

Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November-03-11 9:51 AM
To: Calwell, Carolyn (ENERGY)
Subject: mississauga

Privileged and Confidential

Deputy Lindsay called this morning. In sum:

- OPA's negotiator Art Birchenough reached out to Mr. Vogt.
- Vogt is adamant about linking settlement of Keele Valley OEFC litigation with talks on the gas plant
- Vogt wants a settlement with OEFC before engaging on Mississauga
- DAG, OPA, Finance, Cab Office and "Us" (not sure who the Energy Us were) met on a call last evening. Decision was to offer back to Mr. Vogt "X for settlement of Keele Valley litigation plus x amount for couple of months to stop construction" so that talks can continue on Mississauga. Finance is prepared to offer up to \$10 Million on the Keele Valley matter
- If Vogt continues to be "SOB then what's next?"
- OPA board meeting this aft but we don't know what they will be considering
- OPA has advised that the Minister doesn't have clear authority to direct the OPA to repudiate the contract
- Deputy's been told that he won't be told more until CIPA in place
- He wondered what happens when – after getting their \$10 M for the OEFC litigation plus a few million to stop work and start talking about the plant – they still at the end of the day say no deal
- He also wanted to know what would happen should the contract be repudiated (we discussed very briefly mitigation etc, and that repudiation might not lead to desired effect of halting construction)
- We'll ultimately end up going the route of legislation. Deputy thought it was good idea to work on it (and was grateful that we let his office know!).
- Dep wanted to know the consequences/significance of signing the CIPA – which I explained and indicated that once it's signed OPA would be in a position to explain to him what the proposal might be before the board today. I told him that I'd follow up with Mike

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: King, Ryan (ENERGY)
Sent: November-03-11 11:15 AM
To: Poinen, Ruby (ENERGY)
Cc: Teixeira, Wanda (ENERGY)
Subject: FW: Greenfiled South Matters - Creating A Record

Ruby, would you be able to do a search of any correspondence that includes 'Greenfield' and send to me? If it's a large amount, perhaps it can be saved to a location on the network drives.

Thanks,
Ryan

From: Rehub, James (ENERGY)
Sent: November 3, 2011 10:39 AM
To: King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Letourneau, Amanda (ENERGY)
Subject: Greenfiled South Matters - Creating A Record

Privileged & Confidential Legal Advice / Solicitor & Client Privileged

November 3, 2011

Good morning, Ryan! In connection with my rushed voice-mail of this morning, I was hoping to get your assistance in creating a record relating to the Greenfield South (cancellation) matter. I will also enlist the assistance of our articling student, Amanda, but would really appreciate your group's input regarding documentation.

We're looking for documents such as:

- Resolutions of the City of Mississauga relevant to Greenfield;
- Correspondence or other communications from the public (to the Ministry, to Mississauga, to the OPA, and, if available, to Greenfield) with respect to the plant;
- Relevant press clippings, etc.

There may be more types or kinds of documents which CLOC counsel may advise are required or desired, but for now I'm hoping we can work with this list.

Please let me know if you foresee any difficulty in assisting with this, and do call to discuss or for any assistance that you might need on this matter.

Kindly,

James

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

Fax: 416-325-1781
james.rehob@ontario.ca

Notice

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

Fisher, Petra (ENERGY)

From: Letourneau, Amanda (ENERGY)
Sent: November-03-11 11:54 AM
To: Rehob, James (ENERGY)
Subject: Resolutions and other information on Greenfield
Attachments: PowerPlant[1] chronology.pdf; Council Motions and Resolutions.doc; News.doc; Resolution%200173-2011%20Power%20Plants%20Environmental%20Assessment[1].pdf; Resolution0044-2011MoUOPGLands.pdf; request for ea from mississauga.pdf.pdf; RecommendationGC04692011ProvincialElectionissues.pdf; PowerPlant[1] news.pdf

Duplicate attachments removed

Hi James – here is an electronic copy of the documents I provided you, I will keep looking and keep you updated on what I find.

Thanks!

Amanda Letourneau
Articling Student
Legal Services Branch
Ministries of Energy and Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
P: 416-325-7304
F: 416-325-1781

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.

Greenfield South Power Plant Council Motion

posted Jul 8, 2011 7:22 AM by Office Administrator

Whereas the Minister of the Environment has stated that his ministry will be reviewing the Greenfield South power proposal for new environmental evidence, And

Whereas the Ontario Municipal Board in their 2006 case, Greenfield vs. Mississauga, did not consider any environmental issues or concerns, And

Whereas Dr. Basillies report on the Clarkson airshed identified a stressed airshed and the need to consider accumulated emissions and their impacts on health in an environmental assessment, And

Whereas the Minister of the Environment has agreed with the recommendations in the report, on the need to consider cumulative emissions in the siting of power plants, And

Whereas the Etobicoke, Lakeview airshed has never had the benefit of such a detailed airshed, pollutant and particulate modeling program, And

Whereas the Premier was quoted this week as recommending that the Minister of Energy review the Greenfield South project to determine if the 280 MW is even required.

Therefore be it Resolved that the City of Mississauga request from the Minister of the Environment a Full Environmental Assessment to be conducted on the Greenfield South proposal taking into effect the cumulative impacts of all emissions within the Etobicoke Lakeview airshed.

And be it further Resolved that the City of Mississauga request the Minister of Energy to conduct a full review to determine the necessity of manufacturing 280 MW in a densely populated urban area as opposed to the Nanticoke transmission option where there is a three kilometre buffer zone.



RESOLUTION 0044-2011
adopted by the Council of
The Corporation of the City of Mississauga
at its meeting on February 23, 2011

0044-2011 Moved by: Jim Tovey

Seconded by: Pat Mullin

1. That the report entitled *Memorandum of Understanding amongst the Province of Ontario, the City of Mississauga and Ontario Power Generation regarding the former Lakeview Generating Station lands, Ward 1*, dated February 11, 2011 from Janice Baker, City Manager and Chief Administrative Officer, be received for information.
2. That staff be hereby authorized to enter into negotiations with the Province of Ontario and Ontario Power Generation ("OPG"), and other parties if required, and to take all necessary actions to execute a Memorandum of Understanding which reflects a common vision for the redevelopment of lands at the former Lakeview Generating Station (Ward 1).

Carried

**Greenfield South Power Corporation
Detailed Chronology
2315 Loreland Avenue**

- September 13, 2004 – The Ontario Power Authority released a Request for Proposals for 'Clean Energy Supply'.
- January 26, 2005 – A formal preliminary meeting was held with Greenfield South and City staff to determine information necessary to submit complete development applications. Greenfield South was proposing to develop lands located at 2315 Loreland Avenue for a 280 megawatt gas fired power generating facility in response to the Provincial request for proposal for 'Clean Energy Supply'.
- May 30, 2005 – Without consultation with the City of Mississauga, Ontario Power Authority announced the selection of 2 proposals for gas fired power generating facilities in response to the September 13, 2004 request for proposal. Both projects were from subsidiaries of Eastern Power, including the Loreland project by Greenfield South. The second proposal was abandoned by Eastern Power subsidiary Greenfield North subsequent to this announcement.
- August 4, 2005 – Development applications were submitted by Greenfield South/Eastern Power to accommodate a gas fired power generating facility at 2315 Loreland Avenue.
- September 9, 2005 – A building permit application was submitted by Greenfield South/Eastern Power to accommodate the construction of a gas fired power generating facility at the Loreland property.
- March 8, 2006 – City Council adopted Official Plan Amendment 0048-2006 (OPA 48), which provided modifications to power generation terminology in Mississauga Plan to achieve wording consistency and added definitions. In addition, zoning by-law amendments were passed which brought the industrial zone categories into conformity with the corresponding Official Plan designations.
- April 4, 2006 – Greenfield South and Greenfield North appealed City initiated OPA 48 and Zoning By-law Amendment 088-2006 to the Ontario Municipal Board (OMB).
- July 5, 2006 – Greenfield South appealed development applications for the Loreland site to the OMB.
- July 2007 – OMB hearing considering appeals to OPA 48, Zoning By-law Amendment 088-2006, Site Plan application, Removal of Holding Provision application and Tree Permit applications by Greenfield South commenced, running for a period of 3 weeks.

- October 4, 2007 – An OMB Order was issued regarding the July 2007 hearing, approving the development subject to minor modifications, notwithstanding the City's objections. The Board members who heard the appeal determined that the site was in a stable industrial area, and that the production of electrical power within a closed structure was an appropriate use of the site, despite the City's arguments to the contrary. The Board found that the changes made to the Zoning by-law by the City were tantamount to downzoning the site, and the City was not justified in taking away Greenfield's rights as per the previous zoning. Respecting the site plan, the Board found the proposed volume of fuel to be stored on the site was excessive, and reduced it by 50%, relocated the noise wall to address concerns expressed at the hearing, and determined that any risks of ice impacts were marginal and could be properly responded to by Greenfield.
- April 1, 2009 – Site Plan approval was issued in accordance with the 2007 OMB Order.
- May 28, 2009 – A building permit to construct only underground services at the Loreland property was issued. This permit was revised on December 4, 2009.
- November 2010 – The executed Servicing Agreement was modified to extend the completion date of Region water system upgrades until November 11, 2011.
- March 2011 – Construction activity commenced on underground services and site grading, in accordance with the May 28, 2009 permit.
- May 30, 2011 – Building permit to accommodate the construction of the above grade structures at the Loreland property was issued.

Additional information may be obtained from:

John Hardcastle
Planner, Development South
905-615-3200 ext. 5525
john.hardcastle@mississauga.ca

Karen Crouse
Planner, Policy Planning
905-615-3200 ext. 5526
karen.crouse@mississauga.ca

Fisher, Petra (ENERGY)

From: Botond, Erika (ENERGY)
Sent: November-03-11 11:58 AM
To: Gerard, Paul (ENERGY); Block, Andrew (ENERGY)
Cc: Dunn, Ryan (ENERGY); Kovesfalvi, Sylvia (ENERGY); Morton, Robert (ENERGY); Sylvis, Laura (ENERGY); Kulendran, Jesse (ENERGY); Silva, Joseph (ENERGY)
Subject: Re: MEDIA CALL - OPA - CP - Greenfield South (DEADLINE: end of day)

Hi - the OPA is in discussion. Not the gov't.

From: Gerard, Paul (ENERGY)
To: Block, Andrew (ENERGY)
Cc: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY); Kovesfalvi, Sylvia (ENERGY); Morton, Robert (ENERGY); Sylvis, Laura (ENERGY); Kulendran, Jesse (ENERGY); Silva, Joseph (ENERGY)
Sent: Thu Nov 03 11:56:06 2011
Subject: MEDIA CALL - OPA - CP - Greenfield South (DEADLINE: end of day)

Hello Andrew,

The OPA has had a media call from Canadian Press (CP) about the Greenfield South power plant. The deadline is the end of today.

Here are the reporter's questions. Would you like the OPA to take the call or refer her to the ministry?

[Where is the OPA is in terms of cancelling both plants?](#)

The Ontario government is committed to having discussions about relocating the plant. The government will work with Eastern Power to find a new suitable location.

[What is the cost of cancelling the Oakville Generating Station and the Mississauga gas plant \(Greenfield South\)?](#)

Eastern Power's costs and other issues will be considered in discussions.

[Yesterday the minister commented that the OPA is in discussions with Eastern Power Ltd. to relocate the plant. What is the status of those discussions and has anything been resolved?](#)

I've asked the OPA to begin discussions with the proponent on a potential relocation of this project. I'm hopeful that this will be resolved fairly and in the best interests of all involved.

[Why hasn't the OPA or the government halted construction on the facility?](#)

I am hopeful that the OPA's discussions about relocation will result in a successful resolution.

I've inserted some suggested responses to the reporter's questions but am afraid the Q-and-A's I have are already out of date.

Paul.

From: Tim Butters [mailto:Tim.Butters@powerauthority.on.ca]
Sent: 3-Nov-11 11:09
To: Gerard, Paul (ENERGY)
Subject: MEDIA request: Maria Babbage CP re OGS and Greenfield South (DEADLINE: end of day)
Importance: High

Hi Paul,

Please be advised, Maria Babbage (CP) left me a message on the OPA's media line.

- Wants to know where the OPA is in terms of cancelling both plants. Looking for information related to the cost of cancelling Oakville Generating Station and the Mississauga gas plant (Greenfield South).
- In both cases, she would like to know the incurred costs associated with those decisions.
- Yesterday the minister commented that the OPA is in discussions with Eastern Power Ltd. to relocate the plant. She wants to know the status of those discussions, if anything has been resolved, and why the OPA or government hasn't halted construction on the facility.

I have followed up, her deadline is end of day or sooner. Please advise if the ministry/ minister's office would like to respond to this request.

Regards,

Tim

Tim Butters | Media Relations Specialist

Ontario Power Authority

120 Adelaide St W., Suite 1600 | Toronto, Ontario, M5H 1T1

Phone: 416.969.6249 | Fax: 416.967.1947 | Email: tim.butters@powerauthority.on.ca

 Please consider your environmental responsibility before printing this email

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: Rehob, James (ENERGY)
Sent: November-03-11 12:07 PM
To: Letourneau, Amanda (ENERGY)
Subject: RE: Resolutions and other information on Greenfield

Great, Amanda! Much appreciated – perhaps at around 3 pm we can sit down in my office and go through the documents you've come up with one-by-one quickly, just to see how relevant – Many thanks!
James

From: Letourneau, Amanda (ENERGY)
Sent: November 3, 2011 11:54 AM
To: Rehob, James (ENERGY)
Subject: Resolutions and other information on Greenfield

Hi James – here is an electronic copy of the documents I provided you, I will keep looking and keep you updated on what I find.

Thanks!

Amanda Letourneau
Articling Student
Legal Services Branch
Ministries of Energy and Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
P: 416-325-7304
F: 416-325-1781

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.

Fisher, Petra (ENERGY)

From: Kulendran, Jesse (ENERGY)
Sent: November-03-11 12:17 PM
To: Lindsay, David (ENERGY)
Cc: Silva, Joseph (ENERGY)
Subject: Fw: MEDIA CALL - OPA - CP - Greenfield South (DEADLINE: end of day)

Importance: High

FYI.

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

From: Gerard, Paul (ENERGY)
To: Block, Andrew (ENERGY)
Cc: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY); Kovesfalvi, Sylvia (ENERGY); Morton, Robert (ENERGY); Sylvis, Laura (ENERGY); Kulendran, Jesse (ENERGY); Silva, Joseph (ENERGY)
Sent: Thu Nov 03 11:56:06 2011
Subject: MEDIA CALL - OPA - CP - Greenfield South (DEADLINE: end of day)

Hello Andrew,

The OPA has had a media call from Canadian Press (CP) about the Greenfield South power plant. The deadline is the end of today.

Here are the reporter's questions. Would you like the OPA to take the call or refer her to the ministry?

[Where is the OPA is in terms of cancelling both plants?](#)

The Ontario government is committed to having discussions about relocating the plant. The government will work with Eastern Power to find a new suitable location.

[What is the cost of cancelling the Oakville Generating Station and the Mississauga gas plant \(Greenfield South\)?](#)

Eastern Power's costs and other issues will be considered in discussions.

[Yesterday the minister commented that the OPA is in discussions with Eastern Power Ltd. to relocate the plant. What is the status of those discussions and has anything been resolved?](#)

I've asked the OPA to begin discussions with the proponent on a potential relocation of this project. I'm hopeful that this will be resolved fairly and in the best interests of all involved.

[Why hasn't the OPA or the government halted construction on the facility?](#)

I am hopeful that the OPA's discussions about relocation will result in a successful resolution.

I've inserted some suggested responses to the reporter's questions but am afraid the Q-and-A's I have are already out of date.

Paul.

From: Tim Butters [mailto:Tim.Butters@powerauthority.on.ca]
Sent: 3-Nov-11 11:09
To: Gerard, Paul (ENERGY)

Subject: MEDIA request: Maria Babbage CP re OGS and Greenfield South (DEADLINE: end of day)

Importance: High

Hi Paul,

Please be advised, Maria Babbage (CP) left me a message on the OPA's media line.

- Wants to know where the OPA is in terms of cancelling both plants. Looking for information related to the cost of cancelling Oakville Generating Station and the Mississauga gas plant (Greenfield South).
- In both cases, she would like to know the incurred costs associated with those decisions.
- Yesterday the minister commented that the OPA is in discussions with Eastern Power Ltd. to relocate the plant. She wants to know the status of those discussions, if anything has been resolved, and why the OPA or government hasn't halted construction on the facility.

I have followed up, her deadline is end of day or sooner. Please advise if the ministry/ minister's office would like to respond to this request.

Regards,

Tim

Tim Butters | Media Relations Specialist

Ontario Power Authority

120 Adelaide St W., Suite 1600 | Toronto, Ontario, M5H 1T1

Phone: 416.969.6249 | Fax: 416.967.1947 | Email: tim.butters@powerauthority.on.ca

 Please consider your environmental responsibility before printing this email

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: November-03-11 1:10 PM
To: Sharkawi, Rula (ENERGY)
Cc: Kovesfalvi, Sylvia (ENERGY); Patricia Phillips
Subject: FW: MEDIA request: Maria Babbage CP re OGS and Greenfield South (DEADLINE: end of day)

Importance: High

Hi Rula. We received this request today as well as a similar from Paul Bliss at CTV. Our proposed response is

“Separate discussions are taking place with Eastern Power and TransCanada, the company that has the Oakville contract. OPA won’t be commenting on either while these discussions are underway.”

Colin ran this by Lynn Betzner and she agreed that this is an appropriate response. Can you please let me know as soon as possible if you are ok with this? Thanks.

Kristin

From: Tim Butters
Sent: November 3, 2011 10:56 AM
To: Kristin Jenkins; Patricia Phillips
Cc: Mary Bernard
Subject: MEDIA request: Maria Babbage CP re OGS and Greenfield South (DEADLINE: end of day)
Importance: High

Please be advised,

Maria Babbage (CP) left me a message on the media line (note that her story was the top item in today’s [Newswatch](#)). I have followed up, her deadline is end of day or sooner.

- Wants to know where the OPA is in terms of cancelling both plants. Looking for information related to the cost of cancelling Oakville Generating Station and the Mississauga gas plant (Greenfield South).
- In both cases, she would like to know the incurred costs associated with those decisions.
- Yesterday the minister commented that the OPA is in discussions with Eastern Power Ltd. to relocate the plant. She wants to know the status of those discussions, if anything has been resolved, and why the OPA or government hasn’t halted construction on the facility.

Pat, per our Greenfield South protocol of October 25, please advise if you would like to contact the ministry.

Regards,

Tim

Tim Butters | Media Relations Specialist

Ontario Power Authority

120 Adelaide St W., Suite 1600 | Toronto, Ontario, M5H 1T1

Phone: 416.969.6249 | Fax: 416.967.1947 | Email: tim.butters@powerauthority.on.ca

 Please consider your environmental responsibility before printing this email

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: November-03-11 1:13 PM
To: Sharkawi, Rula (ENERGY)
Subject: FW: MEDIA request: Maria Babbage CP re OGS and Greenfield South (DEADLINE: end of day)

Importance: High

What's the October 25th media protocol?

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: November 3, 2011 1:10 PM
To: Sharkawi, Rula (ENERGY)
Cc: Kovesfalvi, Sylvia (ENERGY); Patricia Phillips
Subject: FW: MEDIA request: Maria Babbage CP re OGS and Greenfield South (DEADLINE: end of day)
Importance: High

Hi Rula. We received this request today as well as a similar from Paul Bliss at CTV. Our proposed response is

"Separate discussions are taking place with Eastern Power and TransCanada, the company that has the Oakville contract. OPA won't be commenting on either while these discussions are underway."

