "decision tree" type document setting out what could happen after we send out the letter. He would like Communications lens on each step (messaging, etc).

Halyna – can you guys take the lead on this, with input from Rick and Rula? Let's chat over the phone. We'll need a draft early afternoon. I think we've got the thinking already, just need to organise and put on paper.

Many thanks
Joseph

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

Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-24-11 1:56 PM
To: Silva, Joseph (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Rehob, James (ENERGY); Jennings, Rick (ENERGY); Jenkins, Allan (ENERGY); McKeever, Garry (ENERGY); Sharkawi, Rula (ENERGY)
Subject: RE:
Attachments: Eastern Power Decision Tree.doc

Draft decision tree attached. Please let us know any additions/suggestions

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

From: Rehob, James (ENERGY)
Sent: October 24, 2011 1:41 PM
To: Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY)
Subject: RE:

Legal has been working with Ryan and has fed comments/revisions to slide. Slide looked quite good from LSB perspective given one-slide format - Ryan?
James

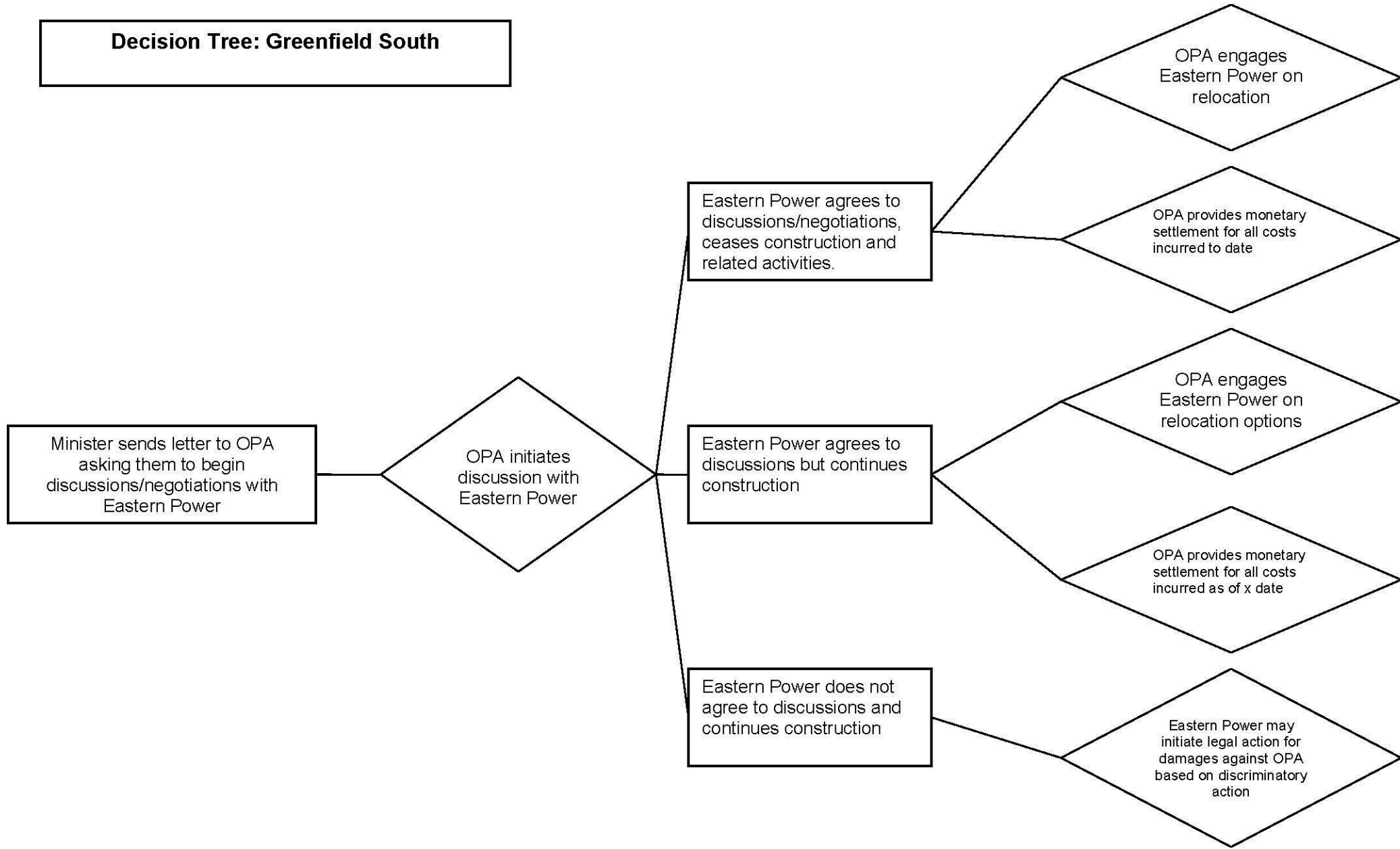
-----Original Message-----

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 1:40 PM
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Subject:

Hi guys how are we doing with decision tree? Our briefings are \$oving quickly

Sent using BlackBerry Wireless

Decision Tree: Greenfield South



Cayley, Daniel (ENERGY)

From: Rehob, James (ENERGY)
Sent: October-24-11 2:25 PM
To: Perun, Halyna N. (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: RE: Further LSB Comments on Slide

They're sending yet another version - this one to include the "legislation" option being identified at points where OPA does not discontinue construction and related activities. Thanks, JR

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

From: Perun, Halyna N. (ENERGY)
Sent: October 24, 2011 2:22 PM
To: Rehob, James (ENERGY)
Subject: Re: Further LSB Comments on Slide

Just asked that the diamond dealing with legal action vs opa just say "for breach of contract" - joseph is making that change thanks!

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

Sent using BlackBerry

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

From: Rehob, James (ENERGY)
To: King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY)
Sent: Mon Oct 24 14:07:35 2011
Subject: RE: Further LSB Comments on Slide

Hi, Ryan - yes, the format is quite different then the last version but in general, I do think it works - 1. In the first box, I had taken care to add the phrase "non-binding" in front of "letter" (the Minister issues a non-binding letter to the OPA, as discussed. Minister could attempt to issue a binding letter of direction, but for the reasons discussed previously his authority to do so is somewhat unclear; 2. I note that the word "negotiations" was not always paired with "discussions" in the various boxes, and could have been. I'll just flag that for you.

3. I further note that the slide references the settlement of "all" costs - certainly there is a choice matrix - one could have referenced "certain/all" costs instead. However, I'm not clear on whether this approach is settled and reference to "all" is required.

4. In final box dealing with legal action OPA might take, consider adding the word "etc." after "discriminatory action" as that is only one of a few options which Easter Power could pursue under the contract in my view.

Those are my further comments on your good slide.

Thank you!

James

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

From: King, Ryan (ENERGY)
Sent: October 24, 2011 1:56 PM
To: Silva, Joseph (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Rehob, James (ENERGY); Jennings, Rick (ENERGY); Jenkins, Allan (ENERGY); McKeever, Garry (ENERGY); Sharkawi, Rula (ENERGY)
Subject: RE:

Draft decision tree attached. Please let us know any additions/suggestions

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

From: Rehob, James (ENERGY)
Sent: October 24, 2011 1:41 PM
To: Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY)
Subject: RE:

Legal has been working with Ryan and has fed comments/revisions to slide. Slide looked quite good from LSB perspective given one-slide format - Ryan?
James

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

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 1:40 PM
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Subject:

Hi guys how are we doing with decision tree? Our briefings are \$oving quickly

Sent using BlackBerry Wireless

Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-24-11 2:49 PM
To: Silva, Joseph (ENERGY); Rehob, James (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Subject: RE:
Attachments: Eastern Power Decision Treev2.doc

Revised decision tree attached.

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

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 2:34 PM
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Subject: Re:

Tx James

Ryan will tweak...

Ryan - will need pls within next 15 mins or so

Sent using BlackBerry Wireless

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

From: Rehob, James (ENERGY)
To: King, Ryan (ENERGY); Silva, Joseph (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Sent: Mon Oct 24 14:12:42 2011
Subject: RE:

The only thing I would note is that, unless we radically change the process in this case, most if not all letters to the OPA from the Minister (directions or otherwise) are public (certainly subject to disclosure under FIPPA). Hence, we'll likely want to have some level of public/media positioning at the ready (just one lawyer's view) - if not on the slide itself then on a further slide.

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

From: King, Ryan (ENERGY)
Sent: October 24, 2011 2:07 PM
To: Silva, Joseph (ENERGY)
Cc: Rehob, James (ENERGY)
Subject: RE:

Can you please call me? Most of the steps in this process, I assume are fully confidential including the OPA discussions. Messaging would only apply in the event a settlement has been reached or in the alternative, the matter proceeds to the courts. I can add messaging in here but I don't believe there would be much else unless it is the Minister's intent to make these proceeding public.

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

From: Silva, Joseph (ENERGY)

Sent: October 24, 2011 2:03 PM

To: King, Ryan (ENERGY)

Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Rehob, James (ENERGY); Jennings, Rick (ENERGY); Jenkins, Allan (ENERGY); McKeever, Garry (ENERGY); Sharkawi, Rula (ENERGY)

Subject: RE:

Thanks Ryan. We'll need to add comms messaging/positioning under each one...

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

From: King, Ryan (ENERGY)

Sent: October 24, 2011 1:56 PM

To: Silva, Joseph (ENERGY)

Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Rehob, James (ENERGY); Jennings, Rick (ENERGY); Jenkins, Allan (ENERGY); McKeever, Garry (ENERGY); Sharkawi, Rula (ENERGY)

Subject: RE:

Draft decision tree attached. Please let us know any additions/suggestions

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

From: Rehob, James (ENERGY)

Sent: October 24, 2011 1:41 PM

To: Silva, Joseph (ENERGY); King, Ryan (ENERGY)

Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY)

Subject: RE:

Legal has been working with Ryan and has fed comments/revisions to slide. Slide looked quite good from LSB perspective given one-slide format - Ryan?

James

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

From: Silva, Joseph (ENERGY)

Sent: October 24, 2011 1:40 PM

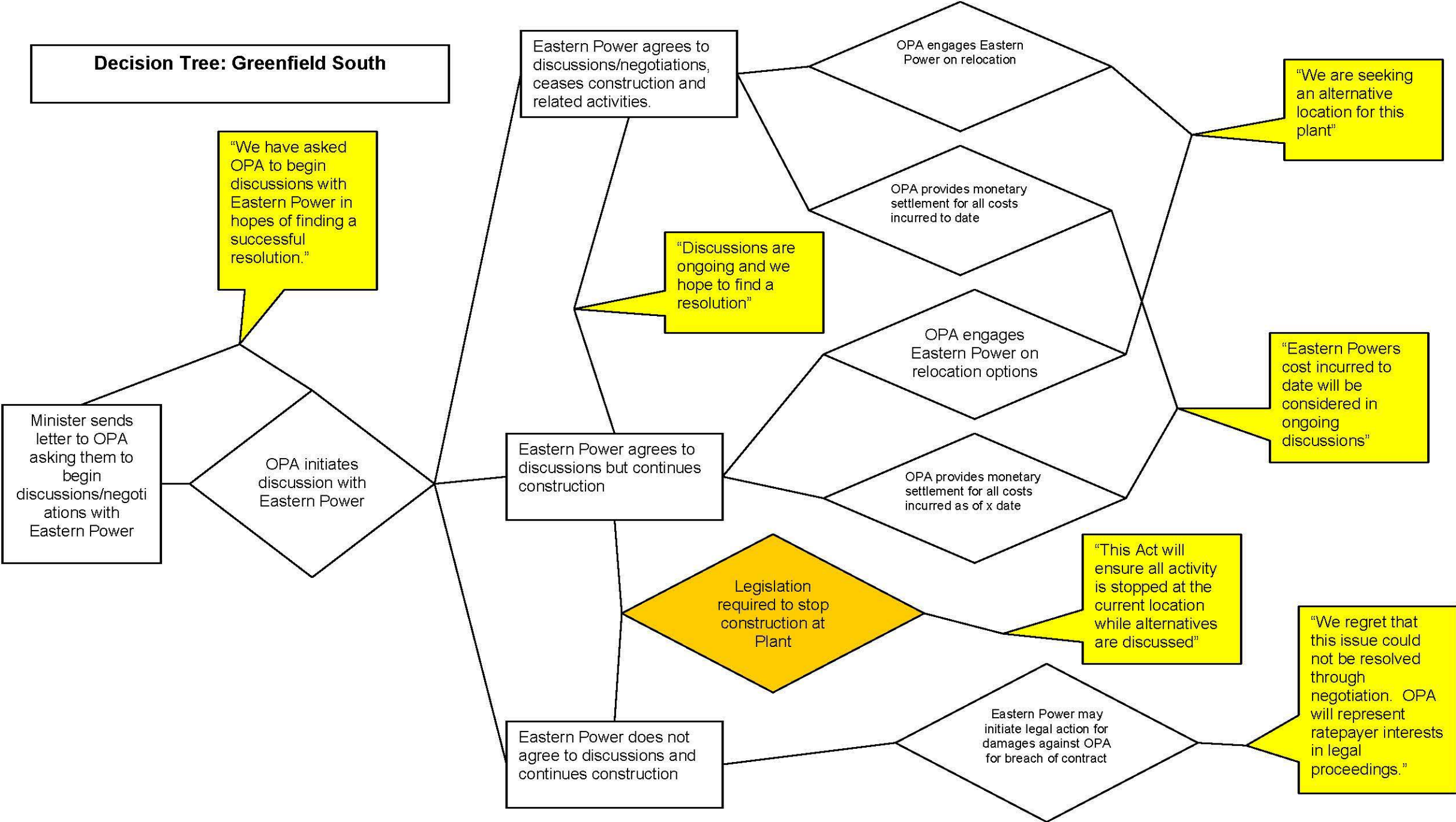
To: Rehob, James (ENERGY); King, Ryan (ENERGY)

Subject:

Hi guys how are we doing with decision tree? Our briefings are \$oving quickly

Sent using BlackBerry Wireless

Decision Tree: Greenfield South



Fisher, Petra (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-24-11 2:54 PM
To: MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY)
Subject: FW: background on eastern power
Attachments: Eastern Power BN (v2).doc

Duplicate attachment removed

Doug, Allan,
Can you clarify or add to this note to address some of CO's questions below?

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 2:40 PM
To: King, Ryan (ENERGY)
Subject: Fw: background on eastern power

Ryan - pls see below for edits to the note. Tx a mill

Sent using BlackBerry Wireless

From: Hume, Steen (CAB)
To: Silva, Joseph (ENERGY)
Sent: Mon Oct 24 14:37:58 2011
Subject: RE: background on eastern power

Hi Joseph: had a chance to look at the note, there are a few points/tweaks for follow-up that I'd suggest before sending the note into the SOC for review (outlined below).

Hopefully an updated note can be turned around today.

If you have any questions, please give me a call. Thanks, Steen

+++++

Follow-up Comments

1/ Financial info, particularly who is financing the Mississauga site.

2/ Put all the corporate info, including subsidiaries, up front. There's a reference to other subsidiaries in the project background section, but I would consider setting out a complete section of who they are first.

3/ Are Eastern Power Ltd and Easter Power Limited the same? I assume yes, but they both appear in the first bullet (Eastern Power Ltd. is a privately-owned company founded in 1985 and Eastern Power Limited is an Ontario-based corporation with its corporate administrative offices in Toronto and with various operating subsidiaries in the greater Toronto area). If the same, use the same terms each time.

4/ In the project section, there is the following reference "Greenfield Power is an affiliate of Eastern Power and the construction company is also an affiliate." It was not clear to me what construction company it was referring to. I would clarify that and, as noted above, put this all together in the first section under the Company and its Affiliates.

From: Silva, Joseph (ENERGY)
Sent: October-24-11 1:36 PM
To: Hume, Steen (CAB)
Cc: Lindsay, David (ENERGY)
Subject: background on eastern power

Hi Steen – as requested, please find attached a short piece providing background info on Eastern power.

Hope this helps
Joseph

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

Cayley, Daniel (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: October-24-11 3:00 PM
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Subject: RE:
Attachments: Eastern Power Decision Tree v3.doc

Thanks very much. Tried to make it simpler (redundant now but easier to follow).

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

From: Rehob, James (ENERGY)
Sent: October 24, 2011 2:56 PM
To: King, Ryan (ENERGY); Silva, Joseph (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Subject: RE:

Hi, it's a bit busy but can't be helped given need expressed for comms points. Nothing further from me on this version (captures most of LSB's previous comments very effectively).

Great work, Ryan!

Let me know if you need anything further - x.56676 James

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

From: King, Ryan (ENERGY)
Sent: October 24, 2011 2:49 PM
To: Silva, Joseph (ENERGY); Rehob, James (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Subject: RE:

Revised decision tree attached.

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

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 2:34 PM
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Subject: Re:

Tx James

Ryan will tweak...

Ryan - will need pls within next 15 mins or so

Sent using BlackBerry Wireless

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

From: Rehob, James (ENERGY)
To: King, Ryan (ENERGY); Silva, Joseph (ENERGY)

Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)

Sent: Mon Oct 24 14:12:42 2011

Subject: RE:

The only thing I would note is that, unless we radically change the process in this case, most if not all letters to the OPA from the Minister (directions or otherwise) are public (certainly subject to disclosure under FIPPA). Hence, we'll likely want to have some level of public/media positioning at the ready (just one lawyer's view) - if not on the slide itself then on a further slide.

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

From: King, Ryan (ENERGY)

Sent: October 24, 2011 2:07 PM

To: Silva, Joseph (ENERGY)

Cc: Rehob, James (ENERGY)

Subject: RE:

Can you please call me? Most of the steps in this process, I assume are fully confidential including the OPA discussions. Messaging would only apply in the event a settlement has been reached or in the alternative, the matter proceeds to the courts. I can add messaging in here but I don't believe there would be much else unless it is the Minister's intent to make these proceeding public.

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

From: Silva, Joseph (ENERGY)

Sent: October 24, 2011 2:03 PM

To: King, Ryan (ENERGY)

Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Rehob, James (ENERGY); Jennings, Rick (ENERGY); Jenkins, Allan (ENERGY); McKeever, Garry (ENERGY); Sharkawi, Rula (ENERGY)

Subject: RE:

Thanks Ryan. We'll need to add comms messaging/positioning under each one...

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

From: King, Ryan (ENERGY)

Sent: October 24, 2011 1:56 PM

To: Silva, Joseph (ENERGY)

Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Rehob, James (ENERGY); Jennings, Rick (ENERGY); Jenkins, Allan (ENERGY); McKeever, Garry (ENERGY); Sharkawi, Rula (ENERGY)

Subject: RE:

Draft decision tree attached. Please let us know any additions/suggestions

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

From: Rehob, James (ENERGY)

Sent: October 24, 2011 1:41 PM

To: Silva, Joseph (ENERGY); King, Ryan (ENERGY)

Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY)

Subject: RE:

Legal has been working with Ryan and has fed comments/revisions to slide. Slide looked quite good from LSB perspective given one-slide format - Ryan?

James

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

From: Silva, Joseph (ENERGY)

Sent: October 24, 2011 1:40 PM

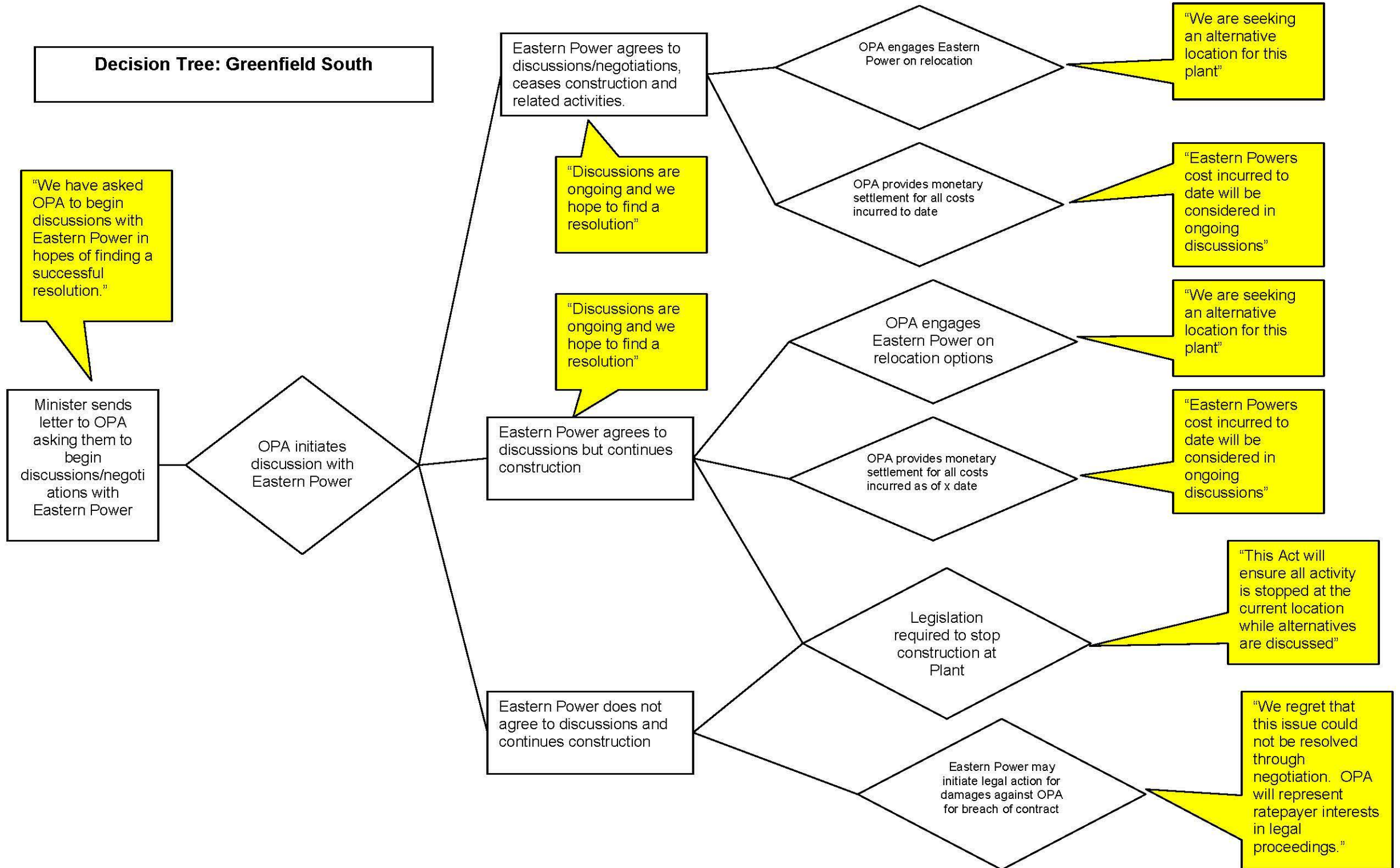
To: Rehob, James (ENERGY); King, Ryan (ENERGY)

Subject:

Hi guys how are we doing with decision tree? Our briefings are \$oving quickly

Sent using BlackBerry Wireless

Decision Tree: Greenfield South



Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October-24-11 3:01 PM
To: James, Emily E. (ENERGY); Sharkawi, Rula (ENERGY)
Subject: Mississauga
Attachments: Media Scan - GFSPP.PDF

Here are some quick quotes – more coming, along with an updated media scan (the attached went to Sep 29th).

Premier's Quotes:

"We've responded to a compelling argument put forward by the folks living in that community," he said, noting he was keeping an "open mind" because the plant was already under review." (Mississauga.com/Sep 26, 2011)

"It's up to voters to decide whether they want the Liberals to act on that plan, McGuinty said Monday, but he wouldn't attach a price tag to what it would cost to halt construction and move the plant elsewhere."

When asked if he could give taxpayers a ballpark estimate, McGuinty replied, "no." "That's the subject of continuing conservation and we'll work that out over some time," he said.

McGuinty was also asked if he could give some idea as to where the plant might be relocated. "Nope," he said.

"There's never a wrong time to do the right thing," McGuinty said. "I've always said that we're going to keep an open mind and we'll keep listening to people, and we've listened and now we've acted." (CP/Sep 26, 2011)

Currently, McGuinty is promising to move the plant if voters re-elect his party.

"If we form the government, and I certainly hope we will, then we will move ahead with that," McGuinty said. "There's never a wrong time to do the right thing." (Sun, Sep 27, 2011)

Media Clippings Deleted

Ministry of Energy

Media Scan

Greenfield South Gas-Fired Power Plant

September 26, 2010 – September 29, 2011

The attached articles, in reverse chronological order, cover the issue of a proposed gas plant near Sherway Gardens in Mississauga.

As of Thursday, September 29, 2011, coverage has continued to ebb, with just five articles since yesterday. Tone still remains critical of a decision seen as political. Of particular note are a blog entry by Tom Adams which questions whether the government can really afford to go without the Greenfield South plant ("McGuinty Gas Power Plant Cancellation Blacks Out Truth", [Tom Adams Energy](#), September 28, 2011), which was tweeted about five times yesterday, a National Post op-ed also by Adams condemning "the political nature of the announcement" ("Stop playing with Ontario's electricity, National Post, September 29, 2011) and a Globe and Mail column by Adam Radwanski noting that the decision has hurt the Premier's image ("Liberal Leader's decisive image takes shock from power plant pledge", Globe and Mail, September 29, 2011). Radwanski also goes into detail on some of the background of the issue and why the government did not move sooner to cancel the plant.

The Mississauga community was already sensitized to the issue of gas-fired power plants when news emerged this spring that a building permit had been issued to Eastern Power for a gas-fired plant on Loreland Avenue near the border between Toronto and Mississauga. Last fall, a proposed gas-fired power plant to be sited near the Mississauga-Oakville border met with fierce opposition from the community. MPPs Kevin Flynn and Charles Sousa had spoken out against this plant. When the province moved to cancel the Oakville plant, Flynn published a letter to the editor of InsideHalton ("Reason to be proud", October 28, 2010). Two of his remarks in the letter are notable: "I would like to confirm that not only will the Oakville plant be stopped, but neither will it be built anywhere in the SWGTA including Mississauga" and "The Green Energy Act has allowed for the creation of 8000 MW of new energy and increased conservation and actually allowed our government to stop this plant."

The first news coverage in the past year of the Greenfield South Power Corporation gas plant issue came on June 2, 2011 when Chris Clay revealed a building permit had been issued for the plant. ("Permit issued for power plant", Mississauga News). Prior to that, the issue had been dormant for some years. The Ontario Municipal Board had ruled in 2007 against an appeal from the city calling for a stop to the plant.

A week later, Etobicoke Centre MPP and former energy minister Donna Cansfield published a letter to the editor of Mississauga News in which she stated that she opposed the plant ("Oppose the power plant", Mississauga News, June 9, 2011). This letter was also discussed in a news article two days later (Former minister fights against power plant", Mississauga News, June 11, 2011) and two weeks later ("MPP rebels against own government", Toronto Star, June 22, 2011).

On June 13, 2011 the Toronto Star reported that the plant was becoming an election issue ("Power plant becomes election issue"). Two days later, on June 15, Noel Grzetic reported for InsideToronto that MOE would review the plant ("MOE to review power plant", InsideToronto, June 15, 2011).

On June 20, 2011 the Premier commented on the issue ("McGuinty weighs in on power plant", Toronto Star, June 20, 2011). His remark "There's never a wrong time to do the right thing" was often referenced in the weeks and months to come.

The issue continued to be discussed, but not with direct criticism of the provincial government, for the next month. Then on July 25, it was reported that construction was going ahead on the site. This spurred new criticism from citizens doubtful that the province was likely to stop a plant that was already being built ("Power plant moves ahead", Mississauga News/Torstar, July 25, 2011).

On July 28, 2011 Greenfield South held a public meeting to discuss the power plant. A large number of residents forced their way into the meeting ("Residents storm public meeting over future power plant", Etobicoke Guardian, July 28, 2011) and heckled the proceedings.

Citizens held a public rally on September 15 to protest the plant ("Residents rally against Mississauga power plant", Toronto Star, September 16, 2011).

The next news on this issue was the Liberal promise to scrap the plant if they are re-elected to government ("Liberals scrap power plant", Toronto Star, September 24, 2011). Initial response to this news has been somewhat critical, particularly from the Toronto Sun ("Another grit flip-flop ; Liberals say they'll work to move power plant that was their idea in the first place", Toronto Sun, September 25, 2011").

Through the weekend and into Monday, September 26, coverage has almost uniformly portrayed the Premier as being on the defensive about a move being described by opposition politicians as "desperate". A Canadian Press article by Diana Mehta, which was picked up in the Winnipeg Free Press and Hamilton Spectator, quotes PC Leader Tim Hudak as saying, "Chickens with their heads cut off would have more stability on energy decisions than these guys" ("McGuinty defends scrapping power plant as PCs pounce on 'desperate' Liberals", Canadian Press, September 25, 2011).

As of Tuesday, September 27, 2011, coverage ballooned to 15+ articles per day, mostly critical. The prevailing criticism continues to be that the decision is a costly "flip-flop" ("McGuinty won't say how much it would cost to scrap gas-fired plant", The Canadian Press, September 26, 2011 [this article also notes that the plant is "quickly becoming a hot-button election issue"]; "Grit flip-flop confusing", Toronto Sun, September 27, 2011; "Killing gas-fired power plants could cost province \$1B", Toronto Star, September 27, 2011; "Power play will burn Premier", National Post, September 27, 2011). Another strong current of criticism questions whether the plant really will be stopped, given that construction is continuing ("Web cam shows work still going on at Mississauga power plant site", Toronto Star, September 26, 2011; "Campaign promise not enough for Greenfield protesters", National Post, September 26, 2011; "Hudak doubts McGuinty killed power plant", London Free Press, September 27, 2011). Other articles contend that the decision to scrap the plant is a win for NIMBYism ("Ontario's NIMBY Premier", National Post, September 27, 2011; "Energy NIMBYs win", Toronto Star, September 27, 2011). Mississauga Mayor Hazel McCallion is among the few voices who laud the decision ("Cancellation a victory for citizens: McCallion", National Post, September 27, 2011).

Coverage has begun to slow as of Wednesday, September 28, 2011, as media attention turns to last night's leaders' debate, in which the power plant was mentioned but not heavily emphasized. Two King Sentinel articles today question the Liberals for cancelling the Greenfield South plant but not the power plant in Holland Marsh, which also faces considerable local opposition ("Plant stopped in Mississauga, but not the Holland Marsh"; "Green Leader charges Liberals playing politics at the expense of Holland Marsh", both published online on September 28, 2011). Criticism of NIMBYism continued through yesterday and into today's press ("Dalton prefers Grit NIMBYs", Toronto Sun, published online September 27, 2011). Also, media continue to confirm that the gas plant is still being built ("Construction exec confirms power plant will continue to be

built, for now", Globe and Mail, September 27, 2011; "Work continues on scrapped Mississauga power plant", Global TV, September 26, 2011).

Fisher, Petra (ENERGY)

From: Lepage, Guy (CAB)
Sent: October-24-11 3:15 PM
To: Gerard, Paul (ENERGY); @CAB-Issues
Cc: Kovesfalvi, Sylvia (ENERGY); Sharkawi, Rula (ENERGY); Kulendran, Jesse (ENERGY); Silva, Joseph (ENERGY)
Subject: RE: MEDIA CALL - NewsTalk 1010 - Request to Interview Minister about Greenfield South Power Plant

Hi Paul,
Please refer this call to Andrew Block in the MO.
Thanks and let me know if you have any questions.
Guy

From: Gerard, Paul (ENERGY)
Sent: October 24, 2011 3:02 PM
To: @CAB-Issues
Cc: Kovesfalvi, Sylvia (ENERGY); Sharkawi, Rula (ENERGY); Kulendran, Jesse (ENERGY); Silva, Joseph (ENERGY)
Subject: MEDIA CALL - NewsTalk 1010 - Request to Interview Minister about Greenfield South Power Plant
Importance: High

Justine Lewkowicz at NewsTalk 1010 has called asking to tape an interview with the Minister today about the Greenfield South power plant for their rolling news coverage. They need a maximum of five minutes.

jlewkowicz@astral.com

416-578-5466

Paul Gerard
Ministry of Energy &
Ministry of Infrastructure
Paul.Gerard@ontario.ca
416-327-7226

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October-24-11 3:26 PM
To: Sharkawi, Rula (ENERGY); James, Emily E. (ENERGY)
Subject: RE: Mississauga

Hi Rula – the scan I sent goes back to Sep 20, 2011. There were only two articles from October 2010 – both printed below: the first is a Toronto star editorial focused on Oakville GS cancellation and the second is a column by Kevin Flynn, local MPP – in which he states the Oakville GS plant will not be build anywhere in SW GTA including Mississauga.

We will keep searching but that's all we have so far.

Note: Newstalk 1010 just called asking to interview Minister about this issue (Paul sent around an email).

(I've also included a Jun 2011 article talking about the issuing of the permit to build Mississauga).

Toronto Star

Reversal means future trouble

Sun Oct 10 2010

Page: A26

Section: Editorial

Oakville residents were understandably jubilant when the province reversed itself Thursday and cancelled construction of a \$1.2 billion gas-fired power plant in their community. On their way to victory, they had deployed petitions, mass demonstrations, sympathetic celebrities (including a paid appearance by environmental crusader Erin Brockovich), YouTube videos, and a platoon of local politicians. They scored a landmark win, but it will energize opposition to other vital power projects.

Whether or not one accepts the official explanation that the plant is no longer required, the deal to build this 900-megawatt generating station, and its subsequent cancellation, reveals a fundamental flaw in Ontario's electricity planning process.

Ensuring there is an adequate supply of electricity in the future is the responsibility of the Ontario Power Authority (OPA), a government agency. Until last week, the OPA's position was that a gas-fired power plant was sorely needed in the southwestern GTA due to heavy local electricity demand and the closing of a 1,140-megawatt coal-fired station in Mississauga.

As recently as March, Colin Andersen, the OPA's CEO, wrote an article for a Toronto newspaper stating: "It would not be responsible to build a plant elsewhere and deliver its power to the Southwest GTA." He explained that using another location would require new high-voltage transmission lines affecting many other communities and costing Ontarians hundreds of millions of dollars.

In an interview last week, Andersen said circumstances had changed and an Oakville plant is

no longer the best option. But he was unable to point to any single report that prompted the change of plans. Rather, he said the reversal came gradually, through an ongoing process of analysis and planning. Pity it didn't dawn earlier, before September 2009, when the Ontario Power Authority announced it was awarding a contract to build and run the Oakville plant to TransCanada Corporation. Now, barely a year later, the Calgary company is preparing to discuss what "reasonable payments" it might receive as compensation for the broken contract.

The size of that compensation is now in the hands of lawyers; it is expected to be many millions. But it is no mystery who will pay - Ontario's already-burdened energy consumers.

One of two things went wrong here: either the experts at the OPA badly misjudged the need for a huge new generating plant, or they were overruled for political reasons because Premier Dalton McGuinty was worried about losing Oakville, currently held by Liberal MPP Kevin Flynn. Neither option inspires confidence in Ontario's energy future.

Furthermore, with its U-turn the McGuinty government has bought itself future grief, for the tactics and strategies used in Oakville will likely be adopted by King Township residents fighting a gas-fired plant in their area, by people across the province fighting the installation of wind turbines, and, indeed, by any group fighting an unwanted public facility in its backyard.

© 2010 Torstar Corporation

FPinfomart.ca Page 1

InsideHalton

Reason to be proud

Thu Oct 28 2010

Page: 1

Section: News

Byline: Kevin Flynn, Guest Columnist

A couple of weeks ago I visited the Grade 5 civics class at Munn's Public School. When I mentioned the power plant would not be coming to Oakville, spontaneous applause erupted in the classroom.

Seeing young people celebrating a provincial government decision and democracy at work reveals just how important the decision to stop the power plant was for our community.

Unfortunately, there are cynics who are trying to cast a shadow on Oakville's shining moment with fear-mongering myths. It was particularly disappointing to witness Tory Leader Tim Hudak rise in the Legislature recently and attempt to discredit or overturn this tremendous victory that Oakville residents, C4CA, Mayor Rob Burton, Town Council, and my staff and I had worked so hard for. It begs the question, where was Tim Hudak for the last 24 months?

Having served Oakville constituents for more than 25 years, I understand how monumental this victory truly was. Once a project moves as far along as the proposed Oakville gas plant, it is very unusual to see such a project stopped. It takes unique resident

determination, organizational strategy and political fortitude to earn this type of victory.

It is also a fact our government stopped the Tim Hudak and Tory-approved 800-megawatt (MW) power plant on Oakville's border with Mississauga with no penalty or cost to taxpayers. I would like to confirm not only will the Oakville plant be stopped, but neither will it be built anywhere in the SWGTA (southwest GTA) including Mississauga.

It was also recently suggested by an executive member of the local Progressive Conservative riding association that the 900 MW plant be built in north Oakville. I do not support this suggestion, nor does my government, and the Minister of Energy's recent welcome announcement makes this impossible.

Working through the Integrity Commissioner's, Minister of Energy's and Premier's offices, I was able to bring our community's message directly to Queen's Park and the right decision was made. Further, Bill 8, my Private Member's Bill would implement separation distances for gas-fired power plants so no other community in Ontario will have to go through what Oakville did.

Some misguided individuals even went so far as to site my vocal support of the Green Energy Act as a reason for the choice of the Oakville site. Ironically, the exact opposite is true. The Green Energy Act has allowed for the creation of 8,000 MW of new energy and increased conservation and actually allowed our government to stop this plant.

I would like to extend my sincere thanks for your e-mails, letters and words of support throughout the process. Special thanks are due to the current people at C4CA and to Mayor Burton and all members of council who supported him by taking the right legal action at the right time. Oakville has faced many challenges in the past and no doubt will face others in the future. The cancellation of this proposed gas plant will go down as a major victory for local democracy in Oakville. As your Member of Provincial Parliament I am very proud to be associated with those responsible.

- Kevin Flynn is the Oakville MPP

© 2010 Metroland Printing, Publishing & Distributing

FPinfomart.ca Page 1

Toronto Star

Residents steamed over plant plan; Gas-fired power station, okayed in 2007, quietly issued permit last week

Mon Jun 6 2011

Page: GT2

Section: Greater Toronto

Byline: San Grewal Toronto Star

Some Mississauga residents are furious to hear a building permit has been issued to construct a gas-fired power plant in an environmentally sensitive area.

The 280-megawatt plant is to be built at the Toronto-Mississauga line on a site that backs onto Etobicoke Creek, just west of the Sherway Gardens

mall.

"I was shocked when I heard the permit was issued," said Dr. Boyd Upper, a resident who has fought the project for years. He said residents thought the plan was dead because nothing had happened since 2007, when Eastern Power Ltd. won the right to build the plant in an Ontario Municipal Board ruling that went against the city.

Stephen Thompson, a member of CHiP (Concerned Homeowners for Intelligent Power) says he's upset with the province and Mississauga leaders.