Colin ran this by Lynn Betzner and she agreed that this is an appropriate response. Can you please let me know as soon as possible if you are ok with this? Thanks.

Kristin

From: Tim Butters
Sent: November 3, 2011 10:56 AM
To: Kristin Jenkins; Patricia Phillips
Cc: Mary Bernard
Subject: MEDIA request: Maria Babbage CP re OGS and Greenfield South (DEADLINE: end of day)
Importance: High

Please be advised,

Maria Babbage (CP) left me a message on the media line (note that her story was the top item in today's [Newswatch](#)). I have followed up, her deadline is end of day or sooner.

- Wants to know where the OPA is in terms of cancelling both plants. Looking for information related to the cost of cancelling Oakville Generating Station and the Mississauga gas plant (Greenfield South).
- In both cases, she would like to know the incurred costs associated with those decisions.

- Yesterday the minister commented that the OPA is in discussions with Eastern Power Ltd. to relocate the plant. She wants to know the status of those discussions, if anything has been resolved, and why the OPA or government hasn't halted construction on the facility.

Pat, per our Greenfield South protocol of October 25, please advise if you would like to contact the ministry.

Regards,

Tim

Tim Butters | Media Relations Specialist

Ontario Power Authority

120 Adelaide St W., Suite 1600 | Toronto, Ontario, M5H 1T1

Phone: 416.969.6249 | Fax: 416.967.1947 | Email: tim.butters@powerauthority.on.ca

 Please consider your environmental responsibility before printing this email

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: Gerard, Paul (ENERGY)
Sent: November-03-11 1:15 PM
To: Block, Andrew (ENERGY)
Cc: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY); Kovesfalvi, Sylvia (ENERGY); Morton, Robert (ENERGY); Sylvis, Laura (ENERGY); Kulendran, Jesse (ENERGY); Silva, Joseph (ENERGY)
Subject: MEDIA CALL - ReNew Canada - Greenfield South (Top 100 Infrastructure Projects) - Deadline End of Today
Attachments: Top100_2011_LOWRES.pdf

Unrelated
attachment
removed

Hi Andrew,

Our friends at ReNew Canada called about their Top 100 Infrastructure Projects. They want to know the how much the Greenfield South power plant would have cost but cannot get a response from Eastern Power.

Without explicitly saying that we cannot help him, I suggested he keep his expectations to a minimum so he understands that he might not get an answer from us.

We have a good relationship with this reporter and his publication has written many positive stories about infrastructure projects in the province.

I suggest that I phone the reporter back and tell him that we cannot comment on commercial contracts so he'll have to talk to the proponent.

Let me know what you think.

Paul.

From: Douglas McCallum [mailto:doug@actualmedia.ca]
Sent: 3-Nov-11 10:46
To: Gerard, Paul (ENERGY)
Subject: ReNew Canada Top 100 Infrastructure Projects

Hi Paul,

Attached is a copy of last year's Top 100 Infrastructure Projects publication. Thank you so much for your help with this. For the Greenfield natural gas project we are looking for the cost of the project along with any companies involved (engineering, project managers, construction). Hopefully you will have better luck than me! Also, did you see our Wind in Ontario report or White Paper? We've just lowered the price on them and the White Paper in particular contains fantastic funding information that I think could be of use to you. The links to the reports are below in my signature line.

Cheers,

Doug

--

Douglas McCallum BES, MES

top100projects.ca/whitepaper/
renewcanada.net/windinontario/

Research Associate with Actual Media

218 Adelaide Street W., 3rd Floor

Toronto, ON M5H 1W7

416-444-5842 ext. 118

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-03-11 1:25 PM
To: Sharkawi, Rula (ENERGY)
Subject: MEDIA CALL - ReNew Canada - Greenfield South (Top 100 Infrastructure Projects) - Deadline End of Today

Importance: High

Rula – I'm not sure what the Oct 25th protocol is want to make sure you are ok with the approach MO has approved below.

From: Block, Andrew (ENERGY)
Sent: November 3, 2011 1:16 PM
To: Gerard, Paul (ENERGY)
Cc: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY); Kovesfalvi, Sylvia (ENERGY); Morton, Robert (ENERGY); Sylvis, Laura (ENERGY); Kulendran, Jesse (ENERGY); Silva, Joseph (ENERGY)
Subject: Re: MEDIA CALL - ReNew Canada - Greenfield South (Top 100 Infrastructure Projects) - Deadline End of Today

Hi Paul,

Yes that is the right approach. We don't have that information to disclose...

Andrew Block

From: Gerard, Paul (ENERGY)
To: Block, Andrew (ENERGY)
Cc: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY); Kovesfalvi, Sylvia (ENERGY); Morton, Robert (ENERGY); Sylvis, Laura (ENERGY); Kulendran, Jesse (ENERGY); Silva, Joseph (ENERGY)
Sent: Thu Nov 03 13:14:59 2011
Subject: MEDIA CALL - ReNew Canada - Greenfield South (Top 100 Infrastructure Projects) - Deadline End of Today

Hi Andrew,

Our friends at ReNew Canada called about their Top 100 Infrastructure Projects. They want to know the how much the Greenfield South power plant would have cost but cannot get a response from Eastern Power.

Without explicitly saying that we cannot help him, I suggested he keep his expectations to a minimum so he understands that he might not get an answer from us.

We have a good relationship with this reporter and his publication has written many positive stories about infrastructure projects in the province.

I suggest that I phone the reporter back and tell him that we cannot comment on commercial contracts so he'll have to talk to the proponent.

Let me know what you think.

Paul.

From: Douglas McCallum [mailto:doug@actualmedia.ca]
Sent: 3-Nov-11 10:46
To: Gerard, Paul (ENERGY)
Subject: ReNew Canada Top 100 Infrastructure Projects

Hi Paul,

Attached is a copy of last year's Top 100 Infrastructure Projects publication. Thank you so much for your help with this. For the Greenfield natural gas project we are looking for the cost of the project along with any companies involved (engineering, project managers, construction). Hopefully you will have better luck than me! Also, did you see our Wind in Ontario report or White Paper? We've just lowered the price on them and the White Paper in particular contains fantastic funding information that I think could be of use to you. The links to the reports are below in my signature line.

Cheers,

Doug

--

Douglas McCallum BES, MES
top100projects.ca/whitepaper/
renewcanada.net/windinontario/
Research Associate with Actual Media
218 Adelaide Street W., 3rd Floor
Toronto, ON M5H 1W7
416-444-5842 ext. 118

Fisher, Petra (ENERGY)

From: Botond, Erika (ENERGY)
Sent: November-03-11 3:04 PM
To: Gerard, Paul (ENERGY)
Cc: Dunn, Ryan (ENERGY); Kovesfalvi, Sylvia (ENERGY); Morton, Robert (ENERGY); Sylvis, Laura (ENERGY); Kulendran, Jesse (ENERGY); Silva, Joseph (ENERGY); Block, Andrew (ENERGY)
Subject: RE: MEDIA CALL - OPA - CP - Greenfield South (DEADLINE: end of day)

Hi there – do we have anything?

From: Gerard, Paul (ENERGY)
Sent: November 3, 2011 12:11 PM
To: Botond, Erika (ENERGY)
Cc: Dunn, Ryan (ENERGY); Kovesfalvi, Sylvia (ENERGY); Morton, Robert (ENERGY); Sylvis, Laura (ENERGY); Kulendran, Jesse (ENERGY); Silva, Joseph (ENERGY); Block, Andrew (ENERGY)
Subject: RE: MEDIA CALL - OPA - CP - Greenfield South (DEADLINE: end of day)

Thanks very much Erika.

I will let the OPA know and ask to see their response first.

From: Botond, Erika (ENERGY)
Sent: 3-Nov-11 12:10
To: Gerard, Paul (ENERGY); Block, Andrew (ENERGY)
Cc: Dunn, Ryan (ENERGY); Kovesfalvi, Sylvia (ENERGY); Morton, Robert (ENERGY); Sylvis, Laura (ENERGY); Kulendran, Jesse (ENERGY); Silva, Joseph (ENERGY)
Subject: Re: MEDIA CALL - OPA - CP - Greenfield South (DEADLINE: end of day)

OPA should take the call. Will need to see the updated answers. Basically - they are in discussions. Can't say much more than that.

From: Gerard, Paul (ENERGY)
To: Block, Andrew (ENERGY)
Cc: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY); Kovesfalvi, Sylvia (ENERGY); Morton, Robert (ENERGY); Sylvis, Laura (ENERGY); Kulendran, Jesse (ENERGY); Silva, Joseph (ENERGY)
Sent: Thu Nov 03 11:56:06 2011
Subject: MEDIA CALL - OPA - CP - Greenfield South (DEADLINE: end of day)

Hello Andrew,

The OPA has had a media call from Canadian Press (CP) about the Greenfield South power plant. The deadline is the end of today.

Here are the reporter's questions. Would you like the OPA to take the call or refer her to the ministry?

[Where is the OPA is in terms of cancelling both plants?](#)

The Ontario government is committed to having discussions about relocating the plant. The government will work with Eastern Power to find a new suitable location.

What is the cost of cancelling the Oakville Generating Station and the Mississauga gas plant (Greenfield South)? Eastern Power's costs and other issues will be considered in discussions.

Yesterday the minister commented that the OPA is in discussions with Eastern Power Ltd. to relocate the plant. What is the status of those discussions and has anything been resolved?

I've asked the OPA to begin discussions with the proponent on a potential relocation of this project. I'm hopeful that this will be resolved fairly and in the best interests of all involved.

Why hasn't the OPA or the government halted construction on the facility?

I am hopeful that the OPA's discussions about relocation will result in a successful resolution.

I've inserted some suggested responses to the reporter's questions but am afraid the Q-and-A's I have are already out of date.

Paul.

From: Tim Butters [mailto:Tim.Butters@powerauthority.on.ca]

Sent: 3-Nov-11 11:09

To: Gerard, Paul (ENERGY)

Subject: MEDIA request: Maria Babbage CP re OGS and Greenfield South (DEADLINE: end of day)

Importance: High

Hi Paul,

Please be advised, Maria Babbage (CP) left me a message on the OPA's media line.

- Wants to know where the OPA is in terms of cancelling both plants. Looking for information related to the cost of cancelling Oakville Generating Station and the Mississauga gas plant (Greenfield South).
- In both cases, she would like to know the incurred costs associated with those decisions.
- Yesterday the minister commented that the OPA is in discussions with Eastern Power Ltd. to relocate the plant. She wants to know the status of those discussions, if anything has been resolved, and why the OPA or government hasn't halted construction on the facility.

I have followed up, her deadline is end of day or sooner. Please advise if the ministry/ minister's office would like to respond to this request.

Regards,

Tim

Tim Butters | Media Relations Specialist

Ontario Power Authority

120 Adelaide St W., Suite 1600 | Toronto, Ontario, M5H 1T1

Phone: 416.969.6249 | Fax: 416.967.1947 | Email: tim.butters@powerauthority.on.ca

 Please consider your environmental responsibility before printing this email

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: November-03-11 3:07 PM
To: Sharkawi, Rula (ENERGY)
Cc: Kovesfalvi, Sylvia (ENERGY); Patricia Phillips
Subject: Re: MEDIA request: Maria Babbage CP re OGS and Greenfield South (DEADLINE: end of day)

Rula/Sylvia-can one of you please get back to me asap?

From: Kristin Jenkins
Sent: Thursday, November 03, 2011 01:09 PM
To: rula.sharkawi@ontario.ca <rula.sharkawi@ontario.ca>
Cc: 'Kovesfalvi, Sylvia (ENERGY)' <Sylvia.Kovesfalvi@ontario.ca>; Patricia Phillips
Subject: FW: MEDIA request: Maria Babbage CP re OGS and Greenfield South (DEADLINE: end of day)

Hi Rula. We received this request today as well as a similar from Paul Bliss at CTV. Our proposed response is

"Separate discussions are taking place with Eastern Power and TransCanada, the company that has the Oakville contract. OPA won't be commenting on either while these discussions are underway."

Colin ran this by Lynn Betzner and she agreed that this is an appropriate response. Can you please let me know as soon as possible if you are ok with this? Thanks.

Kristin

From: Tim Butters
Sent: November 3, 2011 10:56 AM
To: Kristin Jenkins; Patricia Phillips
Cc: Mary Bernard
Subject: MEDIA request: Maria Babbage CP re OGS and Greenfield South (DEADLINE: end of day)
Importance: High

Please be advised,

Maria Babbage (CP) left me a message on the media line (note that her story was the top item in today's [NewsWatch](#)). I have followed up, her deadline is end of day or sooner.

- Wants to know where the OPA is in terms of cancelling both plants. Looking for information related to the cost of cancelling Oakville Generating Station and the Mississauga gas plant (Greenfield South).
- In both cases, she would like to know the incurred costs associated with those decisions.
- Yesterday the minister commented that the OPA is in discussions with Eastern Power Ltd. to relocate the plant. She wants to know the status of those discussions, if anything has been resolved, and why the OPA or government hasn't halted construction on the facility.

Pat, per our Greenfield South protocol of October 25, please advise if you would like to contact the ministry.

Regards,

Tim

Tim Butters | Media Relations Specialist

Ontario Power Authority

120 Adelaide St W., Suite 1600 | Toronto, Ontario, M5H 1T1

Phone: 416.969.6249 | Fax: 416.967.1947 | Email: tim.butters@powerauthority.on.ca

 Please consider your environmental responsibility before printing this email

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: November-03-11 3:10 PM
To: 'Kristin Jenkins'
Cc: Kovesfalvi, Sylvia (ENERGY); Patricia Phillips
Subject: RE: MEDIA request: Maria Babbage CP re OGS and Greenfield South (DEADLINE: end of day)

Yes this works. Please go ahead. Thanks

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: November 3, 2011 3:07 PM
To: Sharkawi, Rula (ENERGY)
Cc: Kovesfalvi, Sylvia (ENERGY); Patricia Phillips
Subject: Re: MEDIA request: Maria Babbage CP re OGS and Greenfield South (DEADLINE: end of day)

Rula/Sylvia-can one of you please get back to me asap?

From: Kristin Jenkins
Sent: Thursday, November 03, 2011 01:09 PM
To: rula.sharkawi@ontario.ca <rula.sharkawi@ontario.ca>
Cc: 'Kovesfalvi, Sylvia (ENERGY)' <Sylvia.Kovesfalvi@ontario.ca>; Patricia Phillips
Subject: FW: MEDIA request: Maria Babbage CP re OGS and Greenfield South (DEADLINE: end of day)

Hi Rula. We received this request today as well as a similar from Paul Bliss at CTV. Our proposed response is

"Separate discussions are taking place with Eastern Power and TransCanada, the company that has the Oakville contract. OPA won't be commenting on either while these discussions are underway."

Colin ran this by Lynn Betzner and she agreed that this is an appropriate response. Can you please let me know as soon as possible if you are ok with this? Thanks.

Kristin

From: Tim Butters
Sent: November 3, 2011 10:56 AM
To: Kristin Jenkins; Patricia Phillips
Cc: Mary Bernard
Subject: MEDIA request: Maria Babbage CP re OGS and Greenfield South (DEADLINE: end of day)
Importance: High

Please be advised,

Maria Babbage (CP) left me a message on the media line (note that her story was the top item in today's [Newswatch](#)). I have followed up, her deadline is end of day or sooner.

- Wants to know where the OPA is in terms of cancelling both plants. Looking for information related to the cost of cancelling Oakville Generating Station and the Mississauga gas plant (Greenfield South).
- In both cases, she would like to know the incurred costs associated with those decisions.
- Yesterday the minister commented that the OPA is in discussions with Eastern Power Ltd. to relocate the plant. She wants to know the status of those discussions, if anything has been resolved, and why the OPA or government hasn't halted construction on the facility.

Pat, per our Greenfield South protocol of October 25, please advise if you would like to contact the ministry.

Regards,

Tim

Tim Butters | Media Relations Specialist

Ontario Power Authority

120 Adelaide St W., Suite 1600 | Toronto, Ontario, M5H 1T1

Phone: 416.969.6249 | Fax: 416.967.1947 | Email: tim.butters@powerauthority.on.ca

 Please consider your environmental responsibility before printing this email

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: Letourneau, Amanda (ENERGY)
Sent: November-03-11 3:45 PM
To: Rehob, James (ENERGY)
Subject: Greenfield resolutions and news clippings
Attachments: PowerPlant[1] chronology.pdf;
RecommendationGC04692011ProvincialElectionissues.pdf; request for ea from mississauga.pdf; request for EA jan 06.pdf; Resolution%200173-2011%20Power%20Plants%20Environmental%20Assessment[1].pdf; News.doc; Perils of Politicized Power sept 29 article.doc; POWER PLANT news clipping.mht; MIRANET Article.mht; article june 15, 2011.mht; article june 10 2011.mht; article july 27, 2011.mht

Duplicate attachments
removed

Hi James,

Here are the electronic versions of the resolutions and news articles I found.

Also, here is a link to several articles related to the project: <http://www.chipcanada.org/?q=node/5>

Let me know if you need anything else!

Thanks,

Amanda

Amanda Letourneau
Articling Student
Legal Services Branch
Ministries of Energy and Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
P: 416-325-7304
F: 416-325-1781

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.

Fisher, Petra (ENERGY)

From: Rehob, James (ENERGY)
Sent: November-03-11 3:59 PM
To: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY)
Cc: Letourneau, Amanda (ENERGY)
Subject: RE: Update: Greenfield South - CLOC Discussions

Privileged & Confidential Legal Advice / Solicitor & Client Privileged

November 3, 2011

Hi, and further update with respect to CLOC - Sara's role – just spoke to Sara and she informs that her role is a bit more hands off than I had first understood it to be: she's not going to be reviewing our materials but will provide advice on an "as needed" basis. That should work well in any event.

She gave me some very helpful advice as to how to prepare a chart (based on her experience with MOE) which summarizes the materials we uncover, so that Energy can create a viable record to credibly support the Minister's current policy – eventually, a letter could be sent out from the Minister requesting/encouraging the OPA to cancel the contract immediately. If JR'd, the record (and I gather the chart) would reflect the policy rationale behind the request letter.

I'll work with Amanda and clients on this part of the request, while dealing with Shona on the commercial litigation matters as earlier indicated.

Thanks very much!

James

From: Calwell, Carolyn (ENERGY)
Sent: November 3, 2011 3:15 PM
To: Rehob, James (ENERGY); Perun, Halyna N. (ENERGY)
Subject: RE: Update: Greenfield South - CLOC Discussions

Sounds like a good start, James. Thank you.

Carolyn

From: Rehob, James (ENERGY)
Sent: November 3, 2011 2:27 PM
To: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY)
Subject: Update: Greenfield South - CLOC Discussions

Privileged & Confidential Legal Advice / Solicitor & Client Privileged

November 3, 2011

Good afternoon, Halyna and Carolyn.

By way of update, I have now spoken with CLOC counsel, Shona Compton, and have left a message for Sara Blake (awaiting Sara's reply). Apparently, CLOC will be pursuing two "tracks" in order to prepare for any final decision(s) which would come on the Greenfield South matter, as follows:

- Shona and Len Marsello will be researching the commercial litigation options (and risks), including the option of an assignment of the contract back from the OPA to the Crown.
 - Shona has asked for me to provide some analysis on the scheme of the EA and whether assignment back is anyway prohibited by statute, etc. I will aim to provide this to Shona by tomorrow mid-morning, ccing both of you (if that makes sense).
- Sara will be working on creating the "record" (evidentiary basis) for any policy-based letter of request issued by the Minister;
 - I have had Amanda pull together some initial materials which we are now reviewing in order to provide to Sara once she gets back to me about what she will be requiring in more detail – we have a start in any event.