"Councillor (Jim) Tovey promised us he would keep an eye on anything moving forward at city hall. He didn't say a word about this to us. We found out after the permit was issued (last) week. And why hasn't (Mayor) Hazel (McCallion) made one public statement against the project? She made plenty of statements against the Oakville plant."

In 2007, right after the OMB decision, McCallion told the Star: "I have always felt and still feel that it is the wrong location," adding that the city would appeal if there were grounds to do so.

The province backed down on building the 900-megawatt gas-fired Oakville plant after residents mounted fierce opposition to the project, which would have been close to a residential area, much like the Mississauga plant.

Tovey's office said the councillor would not be able to make a statement on the issue. McCallion's assistant also said she was unavailable for comment. A spokesperson for Ontario Labour Minister Charles Sousa, whose Mississauga South riding is just west of the plant site, said he was unavailable to comment. The Star did not get a response from Eastern Power, either.

Mississauga Councillor George Carlson, an advocate of alternative energy, says the location is a terrible place for a power plant.

However, "the mayor's hands, and council's, are tied. There's nothing we can do. The OMB ruled in favour of it, the province has given it environmental approval (in 2008)."

Environment ministry spokesperson Mark Rabbior said he understands the concerns of residents. "But this underwent rigorous review," he said. "It would not have received approval if the project didn't meet our requirements."

Upper questions how the ministry could have approved it when a task force report last year on air pollution levels in the southwest GTA said the Oakville-Clarkson airshed just west of the site had been identified as "taxed" and "as such, is considered to be incapable of accepting additional pollutant loadings."

"Everyone said Oakville was a done deal," Upper said. "This isn't over. But I don't want Eastern to know what our next move is."

© 2011 Torstar Corporation

FPinfomart.ca Page 1

Mississauga News

Permit issued for power plant

Thu Jun 2 2011
Page: 1

Section: News

Byline: Chris Clay, cclay@mississauga.net

The City of Mississauga issued a building permit on Monday that allows construction of a 280-megawatt power plant on Loreland Ave., near the Mississauga/Etobicoke border, to begin.

The plan to build the natural gas-fired combined cycle electricity plant, in the works for years, has been opposed by the Coalition of Homeowners for Intelligent Power (CHIP). The organization of concerned residents formed in an attempt to stop power plants, including the Loreland Ave. facility, from being built in the city, said CHIP member Stephen Thompson.

The Port Credit resident said the group lobbied all levels of government and various organizations, including the Ontario Power Authority, to have the plant stopped.

"We were trying to get an answer as to why this project is going through when nobody wanted it," said Thompson. "We're still adamant about it not coming to Mississauga."

CHIP members have several concerns with the plant, which is expected to be completed by late 2014, particularly that it will be located near homes and Trillium Health Centre West Toronto. It's also near Etobicoke Creek.

The City has also fought the plant, taking the matter to the Ontario Municipal Board (OMB). But, after losing the OMB decision in 2007 to property owner Greenfield South Power Corporation, there was little it could do to halt construction.

Dr. Boyd Upper, a longtime Lorne Park resident and co-organizer of Clear the Air Coalition Inc., was approached by CHIP after he had worked to stop other power plants from coming to Mississauga and Oakville. He worked with the group for years and says the battle isn't over.

"You haven't seen the end of this yet," said Upper. Especially frustrated is Ward 1 Councillor Jim Tovey, who's followed the matter since his days as a community advocate.

"It's a terrible location," said Tovey. "Because of the OMB decision, the City had to issue the permits. It's pretty frustrating."

Tovey said there's nothing more the City can do to stop the project and hopes the provincial government steps in. But he doesn't think that's likely to happen. On its website, Greenfield said the plant, "will not only meet the electrical needs of the local communities in Mississauga, but will also dramatically improve the quality and reliability of electricity supply in the Greater Toronto Area (GTA)."

It noted that similar plants have been built in London, New York City, Los Angeles and Toronto.

Dorothy Tomiuk, spokesperson for Mississauga Residents' Associations Network (MIRANET), said she understands the City has its hands tied. She noted many of the same concerns that existed when a power plant was proposed for Clarkson, such as health risks, proximity to neighbourhoods and the effect on the environment, apply to the Loreland site as well.

"All we can do is continue to voice our concerns,"

she said. "This last (plant) is really a bur under our saddle."

In 2007, the OMB ruled that the City erred when it took away a "pre-existing" right of the property owner to build a power plant. The municipality passed amendments to its planning powers that had the effect of prohibiting Greenfield from building. Municipalities can justify removing zoning rights if the public good outweighs the loss of the individual's planning rights, said the OMB. Contrary to the City's position, the OMB felt the power plant would provide a "tangible public benefit."

cclay@mississauga.net

* This story was updated at 4:10 p.m. on June 2

© 2011 Metroland Printing, Publishing & Distributing

FPinfomart.ca Page 1

From: Sharkawi, Rula (ENERGY)
Sent: October 24, 2011 3:06 PM
To: Kovesfalvi, Sylvia (ENERGY); James, Emily E. (ENERGY)
Subject: Re: Mississauga

Thanks Sylvia.

Was looking for Oakville cancellation quotes from last year. Do we have anything from Oct 7, 2010?

From: Kovesfalvi, Sylvia (ENERGY)
To: James, Emily E. (ENERGY); Sharkawi, Rula (ENERGY)
Sent: Mon Oct 24 15:01:02 2011
Subject: Mississauga

Here are some quick quotes – more coming, along with an updated media scan (the attached went to Sep 29th).

Premier's Quotes:

"We've responded to a compelling argument put forward by the folks living in that community," he said, noting he was keeping an "open mind" because the plant was already under review." (Mississauga.com/Sep 26, 2011)

"It's up to voters to decide whether they want the Liberals to act on that plan, McGuinty said Monday, but he wouldn't attach a price tag to what it would cost to halt construction and move the plant elsewhere."

When asked if he could give taxpayers a ballpark estimate, McGuinty replied, "no." "That's the subject of continuing conservation and we'll work that out over some time," he said.

McGuinty was also asked if he could give some idea as to where the plant might be relocated. "Nope," he said.

"There's never a wrong time to do the right thing," McGuinty said. "I've always said that we're going to keep an open mind and we'll keep listening to people, and we've listened and now we've acted." (CP/Sep 26, 2011)

Currently, McGuinty is promising to move the plant if voters re-elect his party.

“If we form the government, and I certainly hope we will, then we will move ahead with that, “ McGuinty said. “There’s never a wrong time to do the right thing.” (Sun, Sep 27, 2011)

Fisher, Petra (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October-24-11 3:33 PM
To: Cayley, Daniel (ENERGY); Smith, Mark (ENERGY); Sylvis, Laura (ENERGY)
Cc: Gerard, Paul (ENERGY); Morton, Robert (ENERGY)
Subject: Greenfield

Apparently both minister and Tories have put out a statement about Greenfield/Mississauga – pls search and distribute asap. (and any coverage as well)

Fisher, Petra (ENERGY)

From: Kulendran, Jesse (ENERGY)
Sent: October-24-11 3:37 PM
To: Lindsay, David (ENERGY)
Cc: Silva, Joseph (ENERGY)
Subject: URGENT: Star Request - Greenfield

Importance: High

FYI.

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

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 24, 2011 3:35 PM
To: @CAB-Issues
Cc: Sharkawi, Rula (ENERGY); Kulendran, Jesse (ENERGY); Silva, Joseph (ENERGY); Gerard, Paul (ENERGY)
Subject: URGENT: Star Request RE: Greenfield

Hi - OPA just received this call (I was unaware of a Minister's statement going out). Please confirm that Ministry should take this call - thank you.

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

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: October 24, 2011 3:28 PM
To: Kovesfalvi, Sylvia (ENERGY); Sharkawi, Rula (ENERGY)
Subject: Star Request RE: Greenfield

Tanya Talaga from the Star called. She left message saying turbines were seen being delivered to the site today. Her question is, if Eastern Power is to be given a cease-and-desist order on construction, who would it come from? As the primary contract party, would it come from the OPA or would the direction come from the government, or as a result of direction from the government to the OPA. Deadline today. Minister had this to say today on Greenfield - "The Ontario government is committed to relocating the natural gas plant originally planned for Mississauga. The government will work with the company to find a suitable location for this plant. More information will become available as discussions progress."

Given Minister's comments should we refer request to you?

This e-mail message and any files transmitted with it are intended only for the named recipient(s) above and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient(s), any dissemination, 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: Sharkawi, Rula (ENERGY)
Sent: October-24-11 3:37 PM
To: Kovesfalvi, Sylvia (ENERGY); @CAB-Issues
Cc: Kulendran, Jesse (ENERGY); Silva, Joseph (ENERGY); Gerard, Paul (ENERGY)
Subject: Re: URGENT: Star Request RE: Greenfield

Sylvia - the MO provided comment to Benzie on this...a commitment to relocate the site. There will be no other interviews today.

R

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

From: Kovesfalvi, Sylvia (ENERGY)
To: @CAB-Issues
Cc: Sharkawi, Rula (ENERGY); Kulendran, Jesse (ENERGY); Silva, Joseph (ENERGY); Gerard, Paul (ENERGY)
Sent: Mon Oct 24 15:34:48 2011
Subject: URGENT: Star Request RE: Greenfield

Hi - OPA just received this call (I was unaware of a Minister's statement going out). Please confirm that Ministry should take this call - thank you.

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

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: October 24, 2011 3:28 PM
To: Kovesfalvi, Sylvia (ENERGY); Sharkawi, Rula (ENERGY)
Subject: Star Request RE: Greenfield

Tanya Talaga from the Star called. She left message saying turbines were seen being delivered to the site today. Her question is, if Eastern Power is to be given a cease-and-desist order on construction, who would it come from? As the primary contract party, would it come from the OPA or would the direction come from the government, or as a result of direction from the government to the OPA. Deadline today. Minister had this to say today on Greenfield - "The Ontario government is committed to relocating the natural gas plant originally planned for Mississauga. The government will work with the company to find a suitable location for this plant. More information will become available as discussions progress."

Given Minister's comments should we refer request to you?

This e-mail message and any files transmitted with it are intended only for the named recipient(s) above and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient(s), any dissemination, 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.

Fisher, Petra (ENERGY)

From: Jenkins, Allan (ENERGY)
Sent: October-24-11 3:38 PM
To: King, Ryan (ENERGY); MacCallum, Doug (ENERGY)
Subject: RE: background on eastern power
Attachments: Eastern Power BN (v3) (2).doc

My kick at the note.

OPA provided information that GS obtained debt finking from Credit Suisse and EIG. Hard to determine who EIG is – couldn't find a financial firm of that name but did find insurers with that name.

Suggest that you should ask the OPA to confirm who EIG is (maybe AIG?)

From: King, Ryan (ENERGY)
Sent: October 24, 2011 2:54 PM
To: MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY)
Subject: FW: background on eastern power

Doug, Allan,
Can you clarify or add to this note to address some of CO's questions below?

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 2:40 PM
To: King, Ryan (ENERGY)
Subject: Fw: background on eastern power

Ryan - pls see below for edits to the note. Tx a mill

Sent using BlackBerry Wireless

From: Hume, Steen (CAB)
To: Silva, Joseph (ENERGY)
Sent: Mon Oct 24 14:37:58 2011
Subject: RE: background on eastern power

Hi Joseph: had a chance to look at the note, there are a few points/tweaks for follow-up that I'd suggest before sending the note into the SOC for review (outlined below).

Hopefully an updated note can be turned around today.

If you have any questions, please give me a call. Thanks, Steen

+++++

Follow-up Comments

1/ Financial info, particularly who is financing the Mississauga site.

2/ Put all the corporate info, including subsidiaries, up front. There's a reference to other subsidiaries in the project background section, but I would consider setting out a complete section of who they are first.

3/ Are Eastern Power Ltd and Eastern Power Limited the same? I assume yes, but they both appear in the first bullet (Eastern Power Ltd. is a privately-owned company founded in 1985 and Eastern Power Limited is an Ontario-based corporation with its corporate administrative offices in Toronto and with various operating subsidiaries in the greater Toronto area). If the same, use the same terms each time.

4/ In the project section, there is the following reference "Greenfield Power is an affiliate of Eastern Power and the construction company is also an affiliate." It was not clear to me what construction company it was referring to. I would clarify that and, as noted above, put this all together in the first section under the Company and its Affiliates.

From: Silva, Joseph (ENERGY)
Sent: October-24-11 1:36 PM
To: Hume, Steen (CAB)
Cc: Lindsay, David (ENERGY)
Subject: background on eastern power

Hi Steen – as requested, please find attached a short piece providing background info on Eastern power.

Hope this helps
Joseph

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

Brief: Eastern Power Limited

Address

401-2275 Lake Shore Blvd W
Toronto, ON
M8V 3Y3

Company Profile

- Eastern Power ~~Ltd., imited~~ is a privately-owned company founded in 1985. Eastern Power ~~Limited~~ is an Ontario-based corporation with its corporate administrative offices in Toronto. Eastern Power is also listed under the name of Eastern Power Developers Incorporated, and with various operating subsidiaries in the greater Toronto area, as operators of the Keele Valley and Brock West landfill gas generating stations and variously as a construction firm, land developer and environmental consulting firm..
- Greg Vogt is the president of Eastern Power.
- Hubert Vogt is vice-president of Eastern Power.
- Dr. Bruce E. Holbein is the public face of the company's involvement in Greenfield South.

Projects/Background

- Greenfield South Power Corporation (GSPC) lists Eastern Power Limited as an affiliate on its web site, but it appears that GSPC is wholly owned by Eastern Power Limited.
- Eastern Power obtained \$550 million financing for the Greenfield South plant from Credit Suisse, insured by EIG.
- Eastern Power has two landfill gas non-utility generation (NUG) contracts for the Keele Valley Power Plant in Vaughan and the Brock West Power Plant in Pickering. These are managed by the Ontario Electricity Financial Corporation (OEFC).
- Eastern Power sued ~~Ontario Electricity Financial Corporation (OEFC) (NUG contract holder)~~OEFC for \$121 million in 1998 over a dispute about the Keele Valley contract.
- The case was decided in favour of the OEFC except for one issue where the courts sided with Eastern Power. The OEFC has made an offer to settle on this issue, but Eastern Power has not responded. Eastern Power has indicated that they may continue to pursue the issue in the courts rather than respond.
- Super Blue Box Recycling Corp (SUBBOR) is an affiliate of Eastern Power which operated a demonstration Energy from Waste facility in Guelph between 1998 and 2002. Guelph terminated the relationship when they couldn't obtain proof that the facility was operating at full-scale.
- ~~Greenfield Power is an affiliate of Eastern Power and the construction company is also an affiliate.~~

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

~~•Greenfield South Power Corporation, together with its affiliate Eastern Power Limited, is developing the Greenfield South Power Plant.~~

Prepared by: Ryan King, Senior Advisor and Executive Assistant
ADM's Office
4-6204

Approved by: Garry McKeever, Director
Energy Supply and Competition
5-8627

Rick Jennings, Assistant Deputy Minister
Energy Supply, Transmission and Distribution Policy
4-6190

Fisher, Petra (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-24-11 3:46 PM
To: Jenkins, Allan (ENERGY); MacCallum, Doug (ENERGY)
Subject: RE: background on eastern power

Looks like EIG provides insurance to energy companies. Thanks Allan
<http://www.cpix.com/>

From: Jenkins, Allan (ENERGY)
Sent: October 24, 2011 3:38 PM
To: King, Ryan (ENERGY); MacCallum, Doug (ENERGY)
Subject: RE: background on eastern power

My kick at the note.

OPA provided information that GS obtained debt finking from Credit Suisse and EIG. Hard to determine who EIG is – couldn't find a financial firm of that name but did find insurers with that name.

Suggest that you should ask the OPA to confirm who EIG is (maybe AIG?)

From: King, Ryan (ENERGY)
Sent: October 24, 2011 2:54 PM
To: MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY)
Subject: FW: background on eastern power

Doug, Allan,
Can you clarify or add to this note to address some of CO's questions below?

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 2:40 PM
To: King, Ryan (ENERGY)
Subject: Fw: background on eastern power

Ryan - pls see below for edits to the note. Tx a mill

Sent using BlackBerry Wireless

From: Hume, Steen (CAB)
To: Silva, Joseph (ENERGY)
Sent: Mon Oct 24 14:37:58 2011
Subject: RE: background on eastern power

Hi Joseph: had a chance to look at the note, there are a few points/tweaks for follow-up that I'd suggest before sending the note into the SOC for review (outlined below).

Hopefully an updated note can be turned around today.

If you have any questions, please give me a call. Thanks, Steen

+++++

Follow-up Comments

1/ Financial info, particularly who is financing the Mississauga site.

2/ Put all the corporate info, including subsidiaries, up front. There's a reference to other subsidiaries in the project background section, but I would consider setting out a complete section of who they are first.

3/ Are Eastern Power Ltd and Eastern Power Limited the same? I assume yes, but they both appear in the first bullet (Eastern Power Ltd. is a privately-owned company founded in 1985 and Eastern Power Limited is an Ontario-based corporation with its corporate administrative offices in Toronto and with various operating subsidiaries in the greater Toronto area). If the same, use the same terms each time.

4/ In the project section, there is the following reference "Greenfield Power is an affiliate of Eastern Power and the construction company is also an affiliate." It was not clear to me what construction company it was referring to. I would clarify that and, as noted above, put this all together in the first section under the Company and its Affiliates.

From: Silva, Joseph (ENERGY)
Sent: October-24-11 1:36 PM
To: Hume, Steen (CAB)
Cc: Lindsay, David (ENERGY)
Subject: background on eastern power

Hi Steen – as requested, please find attached a short piece providing background info on Eastern power.

Hope this helps
Joseph

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: Jenkins, Allan (ENERGY)
Sent: October-24-11 3:47 PM
To: Jennings, Rick (ENERGY); King, Ryan (ENERGY); MacCallum, Doug (ENERGY)
Subject: Next Generation Green Power
Attachments: eastern_power.pdf

The attached explains how Eastern Power designed GS in-house.

Eastern Power Limited

PLUGGING IN TO NEXT-GENERATION GREEN POWER WITH SOLIDWORKS



Using SolidWorks software, Eastern Power developed the 73,000-square-foot Greenfield South Power Plant, a 280 MW, natural-gas fired, combined cycle facility in Mississauga, Ontario.

CHALLENGE:

Partner with municipal power authorities to develop efficient, combined-cycle, natural gas-fired electrical power plants within time and budget constraints.

SOLUTION:

Utilize SolidWorks design, simulation, and communications solutions to develop and build a complete combined-cycle, natural gas-fired electrical power plant.

RESULTS:

- Reduced design cycles by 50 percent
- Cut development costs by 60 percent
- Decreased design errors by 40 percent
- Increased design reuse by 60 percent

Everyone knows that using natural gas to generate electricity is cleaner and more environmentally friendly than burning coal. Because coal is less costly, power companies need to utilize innovative technologies that increase the efficiency of natural gas-based generation systems to overcome the primary obstacle to replacing coal-fired power plants.