Thank you, and let me know if you require anything further on this matter.

Kind regards,

James

James P. H. Rehob

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

Notice

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

Fisher, Petra (ENERGY)

From: Poinen, Ruby (ENERGY)
Sent: November-03-11 4:14 PM
To: Jenkins, Allan (ENERGY)
Subject: RE: DUE NOV 2- DRC-2011-3938--TECIMER-GTA New Supply.doc

Hi Allan,

You don't need to respond to any of the letters which were sent to you for response. They were closed by Correspondence Unit.

Thanks

Ruby

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

From: Jenkins, Allan (ENERGY)
Sent: November 1, 2011 9:43 AM
To: Poinen, Ruby (ENERGY); MacCallum, Doug (ENERGY)
Subject: RE: DUE NOV 2- DRC-2011-3938--TECIMER-GTA New Supply.doc

I will wait for a response before taking any action on these letters.

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

From: Poinen, Ruby (ENERGY)
Sent: October 28, 2011 4:09 PM
To: Jenkins, Allan (ENERGY); MacCallum, Doug (ENERGY)
Subject: RE: DUE NOV 2- DRC-2011-3938--TECIMER-GTA New Supply.doc

Hi Allan,

I forwarded your email to Correspondence Unit. I am waiting for their reply.

Thanks

Ruby

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

From: Jenkins, Allan (ENERGY)
Sent: October 28, 2011 3:50 PM
To: Poinen, Ruby (ENERGY); MacCallum, Doug (ENERGY)
Subject: Re: DUE NOV 2- DRC-2011-3938--TECIMER-GTA New Supply.doc

Ruby,

All of these letters that are asking why the construction hasn't been stopped should be answered by Correspondence using the Qs and As prepared by Comms. They require apolitical not a technical answer.

Sent from my BlackBerry Wireless Handheld

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

From: Poinen, Ruby (ENERGY)

To: Jenkins, Allan (ENERGY)

Sent: Fri Oct 28 15:06:52 2011

Subject: DUE NOV 2- DRC-2011-3938--TECIMER-GTA New Supply.doc

Cayley, Daniel (ENERGY)

From: Sharkawi, Rula (ENERGY)
Sent: November-03-11 4:37 PM
To: Gerard, Paul (ENERGY)
Subject: FW: MEDIA request: Maria Babbage CP re OGS and Greenfield South (DEADLINE: end of day)

Message below is approved

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: November 3, 2011 3:10 PM
To: Sharkawi, Rula (ENERGY)
Cc: Kovesfalvi, Sylvia (ENERGY); Patricia Phillips
Subject: Re: MEDIA request: Maria Babbage CP re OGS and Greenfield South (DEADLINE: end of day)

Great thanks.

From: Sharkawi, Rula (ENERGY) [mailto:Rula.Sharkawi@ontario.ca]
Sent: Thursday, November 03, 2011 03:09 PM
To: Kristin Jenkins
Cc: Kovesfalvi, Sylvia (ENERGY) <Sylvia.Kovesfalvi@ontario.ca>; Patricia Phillips
Subject: RE: MEDIA request: Maria Babbage CP re OGS and Greenfield South (DEADLINE: end of day)

Yes this works. Please go ahead. Thanks

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: November 3, 2011 3:07 PM
To: Sharkawi, Rula (ENERGY)
Cc: Kovesfalvi, Sylvia (ENERGY); Patricia Phillips
Subject: Re: MEDIA request: Maria Babbage CP re OGS and Greenfield South (DEADLINE: end of day)

Rula/Sylvia-can one of you please get back to me asap?

From: Kristin Jenkins
Sent: Thursday, November 03, 2011 01:09 PM
To: rula.sharkawi@ontario.ca <rula.sharkawi@ontario.ca>
Cc: 'Kovesfalvi, Sylvia (ENERGY)' <Sylvia.Kovesfalvi@ontario.ca>; Patricia Phillips
Subject: FW: MEDIA request: Maria Babbage CP re OGS and Greenfield South (DEADLINE: end of day)

Hi Rula. We received this request today as well as a similar from Paul Bliss at CTV. Our proposed response is

"Separate discussions are taking place with Eastern Power and TransCanada, the company that has the Oakville contract. OPA won't be commenting on either while these discussions are underway."

Colin ran this by Lynn Betzner and she agreed that this is an appropriate response. Can you please let me know as soon as possible if you are ok with this? Thanks.

Kristin

From: Tim Butters
Sent: November 3, 2011 10:56 AM
To: Kristin Jenkins; Patricia Phillips
Cc: Mary Bernard
Subject: MEDIA request: Maria Babbage CP re OGS and Greenfield South (DEADLINE: end of day)
Importance: High

Please be advised,

Maria Babbage (CP) left me a message on the media line (note that her story was the top item in today's [Newswatch](#)). I have followed up, her deadline is end of day or sooner.

- Wants to know where the OPA is in terms of cancelling both plants. Looking for information related to the cost of cancelling Oakville Generating Station and the Mississauga gas plant (Greenfield South).
- In both cases, she would like to know the incurred costs associated with those decisions.
- Yesterday the minister commented that the OPA is in discussions with Eastern Power Ltd. to relocate the plant. She wants to know the status of those discussions, if anything has been resolved, and why the OPA or government hasn't halted construction on the facility.

Pat, per our Greenfield South protocol of October 25, please advise if you would like to contact the ministry.

Regards,

Tim

Tim Butters | Media Relations Specialist
Ontario Power Authority
120 Adelaide St W., Suite 1600 | Toronto, Ontario, M5H 1T1
Phone: 416.969.6249 | Fax: 416.967.1947 | Email: tim.butters@powerauthority.on.ca
 Please consider your environmental responsibility before printing this email

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: Gerard, Paul (ENERGY)
Sent: November-03-11 5:08 PM
To: King, Ryan (ENERGY)
Cc: Collins, Jason R. (ENERGY)
Subject: RE: MEDIA CALL - OPA - CP - Greenfield South

Thanks.

From: King, Ryan (ENERGY)
Sent: 3-Nov-11 17:07
To: Gerard, Paul (ENERGY)
Cc: Collins, Jason R. (ENERGY)
Subject: FW: MEDIA CALL - OPA - CP - Greenfield South

It's ok

From: Jennings, Rick (ENERGY)
Sent: November 3, 2011 5:04 PM
To: King, Ryan (ENERGY)
Subject: RE: MEDIA CALL - OPA - CP - Greenfield South

Response is okay as written and fine to go to the reporter.

Note: Bruce to Milton transmission line will be fully in service by December 2012. Bruce units 1 and 2 will have returned to service by mid-2012. Planned outages of some of the Bruce units are expected in the fall of 2012.

From: King, Ryan (ENERGY)
Sent: November 3, 2011 4:50 PM
To: Jennings, Rick (ENERGY)
Subject: Fw: MEDIA CALL - OPA - CP - Greenfield South
Importance: High

Are you ok w OPA's proposed response?

From: Gerard, Paul (ENERGY)
To: Collins, Jason R. (ENERGY); King, Ryan (ENERGY)
Sent: Thu Nov 03 16:46:08 2011
Subject: MEDIA CALL - OPA - CP - Greenfield South

Hi Jason and Ryan,

I would be great if we can get this back tonight.

CTV Wingham is working on a story about the refurbishing of Units 1 and 2 at Bruce Power. The reporter would like to know:

- Will the current transmission lines be able to handle the load when these two units come back online?
- Has compensation been arranged for Bruce Power if the current transmission lines cannot handle the load and the Bruce-to-Milton transmission project is not operational?

Here's the OPA's response. Let me know what you think.

Hi Scott,

The Ontario Power Authority and Bruce Power are working together to secure an important source of cost-effective and emission-free electricity for Ontario ratepayers through the long-term supply of 6,300 MW from the Bruce Power site.

Nuclear power is an important part of the province's supply mix, and through this nuclear refurbishment and modernization process, will continue to provide reliable, steady baseload electricity supply to the province of Ontario.

The Bruce Power Refurbishment Implementation Agreement (BPRIA) includes a provision under section 5 that refers to how to handle unutilized generation. **However, We have no reason to expect any capacity problems with the grid are not anticipated** when Units 1 and 2 come back on line. Bruce Power is in a better position to speak to this.

From: Scott Miller [mailto:Scott.Miller@bellmedia.ca]

Sent: November 1, 2011 12:57 PM

To: Media

Subject:

Good Afternoon,

Scott Miller from CTV News in Wingham here. I am trying to do a story about the restart of Units 1 and 2 at Bruce Power and the Bruce to Milton Transmission Line. I've got the timelines for Bruce Power's plans for synchronizing Units 1 and 2 to the grid, but I was wondering if the current transmission lines can handle it? If not, there must be some sort of agreement/compensation if Bruce Power is ready to send electricity but the grid can't take it until the new lines are up? Is there such an agreement? Hoping you can help either with a document you can point me to or a return phone call to help set me straight.

Thanks,

Scott Miller

CTV Television News-Wingham

519-357-4438 Newsroom

519-881-6039 Cell

519-357-4398 Fax

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: Rehob, James (ENERGY)
Sent: November-03-11 5:51 PM
To: Letourneau, Amanda (ENERGY)
Subject: RE: Greenfield resolutions and news clippings

Hi, Amanda – please set up a chart with the following columns, and begin inputting the information from the documents you've found – thanks!

Column Title
-No.(number)
-Title of Document
-Brief Description
-Summary of Comments
-Policy Comments
-Recommendations

Please see me if you have any difficulties – I'd like to see the bare chart with a couple of entries by 11 amish, if possible, thanks!

James

From: Letourneau, Amanda (ENERGY)
Sent: November 3, 2011 3:45 PM
To: Rehob, James (ENERGY)
Subject: Greenfield resolutions and news clippings

Hi James,

Here are the electronic versions of the resolutions and news articles I found.

Also, here is a link to several articles related to the project: <http://www.chipcanada.org/?q=node/5>

Let me know if you need anything else!

Thanks,

Amanda

Amanda Letourneau
Articling Student
Legal Services Branch
Ministries of Energy and Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
P: 416-325-7304
F: 416-325-1781

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.

Fisher, Petra (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: November-03-11 7:46 AM
To: Lindsay, David (ENERGY)
Subject: Fw:

Fyi Deputy

PS I'm coming in late this AM (DM Morton mentoring) and will try to get out early this PM so I can head out to Kingston.
Thanks Deputy.

Sent using BlackBerry Wireless

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

From: Calwell, Carolyn (ENERGY)
To: MacLennan, Craig (ENERGY)
Cc: Silva, Joseph (ENERGY); Perun, Halyna N. (ENERGY)
Sent: Thu Nov 03 07:34:47 2011
Subject: Re:

Of course - we'll get to work.

Carolyn

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

From: MacLennan, Craig (ENERGY)
To: Calwell, Carolyn (ENERGY)
Sent: Thu Nov 03 07:04:15 2011
Subject:

Carolyn,

Can we pls start drafting mississauga legislation in case we need it pls.

Cm

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November 3, 2011 8:08 AM
To: Spakowski, Mark (JUS)
Cc: Perun, Halyna N. (ENERGY)
Subject: New legislation

Mark,

We have received instructions from our client to start working on legislation to address the Greenfield South gas plant in Mississauga. While discussions are occurring, the government wants to ensure that it is ready to move with legislation if necessary. Timing is uncertain and policy thinking is nascent. We expect that the legislation will be something akin to the *Adams Mine Lake Act, 2004*.

Would you please assign someone in your office to work with us?

Thank you.

Carolyn

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

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.

Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November-04-11 8:48 AM
To: Calwell, Carolyn (ENERGY)
Subject: FW: OEFC

Hope this works!

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: November 4, 2011 8:18 AM
To: Sinclair, James (FIN)
Cc: Hanslep, Malle (FIN)
Subject: Re: OEFC

Yes please if you are able to that would be great thank you

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

Sent using BlackBerry

From: Sinclair, James (FIN)
To: Perun, Halyna N. (ENERGY)
Cc: Hanslep, Malle (FIN)
Sent: Fri Nov 04 08:16:56 2011
Subject: OEFC

Halyna:

I now have your voice mail. Although we know of the discussions regarding the Mississauga plant and the need for settlement of the earlier litigation we do not, unfortunately, have any term sheet. Would you like us to chase it down from the client?

Jim

James D. Sinclair
Director, Legal Services Branch
Ministry of Finance
Ministry of Revenue
777 Bay Street, 11th Floor
Toronto ON M5G 2C8

T: 416 325 1450
F: 416 325 1460

This e-mail is confidential and may be subject to solicitor-client privilege.

Fisher, Petra (ENERGY)

From: Jenkins, Allan (ENERGY)
Sent: November-04-11 9:41 AM
To: Tully, Keegan (ENERGY)
Cc: MacCallum, Doug (ENERGY)
Subject: Power New York Act

Follow Up Flag: Follow up
Flag Status: Completed

In case you didn't already have these references:

<http://www3.dps.state.ny.us/W/PSCWeb.nsf/All/64C8A03C408086EB85257687006F3ABE?OpenDocument>

[http://www3.dps.state.ny.us/W/PSCWeb.nsf/ca7cd46b41e6d01f0525685800545955/64c8a03c408086eb85257687006f3abe/\\$FILE/Final%20Article%2010%20Presentation-10-26-11.pdf](http://www3.dps.state.ny.us/W/PSCWeb.nsf/ca7cd46b41e6d01f0525685800545955/64c8a03c408086eb85257687006f3abe/$FILE/Final%20Article%2010%20Presentation-10-26-11.pdf)

<http://www.jdsupra.com/post/documentViewer.aspx?fid=2fcd4ba1-aae9-4274-bc43-b29e1d0b1aee>

Could you send me the current version of your summary of siting policies and can we discuss?

It would be useful if we could get more information on the metrics of these approaches, and the actual results for each jurisdiction - have proposed facilities gone through these processes within the last 10 years, how long did it take, did they actually get built, and how far were they from populations? The former New York process, for example, has resulted in generating stations within urban communities much closer to residences than Oakville or GS.

Fisher, Petra (ENERGY)

From: Khatri, Anupa (ENERGY)
Sent: November-04-11 12:48 PM
To: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY)
Subject: Greenfield South Power Plant
Attachments: Greenfield South Power Plant.doc

*Anupa Khatri
Director's Secretary
Ministries of Energy & Infrastructure
Legal Services Branch
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: 416-325-1841*

Notice

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

CONFIDENTIAL & PRIVILEGED

Dear Minister

I am writing to you on behalf of the Ontario Power Authority's (OPA) Board of Directors with respect to the Greenfield South Power Plant, which the Ministry of Energy procured in 2004. The OPA was subsequently directed to enter into a contract with Greenfield and is now the sole counterparty. The board clearly understands that the government is committed to not having the plant build at its current location, as committed during the provincial election and outlined in your letter to the OPA on October 24, 2011. The purpose of this letter is to seek direction on next steps to ensure that the government's commitment is met.

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

After receiving your October 24th letter, OPA commenced discussions with Greenfield South because existing contract does not provide the OPA with any tools that would allow us to unilaterally meet the government's commitment. To date, OPA's objective has been to reach an agreement with Greenfield South to stop construction and negotiate a settlement to relocate the plant or terminate the contract, as a negotiated settlement would likely be the most cost-effective approach. Since then, it has become clear that Greenfield South is unlikely to agree to such an approach which makes unilateral termination of the contract a logical next step in order to limit the liabilities associated with relocating or cancelling the plant. The Board of Directors is therefore seeking clarity from you on whether the government agrees that the OPA should unilaterally terminate the Greenfield South contract.

In the event that the government is in agreement, we would then seek to commence discussions with Greenfield South to arrive at a settlement on appropriate compensation. Given our shared interest in ratepayer value, the board would then also like to commence a dialogue with you on the most appropriate way to allocate the compensation between ratepayers and taxpayers.

I look forward to discussing these matters with you.

Yours sincerely,

Jim Hinds
Chair

Fisher, Petra (ENERGY)

From: Rehob, James (ENERGY)
Sent: November-04-11 2:35 PM
To: Letourneau, Amanda (ENERGY)
Subject: Greenfield South
Attachments: 10-24-11 - Minister Letter - Greenfield - CAndersen.pdf

Hi, Amanda!

Would you please include this in the binder and Chart?

Thanks, Amanda!

James P. H. Rehob

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

Notice

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

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: Calwell, Carolyn (ENERGY)
Sent: November 4, 2011 3:45 PM
To: Lindsay, David (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: FW: OPA Letter
Attachments: Greenfield South Power Plant.mark up.doc

As discussed.

Carolyn

From: Calwell, Carolyn (ENERGY)
Sent: November 4, 2011 3:06 PM
To: Jennings, Rick (ENERGY); King, Ryan (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Rehob, James (ENERGY)
Subject: OPA Letter

Confidential/Solicitor-Client Privileged

Attached is a letter that we received from the OPA this afternoon, marked with changes that we recommend. We would appreciate your review and comment. We will also send the letter over to CLOC for its input.

We expect that the Minister would look to the record of public (media) comment that James is preparing in determining an appropriate response (which James is also starting to draft). It is not clear to me when the OPA is expecting to hear back from us about this draft.

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.

CONFIDENTIAL & PRIVILEGED

Dear Minister

I am writing to you on behalf of the Ontario Power Authority's (OPA) Board of Directors with respect to the Greenfield South Power Plant, which the Ministry of Energy procured in 2004. The OPA was subsequently directed to enter into a contract with Greenfield and is now the sole counterparty. The ~~b~~Board clearly understands that the government's intention to relocate the plant is committed to not having the plant build at its current location, as ~~committed during the provincial election and~~ outlined in your letter to the OPA on October 24, 2011. The purpose of this letter is ~~to seek direction on next steps~~ to ensure that the government's commitment intention is met.

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

After receiving your October 24th letter, OPA commenced discussions with Greenfield South ~~because existing contract does not provide the OPA with any tools that would allow us to unilaterally meet the government's commitment~~. To date, OPA's objective has been to reach an agreement with Greenfield South to stop construction and negotiate an arrangement settlement to relocate the plant or terminate the contract, ~~as a negotiated settlement would likely be the most cost effective approach~~. Since then, it has become clear that Greenfield South is unlikely to agree to such an approach which makes unilateral termination of the contract a logical next step ~~in order to limit the liabilities associated with relocating or cancelling the plant. The Board of Directors is therefore seeking clarity from you on whether the government agrees that the OPA should unilaterally terminate the Greenfield South contract.~~

~~In the event that the government is in agreement, w~~We would ~~then~~ seek to commence continue discussions with Greenfield South to arrive at an settleagreement on appropriate compensation. Given our shared interest in ratepayer value, the board would then also like to commence a dialogue with you on the most appropriate way to allocate the compensation between ratepayers and taxpayers.

I look forward to ~~discussing these matters with your~~ reply.

Yours sincerely,

Jim Hinds
Chair

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November 4, 2011 4:35 PM
To: King, Ryan (ENERGY)
Cc: Rehob, James (ENERGY); Silva, Joseph (ENERGY); Perun, Halyna N. (ENERGY)
Subject: Legislation

Confidential/Solicitor-Client Privileged

Hi Ryan,

As you know, we have been asked to prepare legislation that could address the Greenfield South plant. The model for the legislation would be the Adams Mine Lake Act, 2004 - http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_04a06_e.htm.

Following this model, I would recommend that the proposed bill includes (with reference to Adams Mine):

- A prohibition of the use of the site for generating electricity (s. 2.)
- Revocation of all approvals provided for the gas plant (s. 3)
- A declaration that the Contract is of no force or effect (s. 4)
- Extinguishment of causes of action, prohibition against legal proceedings, etc. (s. 5)
- Some mechanism to establish (and limit) compensation (s. 6)

I welcome your thoughts about the foregoing. I have made contact with my MOE counterpart to track down the details of approvals.

I particularly need assistance with respect to compensation. At one point, we identified the need to address costs incurred to date (sunk costs – including equipment costs), construction and equipment related contracts and foregone revenue. Are there other headings that you can think of? Is there a willingness to provide compensation for all headings?

As James mentioned to me, we could take a number of different approaches toward compensation – we could fix a formula (like Adams Mine); we could fix a process; we could create regulation making authority to deal with compensation (which could then deal with either a formula or a process). If we choose the process route, any number of options apply there – arbitration by a fixed date; appointment of some sort of expert valuator; etc. I expect that we may need to prepare a few options – one that will work best for negotiation purposes and one that will work best should the bill ever be tabled in the House.

Finally, is there any desire to deal with the land? For example, we could require remediation of the site (which would probably tie into compensation). We could expropriate the site for some sort of public interest or government purposes. Again, there are numerous options.

This is a starting point. I would be happy to discuss.

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: Letourneau, Amanda (ENERGY)
Sent: November-04-11 4:58 PM
To: Rehob, James (ENERGY)
Subject: Greenfield info chart
Attachments: greenfiled info chart.doc

Amanda Letourneau
Articling Student
Legal Services Branch
Ministries of Energy and Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
P: 416-325-7304
F: 416-325-1781

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.

Greenfield South Power Proposal Documents

Number	Title	Brief Description	Summary of Comments	Policy Comments	Recommendations
1	Resolution 0173-2011	Resolution by the City of Mississauga to request from the Minister of the Environment a Full Environmental Assessment to be conducted on the Greenfield South proposal			
2	Recommendation GC-0469-2011	Recommendation that the City of Mississauga endorses an additional question for provincial political parties as follows: "would your party ensure a full Environmental assessment is conducted on the Greenfield South Power plant proposal" and "will you as a Provincial candidate oppose the construction of the Greenfield South power plant"			
3	Request for Full Environmental Assessment from the City of Mississauga	Letter from Mayor McCallion regarding Resolution 0173-2011 requesting a full Environmental Assessment following the Minister's statement that there would be a review of the Greenfield South power proposal for			

		new environmental evidence			
4	Greenfield South Power Plant Council Motion – July 8, 2011	Council motion resolving that the City of Mississauga will request that Minister of Energy to conduct a full review to determine the necessity of manufacturing 280 MW in a densely populated urban area and consider alternatives to the proposal.			
5	Greenfield South Power Corporation Detailed Chronology	Chronology of events leading up to the approval and construction of the plant, beginning with the OPA's RFO for 'Clean Energy Supply' in September 2004. Includes history of zoning by-law appeals to the OMB			
6	Greenfield South Power Plant – July 8, 2011	News clipping from Mississauga website detailing the history of the project and stating that the City had run out of options with regard to opposing the proposal once the OMB decision amended the City's Official Plan and Zoning By-law. The Chief Building official was bound to issue a building permit once the project complied with			

		required laws.			
6	MOE to review power plant – Inside Toronto article – June 15, 2011	News article regarding Minister of Environment John Wilkinson statement that the decision to review the project came after the construction of a new set of condominium towers near the site. The review would consider new developments in the area that may call into question the location of the plant.			
7	Power Plant Review Ongoing – Inside Toronto Article – Sept 19, 2011	Ongoing environmental review not complete, but residents asking that the review be completed before the Provincial election. Ministry of Environment spokesperson said that it was too early to speculate on when the review will be complete, what the outcome will be, and whether cancellation of the project is an option.			
8	National Post Comment – Politicians Should Stop Playing with Ontario's Electricity – Sept 29, 2011	Opinion piece regarding the announcement from the Liberals that if elected, the Greenfield Plant would be relocated. Criticises the announcement as a political move to secure votes, with a			

		<p>lack of information provided regarding costs of the cancellation, including replacement generation. Also criticises the energy-related campaign promises of other political parties. With all 3 parties now in opposition to the plant, there is no debate on the wider issues associated with the cancellation.</p>			
9	<p>Construction continues at Mississauga Power Plant – National Post - Oct 24, 2011</p>	<p>One month after the Liberals decided to halt the Greenfield project, construction is still ongoing. A generator was seen being delivered to the site. Spokesperson for the Ministry stated that there hasn't been time to work out the details of the cancellation yet, but that the government is committed to relocating the plant. Critics remain sceptical that the promise to relocate the plant was genuine.</p>			
10	<p>New Generator Unplugged for Power Plant – Toronto Sun – Oct 24, 2011</p>	<p>Article with criticisms from both PC and NDP leaders on the continued construction of the plant. Both party leaders state that the longer</p>			

		construction continues, the greater the cost will be to tax payers if and when the plant is relocated.			
11	Charles Sousa MPP Statement – October 25, 2011	The government remains committed to the relocation of the plant, as well as developing more rigorous controls for location choices in future projects.			
12	Liberals in Talks to Move Plant – Mississauga.com – Oct 26, 2011	Ministry of Energy spokesman stated that discussions to relocate the plant are taking place, and that no legislation will be required to halt construction of the plant. Criticism by the opposition and residents persists as construction on the plant continues.			
13	Rural Ontario Paying a High Price – Toronto Sun – Oct 27, 2011	Opinion piece stating that as a result of the cancellation of the Greenfield project, rural Ontario will have to take on another plant. Calls the decision to close the plant “a disgraceful waste of time and money.” Also criticises the government’s green energy initiatives for having build wind farms in rural Ontario. Also states that generating electricity in the			

		north is inefficient and as a result puts urban areas at risk for power shortages or outages.			
14	Liberals Evade Outrage on Power Plant Issue – CBC News – Oct. 28, 2011	Opinion piece- Criticism of Minister Bentley's statement regarding relocation of the plant. The statement essentially said nothing and did not provide any explanation for why, if the plant was cancelled, construction continues. The announcement of Conservative MPP Frank Klees to run for Speaker gave the Liberals an opportunity misdirect attention from the plant relocation issue to a "rift" in the Conservative caucus, allowing them to evade issues relating to the plant closure.			
15	Contracts cancelled at taxpayers expense – Law Times – Oct 31, 2011	Article discusses the contractual ramifications of the cancellation of the plant. States that estimates of costs of cancellation are up to a billion dollars. Also includes a discussion of the Trillium Power Wind Corp. 2.25 billion dollar claim			

		<p>against the government after a moratorium on offshore wind power projects forced the cancellation of its projects. States that the decision to close the plant was “politics at its worst as the government panders to a minority with billions of dollars in taxpayers’ money that at the end of the day creates no new jobs and no new energy.”</p>			
16	<p>Liberals can’t explain how they’d meet campaign pledge to move gas plant – Global Toronto – Nov. 2, 2011</p>	<p>Critics question the government’s ability to follow through with the promise to relocate the plant because no details have been provided regarding a plan on how to accomplish the relocation. Meanwhile, the continued construction of the plant is increasing the costs associated with the relocation.</p>			
17	<p>Hard to Stop Mississauga Gas Plant, Liberals Admit – Toronto Star – Nov. 2, 2011</p>	<p>Article regarding statements made by premier McGuinty regarding relocation of the power plant being “a little bit more complicated than we originally anticipated” but that the government is still committed to relocating the</p>			

		plant. Minister Bentley noted that discussion between the OPA and Eastern Power are ongoing, but refused to get into specifics on the discussions.			
--	--	--	--	--	--

Cayley, Daniel (ENERGY)

From: Rehob, James (ENERGY)
Sent: November-04-11 5:13 PM
To: King, Ryan (ENERGY)
Subject: FW: Greenfield info chart
Attachments: greenfiled info chart.doc

Duplicate
attachment
removed

From: Letourneau, Amanda (ENERGY)
Sent: November 4, 2011 4:58 PM
To: Rehob, James (ENERGY)
Subject: Greenfield info chart

Amanda Letourneau
Articling Student
Legal Services Branch
Ministries of Energy and Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
P: 416-325-7304
F: 416-325-1781

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.

Fisher, Petra (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: November-04-11 5:14 PM
To: King, Ryan (ENERGY)
Subject: FW: OPA Letter
Attachments: Greenfield South Power Plant mark up(rk).doc

Ryan these edits look fine.

From: King, Ryan (ENERGY)
Sent: November 4, 2011 3:31 PM
To: Jennings, Rick (ENERGY)
Subject: FW: OPA Letter

Rick, my suggested edits

From: Calwell, Carolyn (ENERGY)
Sent: November 4, 2011 3:06 PM
To: Jennings, Rick (ENERGY); King, Ryan (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Rehob, James (ENERGY)
Subject: OPA Letter

Confidential/Solicitor-Client Privileged

Attached is a letter that we received from the OPA this afternoon, marked with changes that we recommend. We would appreciate your review and comment. We will also send the letter over to CLOC for its input.

We expect that the Minister would look to the record of public (media) comment that James is preparing in determining an appropriate response (which James is also starting to draft). It is not clear to me when the OPA is expecting to hear back from us about this draft.

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.

CONFIDENTIAL & PRIVILEGED

Dear Minister

I am writing to you on behalf of the Ontario Power Authority's (OPA) Board of Directors with respect to the Greenfield South Power Plant, which the Ministry of Energy procured in 2004. The OPA was subsequently directed to enter into a contract with Greenfield and is now the sole counterparty. The ~~b~~Board clearly understands ~~that~~ the government's ~~intention to relocate the plant~~ seek an alternative location for the plant is committed to not having the plant build at its current location, as committed during the provincial election and outlined in your letter to the OPA on October 24, 2011. The purpose of this letter is to seek direction on next steps to ensure that the government's commitment intention is met a resolution of this issue.

Formatted: Highlight

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

After receiving your October 24th letter, OPA commenced discussions with Greenfield South ~~because existing contract does not provide the OPA with any tools that would allow us to unilaterally meet the government's commitment.~~ To date, OPA's objective has been to reach an agreement with Greenfield South to stop construction and negotiate an arrangement settlement to relocate the plant ~~or terminate the contract, as a negotiated settlement would likely be the most cost effective approach.~~ Since then, it has become clear that Greenfield South is unlikely to agree to such an approach which makes unilateral termination of the contract a logical next step ~~in order to limit the liabilities associated with relocating or cancelling the plant. The Board of Directors is therefore seeking clarity from you on whether the government agrees that the OPA should unilaterally terminate the Greenfield South contract.~~

~~In the event that the government is in agreement, w~~We would ~~then~~ seek to commence continue discussions with Greenfield South to arrive at an settleagreement on appropriate compensation. Given our shared interest in ratepayer value, the board would then also like to commence a dialogue with you on the most appropriate way to allocate the compensation between ratepayers and taxpayers.

I look forward to ~~discussing these matters with your~~ reply.

Yours sincerely,

Jim Hinds
Chair

Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: November-04-11 5:29 PM
To: Jennings, Rick (ENERGY)
Subject: FW: Legislation

From: Calwell, Carolyn (ENERGY)
Sent: November 4, 2011 4:35 PM
To: King, Ryan (ENERGY)
Cc: Rehob, James (ENERGY); Silva, Joseph (ENERGY); Perun, Halyna N. (ENERGY)
Subject: Legislation

Confidential/Solicitor-Client Privileged

Hi Ryan,

As you know, we have been asked to prepare legislation that could address the Greenfield South plant. The model for the legislation would be the Adams Mine Lake Act, 2004 - http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_04a06_e.htm.

Following this model, I would recommend that the proposed bill includes (with reference to Adams Mine):

- A prohibition of the use of the site for generating electricity (s. 2.)
- Revocation of all approvals provided for the gas plant (s. 3)
- A declaration that the Contract is of no force or effect (s. 4)
- Extinguishment of causes of action, prohibition against legal proceedings, etc. (s. 5)
- Some mechanism to establish (and limit) compensation (s. 6)

I welcome your thoughts about the foregoing. I have made contact with my MOE counterpart to track down the details of approvals.

I particularly need assistance with respect to compensation. At one point, we identified the need to address costs incurred to date (sunk costs – including equipment costs), construction and equipment related contracts and foregone revenue. Are there other headings that you can think of? Is there a willingness to provide compensation for all headings?

As James mentioned to me, we could take a number of different approaches toward compensation – we could fix a formula (like Adams Mine); we could fix a process; we could create regulation making authority to deal with compensation (which could then deal with either a formula or a process). If we choose the process route, any number of options apply there – arbitration by a fixed date; appointment of some sort of expert valuator; etc. I expect that we may need to prepare a few options – one that will work best for negotiation purposes and one that will work best should the bill ever be tabled in the House.

Finally, is there any desire to deal with the land? For example, we could require remediation of the site (which would probably tie into compensation). We could expropriate the site for some sort of public interest or government purposes. Again, there are numerous options.

This is a starting point. I would be happy to discuss.

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.

Cayley, Daniel (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: November 4, 2011 5:42 PM
To: King, Ryan (ENERGY); Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: RE: Legislation

The construction costs incurred to date and the costs of the gas and steam turbines could be approaching \$300 million, Eastern Power had told the OPA earlier that 75% of the project costs had been spent or committed two weeks ago. It would be hard to justify not paying the company for all costs actually incurred which would again be up to \$300 million.

A draft could be prepared with a number such as \$100 million to advance negotiations or it could say costs will depend on validation..

From: King, Ryan (ENERGY)
Sent: November 4, 2011 5:29 PM
To: Jennings, Rick (ENERGY)
Subject: FW: Legislation

From: Calwell, Carolyn (ENERGY)
Sent: November 4, 2011 4:35 PM
To: King, Ryan (ENERGY)
Cc: Rehob, James (ENERGY); Silva, Joseph (ENERGY); Perun, Halyna N. (ENERGY)
Subject: Legislation

Confidential/Solicitor-Client Privileged

Hi Ryan,

As you know, we have been asked to prepare legislation that could address the Greenfield South plant. The model for the legislation would be the Adams Mine Lake Act, 2004 - http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_04a06_e.htm.

Following this model, I would recommend that the proposed bill includes (with reference to Adams Mine):

- A prohibition of the use of the site for generating electricity (s. 2.)
- Revocation of all approvals provided for the gas plant (s. 3)
- A declaration that the Contract is of no force or effect (s. 4)
- Extinguishment of causes of action, prohibition against legal proceedings, etc. (s. 5)
- Some mechanism to establish (and limit) compensation (s. 6)

I welcome your thoughts about the foregoing. I have made contact with my MOE counterpart to track down the details of approvals.

I particularly need assistance with respect to compensation. At one point, we identified the need to address costs incurred to date (sunk costs – including equipment costs), construction and equipment related contracts and foregone revenue. Are there other headings that you can think of? Is there a willingness to provide compensation for all headings?

As James mentioned to me, we could take a number of different approaches toward compensation – we could fix a formula (like Adams Mine); we could fix a process; we could create regulation making authority to deal with compensation (which could then deal with either a formula or a process). If we choose the process route, any number of options apply there – arbitration by a fixed date; appointment of some sort of expert valuator; etc. I expect that we may need to prepare

a few options – one that will work best for negotiation purposes and one that will work best should the bill ever be tabled in the House.

Finally, is there any desire to deal with the land? For example, we could require remediation of the site (which would probably tie into compensation). We could expropriate the site for some sort of public interest or government purposes. Again, there are numerous options.

This is a starting point. I would be happy to discuss.

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.

Cayley, Daniel (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: November-04-11 5:42 PM
To: King, Ryan (ENERGY); Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: RE: Legislation

The construction costs incurred to date and the costs of the gas and steam turbines could be approaching \$300 million, Eastern Power had told the OPA earlier that 75% of the project costs had been spent or committed two weeks ago. It would be hard to justify not paying the company for all costs actually incurred which would again be up to \$300 million.

A draft could be prepared with a number such as \$100 million to advance negotiations or it could say costs will depend on validation..

From: King, Ryan (ENERGY)
Sent: November 4, 2011 5:29 PM
To: Jennings, Rick (ENERGY)
Subject: FW: Legislation

From: Calwell, Carolyn (ENERGY)
Sent: November 4, 2011 4:35 PM
To: King, Ryan (ENERGY)
Cc: Rehob, James (ENERGY); Silva, Joseph (ENERGY); Perun, Halyna N. (ENERGY)
Subject: Legislation

Confidential/Solicitor-Client Privileged

Hi Ryan,

As you know, we have been asked to prepare legislation that could address the Greenfield South plant. The model for the legislation would be the Adams Mine Lake Act, 2004 - http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_04a06_e.htm.

Following this model, I would recommend that the proposed bill includes (with reference to Adams Mine):

- A prohibition of the use of the site for generating electricity (s. 2.)
- Revocation of all approvals provided for the gas plant (s. 3)
- A declaration that the Contract is of no force or effect (s. 4)
- Extinguishment of causes of action, prohibition against legal proceedings, etc. (s. 5)
- Some mechanism to establish (and limit) compensation (s. 6)

I welcome your thoughts about the foregoing. I have made contact with my MOE counterpart to track down the details of approvals.

I particularly need assistance with respect to compensation. At one point, we identified the need to address costs incurred to date (sunk costs – including equipment costs), construction and equipment related contracts and foregone revenue. Are there other headings that you can think of? Is there a willingness to provide compensation for all headings?

As James mentioned to me, we could take a number of different approaches toward compensation – we could fix a formula (like Adams Mine); we could fix a process; we could create regulation making authority to deal with compensation (which could then deal with either a formula or a process). If we choose the process route, any number of

options apply there – arbitration by a fixed date; appointment of some sort of expert valuator; etc. I expect that we may need to prepare a few options – one that will work best for negotiation purposes and one that will work best should the bill ever be tabled in the House.

Finally, is there any desire to deal with the land? For example, we could require remediation of the site (which would probably tie into compensation). We could expropriate the site for some sort of public interest or government purposes. Again, there are numerous options.

This is a starting point. I would be happy to discuss.

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: November-04-11 6:01 PM
To: King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Letourneau, Amanda (ENERGY)
Subject: Greenfield South Record Chart
Attachments: greenfiled info chart.doc

Privileged & Confidential Legal Advice / Solicitor & Client Privileged

November 4, 2011

Good afternoon, Ryan. In connection with our discussions yesterday and today, please find attached for your review and input for completion, the "policy rationale" chart which:

- Summarizes the 20 *plus* documents (first 20 will be reflected in our chart to you) which will form the basis of the **record** (the evidentiary basis for the Minister's decision to issue the letter of request to the OPA);
- To which you have to add Energy's policy rationale (and any reflective comments supportive of that rationale);
- To which you have to add Energy's policy recommendations.

We will very shortly deliver the Binder (just now being finalized) to Carolyn Calwell which will include the documents (municipal resolutions, press articles, etc.) which we provided to you by soft-copy earlier today. You may wish to add documents to the binder (including Minister's correspondence, any correspondence from or to the OPA which may be relevant, etc.). However, please do update the chart and the table of contents (we'll get a soft-copy of that to you as well) accordingly.

A very special thanks to Amanda Letourneau, our Articling Student, for putting the chart and TOC together for us!

Thank you!

James

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

Notice

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.

From: Letourneau, Amanda (ENERGY)
Sent: November 4, 2011 5:26 PM

To: Rebob, James (ENERGY)

Subject:

Here is the updated chart.

Amanda Letourneau

Articling Student

Legal Services Branch

Ministries of Energy and Infrastructure

777 Bay Street, 4th Floor, Suite 425

Toronto, ON M5G 2E5

P: 416-325-7304

F: 416-325-1781

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.