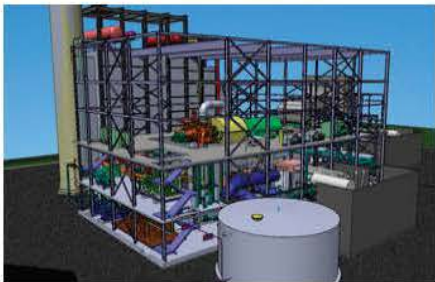
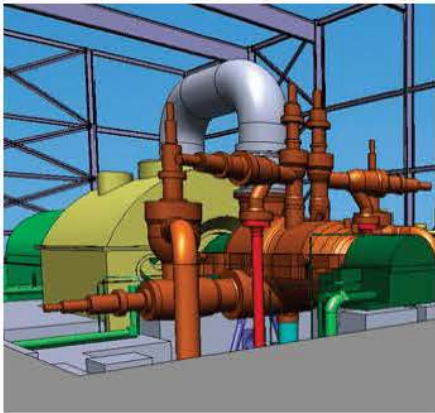
That's what Eastern Power Limited did with the development of the Greenfield South Power Plant in Mississauga, Ontario. Working with Greenfield South Power Corporation under the auspices of Ontario's "off coal" plan, Eastern Power developed a 280 MW, natural gas-fired, combined-cycle facility that generates clean electricity. The 73,000-square-foot facility will not only enhance the reliability of the electricity supply in the Greater Toronto area, but also contribute to improving air quality and reducing carbon emissions.

With a background in biogas, biomass, wind, and high-efficiency natural gas power production, Eastern Power began the Greenfield South project facing the need to revamp its design platform. The company used AutoCAD® 2D design tools on the development of two landfill gas-fueled power plants. Yet, according to plant designer Orlando Linero, the scope and sophistication of a natural gas-fired combined-cycle plant demanded a more efficient approach.

"I know how painful it is to work with piping in 2D," Linero says. "On a project as complex as Greenfield South, we had to find a better way to develop every facet of the plant – from the structural steel to the piping systems to the turbines. In short, we needed faster and better 3D tools for creating, simulating, and communicating our designs."

"SolidWorks was the only solution with integrated design, piping, structural, simulation, and documentation capabilities. We can see, analyze, and document every design detail right in the 3D model and easily coordinate design activities for a complex project without translating data to other tools."

Orlando Linero
Plant Designer



With SolidWorks software, it was more efficient for Eastern Power designers to lay out, detail, and route piping runs in 3D.

After evaluating the AutoCAD, Solid Edge®, Intergraph®, and SolidWorks® design packages, Eastern Power chose SolidWorks Premium software for the Greenfield South project. Linero says Eastern Power selected SolidWorks software because it was the most flexible and most suitable solution for the power plant project.

"We decided on SolidWorks because it best met our needs," Linero stresses. "SolidWorks was the only solution with integrated design, piping, structural, simulation, and documentation capabilities. We can see, analyze, and document every design detail right in the 3D model and easily coordinate design activities for a complex project without translating data to other tools."

Less time, lower cost, fewer resources

Using SolidWorks design, simulation, and communications tools, Eastern Power designed a power plant that represents the cleanest, most efficient way to produce energy with a fossil fuel, while simultaneously saving time and money. Linero estimates that the company was able to compress design cycles by about 50 percent and cut development costs by about 60 percent.

"SolidWorks has enabled us to get the job done faster and with fewer resources," Linero explains. "In 2D, you need a lot of people. You have a person counting pipe elbows, flanges, and Ts, and another person measuring lengths of pipe. With SolidWorks, we no longer need to do that. Better management of our bills of materials allows us to squeeze time and money out of the process."

See how the piping runs

Eastern Power benefited from a variety of SolidWorks tools on different portions of the plant, such as weldment design and integrated structural analysis solutions for designing structural steel supports and equipment fixtures. According to Linero, however, the solutions that produced the greatest advantages were the SolidWorks Routing package and the ability to create a custom design library in SolidWorks.

"Once we had developed our library of piping components, it became a simple process of dragging and dropping parts into SolidWorks Routing," Linero notes. "Each designer takes charge of the entire cycle for a pipe route, and can more efficiently complete the layout, detail, and routing for the pipe run. With the design library and SolidWorks Routing, we have increased design reuse by about 60 percent and cut design errors by about 40 percent."

Resolving issues with eDrawings

The move to SolidWorks also helps Eastern Power's designers work more effectively with internal and external resources. For example, the company wished to improve its pipe routing in collaboration with a potential pipe supplier for the Greenfield South Power Plant.

"I brought a CD containing eDrawings® files of the entire plant model to the meeting," Linero recalls. "That was very helpful in helping to resolve the issue quickly. Whether I need to show something to another department or to an outside vendor, eDrawings software is a great communications tool that has helped me on many occasions throughout plant design and installation."



Dassault Systèmes SolidWorks Corp.
300 Baker Avenue
Concord, MA 01742 USA
Phone: 1 800 693 9000
Outside the US: +1 978 371 5011
Email: info@solidworks.com
www.solidworks.com



Eastern Power Limited
2275 Lake Shore Boulevard West, Suite 401
Toronto, Ontario M8V 3Y3 CANADA
Phone: +1 416 234 1301
www.greenfieldsouth.ca
VAR: Javelin Technologies, Inc.,
Oakville, Ontario, CANADA

Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-24-11 3:50 PM
To: Silva, Joseph (ENERGY)
Cc: Devan, Jane (ENERGY)
Subject: RE: background on eastern power
Attachments: Eastern Power BN (v4).doc

Hi Joseph,
Revised BN attached

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 2:40 PM
To: King, Ryan (ENERGY)
Subject: Fw: background on eastern power

Ryan - pls see below for edits to the note. Tx a mill

Sent using BlackBerry Wireless

From: Hume, Steen (CAB)
To: Silva, Joseph (ENERGY)
Sent: Mon Oct 24 14:37:58 2011
Subject: RE: background on eastern power

Hi Joseph: had a chance to look at the note, there are a few points/tweaks for follow-up that I'd suggest before sending the note into the SOC for review (outlined below).

Hopefully an updated note can be turned around today.

If you have any questions, please give me a call. Thanks, Steen

+++++

Follow-up Comments

1/ Financial info, particularly who is financing the Mississauga site.

2/ Put all the corporate info, including subsidiaries, up front. There's a reference to other subsidiaries in the project background section, but I would consider setting out a complete section of who they are first.

3/ Are Eastern Power Ltd and Easter Power Limited the same? I assume yes, but they both appear in the first bullet (Eastern Power Ltd. is a privately-owned company founded in 1985 and Eastern Power Limited is an Ontario-based corporation with its corporate administrative offices in Toronto and with various operating subsidiaries in the greater Toronto area). If the same, use the same terms each time.

4/ In the project section, there is the following reference "Greenfield Power is an affiliate of Eastern Power and the construction company is also an affiliate." It was not clear to me what construction company it was referring to. I would clarify that and, as noted above, put this all together in the first section under the Company and its Affiliates.

From: Silva, Joseph (ENERGY)
Sent: October-24-11 1:36 PM
To: Hume, Steen (CAB)
Cc: Lindsay, David (ENERGY)
Subject: background on eastern power

Hi Steen – as requested, please find attached a short piece providing background info on Eastern power.

Hope this helps
Joseph

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

Briefing Note: Eastern Power Limited

Address

401-2275 Lake Shore Blvd W
Toronto, ON
M8V 3Y3

Company Profile

- Eastern Power Limited is a privately-owned company founded in 1985. Eastern Power is an Ontario-based corporation with its corporate administrative offices in Toronto. Eastern Power is also listed under the name of Eastern Power Developers Incorporated, as operators of the Keele Valley and Brock West landfill gas generating stations and variously as a construction firm, land developer and environmental consulting firm..
- Greg Vogt is the president of Eastern Power.
- Hubert Vogt is vice-president of Eastern Power.
- Dr. Bruce E. Holbein is the public face of the company's involvement in Greenfield South.

Projects/Background

- Greenfield South Power Corporation (GSPC) lists Eastern Power Limited as an affiliate on its web site, but it appears that GSPC is wholly owned by Eastern Power Limited.
- Eastern Power obtained \$550 million financing for the Greenfield South plant from Credit Suisse, insured by EIG.
- Eastern Power has two landfill gas non-utility generation (NUG) contracts for the Keele Valley Power Plant in Vaughan and the Brock West Power Plant in Pickering. These are managed by the Ontario Electricity Financial Corporation (OEFC).
- Eastern Power sued OEFC for \$121 million in 1998 over a dispute about the Keele Valley contract.
- The case was decided in favour of the OEFC except for one issue where the courts sided with Eastern Power. The OEFC has made an offer to settle on this issue, but Eastern Power has not responded. Eastern Power has indicated that they may continue to pursue the issue in the courts rather than respond.
- Super Blue Box Recycling Corp (SUBBOR) is an affiliate of Eastern Power which operated a demonstration Energy from Waste facility in Guelph between 1998 and 2002. Guelph terminated the relationship when they couldn't obtain proof that the facility was operating at full-scale.

Prepared by: Ryan King, Senior Advisor and Executive Assistant
ADM's Office

4-6204

Allan Jenkins, Senior Policy Specialist
Energy Markets
5-6926

Approved by:

Garry McKeever, Director
Energy Supply and Competition
5-8627

Rick Jennings, Assistant Deputy Minister
Energy Supply, Transmission and Distribution Policy
4-6190

Cayley, Daniel (ENERGY)

From: Kristin Jenkins <Kristin.Jenkins@powerauthority.on.ca>
Sent: October-24-11 3:52 PM
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Cc: Patricia Phillips; Tim Butters; Mary Bernard
Subject: Reporters we are referring to Andrew

In addition to Tanya:

- John Spears, Toronto Star (mechanics of cancelling the contract – how it's done, has it been done)
 - Tristin Hopper, National and Toronto desk of the National Post, request for OPA to confirm status of development
 - Ian Harvey, Freelance Writer, Q: what was the output and cost for Oakville estimated at. What was the date of cancellation
- What is the output and cost for Mississauga and what is the anticipated date of completion.

This e-mail message and any files transmitted with it are intended only for the named recipient(s) above and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient(s), any dissemination, 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: Kristin Jenkins <Kristin.Jenkins@powerauthority.on.ca>
Sent: October-24-11 3:59 PM
To: Sharkawi, Rula (ENERGY)
Cc: Patricia Phillips; Kovesfalvi, Sylvia (ENERGY)
Subject: Greenfield Media Protocol

Rula, as we discussed, I have confirmed with Colin Andersen, VPs and media relations staff that until further notice, media inquiries on Greenfield South will be referred to Andrew Block. Thanks.

Kristin

This e-mail message and any files transmitted with it are intended only for the named recipient(s) above and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient(s), any dissemination, 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: O'Donnell, Cheryl (ENERGY)
Sent: October-24-11 4:03 PM
To: Krstev, Viki (ENERGY)
Cc: Killoch, Alex (ENERGY); Wong, Elaine (ENERGY)
Subject: RE: OPA Minister MN -due Tuesday
Attachments: OPA Minister MN (23 Oct 2011) RASP.doc

Viki

Please find attached our input – Alex has reviewed it.

-- Cheryl

From: Krstev, Viki (ENERGY)
Sent: October 24, 2011 11:10 AM
To: Cross, Annamaria (ENERGY); O'Donnell, Cheryl (ENERGY); Killoch, Alex (ENERGY); Gibson, Amy (ENERGY)
Cc: Wilson, Betty (ENERGY)
Subject: FW: OPA Minister MN -due Tuesday
Importance: High

Good morning,

Unrelated content removed



Thank you,
Viki

From: King, Ryan (ENERGY)
Sent: October 24, 2011 10:28 AM
To: Chapman, Tom (ENERGY); MacCallum, Doug (ENERGY); Bishop, Ceiran (ENERGY); Jobe, Cedric (ENERGY); Krstev, Viki (ENERGY); Collins, Jason R. (ENERGY)
Cc: McKeever, Garry (ENERGY); Norman, Jonathan (ENERGY)
Subject: OPA Minister MN -due Tuesday
Importance: High

Unrelated content removed




- Greenfield South Gas Plan (ESTDP)

Unrelated content removed

A large rectangular area of the document is redacted with a solid grey fill. It starts below the 'Unrelated content removed' text and extends down to just above the email header.

From: Dunning, Rebecca (ENERGY)
Sent: October 21, 2011 8:39 PM
To: King, Ryan (ENERGY); Krstev, Viki (ENERGY); Collins, Jason R. (ENERGY)
Cc: Teixeira, Wanda (ENERGY); Wilson, Betty (ENERGY); Prithipal, Shantie (ENERGY); Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY)
Subject: MNs for Minister's meetings with agencies

Hi everyone,

Unrelated content removed

A single line of text is redacted with a solid grey fill.
A block of text is redacted with a solid grey fill.
A block of text is redacted with a solid grey fill.
A block of text is redacted with a solid grey fill.
A block of text is redacted with a solid grey fill.
A large block of text is redacted with a solid grey fill.

Thanks a lot.

MEETING NOTE

NAME OF ORGANIZATION: Ontario Power Authority
DATE/TIME OF MEETING: October 26, 2011
LOCATION OF MEETING: Executive Boardroom, 4th Floor, Hearst Block, 900 Bay Street


PURPOSE: Introductory Minister Meeting with OPA

ATTENDEES: Ontario Power Authority (OPA):
Colin Andersen, CEO

Ministry of Energy
The Hon. Chris Bentley, Minister of Energy

Unrelated content removed



- 
- Greenfield South Gas Plan (ESTDP)

Unrelated content removed



Unrelated content removed

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Unrel
ated
conte
nt
remo
ved

Input from: Allan Jenkins
Senior Policy Specialist, Energy Markets
416-325-6926

Amy Gibson
A/Manager, First Nation and Métis Policy and Partnerships
416-327-2116

Audrey Guillot
A/Manager, Strategic Policy
416-327-7178

Ceiran Bishop
Manager, Transmission Policy
416 327 7204

Karen Slawner, Sunita Chander, Mirrun Zaveri and Leo Tasca
Renewables and Energy Facilitation Branch
416-314-9473/ 416 212 7701

Mark Bergman
Senior Advisor, Energy Economics
416-327-8298

Robert Gordon
Senior Policy Advisor
416-325-6725

Ryan King
Senior Advisor and Executive Assistant, ADM's Office
416-314-6204

Tim Christie
Senior Advisor, Energy Economics
416-325-6708

Cedric Jobe
Director, Energy Supply, Nuclear
416-325-6545

Paula Lukan
Senior Policy Advisor, Energy Economics
416-325-3606

Approved by: Jon Norman
Director, Transmission and Distribution Policy
416-326-1759

Cedric Jobe
Director, Energy Supply, Nuclear
416-325.6545

Garry McKeever
Director, Energy Supply and Competition
416-325-8627

Alex Killoch
Director, Planning and Agency Relations Branch
416-326-5572

Pearl Ing
Director, Renewables and Energy Facilitation
416-327-3868

Rick Jennings
ADM, Energy Supply, Transmission & Distribution Policy
416-314-6190

Fisher, Petra (ENERGY)

From: Lindsay, Ken (ENERGY)
Sent: October-24-11 4:23 PM
To: Renwick, Meredith (ENERGY)
Subject: FW: Minister's letter
Attachments: 10-24-11 - Minister Letter - Greenfield - CAndersen.pdf

Can you please have this logged in?

From: Dunning, Rebecca (ENERGY)
Sent: October 24, 2011 4:21 PM
To: Lindsay, Ken (ENERGY)
Subject: Minister's letter

Hi Ken,

Could you or staff kindly log the attached Minister's letter into the correspondence system, when you have a sec? We'll need record of it. Letter is not confidential, but it is sensitive.

Thanks very much.

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



October 24, 2011

Mr. Colin Andersen
Chief Executive Officer
Ontario Power Authority
1600-120 Adelaide Street West
Toronto ON M5H 1T1

Dear Mr. Andersen:

Community opposition to the Greenfield South Generation Facility, currently under construction in Mississauga, is well documented. On October 12th, Council of the City of Mississauga passed a resolution asking the government to take immediate action to stop construction and return the site to pre-construction condition. In addition, condominium towers were recently constructed in the general area of the plant.

The government has heard the community's concerns about this plant proceeding as originally planned, prompting our intention to relocate the plant.

Accordingly, I am requesting that the Ontario Power Authority commence discussions on a priority basis with Greenfield South Power Corporation, as project proponent, that would lead to a satisfactory resolution of the Mississauga site.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ch. Bentley'.

Christopher Bentley
Minister

c: David Lindsay, Deputy Minister

Cayley, Daniel (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: October-24-11 4:28 PM
To: Perun, Halyna N. (ENERGY)
Subject: FW: Letter from the Minister
Attachments: 10-24-11 - Minister Letter - Greenfield - CAndersen.pdf

Duplicate attachment removed

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 4:22 PM
To: Hume, Steen (CAB)
Cc: Lindsay, David (ENERGY)
Subject: FW: Letter from the Minister

Hi Steen – here's the letter that went to Colin Andersen.

Joseph

Cayley, Daniel (ENERGY)

From: Rehob, James (ENERGY)
Sent: October-24-11 4:28 PM
To: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY)
Subject: RE: URGENT: Star Request RE: Greenfield

Hi, Halyna - Do you want me to contact Sylvia directly now? The emphasis on "relocation" is unfortunate since, to be frank, the ultimate option landed upon may or may not involve a "relocation" of the plant - it may be far better/less expensive, etc., to work on a revenue-replacement/cost coverage basis and "cut losses". Can't presume outcome of Cabinet level discussions either, or even that its at Cabinet now.

Kindly,
James

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

From: Perun, Halyna N. (ENERGY)
Sent: October 24, 2011 4:25 PM
To: Calwell, Carolyn (ENERGY); Rehob, James (ENERGY)
Subject: FW: URGENT: Star Request RE: Greenfield

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

Notice

This communication may be solicitor/client privileged and contain confidential information intended only 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.

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

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 24, 2011 3:36 PM
To: Jennings, Rick (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY)
Subject: URGENT: Star Request RE: Greenfield

Hi - just heard from OPA that Minister issued a statement. Star is calling with follow-up question. We are digging up statement and will circulate as soon as possible.

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

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]

Sent: October 24, 2011 3:28 PM

To: Kovesfalvi, Sylvia (ENERGY); Sharkawi, Rula (ENERGY)

Subject: Star Request RE: Greenfield

Tanya Talaga from the Star called. She left message saying turbines were seen being delivered to the site today. Her question is, if Eastern Power is to be given a cease-and-desist order on construction, who would it come from? As the primary contract party, would it come from the OPA or would the direction come from the government, or as a result of direction from the government to the OPA. Deadline today. Minister had this to say today on Greenfield - "The Ontario government is committed to relocating the natural gas plant originally planned for Mississauga. The government will work with the company to find a suitable location for this plant. More information will become available as discussions progress."

Given Minister's comments should we refer request to you?

This e-mail message and any files transmitted with it are intended only for the named recipient(s) above and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient(s), any dissemination, 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: Perun, Halyna N. (ENERGY)
Sent: October-24-11 4:32 PM
To: Calwell, Carolyn (ENERGY); Rehob, James (ENERGY); Johnson, Paul (ENERGY)
Subject: FW: Letter from the Minister
Attachments: 10-24-11 - Minister Letter - Greenfield - CAndersen.pdf

Duplicate attachment removed

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

Notice

This communication may be solicitor/client privileged and contain confidential information intended only 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.

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 4:28 PM
To: Perun, Halyna N. (ENERGY)
Subject: FW: Letter from the Minister

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 4:22 PM
To: Hume, Steen (CAB)
Cc: Lindsay, David (ENERGY)
Subject: FW: Letter from the Minister

Hi Steen – here's the letter that went to Colin Andersen.

Joseph

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: October-24-11 4:35 PM
To: Perun, Halyna N. (ENERGY)
Subject: Re: Letter from the Minister

Was just sitting next to Colin A. He described wording as "interesting". Site remediation ref is causing angst.

From: Perun, Halyna N. (ENERGY)
To: Calwell, Carolyn (ENERGY); Rehob, James (ENERGY); Johnson, Paul (ENERGY)
Sent: Mon Oct 24 16:32:07 2011
Subject: FW: Letter from the 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
Ph: (416) 325-6681 / Fax: (416) 325-1781
BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

Notice

This communication may be solicitor/client privileged and contain confidential information intended only 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.