Greenfield South Power Proposal Documents

Number	Title	Brief Description	Summary of Comments	Policy Comments	Recommendations
1	Resolution 0173-2011	Resolution by the City of Mississauga to request from the Minister of the Environment a Full Environmental Assessment to be conducted on the Greenfield South proposal			
2	Recommendation GC-0469-2011	Recommendation that the City of Mississauga endorses an additional question for provincial political parties as follows: "would your party ensure a full Environmental assessment is conducted on the Greenfield South Power plant proposal" and "will you as a Provincial candidate oppose the construction of the Greenfield South power plant"			
3	Request for Full Environmental Assessment from the City of Mississauga	Letter from Mayor McCallion regarding Resolution 0173-2011 requesting a full Environmental Assessment following the Minister's statement that there would be a review of the Greenfield South power proposal for			

		new environmental evidence			
4	Greenfield South Power Plant Council Motion – July 8, 2011	Council motion resolving that the City of Mississauga will request that Minister of Energy to conduct a full review to determine the necessity of manufacturing 280 MW in a densely populated urban area and consider alternatives to the proposal.			
5	Greenfield South Power Corporation Detailed Chronology	Chronology of events leading up to the approval and construction of the plant, beginning with the OPA's RFO for 'Clean Energy Supply' in September 2004. Includes history of zoning by-law appeals to the OMB			
6	Letter from Minister of Energy to OPA dated October 24, 2011	Letter from the Minister requesting that the OPA commence discussions with Greenfield to come to a resolution with regard to the Mississauga site			
7	Power plant becomes election issue - Toronto Star – June 12, 2011	Following the issuing of the building permit for the plant, which despite the OMB ruling in 2007 was not issued until 2011, residents groups opposing the project vowed to make the plant an election issue in the Provincial			

		election. Former energy Minister and Etobicoke MPP Donna Cansfield announced her intention to fight the project, stating "this plant should not be built while there is any question as to its safety or necessity."			
8	Greenfield South Power Plant – July 8, 2011	News clipping from Mississauga website detailing the history of the project and stating that the City had run out of options with regard to opposing the proposal once the OMB decision amended the City's Official Plan and Zoning By-law. The Chief Building official was bound to issue a building permit once the project complied with required laws.			
9	MOE to review power plant – Inside Toronto article – June 15, 2011	News article regarding Minister of Environment John Wilkinson statement that the decision to review the project came after the construction of a new set of condominium towers near the site. The review would consider new developments in the area that may call into question the location of the			

		plant.			
10	Residents Ramp up Power Plant Fight – Inside Toronto – Sept 16, 2011	Hundreds of residents protested near the plant's location. Discontent has grown since the construction on the site began despite the Environment Minister's pledge to review the approval of the plant obtained in 2008. The purpose of the protest was to urge the Premier to cancel the project.			
11	Power Plant Review Ongoing – Inside Toronto Article – Sept 19, 2011	Ongoing environmental review not complete, but residents asking that the review be completed before the Provincial election. Ministry of Environment spokesperson said that it was too early to speculate on when the review will be complete, what the outcome will be, and whether cancellation of the project is an option.			
12	National Post Comment – Politicians Should Stop Playing with Ontario's Electricity – Sept 29, 2011	Opinion piece regarding the announcement from the Liberals that if elected, the Greenfield Plant would be relocated. Criticises the announcement as a political move to secure votes, with a			

		lack of information provided regarding costs of the cancellation, including replacement generation. Also criticises the energy-related campaign promises of other political parties. With all 3 parties now in opposition to the plant, there is no debate on the wider issues associated with the cancellation.			
13	Construction continues at Mississauga Power Plant – National Post - Oct 24, 2011	One month after the Liberals decided to halt the Greenfield project, construction is still ongoing. A generator was seen being delivered to the site. Spokesperson for the Ministry stated that there hasn't been time to work out the details of the cancellation yet, but that the government is committed to relocating the plant. Critics remain sceptical that the promise to relocate the plant was genuine.			
14	New Generator Unplugged for Power Plant – Toronto Sun – Oct 24, 2011	Article with criticisms from both PC and NDP leaders on the continued construction of the plant. Both party leaders state that the longer			

		construction continues, the greater the cost will be to tax payers if and when the plant is relocated.			
15	Charles Sousa MPP Statement – October 25, 2011	The government remains committed to the relocation of the plant, as well as developing more rigorous controls for location choices in future projects.			
16	Liberals in Talks to Move Plant – Mississauga.com – Oct 26, 2011	Ministry of Energy spokesman stated that discussions to relocate the plant are taking place, and that no legislation will be required to halt construction of the plant. Criticism by the opposition and residents persists as construction on the plant continues.			
17	Rural Ontario Paying a High Price – Toronto Sun – Oct 27, 2011	Opinion piece stating that as a result of the cancellation of the Greenfield project, rural Ontario will have to take on another plant. Calls the decision to close the plant “a disgraceful waste of time and money.” Also criticises the government’s green energy initiatives for having build wind farms in rural Ontario. Also states that generating electricity in the			

		north is inefficient and as a result puts urban areas at risk for power shortages or outages.			
18	Liberals Evade Outrage on Power Plant Issue – CBC News – Oct. 28, 2011	Opinion piece- Criticism of Minister Bentley's statement regarding relocation of the plant. The statement essentially said nothing and did not provide any explanation for why, if the plant was cancelled, construction continues. The announcement of Conservative MPP Frank Klees to run for Speaker gave the Liberals an opportunity misdirect attention from the plant relocation issue to a "rift" in the Conservative caucus, allowing them to evade issues relating to the plant closure.			
19	Contracts cancelled at taxpayers expense – Law Times – Oct 31, 2011	Article discusses the contractual ramifications of the cancellation of the plant. States that estimates of costs of cancellation are up to a billion dollars. Also includes a discussion of the Trillium Power Wind Corp. 2.25 billion dollar claim			

		<p>against the government after a moratorium on offshore wind power projects forced the cancellation of its projects. States that the decision to close the plant was “politics at its worst as the government panders to a minority with billions of dollars in taxpayers’ money that at the end of the day creates no new jobs and no new energy.”</p>			
20	<p>Liberals can’t explain how they’d meet campaign pledge to move gas plant – Global Toronto – Nov. 2, 2011</p>	<p>Critics question the government’s ability to follow through with the promise to relocate the plant because no details have been provided regarding a plan on how to accomplish the relocation. Meanwhile, the continued construction of the plant is increasing the costs associated with the relocation.</p>			
21	<p>Hard to Stop Mississauga Gas Plant, Liberals Admit – Toronto Star – Nov. 2, 2011</p>	<p>Article regarding statements made by premier McGuinty regarding relocation of the power plant being “a little bit more complicated than we originally anticipated” but that the government is still committed to relocating the</p>			

		plant. Minister Bentley noted that discussion between the OPA and Eastern Power are ongoing, but refused to get into specifics on the discussions.			
--	--	--	--	--	--

Cayley, Daniel (ENERGY)

From: Rehob, James (ENERGY)
Sent: November-04-11 6:11 PM
To: Calwell, Carolyn (ENERGY)
Subject: Payments from CRF to OPA....

Privileged & Confidential / Solicitor & Client Privileged

November 4, 2011

FYI:
Hi, earlier today I had commented on a document by stating that I didn't see any way in which a payment from the CRF could be authorized under our legislation. However, I now see that EA s.25.17 does authorize the Minister of Finance to make **loans** to the OPA and to authorize payments out of the crf to fund such loans. Hence, there may be authority (with the concurrence and authorization of MOF) to move monies from the crf toward the OPA, if ever that were required.....
Kindly,
Janes

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

Notice

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

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-04-11 6:41 PM
To: Perun, Halyna N. (ENERGY)
Subject: For consideration
Attachments: Letter #2 to the OPA.04 11 2011.doc

Friday afternoon thoughts, based on James' very good first draft. I will reconsider on Monday morning and send to clients and CLOC. Your input is welcome.

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.

**CONFIDENTIAL DRAFT – SOLICITOR & CLIENT PRIVILEGED – DRAFT
FOR DISCUSSION**

Dear Mr. Andersen

In response to your letter of [date] and in recognition that community opposition to the Greenfield South Generation Facility is ongoing and clearly documented, I am writing to confirm the government's endorsement of the OPA's termination of the contract with the developer of that facility, Greenfield South Power Corporation.

While full recognition must be given to rate-payer value and the fair treatment of contractual counterparties, as suggested in your letter, in light of the strong and persistent opposition to the plant, the government supports any appropriate commercial and other steps the OPA must take with the objectives of terminating the contract and ensuring that construction of the gas plant at its current location in Mississauga cease with immediacy.

This letter reflects unique circumstances in Mississauga. The Government remains committed to a strong, stable supply of electricity for Ontario and continues its support of those making investments in Ontario's electricity system.

Sincerely,

Chris Bentley,
Minister

Fisher, Petra (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November-16-11 10:21 AM
To: Sharkawi, Rula (ENERGY); Gemmiti, Paola (MAA); Gemmiti, Paola (ENERGY)
Cc: Nutter, George (ENERGY)
Subject: PC press conference at Mississauga power plant
Attachments: image004.gif; image003.jpg; image002.jpg; image001.gif

Attachments are images below

Hi – MO is asking us to attend the PC 11am presser in Mississauga. We stopped attending events like this about four years ago at CO's request. MO is going to raise with DMO. I can ask Daniel to go (via cab) if we have to send someone. We'll need to get him out there soon.

From: Botond, Erika (ENERGY)
Sent: November 16, 2011 10:15 AM
To: Kovesfalvi, Sylvia (ENERGY); Dunn, Ryan (ENERGY); Kett, Jennifer (OPO)
Subject: RE: PC press conference at Mississauga power plant

Really? That's not very helpful. Not sure why someone would say not to attend. I will talk to DMO about this. Issues people should be at pressers that affect the ministry and provide updates. Steve Scott used to go to all of them.

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 16, 2011 10:14 AM
To: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY); Kett, Jennifer (OPO)
Subject: RE: PC press conference at Mississauga power plant

We don't usually send our folks to these events (in fact we were told not to attend political pressers a few years back).

We are monitoring the news from here.

From: Botond, Erika (ENERGY)
Sent: November 16, 2011 10:10 AM
To: Kovesfalvi, Sylvia (ENERGY); Dunn, Ryan (ENERGY); Kett, Jennifer (OPO)
Subject: RE: PC press conference at Mississauga power plant

Hi Sylvia – who from your group will be going? Can they send us updates. OPA was sending someone, but are not able to anymore.

From: Kovesfalvi, Sylvia (ENERGY)
Sent: November 16, 2011 9:02 AM
To: Botond, Erika (ENERGY); Dunn, Ryan (ENERGY); Kett, Jennifer (OPO)
Subject: PC press conference at Mississauga power plant

FYI – Opposition critic Vic Fedeli holding a press conference on site at 11am today.

From: Kourakos, Georgina (ENERGY)
Sent: November 16, 2011 8:59 AM
To: Kovesfalvi, Sylvia (ENERGY); Morton, Robert (ENERGY); Gerard, Paul (ENERGY)

Subject: FYI : PC press conference at Mississauga power plant
Importance: High



Critic takes on power plant



Power Plant The controversial gas fired power plant is getting ever closer to completion despite the objections of citizens in surrounding neighbourhood. *Staff photo by Fred Loek*

John Stewart

November 16, 2011

As construction continues apace on the Eastern power plant that the Ontario Liberal government has promised to move out of Mississauga, the Conservative Opposition energy critic will hold a press conference on the site this morning.

Vic Fedeli, MPP for Nipissing and energy critic for the Progressive Conservatives, will use the power plant – which gets larger and larger with each growing day of construction — as a backdrop for cameras when he speaks to the media at 11 a.m. at the site on Loreland Ave.

As of last week, Liberal government officials and local MPPs remained at a loss to explain why work on the plant on Loreland, south of Dundas St. E. near the city's eastern boundary, continues more than six weeks after they announced on the campaign trail that they would cancel.

"I have no further progress to report," Energy Minister Chris Bentley said Nov. 9.

"We've committed to ... relocate the plant. I know the OPA (Ontario Power Authority) is working hard on this," said Bentley, who declined to answer specific questions about the project.

Premier Dalton McGuinty also struggled to account for the government's failure to act.

"Discussions are still underway," McGuinty said.

Eastern Power has refused to publicly comment on the issue for some time.

Citizenship and Immigration Minister Charles Sousa, whose Mississauga South riding borders the power plant, emphasized it would close.

Sousa made the surprise announcement on Sept. 24 — less than two weeks before the Oct. 6 provincial election — in a politically-successful bid to save Liberal seats in Mississauga and Etobicoke.

He said he could appreciate the concerns that residents have when trucks continue to rumble toward the bustling work site.

"We are going to have the plant relocated and we are in the process of doing that," said Sousa. "I don't want to divulge things that will compromise the situation."

Jim Wilson, the Progressive Conservative MPP for Simcoe-Grey, said McGuinty "misled the people of Mississauga and the people of Ontario."

lstewart@mississauga.net

-30-

This article is for personal use only courtesy of Mississauga.com - a division of Metroland Media Group Ltd.

Fisher, Petra (ENERGY)

From: Smith, Mark (ENERGY)
Sent: November-16-11 11:28 AM
To: King, Ryan (ENERGY); Chapman, Tom (ENERGY)
Subject: RE: ACTION REQUIRED: Greenfield South Background

Great, Thanks!

Mark Smith
Media and Issues Officer
Ministry of Energy and Ministry of Infrastructure
416-326-5001

From: King, Ryan (ENERGY)
Sent: November 16, 2011 11:27 AM
To: Smith, Mark (ENERGY); Chapman, Tom (ENERGY)
Subject: RE: ACTION REQUIRED: Greenfield South Background

The plant was needed as part of the commitment to close all coal fired generation facilities (originally for 2007) as were the other facilities that were part of the RFP. I've attached further info on Greenfield in a chronology and BN on eastern power in particular. Tom, would you be able to run the math on a 280 MW plant for homes powered?

Thanks

From: Smith, Mark (ENERGY)
Sent: November 16, 2011 11:16 AM
To: King, Ryan (ENERGY)
Subject: ACTION REQUIRED: Greenfield South Background
Importance: High

Hi Ryan,
Ryan Dunn is looking for as much background info on Greenfield as he can find. The House Book Note and attached QAs/KM seem to be pretty comprehensive to me. Can you confirm that the information is current? Also, he specifically asked about why it was needed (pulled from early HBN and attached below), and how many homes it would power, can you provide that?

Proposed System Need – as of September 1 2011

- **The Greenfield South plant is required to be able to meet needs for local and regional reliability for the Southwest and Western GTA.**

Mark Smith
Media and Issues Officer
Ministry of Energy and Ministry of Infrastructure
416-326-5001

Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November-07-11 8:48 AM
To: Calwell, Carolyn (ENERGY); Rehob, James (ENERGY)
Subject: legislation on gas plant

Hi – Malle Hanslep is your Finance legal contact on the leg - thank

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: Sinclair, James (FIN)
Sent: November 4, 2011 6:06 PM
To: Perun, Halyna N. (ENERGY)
Cc: Hanslep, Malle (FIN)
Subject: RE: legislation on gas plant

Halyna:

I suspect Malle is the best choice on this one. I will let you know if that changes.

Jim

James D. Sinclair
Director, Legal Service Branch
Ministry of Finance
Ministry of the Attorney General
777 Bay Street, 11th Floor
Toronto, ON
M5G 2C8

T: 416 325 1450
F: 416 325 1460

This e-mail, including any attachment, was intended for a specific recipient. It may contain information that is confidential or exempt from disclosure, it may have been provided from one government to another in confidence, or it may be subject to solicitor-client privilege. Any privilege that exists is not waived. If you are not the intended recipient: (1) do not distribute it to another person or use it for any purpose, and (2) delete it and advise me by return e-mail or telephone.

From: Perun, Halyna N. (ENERGY)
Sent: November 4, 2011 6:05 PM
To: Sinclair, James (FIN)
Subject: legislation on gas plant

Privileged and Confidential

Hi Jim – as discussed earlier in the day today, could you please let me know which counsel we should be looping in on your end as we develop this piece? Would it be Malle? On my end, Carolyn Calwell and James Rehob are on it and we've also notified CLOC. Catherine McNaughton is our drafter - thanks

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: November-07-11 9:08 AM
To: Silva, Joseph (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: FW: OPA Letter
Attachments: Greenfield South Power Plant.mark up.doc

Privileged and Confidential

Hi Joseph – As discussed, here's the proposed letter – This is a draft from the OPA that reflects our suggested changes. Carolyn will be discussing it and the confidentiality agreement with CLOC counsel today. So – it's still a work in progress.

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: November 4, 2011 3:45 PM
To: Lindsay, David (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: FW: OPA Letter

As discussed.

Carolyn

From: Calwell, Carolyn (ENERGY)
Sent: November 4, 2011 3:06 PM
To: Jennings, Rick (ENERGY); King, Ryan (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Rehob, James (ENERGY)
Subject: OPA Letter

Confidential/Solicitor-Client Privileged

Attached is a letter that we received from the OPA this afternoon, marked with changes that we recommend. We would appreciate your review and comment. We will also send the letter over to CLOC for its input.

We expect that the Minister would look to the record of public (media) comment that James is preparing in determining an appropriate response (which James is also starting to draft). It is not clear to me when the OPA is expecting to hear back from us about this draft.

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.

CONFIDENTIAL & PRIVILEGED

Dear Minister

I am writing to you on behalf of the Ontario Power Authority's (OPA) Board of Directors with respect to the Greenfield South Power Plant, which the Ministry of Energy procured in 2004. The OPA was subsequently directed to enter into a contract with Greenfield and is now the sole counterparty. The ~~h~~Board clearly understands that the government's intention to relocate the plant is committed to not having the plant build at its current location, as ~~committed during the provincial election and~~ outlined in your letter to the OPA on October 24, 2011. The purpose of this letter is ~~to seek direction on next steps~~ to ensure that the government's commitment-intention is met.

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

After receiving your October 24th letter, OPA commenced discussions with Greenfield South ~~because existing contract does not provide the OPA with any tools that would allow us to unilaterally meet the government's commitment.~~ To date, OPA's objective has been to reach an agreement with Greenfield South to stop construction and negotiate an arrangement-settlement to relocate the plant or terminate the contract, ~~as a negotiated settlement would likely be the most cost-effective approach.~~ Since then, it has become clear that Greenfield South is unlikely to agree to such an approach which makes ~~unilateral~~ termination of the contract a logical next step. ~~in order to limit the liabilities associated with relocating or cancelling the plant. The Board of Directors is therefore seeking clarity from you on whether the government agrees that the OPA should unilaterally terminate the Greenfield South contract.~~

~~In the event that the government is in agreement, w~~We would ~~then~~ seek to ~~commence~~ continue discussions with Greenfield South to arrive at an settleagreement on appropriate compensation. Given our shared interest in ratepayer value, the board would then also like to commence a dialogue with you on the most appropriate way to allocate the compensation between ratepayers and taxpayers.

I look forward to ~~discussing these matters with your~~ reply.

Yours sincerely,

Jim Hinds
Chair

Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: November-07-11 9:15 AM
To: Poinen, Ruby (ENERGY)
Cc: Teixeira, Wanda (ENERGY)
Subject: RE: Greenfiled South Matters - Creating A Record

Hi Ruby,
Can you let me know how this request is coming? I'd like to compile what we have today.
Thanks,
Ryan

From: King, Ryan (ENERGY)
Sent: November 3, 2011 11:15 AM
To: Poinen, Ruby (ENERGY)
Cc: Teixeira, Wanda (ENERGY)
Subject: FW: Greenfiled South Matters - Creating A Record

Ruby, would you be able to do a search of any correspondence that includes 'Greenfield' and send to me? If it's a large amount, perhaps it can be saved to a location on the network drives.