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 4:28 PM
To: Perun, Halyna N. (ENERGY)
Subject: FW: Letter from the Minister

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 4:22 PM
To: Hume, Steen (CAB)
Cc: Lindsay, David (ENERGY)
Subject: FW: Letter from the Minister

Hi Steen – here's the letter that went to Colin Andersen.

Joseph

Fisher, Petra (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-24-11 4:36 PM
To: Perun, Halyna N. (ENERGY); Rehob, James (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY)
Subject: RE:
Attachments: Eastern Power Decision Tree v4).doc

Revised decision-tree. Rula, please add or subtract messaging as you guys see fit. The key issue is that we would not want to have messaging that does not get ahead of/or prejudices any negotiations that are occurring.

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

From: Perun, Halyna N. (ENERGY)
Sent: October 24, 2011 4:07 PM
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Sharkawi, Rula (ENERGY); Silva, Joseph (ENERGY)
Subject: Re:

Hi - Craig M asked for an "overlay" of what min can/ cannot say - to be added to the decision tree doc - and comms need to be looped in - thanks

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

Sent using BlackBerry

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

From: Silva, Joseph (ENERGY)
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Sent: Mon Oct 24 15:12:21 2011
Subject: Re:

Thanks very much James

Sent using BlackBerry Wireless

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

From: Rehob, James (ENERGY)
To: Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Sent: Mon Oct 24 15:10:58 2011
Subject: RE:

Hi, Joseph - looks good - final comment would be that you may wish to re-add the colour to the "Legislative" option box since it is a special option - it involves the Legislature taking a very deliberate action in respect of a commercial transaction. Consider - otherwise, those are my comments. Please do let me know if you require anything further - x.56676.

James

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

From: Silva, Joseph (ENERGY)

Sent: October 24, 2011 3:00 PM

To: Rehob, James (ENERGY); King, Ryan (ENERGY)

Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)

Subject: RE:

Thanks very much. Tried to make it simpler (redundant now but easier to follow).

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

From: Rehob, James (ENERGY)

Sent: October 24, 2011 2:56 PM

To: King, Ryan (ENERGY); Silva, Joseph (ENERGY)

Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)

Subject: RE:

Hi, it's a bit busy but can't be helped given need expressed for comms points. Nothing further from me on this version (captures most of LSB's previous comments very effectively).

Great work, Ryan!

Let me know if you need anything further - x.56676 James

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

From: King, Ryan (ENERGY)

Sent: October 24, 2011 2:49 PM

To: Silva, Joseph (ENERGY); Rehob, James (ENERGY)

Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)

Subject: RE:

Revised decision tree attached.

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

From: Silva, Joseph (ENERGY)

Sent: October 24, 2011 2:34 PM

To: Rehob, James (ENERGY); King, Ryan (ENERGY)

Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)

Subject: Re:

Tx James

Ryan will tweak...

Ryan - will need pls within next 15 mins or so

Sent using BlackBerry Wireless

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

From: Rehob, James (ENERGY)
To: King, Ryan (ENERGY); Silva, Joseph (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Sent: Mon Oct 24 14:12:42 2011
Subject: RE:

The only thing I would note is that, unless we radically change the process in this case, most if not all letters to the OPA from the Minister (directions or otherwise) are public (certainly subject to disclosure under FIPPA). Hence, we'll likely want to have some level of public/media positioning at the ready (just one lawyer's view) - if not on the slide itself then on a further slide.

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

From: King, Ryan (ENERGY)
Sent: October 24, 2011 2:07 PM
To: Silva, Joseph (ENERGY)
Cc: Rehob, James (ENERGY)
Subject: RE:

Can you please call me? Most of the steps in this process, I assume are fully confidential including the OPA discussions. Messaging would only apply in the event a settlement has been reached or in the alternative, the matter proceeds to the courts. I can add messaging in here but I don't believe there would be much else unless it is the Minister's intent to make these proceeding public.

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

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 2:03 PM
To: King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Rehob, James (ENERGY); Jennings, Rick (ENERGY); Jenkins, Allan (ENERGY); McKeever, Garry (ENERGY); Sharkawi, Rula (ENERGY)
Subject: RE:

Thanks Ryan. We'll need to add comms messaging/positioning under each one...

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

From: King, Ryan (ENERGY)
Sent: October 24, 2011 1:56 PM
To: Silva, Joseph (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Rehob, James (ENERGY); Jennings, Rick (ENERGY); Jenkins, Allan (ENERGY); McKeever, Garry (ENERGY); Sharkawi, Rula (ENERGY)
Subject: RE:

Draft decision tree attached. Please let us know any additions/suggestions

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

From: Rehob, James (ENERGY)
Sent: October 24, 2011 1:41 PM
To: Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY)
Subject: RE:

Legal has been working with Ryan and has fed comments/revisions to slide. Slide looked quite good from LSB perspective given one-slide format - Ryan?

James

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

From: Silva, Joseph (ENERGY)

Sent: October 24, 2011 1:40 PM

To: Rehob, James (ENERGY); King, Ryan (ENERGY)

Subject:

Hi guys how are we doing with decision tree? Our briefings are \$oving quickly

Sent using BlackBerry Wireless

Decision Tree: Greenfield South

"We have asked OPA to begin discussions with Eastern Power in hopes of finding a successful resolution."

Minister sends letter to OPA asking them to begin discussions/negotiations with Eastern Power

OPA initiates discussion with Eastern Power

Minister Messaging Guidelines:

- Language that highlights ongoing discussions
- Should avoid making premature commitments that could hinder negotiations.
- Should wait until Eastern Power has signalled interest in negotiation. (ie Eastern may not be interested in relocation).
- Non-committal at each until decisions or agreements have been arrived at/agreed to.

Eastern Power agrees to discussions/negotiations, ceases construction and related activities.

"Discussions are ongoing and we hope to find a resolution"

OPA engages Eastern Power on relocation

"We are seeking an alternative location for this plant"

OPA provides monetary settlement for all costs incurred to date

"Eastern Powers cost incurred to date will be considered in ongoing discussions"

OPA engages Eastern Power on relocation options

"We are seeking an alternative location for this plant"

OPA provides monetary settlement for all costs incurred as of x date

"Eastern Powers cost incurred to date will be considered in ongoing discussions"

Eastern Power agrees to discussions but continues construction

"Discussions are ongoing and we hope to find a resolution"

Legislation required to stop construction at Plant

"This Act will ensure all activity is stopped at the current location while alternatives are discussed"

Eastern Power does not agree to discussions and continues construction

Eastern Power may initiate legal action for damages against OPA for breach of contract

"We regret that this issue could not be resolved through negotiation. OPA will represent ratepayer interests in legal proceedings."

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: October-24-11 4:42 PM
To: Perun, Halyna N. (ENERGY)
Subject: Re: Letter from the Minister

Anticipating Mike's concerns and responding to Colin, you may also want to emphasize that the ref to site remediation tracks the Mississauga Council resolution I the purpose of the reference was to tie in to local sentiment - not to imply that restoring the site is the necessary outcome of discussions.

Carolyn

From: Perun, Halyna N. (ENERGY)
To: 'Michael Lyle' <Michael.Lyle@powerauthority.on.ca>
Cc: Calwell, Carolyn (ENERGY)
Sent: Mon Oct 24 16:38:35 2011
Subject: Letter from the Minister

Privileged and Confidential

Hi Mike – just picked up your message. The letter was sent already – we did not have a chance to review draft with you in advance. I'd like to review something the Deputy said at the briefing today of our new Minister – could you please call me when you have a chance?

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

Notice

This communication may be solicitor/client privileged and contain confidential information intended only 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.

Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: October-24-11 4:51 PM
To: 'Michael Lyle'
Cc: Calwell, Carolyn (ENERGY)
Subject: RE: Letter from the Minister

Privileged and Confidential

Hi – As you are likely to ask - I should clarify that the reference to site remediation tracks the Mississauga Council resolution and the purpose of the reference was to tie in to local sentiment, not to imply that restoring the site is the necessary outcome of discussions.

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

Notice

This communication may be solicitor/client privileged and contain confidential information intended only 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.

From: Perun, Halyna N. (ENERGY)
Sent: October 24, 2011 4:39 PM
To: 'Michael Lyle'
Cc: Calwell, Carolyn (ENERGY)
Subject: Letter from the Minister

Privileged and Confidential

Hi Mike – just picked up your message. The letter was sent already – we did not have a chance to review draft with you in advance. I'd like to review something the Deputy said at the briefing today of our new Minister – could you please call me when you have a chance?

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

Notice

This communication may be solicitor/client privileged and contain confidential information intended only 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.

Cayley, Daniel (ENERGY)

From: Rehob, James (ENERGY)
Sent: October-24-11 4:59 PM
To: King, Ryan (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE:

Looks good, Ryan – Per Halyna's previous comment, it does need a "*Solicitor & Client Privilege*" watermark or some other indication on deck – if we were certain it was going to Cabinet we could include that in a watermark or title, but I'm not certain that's the case.

From: King, Ryan (ENERGY)
Sent: October 24, 2011 4:55 PM
To: Rehob, James (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE:

Thanks James,
I've incorporated into the revised note.

From: Rehob, James (ENERGY)
Sent: October 24, 2011 4:50 PM
To: King, Ryan (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY)
Subject: RE:

Hi, Ryan - here is my input into the points stated below:

Minister Messaging Guidelines:

- Should use language that highlights ongoing discussions between OPA and Eastern Power
- Could consider statements emphasizing Government's encouragement of expeditious resolution of matter, etc. on reasonable commercial terms, putting rate-payer first.
- Should avoid making premature commitments that could hinder negotiations.
- Should wait until Eastern Power has signalled interest in negotiation. (ie Eastern may not be interested in relocation).
- Should be non-committal at each stage until decisions or agreements have been arrived at/agreed to.
- Should use extreme caution if referring to legislative option to note that it requires approval of Cabinet and Legislature to proceed.

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

From: King, Ryan (ENERGY)
Sent: October 24, 2011 4:36 PM
To: Perun, Halyna N. (ENERGY); Rehob, James (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY)
Subject: RE:

Revised decision-tree. Rula, please add or subtract messaging as you guys see fit. The key issue is that we would not want to have messaging that does not get ahead of/or prejudices any negotiations that are occurring.

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

From: Perun, Halyna N. (ENERGY)
Sent: October 24, 2011 4:07 PM
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Sharkawi, Rula (ENERGY); Silva, Joseph (ENERGY)
Subject: Re:

Hi - Craig M asked for an "overlay" of what min can/ cannot say - to be added to the decision tree doc - and comms need to be looped in - thanks

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

Sent using BlackBerry

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

From: Silva, Joseph (ENERGY)
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Sent: Mon Oct 24 15:12:21 2011
Subject: Re:

Thanks very much James

Sent using BlackBerry Wireless

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

From: Rehob, James (ENERGY)
To: Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Sent: Mon Oct 24 15:10:58 2011
Subject: RE:

Hi, Joseph - looks good - final comment would be that you may wish to re-add the colour to the "Legislative" option box since it is a special option - it involves the Legislature taking a very deliberate action in respect of a commercial transaction. Consider - otherwise, those are my comments. Please do let me know if you require anything further - x.56676.
James

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

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 3:00 PM
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Subject: RE:

Thanks very much. Tried to make it simpler (redundant now but easier to follow).

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

From: Rehob, James (ENERGY)
Sent: October 24, 2011 2:56 PM
To: King, Ryan (ENERGY); Silva, Joseph (ENERGY)

Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Subject: RE:

Hi, it's a bit busy but can't be helped given need expressed for comms points. Nothing further from me on this version (captures most of LSB's previous comments very effectively.

Great work, Ryan!

Let me know if you need anything further - x.56676

James

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

From: King, Ryan (ENERGY)
Sent: October 24, 2011 2:49 PM
To: Silva, Joseph (ENERGY); Rehob, James (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Subject: RE:

Revised decision tree attached.

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

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 2:34 PM
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Subject: Re:

Tx James

Ryan will tweak...

Ryan - will need pls within next 15 mins or so

Sent using BlackBerry Wireless

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

From: Rehob, James (ENERGY)
To: King, Ryan (ENERGY); Silva, Joseph (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Sent: Mon Oct 24 14:12:42 2011
Subject: RE:

The only thing I would note is that, unless we radically change the process in this case, most if not all letters to the OPA from the Minister (directions or otherwise) are public (certainly subject to disclosure under FIPPA). Hence, we'll likely want to have some level of public/media positioning at the ready (just one lawyer's view) - if not on the slide itself then on a further slide.

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

From: King, Ryan (ENERGY)
Sent: October 24, 2011 2:07 PM
To: Silva, Joseph (ENERGY)
Cc: Rehob, James (ENERGY)
Subject: RE:

Can you please call me? Most of the steps in this process, I assume are fully confidential including the OPA discussions. Messaging would only apply in the event a settlement has been reached or in the alternative, the matter proceeds to the courts. I can add messaging in here but I don't believe there would be much else unless it is the Minister's intent to make these proceeding public.

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

From: Silva, Joseph (ENERGY)

Sent: October 24, 2011 2:03 PM

To: King, Ryan (ENERGY)

Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Rehob, James (ENERGY); Jennings, Rick (ENERGY); Jenkins, Allan (ENERGY); McKeever, Garry (ENERGY); Sharkawi, Rula (ENERGY)

Subject: RE:

Thanks Ryan. We'll need to add comms messaging/positioning under each one...

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

From: King, Ryan (ENERGY)

Sent: October 24, 2011 1:56 PM

To: Silva, Joseph (ENERGY)

Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Rehob, James (ENERGY); Jennings, Rick (ENERGY); Jenkins, Allan (ENERGY); McKeever, Garry (ENERGY); Sharkawi, Rula (ENERGY)

Subject: RE:

Draft decision tree attached. Please let us know any additions/suggestions

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

From: Rehob, James (ENERGY)

Sent: October 24, 2011 1:41 PM

To: Silva, Joseph (ENERGY); King, Ryan (ENERGY)

Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY)

Subject: RE:

Legal has been working with Ryan and has fed comments/revisions to slide. Slide looked quite good from LSB perspective given one-slide format - Ryan?

James

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

From: Silva, Joseph (ENERGY)

Sent: October 24, 2011 1:40 PM

To: Rehob, James (ENERGY); King, Ryan (ENERGY)

Subject:

Hi guys how are we doing with decision tree? Our briefings are \$oving quickly

Sent using BlackBerry Wireless

Fisher, Petra (ENERGY)

From: King, Ryan (ENERGY)
Sent: October 24, 2011 5:02 PM
To: Perun, Halyna N. (ENERGY)
Cc: Rehob, James (ENERGY)
Subject: RE:

Done

From: Perun, Halyna N. (ENERGY)
Sent: October 24, 2011 4:59 PM
To: King, Ryan (ENERGY)
Subject: RE:

Also – please mark the doc as “Advice to Minister/Subject to Solicitor Client Privilege” – 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

Notice

This communication may be solicitor/client privileged and contain confidential information intended only 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.

From: King, Ryan (ENERGY)
Sent: October 24, 2011 4:55 PM
To: Rehob, James (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE:

Thanks James,
I've incorporated into the revised note.

From: Rehob, James (ENERGY)
Sent: October 24, 2011 4:50 PM
To: King, Ryan (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY)
Subject: RE:

Hi, Ryan – here is my input into the points stated below:

Minister Messaging Guidelines:

- Should use language that highlights ongoing discussions between OPA and Eastern Power
- Could consider statements emphasizing Government's encouragement of expeditious resolution of matter, etc. on reasonable commercial terms, putting rate-payer first.
- Should avoid making premature commitments that could hinder negotiations.
- Should wait until Eastern Power has signalled interest in negotiation. (ie Eastern may not be interested in relocation).
- Should be non-committal at each stage until decisions or agreements have been arrived at/agreed to.
- Should use extreme caution if referring to legislative option to note that it requires approval of Cabinet and Legislature to proceed.

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

From: King, Ryan (ENERGY)
Sent: October 24, 2011 4:36 PM
To: Perun, Halyna N. (ENERGY); Rehob, James (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY)
Subject: RE:

Revised decision-tree. Rula, please add or subtract messaging as you guys see fit. The key issue is that we would not want to have messaging that does not get ahead of/or prejudices any negotiations that are occurring.

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

From: Perun, Halyna N. (ENERGY)
Sent: October 24, 2011 4:07 PM
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Sharkawi, Rula (ENERGY); Silva, Joseph (ENERGY)
Subject: Re:

Hi - Craig M asked for an "overlay" of what min can/ cannot say - to be added to the decision tree doc - and comms need to be looped in - thanks

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

Sent using BlackBerry

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

From: Silva, Joseph (ENERGY)
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Sent: Mon Oct 24 15:12:21 2011
Subject: Re:

Thanks very much James

Sent using BlackBerry Wireless

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

From: Rehob, James (ENERGY)
To: Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)

Sent: Mon Oct 24 15:10:58 2011
Subject: RE:

Hi, Joseph - looks good - final comment would be that you may wish to re-add the colour to the "Legislative" option box since it is a special option - it involves the Legislature taking a very deliberate action in respect of a commercial transaction. Consider - otherwise, those are my comments. Please do let me know if you require anything further - x.56676.
James

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

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 3:00 PM
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Subject: RE:

Thanks very much. Tried to make it simpler (redundant now but easier to follow).

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

From: Rehob, James (ENERGY)
Sent: October 24, 2011 2:56 PM
To: King, Ryan (ENERGY); Silva, Joseph (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Subject: RE:

Hi, it's a bit busy but can't be helped given need expressed for comms points. Nothing further from me on this version (captures most of LSB's previous comments very effectively.

Great work, Ryan!

Let me know if you need anything further - x.56676

James

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

From: King, Ryan (ENERGY)
Sent: October 24, 2011 2:49 PM
To: Silva, Joseph (ENERGY); Rehob, James (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Subject: RE:

Revised decision tree attached.

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

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 2:34 PM
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Subject: Re:

Tx James

Ryan will tweak...

Ryan - will need pls within next 15 mins or so

Sent using BlackBerry Wireless

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

From: Rehob, James (ENERGY)
To: King, Ryan (ENERGY); Silva, Joseph (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Sent: Mon Oct 24 14:12:42 2011

Subject: RE:

The only thing I would note is that, unless we radically change the process in this case, most if not all letters to the OPA from the Minister (directions or otherwise) are public (certainly subject to disclosure under FIPPA). Hence, we'll likely want to have some level of public/media positioning at the ready (just one lawyer's view) - if not on the slide itself then on a further slide.

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

From: King, Ryan (ENERGY)
Sent: October 24, 2011 2:07 PM
To: Silva, Joseph (ENERGY)
Cc: Rehob, James (ENERGY)
Subject: RE:

Can you please call me? Most of the steps in this process, I assume are fully confidential including the OPA discussions. Messaging would only apply in the event a settlement has been reached or in the alternative, the matter proceeds to the courts. I can add messaging in here but I don't believe there would be much else unless it is the Minister's intent to make these proceeding public.

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

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 2:03 PM
To: King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Rehob, James (ENERGY); Jennings, Rick (ENERGY); Jenkins, Allan (ENERGY); McKeever, Garry (ENERGY); Sharkawi, Rula (ENERGY)
Subject: RE:

Thanks Ryan. We'll need to add comms messaging/positioning under each one...

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

From: King, Ryan (ENERGY)
Sent: October 24, 2011 1:56 PM
To: Silva, Joseph (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Rehob, James (ENERGY); Jennings, Rick (ENERGY); Jenkins, Allan (ENERGY); McKeever, Garry (ENERGY); Sharkawi, Rula (ENERGY)
Subject: RE:

Draft decision tree attached. Please let us know any additions/suggestions

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

From: Rehob, James (ENERGY)
Sent: October 24, 2011 1:41 PM
To: Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY)
Subject: RE:

Legal has been working with Ryan and has fed comments/revisions to slide. Slide looked quite good from LSB perspective given one-slide format - Ryan?
James

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

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 1:40 PM
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Subject:

Hi guys how are we doing with decision tree? Our briefings are \$oving quickly

Sent using BlackBerry Wireless

Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-24-11 5:07 PM
To: Rehob, James (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE:
Attachments: Eastern Power Decision Tree v6).doc

V6 with some minor re-spacing

From: King, Ryan (ENERGY)
Sent: October 24, 2011 4:55 PM
To: Rehob, James (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE:

Thanks James,
I've incorporated into the revised note.

From: Rehob, James (ENERGY)
Sent: October 24, 2011 4:50 PM
To: King, Ryan (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY)
Subject: RE:

Hi, Ryan - here is my input into the points stated below:

Minister Messaging Guidelines:

- Should use language that highlights ongoing discussions between OPA and Eastern Power
- Could consider statements emphasizing Government's encouragement of expeditious resolution of matter, etc. on reasonable commercial terms, putting rate-payer first.
- Should avoid making premature commitments that could hinder negotiations.
- Should wait until Eastern Power has signalled interest in negotiation. (ie Eastern may not be interested in relocation).
- Should be non-committal at each stage until decisions or agreements have been arrived at/agreed to.
- Should use extreme caution if referring to legislative option to note that it requires approval of Cabinet and Legislature to proceed.

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

From: King, Ryan (ENERGY)
Sent: October 24, 2011 4:36 PM
To: Perun, Halyna N. (ENERGY); Rehob, James (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY)
Subject: RE:

Revised decision-tree. Rula, please add or subtract messaging as you guys see fit. The key issue is that we would not want to have messaging that does not get ahead of/or prejudices any negotiations that are occurring.

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

From: Perun, Halyna N. (ENERGY)
Sent: October 24, 2011 4:07 PM
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Sharkawi, Rula (ENERGY); Silva, Joseph (ENERGY)
Subject: Re:

Hi - Craig M asked for an "overlay" of what min can/ cannot say - to be added to the decision tree doc - and comms need to be looped in - thanks

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

Sent using BlackBerry

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

From: Silva, Joseph (ENERGY)
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Sent: Mon Oct 24 15:12:21 2011
Subject: Re:

Thanks very much James

Sent using BlackBerry Wireless

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

From: Rehob, James (ENERGY)
To: Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Sent: Mon Oct 24 15:10:58 2011
Subject: RE:

Hi, Joseph - looks good - final comment would be that you may wish to re-add the colour to the "Legislative" option box since it is a special option - it involves the Legislature taking a very deliberate action in respect of a commercial transaction. Consider - otherwise, those are my comments. Please do let me know if you require anything further - x.56676.

James

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

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 3:00 PM
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Subject: RE:

Thanks very much. Tried to make it simpler (redundant now but easier to follow).

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

From: Rehob, James (ENERGY)
Sent: October 24, 2011 2:56 PM
To: King, Ryan (ENERGY); Silva, Joseph (ENERGY)

Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Subject: RE:

Hi, it's a bit busy but can't be helped given need expressed for comms points. Nothing further from me on this version (captures most of LSB's previous comments very effectively.

Great work, Ryan!

Let me know if you need anything further - x.56676

James

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

From: King, Ryan (ENERGY)
Sent: October 24, 2011 2:49 PM
To: Silva, Joseph (ENERGY); Rehob, James (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Subject: RE:

Revised decision tree attached.

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

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 2:34 PM
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Subject: Re:

Tx James

Ryan will tweak...

Ryan - will need pls within next 15 mins or so

Sent using BlackBerry Wireless

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

From: Rehob, James (ENERGY)
To: King, Ryan (ENERGY); Silva, Joseph (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Sent: Mon Oct 24 14:12:42 2011
Subject: RE:

The only thing I would note is that, unless we radically change the process in this case, most if not all letters to the OPA from the Minister (directions or otherwise) are public (certainly subject to disclosure under FIPPA). Hence, we'll likely want to have some level of public/media positioning at the ready (just one lawyer's view) - if not on the slide itself then on a further slide.

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

From: King, Ryan (ENERGY)
Sent: October 24, 2011 2:07 PM
To: Silva, Joseph (ENERGY)
Cc: Rehob, James (ENERGY)
Subject: RE:

Can you please call me? Most of the steps in this process, I assume are fully confidential including the OPA discussions. Messaging would only apply in the event a settlement has been reached or in the alternative, the matter proceeds to the courts. I can add messaging in here but I don't believe there would be much else unless it is the Minister's intent to make these proceeding public.

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

From: Silva, Joseph (ENERGY)

Sent: October 24, 2011 2:03 PM

To: King, Ryan (ENERGY)

Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Rehob, James (ENERGY); Jennings, Rick (ENERGY); Jenkins, Allan (ENERGY); McKeever, Garry (ENERGY); Sharkawi, Rula (ENERGY)

Subject: RE:

Thanks Ryan. We'll need to add comms messaging/positioning under each one...

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

From: King, Ryan (ENERGY)

Sent: October 24, 2011 1:56 PM

To: Silva, Joseph (ENERGY)

Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Rehob, James (ENERGY); Jennings, Rick (ENERGY); Jenkins, Allan (ENERGY); McKeever, Garry (ENERGY); Sharkawi, Rula (ENERGY)

Subject: RE:

Draft decision tree attached. Please let us know any additions/suggestions

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

From: Rehob, James (ENERGY)

Sent: October 24, 2011 1:41 PM

To: Silva, Joseph (ENERGY); King, Ryan (ENERGY)

Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY)

Subject: RE:

Legal has been working with Ryan and has fed comments/revisions to slide. Slide looked quite good from LSB perspective given one-slide format - Ryan?

James

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

From: Silva, Joseph (ENERGY)

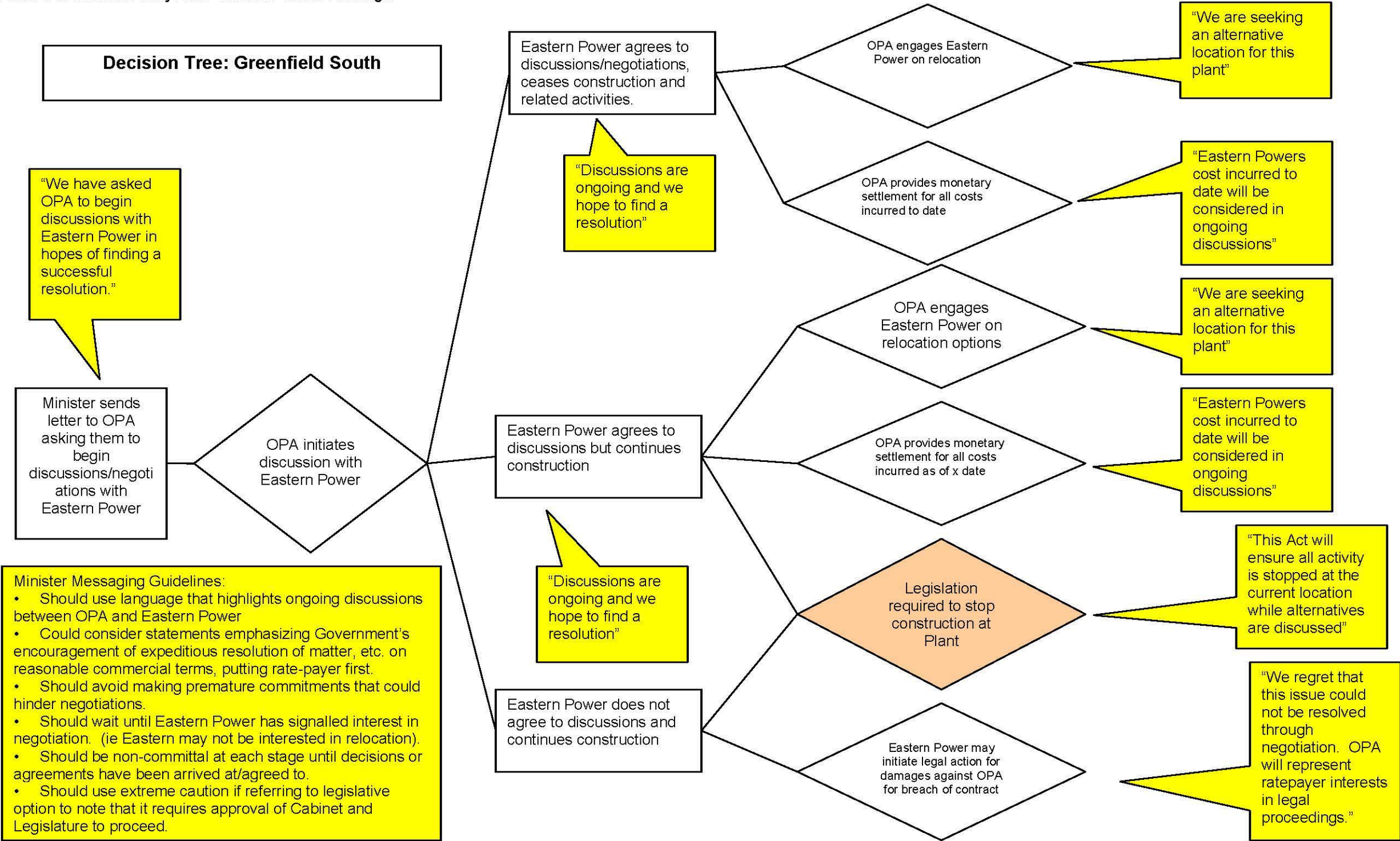
Sent: October 24, 2011 1:40 PM

To: Rehob, James (ENERGY); King, Ryan (ENERGY)

Subject:

Hi guys how are we doing with decision tree? Our briefings are \$oving quickly

Sent using BlackBerry Wireless



Cayley, Daniel (ENERGY)

From: Rehob, James (ENERGY)
Sent: October-24-11 5:10 PM
To: King, Ryan (ENERGY)
Subject: FW: Toronto Star: Full steam ahead on "cancelled" gas plant
Attachments: image001.jpg

Here's a picture located by my colleague, Brian Todd. You may have this already, I didn't.
Kindly,
James

From: Todd, Brian (ENERGY)
Sent: October 24, 2011 5:04 PM
To: Rehob, James (ENERGY)
Subject: FW: Toronto Star: Full steam ahead on "cancelled" gas plant

I hope the Note is being updated to reply to the truck picture.

Brian



A massive generator enroute today to the Mississauga Power Plant that Premier Dalton McGuinty promised to cancel during the recent provincial

From: Energy In The News (ENERGY)

Sent: October 24, 2011 3:51 PM

To: Bacci, Gloria (ENERGY); Biggs, Megan (ENERGY); Brown, Nzinga (ENERGY); Calwell, Carolyn (ENERGY); Carson, Cheryl (ENERGY); Cayley, Daniel (ENERGY); Cheung, Cathy (ENERGY); Collins, Jason R. (ENERGY); Cooper, Linda (ENERGY); Dier, Kirby (ENERGY); Dreyfuss, Eric (ENERGY); George, Shemain (ENERGY); Gerard, Paul (ENERGY); Gibbs, Diana (ENERGY); Gordon, Robert (ENERGY); Johnson, Paul (ENERGY); Kacaba, Jennifer (ENERGY); King, Ryan (ENERGY); Kourakos, Georgina (ENERGY); Kovesfalvi, Sylvia (ENERGY); Krstev, Viki (ENERGY); Kulendran, Jesse (ENERGY); Landmann, Peter (ENERGY); Lindsay, Ken (ENERGY); Linington, Brenda (ENERGY); Malcolm, Pauline (ENERGY); Mieto, Erika (ENERGY); Mitchell, Andrew (ENERGY); Morton, Robert (ENERGY); Nutter, George (ENERGY); O'Donnell, Cheryl (ENERGY); Olsheski, Mark (ENERGY); Oxford, Kelly (ENERGY); Perry, Ann (ENERGY); Perun, Halyna N. (ENERGY); Pitkeathly, Doreen (ENERGY); Prithipal, Shantie (ENERGY); Rehob, James (ENERGY); Renwick, Meredith (ENERGY); Sharkawi, Rula (ENERGY); Shear, Dan (ENERGY); Silva, Joseph (ENERGY); Sluiman, Harmony (ENERGY); Smith, Mark (ENERGY); Springman, Hartley (ENERGY); Stefanac, Rosalind (ENERGY); Sylvie, Laura (ENERGY); Thompson, Erin (ENERGY); Todd, Brian (ENERGY); Wismer, Jennifer (ENERGY); Wolgelerenter, Debbie (ENERGY); Zoladek, Marta (ENERGY)

Subject: Toronto Star: Full steam ahead on "cancelled" gas plant

<http://www.thestar.com/news/canada/politics/article/1075117--full-steam-ahead-at-cancelled-mississauga-gas-plant?bn=1>

Full steam ahead at 'cancelled' Mississauga gas plant

Published 12 minutes ago

Email Print (0)

Rss

Article

Comments (0)

Robert Benzie and Tanya Talaga
Queen's Park Bureau

Major work is continuing on a controversial Mississauga gas-fired power plant one month after Premier Dalton McGuinty's campaign pledge to stop it.

Progressive Conservative Leader Tim Hudak unveiled photographs taken Monday showing a huge generator en route to the site near Sherway Gardens.

"This Mississauga power plant was supposed to have been cancelled by Dalton McGuinty during the election campaign," Hudak told reporters at Queen's Park.

"It's now 18 days later and the plant is being continued to be built. In fact, this is the most expensive component of what's probably a \$300- to \$400-million project," said Hudak

"Are they now breaking a promise only three weeks after the election?" he said, suggesting McGuinty is up to "the same old tricks to waste money."

On Sept. 24, in a surprise move just 12 days before the tightest election in decades, the Liberals revealed the 280-megawatt plant would be moved to a different location.

The Saturday announcement — deliberately withheld from political journalists covering the campaign by order of senior Grits who only wanted less critical local media in attendance — was designed to save the party's seats in Mississauga and Etobicoke.

It was a successful strategy as all area Liberals were re-elected on Oct. 6.

But in a brief statement Monday, newly minted Energy Minister Chris Bentley, who was not available for comment, had no explanation for why the work is continuing.

"The Ontario government is committed to relocating the natural gas plant originally planned for Mississauga," said Bentley, adding the Liberals would "work with the company to find a suitable location for this plant."

"More information will become available as discussions progress."

NDP Leader Andrea Horwath said Ontarians some straight answers from the government.

"What the Liberals should do is to tell the people of Ontario how much it's going to cost to cancel that gas plant, to start taking it apart instead of building it," said Horwath.

"That's a commitment they made to the people of those ridings," she said.

Eastern Power, which is building the plant, did not immediately return calls or email messages from the Star on Monday.

During the campaign, McGuinty made no apologies for intervening because the area has become much more developed with condos and other housing since the plant was originally proposed.

"We've got to be very careful where we locate these kinds of things," he said last month.

Laura Sylvis | Issues and New Media Officer | Ministry of Energy and Ministry of Infrastructure
o. 416-325-1697 | bb. 416-988-0642 | laura.sylvis2@ontario.ca



Please consider the environment before printing this email.

Fisher, Petra (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October-24-11 5:11 PM
To: @ENERGY-COMM-Issues_and_MediaRelations

In case you haven't seen yet.

From: Block, Andrew (ENERGY)
Sent: October 24, 2011 4:02 PM
To: Kovesfalvi, Sylvia (ENERGY)
Subject: FW: Mississauga Natural Gas Plant

Andrew Block | Senior Communications Advisor & Press Secretary | Minister of Energy | O: 416.327.6747 | M: 416.276.0511 | andrew.block@ontario.ca

From: Block, Andrew (ENERGY)
Sent: October 24, 2011 2:48 PM
To: Block, Andrew (ENERGY)
Subject: Mississauga Natural Gas Plant

Good Afternoon,

Please see below for a statement from Minister Bentley regarding the Mississauga Natural Gas Plant.

Thanks,

Andrew

“The Ontario government is committed to relocating the natural gas plant originally planned for Mississauga. The government will work with the company to find a suitable location for this plant. More information will become available as discussions progress.” The Hon. Chris Bentley, Minister of Energy.

Andrew Block | Senior Communications Advisor & Press Secretary | Minister of Energy | O: 416.327.6747 | M: 416.276.0511 | andrew.block@ontario.ca

Fisher, Petra (ENERGY)

From: Smith, Mark (ENERGY)
Sent: October-24-11 5:31 PM
To: King, Ryan (ENERGY)
Cc: MacCallum, Doug (ENERGY); Sylvis, Laura (ENERGY); Cayley, Daniel (ENERGY)
Subject: ACTION REQUIRED: B15 - New Gas-Fired Electricity Generation - Oct 3 2011.rtf
Attachments: B15 - New Gas-Fired Electricity Generation - Oct 3 2011.rtf

Hi Ryan, now that the Minister is officially on record, we'll need to update our Gas-Fired Electricity Generation note to reflect the new direction with Greenfield South. I added messaging based on his statement, but you might want to fine-tune the background a bit. Could we get this for tomorrow morning?

New Gas-Fired Electricity Generation

ISSUE:

What is the status of natural gas-fired generation plants that have been procured or are planned?

Unrelated content removed

[Redacted content]

Greenfield South

If asked about the status of relocation need for the plant:

- The Ontario government is committed to relocating the natural gas plant originally planned for Mississauga, and we will work with TransCanada to find a suitable location.
- More information will become available as discussions progress
- The Greenfield South station was procured to meet needs for local and regional reliability for the Southwest and Western GTA.
- As of July 20, 2011, the proponent reports that it has received its building permit for the plant and has begun to lay the foundations for the gas and steam turbine halls.
- On June 16, the Minister of the Environment announced that the Ministry of the Environment will conduct an updated review of the approval for the Greenfield South facility to assess recent developments.

Formatted: Font: 12 pt, Bold

Formatted: Indent: Left: 0", Tab stops: 0.25", List tab + Not at 0.5"

Formatted: Bullets and Numbering

Formatted: Font: 12 pt, Bold

Formatted: Font: 12 pt, Bold

Formatted: Font: 12 pt, Bold

Formatted: Font: 12 pt, Bold

Formatted: No bullets or numbering

Formatted: Font: 12 pt, Bold

Formatted: Indent: Left: 0", Tab stops: 0.25", List tab + Not at 0.5"

Formatted: Bullets and Numbering

Formatted: No bullets or numbering

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Oakville Generating Station

If asked about cancellation of proposed Oakville gas-fired plant and potential contract implications with TransCanada:

- Discussions with TransCanada are ongoing.

Unrelated content removed

[Redacted content]

CONFIDENTIAL – FOR MINISTER’S USE ONLY

Unrelated content removed

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Unrelated
content
removed

[Redacted content]

Status of New Gas-Fired Facilities:

Future In-Service Dates are **CONFIDENTIAL**

Project	Procurement Type	Size (MW)	Status	In-Service Date
Unrelated				
d				
content				
removed				
Greenfield South	CE	280.0	Approvals complete. Construction	Q3 2014
TransCanada Oakville Generating Station	GTA	900.0	Cancelled	NA
Kitchener-Waterloo-Cambridge-Guelph		450.0	Procurement direction not yet issued	TBD
TOTAL ONLINE		3702.6.1		
TOTAL		4825.6.6		

Unrelated
content
removed

[Redacted content]

U
n
r
e
l
a
t
e
d
c
o
n
t
e
n
t
r
e
m
o
v
e
d
|
|

[Redacted text block]

| [Redacted text block]

| [Redacted text block]

[Redacted text block]

Greenfield South

- On October 24, the Minister of Energy affirmed the government's commitment to relocate the plant outside of the Mississauga-Oakville area.
- During a September 24th, 2011 Campaign stop in Mississauga, Liberal candidates Charles Sousa, Donna Cansfield, Laurel Broten and Dipika Damerla announced that the

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Formatted: Superscript

Eastern Power Ltd. Plant would not go forward at its current location on the Toronto-Mississauga border.