Thanks,
Ryan

From: Rehob, James (ENERGY)
Sent: November 3, 2011 10:39 AM
To: King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Letourneau, Amanda (ENERGY)
Subject: Greenfiled South Matters - Creating A Record

Privileged & Confidential Legal Advice / Solicitor & Client Privileged

November 3, 2011

Good morning, Ryan! In connection with my rushed voice-mail of this morning, I was hoping to get your assistance in creating a record relating to the Greenfield South (cancellation) matter. I will also enlist the assistance of our articling student, Amanda, but would really appreciate your group's input regarding documentation.

We're looking for documents such as:

- Resolutions of the City of Mississauga relevant to Greenfield;
- Correspondence or other communications from the public (to the Ministry, to Mississauga, to the OPA, and, if available, to Greenfield) with respect to the plant;
- Relevant press clippings, etc.

There may be more types or kinds of documents which CLOC counsel may advise are required or desired, but for now I'm hoping we can work with this list.

Please let me know if you foresee any difficulty in assisting with this, and do call to discuss or for any assistance that you might need on this matter.

Kindly,

James

James P. H. Rehob

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

Notice

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: King, Ryan (ENERGY)
Sent: November-07-11 9:18 AM
To: Calwell, Carolyn (ENERGY); Rehob, James (ENERGY); Letourneau, Amanda (ENERGY)
Subject: greenfiled info chart (2)(rk).doc
Attachments: greenfiled info chart (2)(rk).doc

James, Carolyn, Amanda,

I've taken a look at the attached chart. I'm not sure exactly what should be populated in here and to that end some of this may not be terribly helpful. If there are specific things you would like highlighted here, let me know and I'll try to incorporate.

Greenfield South Power Proposal Documents

Number	Title	Brief Description	Summary of Comments	Policy Comments	Recommendations
1	Resolution 0173-2011	Resolution by the City of Mississauga to request from the Minister of the Environment a Full Environmental Assessment to be conducted on the Greenfield South proposal		<u>Outlines perceptions of Mississauga Council and concerns over location of the plant.</u>	
2	Recommendation GC-0469-2011	Recommendation that the City of Mississauga endorses an additional question for provincial political parties as follows: "would your party ensure a full Environmental assessment is conducted on the Greenfield South Power plant proposal" and "will you as a Provincial candidate oppose the construction of the Greenfield South power plant"		<u>Demonstrates that opposition to the plant became a political issue seeking a response from candidates</u>	
3	Request for Full Environmental Assessment from the City of Mississauga	Letter from Mayor McCallion regarding Resolution 0173-2011 requesting a full Environmental Assessment following the Minister's statement that there would be a review of the Greenfield South power proposal for		<u>Clearly outlines concerns from local leadership to the plant</u>	

		new environmental evidence			
4	Greenfield South Power Plant Council Motion – July 8, 2011	Council motion resolving that the City of Mississauga will request that Minister of Energy to conduct a full review to determine the necessity of manufacturing 280 MW in a densely populated urban area and consider alternatives to the proposal.			
5	Greenfield South Power Corporation Detailed Chronology	Chronology of events leading up to the approval and construction of the plant, beginning with the OPA's RFO for 'Clean Energy Supply' in September 2004. Includes history of zoning by-law appeals to the OMB			
6	Letter from Minister of Energy to OPA dated October 24, 2011	Letter from the Minister requesting that the OPA commence discussions with Greenfield to come to a resolution with regard to the Mississauga site		<u>Demonstrates the province's intent that the proposed plant not proceed at its current location.</u>	
7	Power plant becomes election issue - Toronto Star – June 12, 2011	Following the issuing of the building permit for the plant, which despite the OMB ruling in 2007 was not issued until 2011, residents groups opposing the project vowed to make the plant an election issue in the Provincial			

		election. Former energy Minister and Etobicoke MPP Donna Cansfield announced her intention to fight the project, stating "this plant should not be built while there is any question as to its safety or necessity."			
8	Greenfield South Power Plant – July 8, 2011	News clipping from Mississauga website detailing the history of the project and stating that the City had run out of options with regard to opposing the proposal once the OMB decision amended the City's Official Plan and Zoning By-law. The Chief Building official was bound to issue a building permit once the project complied with required laws.		<u>Demonstrates the length to which the local politicians sought to prevent the plant going forward.</u>	
9	MOE to review power plant – Inside Toronto article – June 15, 2011	News article regarding Minister of Environment John Wilkinson statement that the decision to review the project came after the construction of a new set of condominium towers near the site. The review would consider new developments in the area that may call into question the location of the		<u>Demonstrates government's intent to reconsider current location of plant</u>	

		plant.			
10	Residents Ramp up Power Plant Fight – Inside Toronto – Sept 16, 2011	Hundreds of residents protested near the plant's location. Discontent has grown since the construction on the site began despite the Environment Minister's pledge to review the approval of the plant obtained in 2008. The purpose of the protest was to urge the Premier to cancel the project.		<u>Demonstrates local negative media coverage of plant</u>	
11	Power Plant Review Ongoing – Inside Toronto Article – Sept 19, 2011	Ongoing environmental review not complete, but residents asking that the review be completed before the Provincial election. Ministry of Environment spokesperson said that it was too early to speculate on when the review will be complete, what the outcome will be, and whether cancellation of the project is an option.		<u>Evidence of government concern over current plant location.</u>	
12	National Post Comment – Politicians Should Stop Playing with Ontario's Electricity – Sept 29, 2011	Opinion piece regarding the announcement from the Liberals that if elected, the Greenfield Plant would be relocated. Criticises the announcement as a political move to secure votes, with a		<u>Demonstrates local negative media coverage of plant</u>	

		lack of information provided regarding costs of the cancellation, including replacement generation. Also criticises the energy-related campaign promises of other political parties. With all 3 parties now in opposition to the plant, there is no debate on the wider issues associated with the cancellation.			
13	Construction continues at Mississauga Power Plant – National Post - Oct 24, 2011	One month after the Liberals decided to halt the Greenfield project, construction is still ongoing. A generator was seen being delivered to the site. Spokesperson for the Ministry stated that there hasn't been time to work out the details of the cancellation yet, but that the government is committed to relocating the plant. Critics remain sceptical that the promise to relocate the plant was genuine.		<u>Demonstrates local negative media coverage of plant</u>	
14	New Generator Unplugged for Power Plant – Toronto Sun – Oct 24, 2011	Article with criticisms from both PC and NDP leaders on the continued construction of the plant. Both party leaders state that the longer		<u>Demonstrates local negative media coverage of plant</u>	

		construction continues, the greater the cost will be to tax payers if and when the plant is relocated.			
15	Charles Sousa MPP Statement – October 25, 2011	The government remains committed to the relocation of the plant, as well as developing more rigorous controls for location choices in future projects.		<u>Demonstrates opposition from local MPPs</u>	
16	Liberals in Talks to Move Plant – Mississauga.com – Oct 26, 2011	Ministry of Energy spokesman stated that discussions to relocate the plant are taking place, and that no legislation will be required to halt construction of the plant. Criticism by the opposition and residents persists as construction on the plant continues.		<u>Demonstrates the province's intent that the proposed plant not proceed at its current location.</u>	
17	Rural Ontario Paying a High Price – Toronto Sun – Oct 27, 2011	Opinion piece stating that as a result of the cancellation of the Greenfield project, rural Ontario will have to take on another plant. Calls the decision to close the plant "a disgraceful waste of time and money." Also criticises the government's green energy initiatives for having build wind farms in rural Ontario. Also states that generating electricity in the		<u>Demonstrates local negative media coverage of plant</u>	

		north is inefficient and as a result puts urban areas at risk for power shortages or outages.			
18	Liberals Evade Outrage on Power Plant Issue – CBC News – Oct. 28, 2011	Opinion piece- Criticism of Minister Bentley's statement regarding relocation of the plant. The statement essentially said nothing and did not provide any explanation for why, if the plant was cancelled, construction continues. The announcement of Conservative MPP Frank Klees to run for Speaker gave the Liberals an opportunity misdirect attention from the plant relocation issue to a "rift" in the Conservative caucus, allowing them to evade issues relating to the plant closure.		<u>Demonstrates local negative media coverage of plant</u>	
19	Contracts cancelled at taxpayers expense – Law Times – Oct 31, 2011	Article discusses the contractual ramifications of the cancellation of the plant. States that estimates of costs of cancellation are up to a billion dollars. Also includes a discussion of the Trillium Power Wind Corp. 2.25 billion dollar claim		<u>Demonstrates local negative media coverage of plant</u>	

		against the government after a moratorium on offshore wind power projects forced the cancellation of its projects. States that the decision to close the plant was “politics at its worst as the government panders to a minority with billions of dollars in taxpayers’ money that at the end of the day creates no new jobs and no new energy.”			
20	Liberals can’t explain how they’d meet campaign pledge to move gas plant – Global Toronto – Nov. 2, 2011	Critics question the government’s ability to follow through with the promise to relocate the plant because no details have been provided regarding a plan on how to accomplish the relocation. Meanwhile, the continued construction of the plant is increasing the costs associated with the relocation.		<u>Demonstrates local negative media coverage of plant</u>	
21	Hard to Stop Mississauga Gas Plant, Liberals Admit – Toronto Star – Nov. 2, 2011	Article regarding statements made by premier McGuinty regarding relocation of the power plant being “a little bit more complicated than we originally anticipated” but that the government is still committed to relocating the		<u>Demonstrates local negative media coverage of plant</u>	

		plant. Minister Bentley noted that discussion between the OPA and Eastern Power are ongoing, but refused to get into specifics on the discussions.			
--	--	--	--	--	--

Fisher, Petra (ENERGY)

From: Bentley_Chris-MPP-CO <cbentley.mpp.co@liberal.ola.org>
Sent: November-07-11 9:23 AM
To: Write2us (ENERGY)
Subject: FW: Moving the Mississauga Power Plant

Joyce Kmith
Constituency Assistant
Chris Bentley, MPP
London West
8-11 Base Line Road East
London, Ontario
N6C 5Z8
(519) 657-3120

From: parker.gallant@sympatico.ca [mailto:parker.gallant@sympatico.ca]
Sent: November 6, 2011 2:46 PM
To: Steve Bihari; churchg@sympatico.ca; Bentley_Chris-MPP-CO; Peter Tabuns
Subject: Moving the Mississauga Power Plant

Steve, I know where they should move it! This posting on the transformingtonto website tells them where: <http://transformingtonto.ca/ettl.html> Pay attention to this in particular:

"A better alternative to meet Toronto's electricity needs consists of an integrated combination of energy conservation and efficiency, new renewables and natural gas-fired combined heat and power plants. This combination will provide the city with a more reliable, cost effective and efficient electricity system, and will directly contribute to better air quality and a reduced contribution to global warming from the city itself."

The Toronto Danforth riding held by Peter Tabuns of the NDP apparently were OK with it back when Tabuns was running against Ben Chin in the bi-election about 5 years ago. They didn't want the transmission lines but they were OK with gas generation. Peter Tabuns beat out the Liberal candidate Ben Chin (Ben was rewarded with a nice job at the OPA however by McGuinty) and one of the reasons was Tabuns fought the transmission lines going through the riding. Ben Chin had no choice but to support his party and was beaten.

I copied this to both of them so they can get together and work out the minor details. Maybe it will be the litmus test to see if the Liberals can get along with the other parties eh?

Parker

Date: Sun, 6 Nov 2011 14:22:33 -0500
Subject: Re: [windconcerns] Mississauga Power Plant Construction on the Weekend
From: steve.bihari@gmail.com
To: churchg@sympatico.ca
CC: windconcerns@googlegroups.com

Once the plant is finished, they're going to "move" it. That's the McGuinty promise.

He must believe the GTA voters are really stupid for them to buy that one.

But I digress...

On Sat, Nov 5, 2011 at 6:17 PM, Grant Church <churchg@sympatico.ca> wrote:

Hi Everyone,

It was a beautiful day today in Mississauga. The power plant is still under construction, even on a Saturday. What do you suppose their up to? Are they just going to stick it to McGuinty for his cynical ploy to build the plant in the first place and then 11 days before the election cancel it to save some seats. The company could say them, "How much are you willing to pay us to call it a day?" Maybe a billion would be too small to ask?

Enjoy the pictures I took and save them as a testimony against the evil plans of the McGuinty Government. I think the plant will be completed and deliver power to the grid despite all the opposition and the McGuinty promise. There were many protest signs in a nearby residential neighbourhood with homes as close as 300 m from the plant, scaling the Google map.

To see the site of the plant copy this address to Google maps and zoom into street view. A backhoe is sitting on the fenced property. The picture might be a year or two old. The number on the fence is 2315.

2379 Loreland Ave, Mississauga, Peel Regional Municipality, Ontario L4X 2A6

They could stick a few wind turbines in the area since they elected Liberals.

Sincerely,

Grant

--

You received this message because you are subscribed to the Google Groups "Wind Concerns" group.
To post to this group, send email to windconcerns@googlegroups.com.
To unsubscribe from this group, send email to windconcerns+unsubscribe@googlegroups.com.
For more options, visit this group at <http://groups.google.com/group/windconcerns?hl=en>.

--

You received this message because you are subscribed to the Google Groups "Wind Concerns" group.
To post to this group, send email to windconcerns@googlegroups.com.
To unsubscribe from this group, send email to windconcerns+unsubscribe@googlegroups.com.
For more options, visit this group at <http://groups.google.com/group/windconcerns?hl=en>.

Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: November-07-11 9:31 AM
To: Jennings, Rick (ENERGY)
Subject: RE: Response letter
Attachments: Letter #2 to the OPA 07 11 2011(rk).doc

Rick, my proposed edits

From: Calwell, Carolyn (ENERGY)
Sent: November 7, 2011 9:26 AM
To: Jennings, Rick (ENERGY); King, Ryan (ENERGY); Silva, Joseph (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: Response letter

Confidential/Solicitor-Client Privileged

We've drafted a response from the Minister to Colin Andersen regarding Greenfield, based on the letter that we received from the OPA and marked up. We would appreciate your review. We will also send it to CLOC for their input – we haven't yet heard from them on the OPA letter and will follow up.

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.

**CONFIDENTIAL DRAFT – SOLICITOR & CLIENT PRIVILEGED – DRAFT
FOR DISCUSSION**

Dear Mr. Andersen:

In response to your letter of [date] ~~and in recognition that community opposition to the Greenfield South Generation Facility is ongoing and well documented,~~ I am writing to confirm the government's endorsement of the OPA's termination of the contract with the developer of ~~that facility~~ the Greenfiel South Generation Facility, Greenfield South Power Corporation.

While full recognition must be given to rate-payers ~~value~~ and the fair treatment of contractual counterparties, as suggested in your letter, in light of the government's commitment ~~the strong and persistent opposition to the plant,~~ the government supports any appropriate commercial and other steps the OPA must take with the objectives of terminating the contract and ensuring that construction of the gas plant at its current location in Mississauga ceases ~~imminently.~~

~~The government is responding to unique circumstances in Mississauga.~~ The government remains committed to a strong, stable supply of electricity for Ontario and continued support of those making investments in Ontario's electricity system. I appreciate your prompt attention to this matter.

Sincerely,

Chris Bentley,
Minister

Cayley, Daniel (ENERGY)

From: Poinen, Ruby (ENERGY)
Sent: November-07-11 9:52 AM
To: King, Ryan (ENERGY)
Subject: RE: Greenfiled South Matters - Creating A Record

Hi Ryan,

Sorry, I just did a search on Eastern Power and Loreland, unfortunately, nothing came up.

Thanks

From: King, Ryan (ENERGY)
Sent: November 7, 2011 9:15 AM
To: Poinen, Ruby (ENERGY)
Cc: Teixeira, Wanda (ENERGY)
Subject: RE: Greenfiled South Matters - Creating A Record

Hi Ruby,
Can you let me know how this request is coming? I'd like to compile what we have today.
Thanks,
Ryan

From: King, Ryan (ENERGY)
Sent: November 3, 2011 11:15 AM
To: Poinen, Ruby (ENERGY)
Cc: Teixeira, Wanda (ENERGY)
Subject: FW: Greenfiled South Matters - Creating A Record

Ruby, would you be able to do a search of any correspondence that includes 'Greenfield' and send to me? If it's a large amount, perhaps it can be saved to a location on the network drives.

Thanks,
Ryan

From: Rehob, James (ENERGY)
Sent: November 3, 2011 10:39 AM
To: King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Letourneau, Amanda (ENERGY)
Subject: Greenfiled South Matters - Creating A Record

Privileged & Confidential Legal Advice / Solicitor & Client Privileged

November 3, 2011

Good morning, Ryan! In connection with my rushed voice-mail of this morning, I was hoping to get your assistance in creating a record relating to the Greenfield South (cancellation) matter. I will also enlist the assistance of our articling student, Amanda, but would really appreciate your group's input regarding documentation.

We're looking for documents such as:

- Resolutions of the City of Mississauga relevant to Greenfield;
- Correspondence or other communications from the public (to the Ministry, to Mississauga, to the OPA, and, if available, to Greenfield) with respect to the plant;
- Relevant press clippings, etc.

There may be more types or kinds of documents which CLOC counsel may advise are required or desired, but for now I'm hoping we can work with this list.

Please let me know if you foresee any difficulty in assisting with this, and do call to discuss or for any assistance that you might need on this matter.

Kindly,

James

James P. H. Rebob

Senior Counsel

Ministry of Energy and

Ministry of Infrastructure

Legal Services Branch

777 Bay Street, 4th Floor, Suite 425

Toronto, ON M5G 2E5

Tel: 416-325-6676

Fax: 416-325-1781

james.rebob@ontario.ca

Notice

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

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-07-11 10:42 AM
To: MacNaughton, Catherine (JUS)
Subject: Compensation

Privileged & Confidential

Hi Catherine,

I have heard from my clients on at least part of the compensation question. Their sense is that it will be impossible not to pay the construction and equipment costs incurred to [date], which are approaching about \$300M. We have heard that 75% of the total cost has been incurred as of 2 weeks ago.

I like the "reasonable expenses" approach in the Adams Mine Lake Act. Looking at section 6(9), (b), (c), (f) and (g) would certainly be appropriate. We will have to determine how the site will be handled going forward in order to deal with (a) and (h) – acquiring the site – and we will want to be careful around (d) legal fees, I think (although there is a good argument for covering both development related legal fees and some legal fees associated with the termination of the contract). Marketing and promotion would not apply.

In addition, there are construction costs, equipment costs and costs associated with terminating construction and equipment contracts.

The Adams Mine approach references dates between which expenses were incurred. We know that the contract was originally dated April 12, 2005, which would be a reasonable starting point for Eastern's development-related costs (and which should, by implication, preclude expenses associated with the RFP by which Eastern was selected for the contract, which expenses would have also been excluded by the wording of the RFP itself).

An end date related to compensation is not known at this point. If Greenfield downs tools this week, I expect that will inform an end date for the period.

A "full accounting" (as in (4)) and access to records, staff, accountants, etc. (as in (5)) is desirable.

We are not yet clear whether the money would be paid in full or in part of the tax base (CRF) or the rate base, which will have certain other complications.

I still do not have instructions on good will or possible profits. Considering how a draft bill might be used, as a starting position, compensation for neither will likely be appropriate.

I will provide more as I have it.