- **As of July 20, 2011, the proponent reports that it has received its building permit for the plant and has begun to lay the foundations for the gas and steam turbine halls.**
- **On June 16, the Minister of the Environment announced that the Ministry of the Environment will conduct an updated review of the approval for the Greenfield South facility to assess recent developments.**
- Greenfield South Generating Station is a 280 MW combined cycle natural gas plant originally located in the City of Mississauga on a 4.5 hectare property at 2315 Loreland Avenue. ~~Part of the project's property will be dedicated to the City as greenbelt, and the plant will occupy roughly 2 hectares of the property.~~
- Eastern Power Ltd. is an equity contributor to Greenfield South Power Corporation, and is responsible for the project's design, engineering, and management, and provides operations and maintenance support. No information is available on any other partners.
- The plant is 200 metres from the nearest residence, 700 metres from the nearest hospital and 1.1 km from the nearest school.
- The plant was selected in the Ministry of Energy Clean Energy Supply competition and holds a contract with the OPA.
- Approvals delays resulting from City of Mississauga opposition to the project at the EA and building permitting stages harmed the economic viability of the project.
- The Ontario Municipal Board reviewed municipal planning and zoning in 2007 and determined that the site was properly zoned and suitable for this type of electricity generation facility.
- The project obtained environmental approval in 2008 from the Ministry of the Environment.
- The City of Mississauga issued a building permit on May 31, 2011 for the building that will house the generation equipment.
- The contract between Greenfield South and the Ontario Power Authority was renegotiated as a result of approvals delays, to extend the operational date.
- As of March 18, 2011, the OPA and Greenfield South have agreed to a new COD: Q3 2014.
- Greenfield intends to proceed with the project and has previously indicated that they would pursue litigation if the City or the province moved to prevent the plant from being built.
- Delays in the COD will exacerbate supply problems in the southwest GTA.
- The proponent has stated that all financing needed for construction of the project was finalized in May 2011. Public reports indicate that \$250 million in financing was provided by Morgan Stanley and EIG Global Energy Partners.
- As of July 20th, the proponent reports that it has begun to lay the foundations for the gas and steam turbine halls.
- Purchase orders for all of the plant's major equipment including the turbines and generators have been placed.
- Residents in the surrounding community have reacted negatively because they assumed the project was not proceeding.
- The proponents will be holding monthly local liaison meetings to help foster communication with local residents.
- On June 16, the Minister of the Environment John Wilkinson announced that the Ministry of the Environment will conduct an updated review of the approval for the Greenfield South facility to assess recent developments. The review will take as long as the ministry needs to confirm that the project can proceed in a manner that is fully protective of public health and the environment.
- The Environmental Approval for the generating plant is specific to the site, and is not transferable.

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

- On September 24th, several media outlets reported on the Liberal party's campaign commitment to relocate the proposed Greenfield South generating station to a location outside Mississauga and Oakville.
- In a news release, Ontario Liberal candidates Charles Sousa, Donna Cansfield, Laurel Broten and Dipika Damerla said the party would work with the developer to find a new location for the plant.
- The Ministry of the Environment's updated review of the approval for the plant is still ongoing.

Unrelated content removed

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

Procurements

Clean Energy Supply RFP – 2,500 MW

- In 2004 and 2005 the Ministry developed and administered a Request for Proposals that ultimately resulted in 5 successful projects totaling 1,955 MW of gas-fired generating capacity
Unrelated content removed
- Unrelated content removed
- These contracts were transferred to the OPA for management.

Unrelated content

Southwest GTA Procurement

- On July 16, 2008, the Minister of Energy and Infrastructure announced that he would direct the OPA to launch a competitive bidding process for a combined-cycle natural gas plant of about 850 MW in the southwest GTA.
- On September 30, 2009, the Ontario Power Authority announced that it would sign a contract with TransCanada Corporation to design, build and operate a 900 MW electricity generating station in Oakville. TransCanada estimated the cost of the plant at \$1.2 billion.
- On October 7, 2010, the Minister of Energy announced that the plant had been cancelled. The OPA is negotiating termination of the contract with TransCanada **(CONFIDENTIAL)**.

Potential non-GTA procurement (Kitchener-Waterloo-Cambridge):

- The Kitchener-Waterloo-Cambridge area is a major automotive and “high tech” centre and is experiencing rapid population and economic growth. Peak demand is 1,400 MW and has been increasing at a rate double the provincial average. The region is host to several data centres that require a reliable power supply
- During the development of the IPSP, the OPA determined that for reliability and security reasons, and to contribute to coal replacement, additional simple cycle gas-fired electricity supply of 450 MW would be required.
- The preferred location for the facility is near the Preston Transformer Station in Cambridge, which would negate the need for a major transmission re-enforcement in the Cambridge area.
- The site search area lies within the Haldimand Tract. Ministry legal counsel has advised that notice be provided to Six Nations of the Grand River prior to issuance of a direction. The current plan is to arrange a Ministry/OPA briefing of Six Nations before a procurement is announced.

Unrelated content removed

- I [REDACTED]
- I [REDACTED]
- I [REDACTED]
- I [REDACTED]
- I [REDACTED]
- I [REDACTED]

Unrelated content removed

[Redacted text block containing multiple paragraphs of information, all obscured by grey boxes.]

Updated by: Keegan Tully, Advisor, Energy Supply
Energy Markets
(416) 325-6881

Prepared by: Allan Jenkins, Senior Policy Specialist
Energy Supply and Competition
(416) 325-6926

Approved by: Doug MacCallum, Manager
Energy Markets
(416)325-6546

Garry McKeever, Director
Energy Supply and Competition
(416) 325-8627

Rick Jennings, ADM

CONFIDENTIAL – FOR MINISTER’S USE ONLY

Office of Energy Supply, Transmission and Distribution
(416) 314-6190

Fisher, Petra (ENERGY)

From: Rehob, James (ENERGY)
Sent: October-24-11 5:36 PM
To: Kovesfalvi, Sylvia (ENERGY); King, Ryan (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY)
Subject: RE: Duplicate attachment removed

Hello,

1. My information on corporation is from its own website and lists it as **Eastern Power Limited**. Here is the link:

<http://greenfieldsouth.ca/Aboutus.htm>

2. The “it would be inappropriate to provide...” language is fine with me, though consider adding the phrase “... further information” since the messaging currently states that discussions are underway, etc. – it is *always* an option in these kinds of circumstances to use the “inappropriate to comment further” language when negotiations are in flux and until options are more firmly developed and certain decisions are made (my view);

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 24, 2011 5:28 PM
To: Rehob, James (ENERGY); King, Ryan (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY)
Subject: RE:

Hi all –

Three observations from Coms:

- is it Eastern Power or Powers? It appears as both throughout.
- Can we add a general message that says something like: As discussions are ongoing, it would be inappropriate to provide that detail at this time – that we can use in response to the myriad of questions we are already getting (why are you continuing to build? What are the mechanics/process of contract cancellation? what was the output and cost for Oakville estimated at. What was the date of cancellation? What is the output and cost for Mississauga and what is the anticipated date of completion?)
- The Minister issued the following statement this afternoon. May not align with the third recommended messaging guideline (should wait until Eastern has signalled interest in relocation).

“The Ontario government is committed to relocating the natural gas plant originally planned for Mississauga. The government will work with the company to find a suitable location for this plant. More information will become available as discussions progress.”

From: Rehob, James (ENERGY)
Sent: October 24, 2011 5:18 PM
To: King, Ryan (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE:

Looks good to me – the “Advice to Minister” heading looks good too – thanks - James

From: King, Ryan (ENERGY)
Sent: October 24, 2011 5:07 PM
To: Rehob, James (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE:

V6 with some minor re-spacing

From: King, Ryan (ENERGY)
Sent: October 24, 2011 4:55 PM
To: Rehob, James (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE:

Thanks James,
I've incorporated into the revised note.

From: Rehob, James (ENERGY)
Sent: October 24, 2011 4:50 PM
To: King, Ryan (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY)
Subject: RE:

Hi, Ryan - here is my input into the points stated below:

Minister Messaging Guidelines:

- Should use language that highlights ongoing discussions between OPA and Eastern Power
- Could consider statements emphasizing Government's encouragement of expeditious resolution of matter, etc. on reasonable commercial terms, putting rate-payer first.
- Should avoid making premature commitments that could hinder negotiations.
- Should wait until Eastern Power has signalled interest in negotiation. (ie Eastern may not be interested in relocation).
- Should be non-committal at each stage until decisions or agreements have been arrived at/agreed to.
- Should use extreme caution if referring to legislative option to note that it requires approval of Cabinet and Legislature to proceed.

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

From: King, Ryan (ENERGY)
Sent: October 24, 2011 4:36 PM
To: Perun, Halyna N. (ENERGY); Rehob, James (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY)
Subject: RE:

Revised decision-tree. Rula, please add or subtract messaging as you guys see fit. The key issue is that we would not want to have messaging that does not get ahead of/or prejudices any negotiations that are occurring.

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

From: Perun, Halyna N. (ENERGY)
Sent: October 24, 2011 4:07 PM
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Sharkawi, Rula (ENERGY); Silva, Joseph (ENERGY)
Subject: Re:

Hi - Craig M asked for an "overlay" of what min can/ cannot say - to be added to the decision tree doc - and comms need to be looped in - thanks

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

Sent using BlackBerry

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

From: Silva, Joseph (ENERGY)
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Sent: Mon Oct 24 15:12:21 2011
Subject: Re:

Thanks very much James

Sent using BlackBerry Wireless

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

From: Rehob, James (ENERGY)
To: Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Sent: Mon Oct 24 15:10:58 2011
Subject: RE:

Hi, Joseph - looks good - final comment would be that you may wish to re-add the colour to the "Legislative" option box since it is a special option - it involves the Legislature taking a very deliberate action in respect of a commercial transaction. Consider - otherwise, those are my comments. Please do let me know if you require anything further - x.56676.
James

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

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 3:00 PM
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Subject: RE:

Thanks very much. Tried to make it simpler (redundant now but easier to follow).

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

From: Rehob, James (ENERGY)
Sent: October 24, 2011 2:56 PM
To: King, Ryan (ENERGY); Silva, Joseph (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Subject: RE:

Hi, it's a bit busy but can't be helped given need expressed for comms points. Nothing further from me on this version (captures most of LSB's previous comments very effectively.
Great work, Ryan!
Let me know if you need anything further - x.56676
James

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

From: King, Ryan (ENERGY)
Sent: October 24, 2011 2:49 PM
To: Silva, Joseph (ENERGY); Rehob, James (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Subject: RE:

Revised decision tree attached.

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

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 2:34 PM
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Subject: Re:

Tx James

Ryan will tweak...

Ryan - will need pls within next 15 mins or so

Sent using BlackBerry Wireless

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

From: Rehob, James (ENERGY)
To: King, Ryan (ENERGY); Silva, Joseph (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Sent: Mon Oct 24 14:12:42 2011
Subject: RE:

The only thing I would note is that, unless we radically change the process in this case, most if not all letters to the OPA from the Minister (directions or otherwise) are public (certainly subject to disclosure under FIPPA). Hence, we'll likely want to have some level of public/media positioning at the ready (just one lawyer's view) - if not on the slide itself then on a further slide.

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

From: King, Ryan (ENERGY)
Sent: October 24, 2011 2:07 PM
To: Silva, Joseph (ENERGY)
Cc: Rehob, James (ENERGY)
Subject: RE:

Can you please call me? Most of the steps in this process, I assume are fully confidential including the OPA discussions. Messaging would only apply in the event a settlement has been reached or in the alternative, the matter proceeds to the courts. I can add messaging in here but I don't believe there would be much else unless it is the Minister's intent to make these proceeding public.

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

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 2:03 PM
To: King, Ryan (ENERGY)

Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Rehob, James (ENERGY); Jennings, Rick (ENERGY); Jenkins, Allan (ENERGY); McKeever, Garry (ENERGY); Sharkawi, Rula (ENERGY)
Subject: RE:

Thanks Ryan. We'll need to add comms messaging/positioning under each one...

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

From: King, Ryan (ENERGY)
Sent: October 24, 2011 1:56 PM
To: Silva, Joseph (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Rehob, James (ENERGY); Jennings, Rick (ENERGY); Jenkins, Allan (ENERGY); McKeever, Garry (ENERGY); Sharkawi, Rula (ENERGY)
Subject: RE:

Draft decision tree attached. Please let us know any additions/suggestions

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

From: Rehob, James (ENERGY)
Sent: October 24, 2011 1:41 PM
To: Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY)
Subject: RE:

Legal has been working with Ryan and has fed comments/revisions to slide. Slide looked quite good from LSB perspective given one-slide format - Ryan?
James

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

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 1:40 PM
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Subject:

Hi guys how are we doing with decision tree? Our briefings are \$oving quickly

Sent using BlackBerry Wireless

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October-24-11 5:42 PM
To: 'Kristin Jenkins'; Patricia Phillips; Sharkawi, Rula (ENERGY)
Subject: a spears article is out

But no mention of Greenfield (yet)

<http://www.thestar.com/news/canada/article/1075179--new-ontario-liberal-energy-minister-stays-green>

Fisher, Petra (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-24-11 5:45 PM
To: Kovesfalvi, Sylvia (ENERGY); Rehob, James (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY)
Subject: Re:

Should say Eastern Power and should be 's in those other cases.
Can say discussions are ongoing and we hope to find an acceptable solution to this issue

From: Kovesfalvi, Sylvia (ENERGY)
To: Rehob, James (ENERGY); King, Ryan (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY)
Sent: Mon Oct 24 17:28:09 2011
Subject: RE:

Hi all –

Three observations from Coms:

- is it Eastern Power or Powers? It appears as both throughout.
- Can we add a general message that says something like: As discussions are ongoing, it would be inappropriate to provide that detail at this time – that we can use in response to the myriad of questions we are already getting (why are you continuing to build? What are the mechanics/process of contract cancellation? what was the output and cost for Oakville estimated at. What was the date of cancellation? What is the output and cost for Mississauga and what is the anticipated date of completion?)
- The Minister issued the following statement this afternoon. May not align with the third recommended messaging guideline (should wait until Eastern has signalled interest in relocation).

“The Ontario government is committed to relocating the natural gas plant originally planned for Mississauga. The government will work with the company to find a suitable location for this plant. More information will become available as discussions progress.”

From: Rehob, James (ENERGY)
Sent: October 24, 2011 5:18 PM
To: King, Ryan (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE:

Looks good to me – the “Advice to Minister” heading looks good too – thanks - James

From: King, Ryan (ENERGY)
Sent: October 24, 2011 5:07 PM

To: Rehob, James (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE:

V6 with some minor re-spacing

From: King, Ryan (ENERGY)
Sent: October 24, 2011 4:55 PM
To: Rehob, James (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE:

Thanks James,
I've incorporated into the revised note.

From: Rehob, James (ENERGY)
Sent: October 24, 2011 4:50 PM
To: King, Ryan (ENERGY); Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY)
Subject: RE:

Hi, Ryan - here is my input into the points stated below:

Minister Messaging Guidelines:

- Should use language that highlights ongoing discussions between OPA and Eastern Power
- Could consider statements emphasizing Government's encouragement of expeditious resolution of matter, etc. on reasonable commercial terms, putting rate-payer first.
- Should avoid making premature commitments that could hinder negotiations.
- Should wait until Eastern Power has signalled interest in negotiation. (ie Eastern may not be interested in relocation).
- Should be non-committal at each stage until decisions or agreements have been arrived at/agreed to.
- Should use extreme caution if referring to legislative option to note that it requires approval of Cabinet and Legislature to proceed.

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

From: King, Ryan (ENERGY)
Sent: October 24, 2011 4:36 PM
To: Perun, Halyna N. (ENERGY); Rehob, James (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY)
Subject: RE:

Revised decision-tree. Rula, please add or subtract messaging as you guys see fit. The key issue is that we would not want to have messaging that does not get ahead of/or prejudices any negotiations that are occurring.

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

From: Perun, Halyna N. (ENERGY)
Sent: October 24, 2011 4:07 PM
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Johnson, Paul (ENERGY); Jennings, Rick (ENERGY); Sharkawi, Rula (ENERGY); Silva, Joseph (ENERGY)

Subject: Re:

Hi - Craig M asked for an "overlay" of what min can/ cannot say - to be added to the decision tree doc - and comms need to be looped in - thanks

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

Sent using BlackBerry

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

From: Silva, Joseph (ENERGY)
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Sent: Mon Oct 24 15:12:21 2011
Subject: Re:

Thanks very much James

Sent using BlackBerry Wireless

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

From: Rehob, James (ENERGY)
To: Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Sent: Mon Oct 24 15:10:58 2011
Subject: RE:

Hi, Joseph - looks good - final comment would be that you may wish to re-add the colour to the "Legislative" option box since it is a special option - it involves the Legislature taking a very deliberate action in respect of a commercial transaction. Consider - otherwise, those are my comments. Please do let me know if you require anything further - x.56676.
James

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

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 3:00 PM
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Subject: RE:

Thanks very much. Tried to make it simpler (redundant now but easier to follow).

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

From: Rehob, James (ENERGY)
Sent: October 24, 2011 2:56 PM
To: King, Ryan (ENERGY); Silva, Joseph (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Subject: RE:

Hi, it's a bit busy but can't be helped given need expressed for comms points. Nothing further from me on this version (captures most of LSB's previous comments very effectively.
Great work, Ryan!
Let me know if you need anything further - x.56676
James

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

From: King, Ryan (ENERGY)
Sent: October 24, 2011 2:49 PM
To: Silva, Joseph (ENERGY); Rehob, James (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Subject: RE:

Revised decision tree attached.

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

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 2:34 PM
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Subject: Re:

Tx James

Ryan will tweak...

Ryan - will need pls within next 15 mins or so

Sent using BlackBerry Wireless

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

From: Rehob, James (ENERGY)
To: King, Ryan (ENERGY); Silva, Joseph (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Sent: Mon Oct 24 14:12:42 2011
Subject: RE:

The only thing I would note is that, unless we radically change the process in this case, most if not all letters to the OPA from the Minister (directions or otherwise) are public (certainly subject to disclosure under FIPPA). Hence, we'll likely want to have some level of public/media positioning at the ready (just one lawyer's view) - if not on the slide itself then on a further slide.

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

From: King, Ryan (ENERGY)
Sent: October 24, 2011 2:07 PM
To: Silva, Joseph (ENERGY)
Cc: Rehob, James (ENERGY)
Subject: RE:

Can you please call me? Most of the steps in this process, I assume are fully confidential including the OPA discussions. Messaging would only apply in the event a settlement has been reached or in the alternative, the matter proceeds to the courts. I can add messaging in here but I don't believe there would be much else unless it is the Minister's intent to make these proceeding public.

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

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 2:03 PM
To: King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Rehob, James (ENERGY); Jennings, Rick (ENERGY); Jenkins, Allan (ENERGY); McKeever, Garry (ENERGY); Sharkawi, Rula (ENERGY)
Subject: RE:

Thanks Ryan. We'll need to add comms messaging/positioning under each one...