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: Jenkins, Allan (ENERGY)
Sent: November-07-11 10:43 AM
To: MacCallum, Doug (ENERGY)
Subject: RE: OPA MN -due EOD Monday
Attachments: OPA Minister MN (25 Oct 2011)final - AJ edits .doc

Made minor changes to the CHP section. I left the GS section as is as it is at high level about close cooperation between the OPA and the Ministry and at this point the OPA is working directly with the MO.

From: MacCallum, Doug (ENERGY)
Sent: November 3, 2011 3:53 PM
To: Jenkins, Allan (ENERGY)
Subject: Fw: OPA MN -due EOD Monday

Allan: for any updates
Doug

From: King, Ryan (ENERGY)
To: Chapman, Tom (ENERGY); Bishop, Ceiran (ENERGY); Jobe, Cedric (ENERGY); MacCallum, Doug (ENERGY); Nakahara, Ken (ENERGY); Collins, Jason R. (ENERGY); Krstev, Viki (ENERGY)
Cc: McKeever, Garry (ENERGY); Norman, Jonathan (ENERGY); King, Ryan (ENERGY)
Sent: Thu Nov 03 14:31:28 2011
Subject: OPA MN -due EOD Monday

Attached is the most recent OPA MN. Please advise of any updates for end of day Monday.
Thanks,
Ryan

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

Unrelated content removed

|

Unrelated content removed

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

| [Redacted text block]

[Redacted text block]

Unrelated content removed

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

|

Unrelated content removed

[Redacted text block]

[Redacted text block]

[Redacted text block]

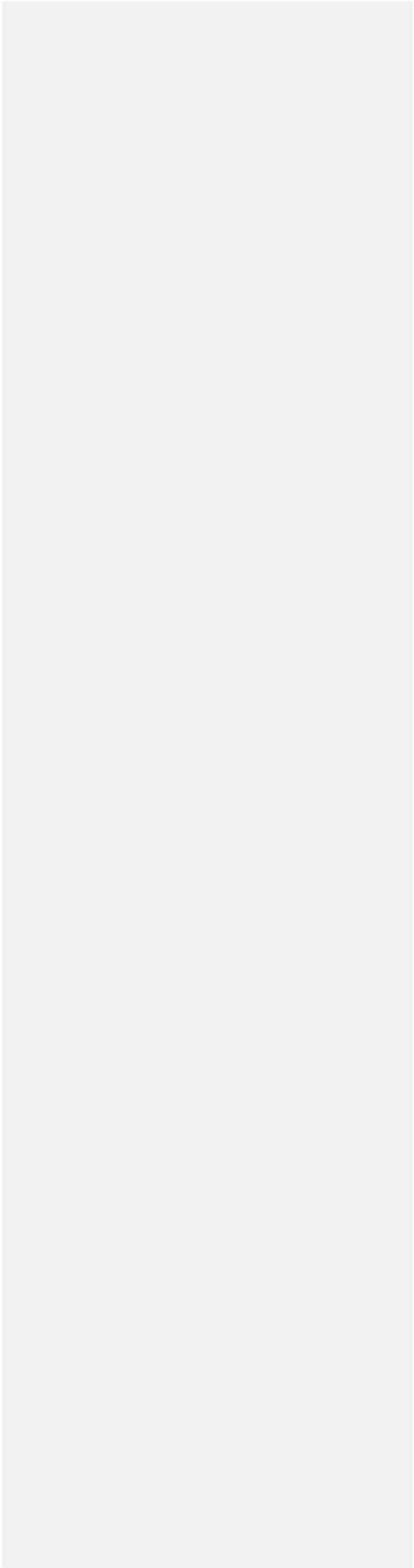
[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]



Unrelated content
removed

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

Unrelated content
removed

- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Unrelated content removed

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

Unrelated
content
removed

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

|

Unrelated content removed

| [Redacted text block]

[Redacted text block]

|

| [Redacted text block]

GREENFIELD SOUTH GENERATING STATION

ISSUE

During the provincial election campaign the Liberal Party made a commitment to stop the construction of the plant. As the contract party representing government the OPA will need to take steps to stop construction of the plant.

BACKGROUND

- The Greenfield South Generating Station has all necessary approvals and is proceeding with construction in order to remain in compliance with its contract with the OPA and its contracts with its suppliers and financiers.
- The Minister has written to the OPA to commence discussions on a priority basis with Greenfield South.

SUGGESTED RESPONSE

- As you are aware I have requested that the OPA commence discussions with Greenfield South.

- We need to work closely and expeditiously on this issue and I will need regular reporting on the progress of your discussions.
- Please be ready with resources and advice as we proceed.

Unrelated
content removed

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Unrelated content removed

[Redacted text block]

[Redacted text block]

Formatted: Bullets and Numbering

[Redacted text block]

Formatted: Bullets and Numbering

[Redacted text block]

Formatted: Bullets and Numbering

[Redacted text block]

Formatted: Bullets and Numbering

[Redacted text block]

[Redacted text block]

Unrelated content removed

Formatted : Bullets and Numbering

Unreliable content
Interim
Overview
Detailed

[Redacted text block containing multiple paragraphs of obscured content]

Unrelated
content
removed

[Redacted text block]

[Redacted text block]

[Redacted text block]

Unrelated content removed

1. **Identify the main components of the system.** List the hardware, software, and data elements involved.

1. **Introduction**

© 2006 The Authors
Journal compilation © 2006 Blackwell Publishing Ltd

Unrelated content removed

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

Unrelated content removed

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

[Sue Lo](#)
[ADM, Renewables & Energy Efficiency Division](#)
[416-327-8552](#)

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-07-11 10:57 AM
To: Conrad, Katherine (ENE)
Subject: MOE Approvals for Mississauga Plant

Confidential & Privileged

Hi Katherine,

Fran Carnerie advised that you could help me track down a list of the approvals provided for the Greenfield South Gas plant in Mississauga. We have been asked to work up legislation that would resolve the plant and we need this list for that bill. I understand that you are at ALOC. I do need this information as soon as possible. I would greatly appreciate anything that you can do to advance my request before you return to the office on Thursday. Thank you!

Carolyn

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

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.

Cayley, Daniel (ENERGY)

From: MacCallum, Doug (ENERGY)
Sent: November-07-11 11:03 AM
To: King, Ryan (ENERGY)
Cc: Jenkins, Allan (ENERGY)
Subject: FW: OPA MN -due EOD Monday
Attachments: OPA Minister MN (25 Oct 2011)final - AJ edits .doc

Duplicate attachment removed

Updated note

Doug

From: Jenkins, Allan (ENERGY)
Sent: November 7, 2011 10:43 AM
To: MacCallum, Doug (ENERGY)
Subject: RE: OPA MN -due EOD Monday

Unrelated content removed

From: MacCallum, Doug (ENERGY)
Sent: November 3, 2011 3:53 PM
To: Jenkins, Allan (ENERGY)
Subject: Fw: OPA MN -due EOD Monday

Unrelated content

Doug

From: King, Ryan (ENERGY)
To: Chapman, Tom (ENERGY); Bishop, Ceiran (ENERGY); Jobe, Cedric (ENERGY); MacCallum, Doug (ENERGY); Nakahara, Ken (ENERGY); Collins, Jason R. (ENERGY); Krstev, Viki (ENERGY)
Cc: McKeever, Garry (ENERGY); Norman, Jonathan (ENERGY); King, Ryan (ENERGY)
Sent: Thu Nov 03 14:31:28 2011
Subject: OPA MN -due EOD Monday

Unrelated content removed

Thanks,
Ryan

Cayley, Daniel (ENERGY)

From: Conrad, Katherine (ENE)
Sent: November-07-11 11:22 AM
To: Calwell, Carolyn (ENERGY)
Subject: Fw: Greenfield South Power - MOE approvals
Attachments: Greenfield South - municipal drinking water system.pdf; Greenfield South - Air.pdf; Greenfield South - municipal drinking water system REVOKED.pdf

Carolyn, this is what I sent to fran last week. As far as I know, two moe approvals. Client is supposed to be confirming early this week whether any approvals are currently in the works - but I am pretty sure there aren't any. Let me know if you need anything else.

Katherine Conrad, Counsel, Ministry of the Environment

From: Conrad, Katherine (ENE)
To: Carnerie, Fran (ENE)
Cc: Borg, Laurence (ENE); Hewitt, Myra (ENE)
Sent: Fri Nov 04 14:58:19 2011
Subject: Greenfield South Power - MOE approvals

Fran,

MOE has issued two approvals for this project:

- 1) Air Certificate of Approval No. 2023-7HUMVW – issued Dec. 10, 2008. No amendments.
- 2) Municipal Drinking Water System Certificate of Approval No. 2098-7J6NYD – issued Sept. 4, 2008. This Certificate revokes and replaces CofA No. 2684-7GVLH9 (name change – administrative amendment)

I would have liked to get confirmation from Ian Parrott that MOE has not issued any other permits or approvals for this project, but he's been unavailable today. I did however search the IDS database with Rudolf Wan, the senior air & noise engineer who worked on the Air CofA, and these were the only approvals we found.

Katherine

Katherine Conrad

Counsel

Ministry of the Attorney General | Legal Services Branch - Environment

135 St. Clair Avenue West, 10th Floor | Toronto, Ontario M4V 1P5

☎ (416) 212-7372

☎ (416) 314-6579

✉ katherine.conrad@ontario.ca

This communication is solicitor/client privileged and contains confidential information intended only for the person(s) to whom it is addressed. Any unauthorized disclosure, copying, other distribution of this communication or taking any action on its contents is strictly prohibited. If you have received this message in error, please notify us immediately and delete this message without reading, copying or forwarding it to anyone.

**AMENDED CERTIFICATE OF APPROVAL
MUNICIPAL DRINKING WATER SYSTEMS**NUMBER 2098-7J6NYD
Issue Date: September 4, 2008

Greenfield South Power Corporation
2275 Lake Shore Blvd W
Toronto, Ontario
M8V 3Y3

Site Location: Greenfield South Power Plant
2315 Loreland Ave
City of Mississauga, Regional Municipality of Peel

Pursuant to the Safe Drinking Water Act, 2002, S.O. 2002, c. 32, and the regulations made thereunder and subject to the limitations thereof, this approval is issued under Part V of the Safe Drinking Water Act, 2002, S.O. 2002, c. 32 to:

construct watermains in the City of Mississauga, Regional Municipality of Peel, on Mattawa Avenue from Loreland Drive to approximately 125m west along Mattawa Avenue, intersection of Bloor Street and Dixie Road;

all in accordance with the application from Greenfield South Power Corporation, dated June 18, 2008, final plans and specifications prepared by Earth Tech Canada Inc., including facsimile dated August 20, 2008, from Lorne Emery, Earth Tech Canada Inc.

This Certificate of Approval revokes and replaces Certificate(s) of Approval No. 2684-7GVLH9 issued on August 12, 2008.

All or part of this decision may be reviewable in accordance with the provisions of Part X of the SDWA. In accordance with Section 129(1) of the Safe Drinking Water Act, Chapter 32 Statutes of Ontario, 2002, as amended, you may by written notice served upon me and the Environmental Review Tribunal within 15 days after receipt of this notice, require a hearing by the Tribunal. Section 129(2) sets out a procedure upon which the 15 days may be extended by the Tribunal. Section 129(3) of the Safe Drinking Water Act, Chapter 32 Statutes of Ontario, 2002, provides that the Notice requiring the hearing shall state:

1. The aspect of the decision, including the portion of the permit, licence, approval, order or notice of administrative penalty in respect of which the hearing is required; and
2. The grounds for review to be relied on by the person at the hearing.

Except with leave of the Tribunal, a person requiring a hearing in relation to a reviewable decision is not entitled to,
(a) a review of an aspect of the decision other than that stated in the notice requiring the hearing; or

(b) a review of the decision other than on the grounds stated in the notice

The Notice should also include:

3. The name of the appellant;
4. The address of the appellant;
5. The Certificate of Approval number;
6. The date of the Certificate of Approval;
7. The name of the Director;
8. The municipality within which the works are located;

And the Notice should be signed and dated by the appellant.

This Notice must be served upon:

The Secretary*
Environmental Review Tribunal
655 Bay Street, 15th Floor
Toronto, Ontario
M5G 1E5

AND

The Director
Part V, *Safe Drinking Water Act*, 2002
Ministry of the Environment
2 St. Clair Avenue West, Floor 12A
Toronto, Ontario
M4V 1L5

*** Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 314-4600, Fax: (416) 314-4506 or www.ert.gov.on.ca**

The above noted water works are approved under Part V of the Safe Drinking Water Act.

DATED AT TORONTO this 4th day of September, 2008



Zafar Bhatti, P.Eng.
Director
Part V of the *Safe Drinking Water Act*,
2002

YB/

c: District Manager, MOE Halton-Peel
C.Gravlev, Clerk, Region of Peel
R.Wells, Project Manager, Region of Peel
O.P.Terminesi, Manager, City of Mississauga
L.Emery, Earth Tech Canada Inc.

CERTIFICATE OF APPROVAL
AIRNUMBER 2023-7HUMVW
Issue Date: December 10, 2008

Greenfield South Power Corporation
2275 Lakeshore Boulevard West, Suite 401
Toronto, Ontario
M8V 3Y3

Site Location: Greenfield South Power Project, Loreland Avenue
Lot 3, Concession 1, Part 1, Reference Plan 43R - 7398
Mississauga City, Regional Municipality of Peel, Ontario

You have applied in accordance with Section 9 of the Environmental Protection Act for approval of:

one (1) combined cycle electricity generation facility, having a nominal rating of 280 megawatts, operated during periods of high and intermediate demand for electricity, consisting of the following equipment and accessories:

- one (1) gas turbine, firing on natural gas and distillate fuel oil with natural gas as the Primary Fuel, to generate electricity, having a nominal rating of 175 megawatts and a nominal heat input of 2,312 gigajoules per hour and equipped with dry low-NOx burners, with its hot flue gas discharging to the HRSG described below;
- one (1) heat recovery steam generator (HRSG), recovering the heat from the hot flue gas of the gas turbine described above to generate steam to feed the steam turbine noted below. The HRSG is equipped with a duct burner, firing primarily on natural gas with distillate fuel oil with natural gas as the Primary Fuel, having a nominal heat input of 371 gigajoules per hour. The HRSG exhausts into the atmosphere through a stack, having a maximum volumetric flow rate of 480 cubic metres per second, having an exit diameter of 5.5 metres, extending at a minimum 40.0 metres above grade;
- one (1) steam turbine, having a nominal rating of 105 megawatts and using the steam generated by the above noted HRSG to generate electricity;
- one (1) forced draft, counter-flow, 5-cell cooling tower, each cell equipped with a fan, having an air flow rate of 654 standard cubic metres per second, having a fan diameter of 9.15 metres, extending 12.2 metres above grade;

- twelve (12) natural gas fired space heaters, to provide comfort heating to the gas turbine hall and the steam turbine hall, having a total maximum heat input of 1,583,000 kilojoules per hour; and
- one (1) roof-top natural gas fired air conditioning unit, to provide comfort heating to the administration offices, control room, change room and lunch room, having a maximum heat input of 264,000 kilojoules per hour;

all in accordance with the Application for Approval (Air & Noise), dated November 29, 2005 and signed by Hubert S. Vogt, Greenfield South Power Corporation, and all supporting information and documentation associated with the application including additional information provided by Greenfield South Power Corporation, received August 22, 2008 in an email sent from Francis C. Itliong, P.Eng., and received September 10, 2008 in another email sent from Francis C. Itliong, P.Eng.

For the purpose of this Certificate of Approval and the terms and conditions specified below, the following definitions apply:

1. "Acoustic Audit" means an investigative procedure consisting of measurements and/or acoustic modelling of all sources of noise emissions due to the operation of the Facility, assessed to determine compliance with the Performance Limits for the Facility regarding noise emissions, completed in accordance with the procedures set in Publication NPC-103 and reported in accordance with Publication NPC-233.
2. "Acoustic Audit Report" means a report presenting the results of an Acoustic Audit, prepared in accordance with Publication NPC-233.
3. "Acoustical Consultant" means a person currently active in the field of environmental acoustics and noise/vibration control, who is familiar with Ministry noise guidelines and procedures and has a combination of formal university education, training and experience necessary to assess noise emissions from a Facility.
4. "Act" means the *Environmental Protection Act*.
5. "CEM System" means the continuous emission monitoring and recording devices to continuously monitor and record the concentrations of nitrogen oxides, carbon monoxide and oxygen at the Combustion Turbine Facility exhaust stack, and shall be designed, installed and operated following the recommendations of the document titled "Protocols and Performance Specifications for Continuous Monitoring of Gaseous Emissions from Thermal Power Generation - Report EPS 1/PG/7" published by Environment Canada in September 1993, as modified.
6. "Certificate" means this Certificate of Approval, including Schedule "A", "B", "C" and "D", issued in accordance with Section 9 of the Act.
7. "Combustion Turbine Facility" means the combustion turbine with dry low-*NOx* burners, the HRSG with duct burners and the steam turbine as described in the Company's application, this Certificate and in the supporting documentation referred to herein, to the extent approved by this Certificate.

8. "Company" means Greenfield South Power Corporation.
9. "Director" means any Ministry employee appointed by the Minister pursuant to Section 5 of the Act.
10. "District Manager" means the District Manager, Halton-Peel District Office, Central Region of the Ministry.
11. "Equipment" means the Combustion Turbine Facility, the cooling tower, and all the acoustic measures described in the Company's application, this Certificate and in the supporting documentation referred to herein, to the extent approved by this Certificate.
12. "Facility" means the entire operation on the property where the Equipment is located.
13. "Fuel Flow Rate" means flow rate of the fuel, expressed in cubic metres per second at standard temperature and pressure, or kilograms per second.
14. "Independent Acoustical Consultant" means an Acoustical Consultant who is not representing the Company and was not involved in preparing the Acoustic Assessment Report or the design/implementation of Noise Control Measures for the Facility and/or Equipment.

The Independent Acoustical Consultant shall not be retained by the Acoustical Consultant involved in the noise impact assessment or the design/implementation of Noise Control Measures for the Facility and/or Equipment.

15. "Lower Heating Value" means the energy released during combustion of the fuel, excluding the latent heat content of the water vapour component of the products of combustion, expressed in megajoules per cubic metre at standard temperature and pressure, or megajoules per kilogram.
16. "Manager" means the Manager, Technology Standards Section, Standards Development Branch of the Ministry, or any other person who represents and carries out the duties of the Manager, as those duties relate to the conditions of this Certificate.
17. "Manual" means a document or a set of documents that provide written instructions to staff of the Company.
18. "Ministry" means Ontario Ministry of the Environment.
19. "NOx" means oxides of nitrogen, including nitric oxide (NO) and nitrogen dioxide (NO₂).
20. "Noise Control Measures" means measures to reduce the noise emissions from the Facility and/or Equipment including, but not limited to, silencers, acoustical louvres, hoods and acoustical treatment, described in Schedule "D" of this Certificate and in supporting information including the Noise Report.