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

From: King, Ryan (ENERGY)
Sent: October 24, 2011 1:56 PM
To: Silva, Joseph (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Rehob, James (ENERGY); Jennings, Rick (ENERGY); Jenkins, Allan (ENERGY); McKeever, Garry (ENERGY); Sharkawi, Rula (ENERGY)
Subject: RE:

Draft decision tree attached. Please let us know any additions/suggestions

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

From: Rehob, James (ENERGY)
Sent: October 24, 2011 1:41 PM
To: Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY)
Subject: RE:

Legal has been working with Ryan and has fed comments/revisions to slide. Slide looked quite good from LSB perspective given one-slide format - Ryan?
James

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

From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 1:40 PM
To: Rehob, James (ENERGY); King, Ryan (ENERGY)
Subject:

Hi guys how are we doing with decision tree? Our briefings are \$oving quickly

Sent using BlackBerry Wireless

Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: October-24-11 6:21 PM
To: King, Ryan (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Cc: Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY)
Subject: RE: URGENT: Proposed Responses to Greenfield Media Inquiries

I agree with Ryan -

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

Notice

This communication may be solicitor/client privileged and contain confidential information intended only 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.

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

From: King, Ryan (ENERGY)
Sent: October 24, 2011 6:12 PM
To: Kovesfalvi, Sylvia (ENERGY); Perun, Halyna N. (ENERGY)
Cc: Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY)
Subject: Re: URGENT: Proposed Responses to Greenfield Media Inquiries

I would say 'committed to having discussions about relocating' rather than 'committed to relocating'.

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

From: Kovesfalvi, Sylvia (ENERGY)
To: Perun, Halyna N. (ENERGY); King, Ryan (ENERGY)
Cc: Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY)
Sent: Mon Oct 24 18:03:33 2011
Subject: URGENT: Proposed Responses to Greenfield Media Inquiries

Hi - OPA received three media q's today - their draft responses are below. Please let me know if you have any concerns re Q1 and Q2 asap (we have until Wed for Q3).

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

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]

Sent: October 24, 2011 6:00 PM

To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)

Cc: Patricia Phillips; Mary Bernard; Tim Butters

Subject: Proposed Responses to Greenfield Inquiries

Third one requires more info but deadline not until Wed.

- John Spears, Toronto Star (mechanics of cancelling the contract – how it's done, has it been done)

Recommended response:

The provincial government is committed to relocating the plant. WE want to do this fairly and discuss options directly with the proponent not through the media. More information will be made available as the process moves forward.

- Tristin Hopper, National and Toronto desk of the National Post, request for OPA to confirm status of development

Recommended response:

The provincial government is committed to relocating the plant. The plant has been under construction since May 2011. More information will be available as the relocation process moves forward.

- Ian Harvey, Freelance Writer, Q: what was the output and cost for Oakville estimated at. What was the date of cancellation. What is the output and cost for Mississauga and what is the anticipated date of completion.

Recommended response:

The Oakville Generating Station was to have had a capacity of 900 MW with an in service date of X. The cost to construct the plant was estimated at 1 billion. The plant was cancelled before it obtained approvals. New transmission will replace the Oakville plant to ensure local supply and reliability.

Greenfield South's capacity is 280 MW with an in service date of X. The cost to construct is estimated at 300 to 400 million. Without this capacity in the southwest GTA, transmission expansion will have to take place two to three years earlier than anticipated.

This e-mail message and any files transmitted with it are intended only for the named recipient(s) above and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient(s), any dissemination, 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: Kovesfalvi, Sylvia (ENERGY)
Sent: October-24-11 6:27 PM
To: Sharkawi, Rula (ENERGY)
Subject: Fw: URGENT: Proposed Responses to Greenfield Media Inquiries

Has there been agreement on who will return the calls? (Did you have a chance to check in with dmo)?

Sent from my BlackBerry Wireless Handheld

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

From: King, Ryan (ENERGY)
To: Kovesfalvi, Sylvia (ENERGY); Perun, Halyna N. (ENERGY)
Cc: Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY)
Sent: Mon Oct 24 18:11:49 2011
Subject: Re: URGENT: Proposed Responses to Greenfield Media Inquiries

I would say 'committed to having discussions about relocating' rather than 'committed to relocating'.

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

From: Kovesfalvi, Sylvia (ENERGY)
To: Perun, Halyna N. (ENERGY); King, Ryan (ENERGY)
Cc: Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY)
Sent: Mon Oct 24 18:03:33 2011
Subject: URGENT: Proposed Responses to Greenfield Media Inquiries

Hi - OPA received three media q's today - their draft responses are below. Please let me know if you have any concerns re Q1 and Q2 asap (we have until Wed for Q3).

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

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: October 24, 2011 6:00 PM
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Cc: Patricia Phillips; Mary Bernard; Tim Butters
Subject: Proposed Responses to Greenfield Inquiries

Third one requires more info but deadline not until Wed.

· John Spears, Toronto Star (mechanics of cancelling the contract – how it's done, has it been done)

Recommended response:

The provincial government is committed to relocating the plant. WE want to do this fairly and discuss options directly with the proponent not through the media. More information will be made available as the process moves forward.

- Tristin Hopper, National and Toronto desk of the National Post, request for OPA to confirm status of development

Recommended response:

The provincial government is committed to relocating the plant. The plant has been under construction since May 2011. More information will be available as the relocation process moves forward.

- Ian Harvey, Freelance Writer, Q: what was the output and cost for Oakville estimated at. What was the date of cancellation. What is the output and cost for Mississauga and what is the anticipated date of completion.

Recommended response:

The Oakville Generating Station was to have had a capacity of 900 MW with an in service date of X. The cost to construct the plant was estimated at 1 billion. The plant was cancelled before it obtained approvals. New transmission will replace the Oakville plant to ensure local supply and reliability.

Greenfield South's capacity is 280 MW with an in service date of X. The cost to construct is estimated at 300 to 400 million. Without this capacity in the southwest GTA, transmission expansion will have to take place two to three years earlier than anticipated.

This e-mail message and any files transmitted with it are intended only for the named recipient(s) above and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient(s), any dissemination, 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.

Fisher, Petra (ENERGY)

From: Lindsay, David (ENERGY)
Sent: October-24-11 6:29 PM
To: 'Colin Andersen'; MacLennan, Craig (ENERGY)
Subject: RE: Back to Biz

Agreed... just spoke with Rula and she has some suggestions too... we need to be coordinated.

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

From: Colin Andersen [mailto:Colin.Andersen@powerauthority.on.ca]
Sent: October 24, 2011 5:31 PM
To: Lindsay, David (ENERGY); MacLennan, Craig (ENERGY)
Subject: Back to Biz

Hi guys

As things ramp back up there's a number of things to talk about. One for sure is a workable comms protocol re Mississauga plant. Were going to put some thoughts together and I'll get them over asap.

C

This e-mail message and any files transmitted with it are intended only for the named recipient(s) above and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient(s), any dissemination, 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: Perun, Halyna N. (ENERGY)
Sent: October-24-11 6:34 PM
To: MacLennan, Craig (ENERGY)
Cc: Silva, Joseph (ENERGY)
Subject: follow up

Privileged and Confidential

Hi Craig – In follow up to this afternoon's discussion and to clarify: the agreement between the OPA and Eastern Power does contain grounds for termination of the contract but none of them is applicable to the circumstances at issue. So, OPA's recourse is to repudiate the contract, which puts Eastern Power in a position to sue the OPA for breach of contract. Happy to discuss further if you need.

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

Notice

This communication may be solicitor/client privileged and contain confidential information intended only 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.

Cayley, Daniel (ENERGY)

From: Sharkawi, Rula (ENERGY)
Sent: October-24-11 6:42 PM
To: Kovesfalvi, Sylvia (ENERGY)
Subject: Re: Proposed Responses to Greenfield Inquiries

Sylvia - we need to hear back from MO. Spoke to DM and he was gonna try to touch base w MO. We should keep trying w MO. Thx.

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

From: Kovesfalvi, Sylvia (ENERGY)
To: 'Kristin.Jenkins@powerauthority.on.ca' <Kristin.Jenkins@powerauthority.on.ca>; Sharkawi, Rula (ENERGY)
Cc: 'Patricia.Phillips@powerauthority.on.ca' <Patricia.Phillips@powerauthority.on.ca>;
'Mary.Bernard@powerauthority.on.ca' <Mary.Bernard@powerauthority.on.ca>; 'Tim.Butters@powerauthority.on.ca' <Tim.Butters@powerauthority.on.ca>
Sent: Mon Oct 24 18:34:16 2011
Subject: Re: Proposed Responses to Greenfield Inquiries

OK - one change. Pls say: 'committed to having discussions about relocating' rather than 'committed to relocating'.

(Know you and rula had another discussion about who is responding - I'm not exactly sure ... can you confirm?)

Sent from my BlackBerry Wireless Handheld

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

From: Kristin Jenkins <Kristin.Jenkins@powerauthority.on.ca>
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Cc: Patricia Phillips <Patricia.Phillips@powerauthority.on.ca>; Mary Bernard <Mary.Bernard@powerauthority.on.ca>;
Tim Butters <Tim.Butters@powerauthority.on.ca>
Sent: Mon Oct 24 18:00:16 2011
Subject: Proposed Responses to Greenfield Inquiries

Third one requires more info but deadline not until Wed.

- John Spears, Toronto Star (mechanics of cancelling the contract – how it's done, has it been done)

Recommended response:

The provincial government is committed to relocating the plant. WE want to do this fairly and discuss options directly with the proponent not through the media. More information will be made available as the process moves forward.

- Tristin Hopper, National and Toronto desk of the National Post, request for OPA to confirm status of development

Recommended response:

The provincial government is committed to relocating the plant. The plant has been under construction since May 2011. More information will be available as the relocation process moves forward.

· Ian Harvey, Freelance Writer, Q: what was the output and cost for Oakville estimated at. What was the date of cancellation. What is the output and cost for Mississauga and what is the anticipated date of completion.

Recommended response:

The Oakville Generating Station was to have had a capacity of 900 MW with an in service date of X. The cost to construct the plant was estimated at 1 billion. The plant was cancelled before it obtained approvals. New transmission will replace the Oakville plant to ensure local supply and reliability.

Greenfield South's capacity is 280 MW with an in service date of X. The cost to construct is estimated at 300 to 400 million. Without this capacity in the southwest GTA, transmission expansion will have to take place two to three years earlier than anticipated.

This e-mail message and any files transmitted with it are intended only for the named recipient(s) above and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient(s), any dissemination, 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.

Fisher, Petra (ENERGY)

From: Sharkawi, Rula (ENERGY)
Sent: October-24-11 7:05 PM
To: Lindsay, David (ENERGY); Silva, Joseph (ENERGY)
Subject: Fw: Proposed Responses to Greenfield Inquiries

FYI - see language below, which is already public. We will get back to OPA shortly (this evening), so they can call back John Spears.

Rula

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

From: Block, Andrew (ENERGY)
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Gerard, Paul (ENERGY)
Sent: Mon Oct 24 18:46:32 2011
Subject: Re: Proposed Responses to Greenfield Inquiries

Hi - sorry that edit does not work. Needs to stay as 'committed to relocating'

National Post has the statement. Spears should be covered by OPA.

I'll look at the 3rd one...

Andrew Block
Office of the Minister
Ministry of Energy
416 327 6747

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

From: Kovesfalvi, Sylvia (ENERGY)
To: Block, Andrew (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Gerard, Paul (ENERGY)
Sent: Mon Oct 24 18:36:20 2011
Subject: Re: Proposed Responses to Greenfield Inquiries

One change from policy/legal: pls say 'committed to having discussions about relocating' rather than 'committed to relocating'.

Andrew - pls reconfirm who will be responding (there's been some back and forth this aft so I'm not sure - tx).

Sent from my BlackBerry Wireless Handheld

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

From: Kovesfalvi, Sylvia (ENERGY)
To: Block, Andrew (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Gerard, Paul (ENERGY)

Sent: Mon Oct 24 18:02:05 2011
Subject: FW: Proposed Responses to Greenfield Inquiries

Hi Andrew - OPA's proposed responses - am running these through legal/policy now.

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

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: October 24, 2011 6:00 PM
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Cc: Patricia Phillips; Mary Bernard; Tim Butters
Subject: Proposed Responses to Greenfield Inquiries

Third one requires more info but deadline not until Wed.

- John Spears, Toronto Star (mechanics of cancelling the contract – how it's done, has it been done)

Recommended response:

The provincial government is committed to relocating the plant. WE want to do this fairly and discuss options directly with the proponent not through the media. More information will be made available as the process moves forward.

- Tristin Hopper, National and Toronto desk of the National Post, request for OPA to confirm status of development

Recommended response:

The provincial government is committed to relocating the plant. The plant has been under construction since May 2011. More information will be available as the relocation process moves forward.

- Ian Harvey, Freelance Writer, Q: what was the output and cost for Oakville estimated at. What was the date of cancellation. What is the output and cost for Mississauga and what is the anticipated date of completion.

Recommended response:

The Oakville Generating Station was to have had a capacity of 900 MW with an in service date of X. The cost to construct the plant was estimated at 1 billion. The plant was cancelled before it obtained approvals. New transmission will replace the Oakville plant to ensure local supply and reliability.

Greenfield South's capacity is 280 MW with an in service date of X. The cost to construct is estimated at 300 to 400 million. Without this capacity in the southwest GTA, transmission expansion will have to take place two to three years earlier than anticipated.

This e-mail message and any files transmitted with it are intended only for the named recipient(s) above and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient(s), any dissemination, 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: Sharkawi, Rula (ENERGY)
Sent: October-24-11 7:08 PM
To: 'Kristin.Jenkins@powerauthority.on.ca'; Kovesfalvi, Sylvia (ENERGY)
Cc: 'Patricia.Phillips@powerauthority.on.ca'; 'mary.bernard@powerauthority.on.ca'; 'tim.butters@powerauthority.on.ca'
Subject: Re: Proposed Responses to Greenfield Inquiries

Kristin - its approved with "committed to relocating" language as per our MO.

Thanks for your patience.

Rula

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

From: Kristin Jenkins <Kristin.Jenkins@powerauthority.on.ca>
To: Kovesfalvi, Sylvia (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Patricia Phillips <Patricia.Phillips@powerauthority.on.ca>; Mary Bernard <Mary.Bernard@powerauthority.on.ca>; Tim Butters <Tim.Butters@powerauthority.on.ca>
Sent: Mon Oct 24 19:03:34 2011
Subject: Re: Proposed Responses to Greenfield Inquiries

Assuming this is approved we will send to Star aand Post. Please confirm asap. Thanks.

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

From: Kristin Jenkins
Sent: Monday, October 24, 2011 06:41 PM
To: 'Sylvia.Kovesfalvi@ontario.ca' <Sylvia.Kovesfalvi@ontario.ca>; 'rula.sharkawi@ontario.ca' <rula.sharkawi@ontario.ca>
Cc: Patricia Phillips; Mary Bernard; Tim Butters
Subject: Re: Proposed Responses to Greenfield Inquiries

With that change do we have ministry approval?

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

From: Kovesfalvi, Sylvia (ENERGY) [mailto:Sylvia.Kovesfalvi@ontario.ca]
Sent: Monday, October 24, 2011 06:34 PM
To: Kristin Jenkins; Sharkawi, Rula (ENERGY) <Rula.Sharkawi@ontario.ca>
Cc: Patricia Phillips; Mary Bernard; Tim Butters
Subject: Re: Proposed Responses to Greenfield Inquiries

OK - one change. Pls say: 'committed to having discussions about relocating' rather than 'committed to relocating'.

(Know you and rula had another discussion about who is responding - I'm not exactly sure ... can you confirm?)

Sent from my BlackBerry Wireless Handheld

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

From: Kristin Jenkins <Kristin.Jenkins@powerauthority.on.ca>

To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)

Cc: Patricia Phillips <Patricia.Phillips@powerauthority.on.ca>; Mary Bernard <Mary.Bernard@powerauthority.on.ca>;

Tim Butters <Tim.Butters@powerauthority.on.ca>

Sent: Mon Oct 24 18:00:16 2011

Subject: Proposed Responses to Greenfield Inquiries

Third one requires more info but deadline not until Wed.

- John Spears, Toronto Star (mechanics of cancelling the contract – how it's done, has it been done)

Recommended response:

The provincial government is committed to relocating the plant. WE want to do this fairly and discuss options directly with the proponent not through the media. More information will be made available as the process moves forward.

- Tristin Hopper, National and Toronto desk of the National Post, request for OPA to confirm status of development

Recommended response:

The provincial government is committed to relocating the plant. The plant has been under construction since May 2011. More information will be available as the relocation process moves forward.

- Ian Harvey, Freelance Writer, Q: what was the output and cost for Oakville estimated at. What was the date of cancellation. What is the output and cost for Mississauga and what is the anticipated date of completion.

Recommended response:

The Oakville Generating Station was to have had a capacity of 900 MW with an in service date of X. The cost to construct the plant was estimated at 1 billion. The plant was cancelled before it obtained approvals. New transmission will replace the Oakville plant to ensure local supply and reliability.

Greenfield South's capacity is 280 MW with an in service date of X. The cost to construct is estimated at 300 to 400 million. Without this capacity in the southwest GTA, transmission expansion will have to take place two to three years earlier than anticipated.

This e-mail message and any files transmitted with it are intended only for the named recipient(s) above and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient(s), any dissemination, 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: Kovesfalvi, Sylvia (ENERGY)
Sent: October-24-11 7:11 PM
To: 'Kristin.Jenkins@powerauthority.on.ca'; Sharkawi, Rula (ENERGY)
Cc: 'Patricia.Phillips@powerauthority.on.ca'; 'Mary.Bernard@powerauthority.on.ca'; 'Tim.Butters@powerauthority.on.ca'
Subject: Re: Proposed Responses to Greenfield Inquiries

Just saw rula's note - ok.

Sent from my BlackBerry Wireless Handheld

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

From: Kovesfalvi, Sylvia (ENERGY)
To: 'Kristin.Jenkins@powerauthority.on.ca' <Kristin.Jenkins@powerauthority.on.ca>; Sharkawi, Rula (ENERGY)
Cc: 'Patricia.Phillips@powerauthority.on.ca' <Patricia.Phillips@powerauthority.on.ca>; 'Mary.Bernard@powerauthority.on.ca' <Mary.Bernard@powerauthority.on.ca>; 'Tim.Butters@powerauthority.on.ca' <Tim.Butters@powerauthority.on.ca>
Sent: Mon Oct 24 19:08:05 2011
Subject: Re: Proposed Responses to Greenfield Inquiries

Pls hold for two more minutes.

Sent from my BlackBerry Wireless Handheld

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

From: Kristin Jenkins <Kristin.Jenkins@powerauthority.on.ca>
To: Kovesfalvi, Sylvia (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Patricia Phillips <Patricia.Phillips@powerauthority.on.ca>; Mary Bernard <Mary.Bernard@powerauthority.on.ca>; Tim Butters <Tim.Butters@powerauthority.on.ca>
Sent: Mon Oct 24 19:03:34 2011
Subject: Re: Proposed Responses to Greenfield Inquiries

Assuming this is approved we will send to Star aand Post. Please confirm asap. Thanks.

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

From: Kristin Jenkins
Sent: Monday, October 24, 2011 06:41 PM
To: 'Sylvia.Kovesfalvi@ontario.ca' <Sylvia.Kovesfalvi@ontario.ca>; 'rula.sharkawi@ontario.ca' <rula.sharkawi@ontario.ca>
Cc: Patricia Phillips; Mary Bernard; Tim Butters
Subject: Re: Proposed Responses to Greenfield Inquiries

With that change do we have ministry approval?