21. "Noise Report" means the report entitled "Environmental Acoustic Assessment Report, Proposed Combined Cycle Power Plant", prepared by HGC Engineering, dated October 6, 2008.
22. "Non-peaking Mode" means operation of the gas turbine exceeding the hour of operation limits specified in the Peaking Mode.
23. "O. Reg. 419/05" means Ontario Regulation 419/05, Air Pollution - Local Air Quality.
24. "Point of Impingement" means any point in the natural environment and as defined by s. 2 of O. Reg. 419/05.
25. "Primary Fuel" means the fuel used in the Facility to generate 10% or more of the electricity in a contract year.
26. "Peaking Mode" means operation of the gas turbine not more than 7,500 hours in any five (5) year period and, in those years, a total of not more than 3,000 hours during the months of May, June, July, August and September.
27. "Power Output" means the electricity and shaft power production of the Combustion Turbine Facility, expressed in megawatts.
28. "Pre-Test Information" means the information outlined in Section 1 of the Source Testing Code.
29. "Publication NPC-103" means the Ministry Publication NPC-103 of the Model Municipal Noise Control By-Law, Final Report, August 1978, published by the Ministry as amended.
30. "Publication NPC-205" means Ministry Publication NPC-205, "Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (Urban)", October, 1995.
31. "Publication NPC-233" means Ministry Publication NPC-233, "Information to be Submitted for Approval of Stationary Sources of Sound" , October 1995.
32. "Source Testing" means sampling and testing to measure emissions resulting from operating the Combustion Turbine Facility under conditions which yield the worst case emissions within the approved operating range of the Combustion Turbine Facility.
33. "Source Testing Code" means the Source Testing Code, Version 2, Report No. ARB-66-80, dated November 1980, prepared by the Ministry, as amended.
34. "Thermal Efficiency" means the fraction of the total energy input which is transformed into net useful energy output, usually expressed as a percentage on a lower heating value basis, calculated according to the formula described in Schedule "B" of this Certificate.

You are hereby notified that this approval is issued to you subject to the terms and conditions outlined below:

TERMS AND CONDITIONS

PERFORMANCE REQUIREMENTS

1. The Company shall ensure that the Facility is designed and operated to comply, when it is operated, with the following performance requirements:

Emission Limits

- (1) The concentrations of nitrogen oxides, sulphur dioxide and carbon monoxide in the undiluted gases emitted from the Combustion Turbine Facility exhaust stack are not greater than the limits specified in Schedule "A" of this Certificate.

Thermal Efficiency

- (2) The Thermal Efficiency of the Combustion Turbine Facility is not less than the thermal efficiency specified in Schedule "A" of this Certificate.

Noise Limits

- (3) The Company shall ensure that the noise emissions from the Facility comply with the limits determined in accordance with Publication NPC-205.

MONITORING

2. The Company shall, when the Combustion Turbine Facility is operating in the Peaking Mode and has not operated previously in the Non-peaking Mode, monitor the emissions and operation of the Combustion Turbine Facility as follows:

Source Testing

- (1) The Company shall perform, initially after the commencement of operation of the Combustion Turbine Facility and every two (2) years thereafter, Source Testing to determine the emission rates of NO_x, carbon monoxide and oxygen from the Combustion Turbine Facility exhaust stack, when the Combustion Turbine Facility is fired with Primary Fuel. Three (3) source tests shall be conducted at maximum rating or at the maximum load achievable at the time of testing.
- (2) The Company shall submit, within three (3) months after the commencement of operation of the Combustion Turbine Facility, to the Manager a test protocol, including the Pre-Test Information for the Source Testing required by the Source Testing Code. The Company shall finalize the test protocol in consultation with the Manager.
- (3) The Company shall complete the Source Testing within three (3) months after the Manager has accepted the test protocol, or within a period directed or agreed by the District Manager.

- (4) The Company shall notify the District Manager and the Manager in writing of the location, date and time of any impending Source Testing required by this Certificate, at least fifteen (15) days prior to the Source Testing.
 - (5) The Company shall, whenever a Source Testing has completed, submit a report on the Source Testing to the District Manager and the Manager not later than two (2) months after completing the Source Testing. The report shall be in the format described in the Source Testing Code, and shall also include the following:
 - (a) an Executive Summary,
 - (b) all records of the operating conditions of the Combustion Turbine Facility at times of the Source Testing,
 - (c) all results and average of the source tests obtained during the Source Testing, and
 - (d) a comparison of the results and the average of the results obtained during the Source Testing with the applicable emission limits in Schedule "A".
 - (6) The Director may not accept the results of the Source Testing if:
 - (a) the Source Testing Code or the requirements of the Manager were not followed, or
 - (b) the Company did not notify the District Manager and the Manager of the Source Testing, or
 - (c) the Company failed to provide a complete report on the Source Testing.
 - (7) If the Director does not accept the results of the Source Testing, the Director may require to repeat Source Testing.
3. In the event that the operation of the Combustion Turbine Facility has switched or is expected to switch from the Peaking Mode to Non-peaking Mode, the Company shall, within three (3) months after the switch or expectation of the switch, install and maintain operational a CEM System to continuously monitor and record the concentrations of NO_x, carbon monoxide and oxygen in the undiluted gases leaving the Combustion Turbine Facility exhaust stack, and shall continue to use the CEM System to monitor emissions from the Combustion Turbine Facility when the Combustion Turbine Facility stays in operation. The locations and specifications of the CEM system are outlined in Schedule "C".
4. The Company shall perform a test, initially after the commencement of operation of the Combustion Turbine Facility and every two (2) years thereafter, to determine the Thermal Efficiency of the Combustion Turbine Facility. The Company shall conduct the Thermal Efficiency test at the same time when the Source Testing is conducted when Source Testing is used for emissions monitoring. The Company shall:

- (a) submit, within three (3) months after the commencement of operation of the Combustion Turbine Facility, to the Manager a test protocol, including the Pre-Test Information for the Thermal Efficiency test.
- (b) The Company shall finalize the test protocol in consultation with the Manager.
- (c) The Company shall not commence the Thermal Efficiency test until the Manager has accepted the test protocol.
- (d) The Company shall complete the first Thermal Efficiency test, within three (3) months after the Manager has accepted the test protocol, or within a period directed or agreed by the District Manager.
- (e) The Company shall notify the District Manager and the Manager, in writing, of the location, date and time of any impending Thermal Efficiency test required by this Certificate, at least fifteen (15) days prior to the Thermal Efficiency test.
- (f) The Company shall determine the parameters described in Schedule "B" attached to this Certificate, during the Thermal Efficiency test for the Combustion Turbine Facility.
- (g) The Company shall calculate the Thermal Efficiency of the Combustion Turbine Facility according to the formula described in Schedule "B" attached to this Certificate.
- (h) The Company shall prepare a summary of the results of the Thermal Efficiency test no later than two (2) months after completing the test. The summary shall indicate the Thermal Efficiency of the Combustion Turbine Facility and include all parameters described in Schedule "B" attached to this Certificate.
- (i) If the measured Thermal Efficiency is less than the anticipated Thermal Efficiency specified in Schedule "A" of this Certificate (with a tolerance of 0.05 multiplied by the anticipated Thermal Efficiency), the Company shall notify the Ministry so that the concentration limits specified in Schedule "A" of this Certificate could be revised accordingly.

OPERATION AND MAINTENANCE:

- 5. The Company shall ensure that the Facility is properly operated and maintained at all times. The Company shall:
 - (1) prepare, prior to commencement of operation of the Facility and update, as necessary, a Manual outlining the operating procedures and a maintenance program for the Facility, including:
 - (a) routine operating and maintenance procedures according to good engineering practices and as recommended by Equipment suppliers;
 - (b) emergency procedures;

- (c) frequency of inspection and maintenance of equipment in the Facility;
 - (d) procedures for recording and responding to environmental complaints;
 - (e) a list of job positions responsible for operation of the Equipment; and
 - (f) all appropriate measures to minimize fugitive air emissions from all potential sources;
- (2) implement the procedures, measures and recommendations of the Manual.
6. The Company shall fully implement the Noise Control Measures prior to commencement of operations of the Equipment.

ACOUSTIC AUDIT

7.1 The Company shall:

- (1) carry out acoustic audit measurements on the actual noise emissions due to the operation of the Facility, in accordance with the procedures in Publication NPC-103;
- (2) submit a report on the results of the acoustic audit, prepared by an Independent Acoustical Consultant, in accordance with the requirements of Publication NPC-233, to the District Manager and the Director not later than three (3) months after the Commencement of Commercial Operation of the Equipment.

7.2 The Director may:

- (1) not accept the results of the acoustic audit if the requirements of Publication NPC-233 were not followed;
- (2) require the Company to repeat the acoustic audit if the results of the acoustic audit are found unacceptable to the Director.

RECORD RETENTION:

8. The Company shall retain, for a minimum of two (2) years from the date of their creation, or in accordance with the requirements of other applicable regulations, all records and information related to or resulting from the maintenance of the Equipment and monitoring activities required by this Certificate. The Company shall retain:
- (1) all records on the maintenance and repair of the Equipment;
 - (2) all records produced by the Source Testing and, if equipped, the CEM System;

- (3) all records of the Thermal Efficiency tests, including calculations of the Thermal Efficiency of the Combustion Turbine Facility;
- (4) all records and results of the acoustic audit measurements and the acoustic audit report;
- (5) all records on the environmental complaints, or incidents, if any; including:
 - (a) a description, time and date of each incident to which the complaint relates,
 - (b) wind direction at the time of the incident to which the complaint relates, and
 - (c) a description of the measures taken to address the cause of the incident to which the complaint relates and to prevent a similar occurrence in the future.

These records shall be made available to staff of the Ministry on request.

NOTIFICATION OF COMPLAINTS

- 9. The Company shall notify the District Manager, in writing, of each environmental complaint within two (2) business days of the complaint. The notification shall include:
 - (1) this Certificate number;
 - (2) a description of the nature of the complaint;
 - (3) the time and date of the incident to which the complaint relates; and
 - (4) a description of the measures taken to address the cause of the incident to which the complaint relates and to prevent a similar occurrence in the future.

The reasons for the imposition of these terms and conditions are as follows:

- 1. Conditions 1 and 6 are included to outline the minimum performance requirements considered necessary to prevent an adverse effect resulting from the operation of the Facility.
- 2. Conditions 2, 3 and 4 are included to require the Company to gather accurate information so that the environmental impact and subsequent compliance with the Act, the regulations and this Certificate can be verified.
- 3. Condition 5 is included to emphasize that the Facility must be maintained and operated according to a procedure that will result in compliance with the Act, the regulations and this Certificate.
- 4. Condition 7 is included to require the Company to gather accurate information so that the environmental noise impact and subsequent compliance with the Act, the regulations, Ministry Noise Guidelines and this Certificate can be verified.

5. Condition 8 is included to require the Company to keep records to assist the Ministry in determining whether or not the Equipment is being inspected and maintained as required by the Act, the regulations and this Certificate.
6. Condition 9 is included to require the Company to notify staff of the Ministry so as to assist the Ministry with the review of the site's compliance.

SCHEDULE "A"

Peaking Mode		Non-peaking Mode	
Parameter	Limit	Parameter	Limit
Nitrogen Oxides	80 ppmv	Nitrogen Oxides	40 ppmv
Carbon Monoxide	60 ppmv	Carbon Monoxide	60 ppmv
Sulphur Dioxide	199 ppmv	Sulphur Dioxide	164 ppmv
Thermal Efficiency	48.6 percent	Thermal Efficiency	48.6 percent

NOTES:

1. "ppmv" means parts per million by volume on a dry basis normalized to 15 percent oxygen on an hourly basis.
2. Limits are based on the Combustion Turbine Facility firing on natural gas as the Primary Fuel.

SCHEDULE "B"

THERMAL EFFICIENCY TESTING PROCEDURE

Parameters to be tested/measured:

1. Power Output
2. Fuel Flow Rate
3. Lower Heating Value
4.
 - (a) Ambient air temperature (expressed in degrees of Celsius)
 - (b) Barometric pressure (expressed in kilopascal)
 - (c) Relative humidity (expressed in percent)
5. Date, time and duration of test

FORMULA:

$$\text{Thermal Efficiency} = \frac{\text{Power Output} \times 100\%}{\text{Fuel Flow Rate} \times \text{Lower Heating Value}}$$

NOTE:

Thermal Efficiency testing should be conducted at maximum rating or at the maximum load achievable at the time of testing and shall employ an averaging time of not less than three hours.

SCHEDULE "C"

C.1 CONTINUOUS NITROGEN OXIDES MONITOR AND DATA RECORDER

INSTALLATION:

The continuous nitrogen oxides monitor shall be installed at an accessible location where the measurements are representative of the actual concentrations of nitrogen oxides in the undiluted flue gases leaving the Combustion Turbine Facility exhaust stack and shall meet the following installation specifications:

	PARAMETERS	SPECIFICATION
1	Range (parts per million, ppm):	0 -100
2	Calibration Gas Ports:	close to the sample point

PERFORMANCE:

The continuous nitrogen oxides monitor shall meet the following minimum performance specifications for the following parameters:

	PARAMETERS	SPECIFICATION
1	Span Value: (nearest ppm equivalent)	80% - 100% of Full Scale (FS) for each range
2	Relative Accuracy:	the greater of ≤ 10 percent of mean value of reference method test data or PG7 low level relief (8 ppm)
3	Calibration Error:	the greater of ≤ 2 percent of FS or 2.5 ppm absolute difference
4	System Bias:	the greater of ≤ 5 percent of FS or 5 ppm average difference value
5	Procedure for Zero and Span Calibration Check:	all system components checked
6	Zero Calibration Drift (24-hour):	the greater of 2% of FS or 2.5 ppm absolute difference
7	Span Calibration Drift (24-hour):	the greater of 2.5% of FS or 2.5 ppm absolute difference
8	Response Time (90 percent of full scale):	≤ 200 seconds
9	Operational Test Period :	≥ 168 hours without corrective maintenance

CALIBRATION:

Daily calibration drift checks on the monitor shall be performed and recorded when the Combustion Turbine Facility is operating in accordance with the requirements of Report EPS 1/PG/7.

DATA RECORDER:

The data recorder must be capable of registering continuously the measurement of the monitor with an accuracy of 0.5 percent of a full scale reading or better and with a time resolution of 2 minutes or better.

RELIABILITY:

The monitor shall be operated and maintained so that accurate data is obtained during a minimum of 90 percent of the time for each calendar quarter during the first full year of operation, and 95 percent, thereafter when the Combustion Turbine Facility is operating.

C.2 CONTINUOUS CARBON MONOXIDE MONITOR AND DATA RECORDER

INSTALLATION:

The continuous carbon monoxide monitor shall be installed at an accessible location where the measurements are representative of the actual concentrations of carbon monoxide in the undiluted flue gases leaving the Combustion Turbine Facility exhaust stack and shall meet the following installation specifications:

	PARAMETERS	SPECIFICATION
1	Range (parts per million, ppm):	0 -100
2	Calibration Gas Ports:	close to the sample point

PERFORMANCE:

The continuous carbon monoxide monitor shall meet the following minimum performance specifications for the following parameters:

	PARAMETERS	SPECIFICATION
1	Span Value: (nearest ppm equivalent)	80% - 100% of Full Scale (FS) for each range
2	Relative Accuracy:	the greater of $\leq 10\%$ of mean value of reference method test data or PG7 low level relief (8 ppm)
3	Calibration Error:	the greater of $\leq 2\%$ of FS or 2.5 ppm absolute difference
4	System Bias:	the greater of $\leq 5\%$ of FS or 5 ppm average difference value
5	Procedure for Zero and Span Calibration Check:	all system components check
6	Zero Calibration Drift (24-hour):	the greater of 2% of FS or 2.5 ppm absolute difference
7	Span Calibration Drift (24-hour):	the greater of 2.5% of FS or 2.5 ppm absolute difference
8	Response Time (90 percent of full scale):	≤ 90 seconds
9	Operational Test Period :	≥ 168 hours without corrective maintenance

CALIBRATION:

Daily calibration drift checks on the monitor shall be performed and recorded when the Combustion Turbine Facility is operating in accordance with the requirements of Report EPS 1/PG/7.

DATA RECORDER:

The data recorder must be capable of registering continuously the measurement of the monitor with an accuracy of 0.5 percent of a full scale reading or better and with a time resolution of 2 minutes or better.

RELIABILITY:

The monitor shall be operated and maintained so that accurate data is obtained during a minimum of 90 percent of the time for each calendar quarter during the first full year of operation, and 95 percent, thereafter when the Combustion Turbine Facility is operating.

C.3 CONTINUOUS OXYGEN MONITOR AND DATA RECORDER

INSTALLATION:

The continuous oxygen monitor shall be installed at an accessible location where the measurements are representative of the actual concentrations of oxygen in the undiluted flue gases leaving the Combustion Turbine Facility exhaust stack and shall meet the following installation specifications:

	PARAMETERS	SPECIFICATION
1	Range (percentage):	0 - 20 or 0 - 25
2	Calibration Gas Ports:	Close to the sample point

PERFORMANCE:

The continuous oxygen monitor shall meet the following minimum performance specifications for the following parameters:

	PARAMETERS	SPECIFICATION
1	Span Value (percentage):	80% - 100% of Full Scale (FS) for each range
2	Relative Accuracy:	the greater of ≤ 10 percent of mean value of reference method test data or PG7 low level relief (0.5% O ₂)
3	Calibration Error:	$\leq 0.5\%$ O ₂
4	System Bias:	the greater of ≤ 5 percent of FS or 0.5% O ₂ average absolute difference
5	Procedure for Zero and Span Calibration Check:	all system components checked
6	Zero Calibration Drift (24-hour):	0.5% O ₂
7	Span Calibration Drift (24-hour):	0.5% O ₂
8	Response Time (90 percent of full scale):	≤ 90 seconds
9	Operational Test Period:	≥ 168 hours without corrective maintenance

CALIBRATION:

Daily calibration drift checks on the monitor shall be performed and recorded when the Combustion Turbine Facility is operating in accordance with the requirements of Report EPS 1/PG/7.

DATA RECORDER:

The data recorder must be capable of registering continuously the measurement of the monitor with an accuracy of 0.5 percent of a full scale reading or better and with a time resolution of 2 minutes or better.

RELIABILITY:

The monitor shall be operated and maintained so that accurate data is obtained during a minimum of 90 percent of the time for each calendar quarter during the first full year of operation, and 95 percent, thereafter when the Combustion Turbine Facility is operating.

SCHEDULE "D"

Noise Control Measures

Noise Control Measures described in the Noise Report, section "Mitigation Measures Summary". Specifically:

1. Gas Turbine and HRSG

- One (1) silencer for the Combustion Turbine Facility exhaust stack and
- one (1) silencer for the gas turbine intake,

capable of providing the following values of Insertion Loss in 1/1 octave frequency bands:

Minimum Dynamic Sound Insertion Loss (dB)

Centre Frequency (Hertz)	63	125	250	500	1000	2000	4000	8000
Gas Turbine air intake silencer *	30	35	40	45	50	50	50	40
Gas Turbine exhaust stack silencer **	26	38	53	53	56	54	47	45

* Combination of plenum, inlet silencer and air filter

** Combination of HRSG and silencer

2. Acoustic Enclosures

- Gas Turbine Generator

The acoustic enclosure housing the gas turbine generator and accessory modules, with the following specification:

- sound level not exceeding 85 dBA, at a distance of 1 metre from the enclosure and all associated ductwork and other components inside the building.

- Steam Turbine and Gas Compressor

Acoustic enclosure or other measures for the gas turbine generator and accessory modules, with the following specification:

- sound level not exceeding 85 dBA, at a distance of 1 metre from the steam turbine casing and the gas compressor casing.

3. Building Construction and Doors

- The exterior envelope of buildings that house the gas turbine generator, the steam turbine generator and the gas compressor capable of providing the following minimum values of Transmission-Loss in 1/1 octave frequency bands, and

- the exterior rollup overhead doors, closed except of ingress and egress, and capable of providing the following minimum values of Transmission Loss in 1/1 octave frequency bands:

Minimum Dynamic Sound Transmission Loss (dB)

Centre Frequency (Hertz)	31.5	63	125	250	500	1000	2000	4000	8000
Rollup Overhead Door	3	9	15	18	21	22	22	24	18
Exterior Building Construction	-	12	19	32	40	46	53	56	47

4. Noise Barriers

- 5.5 metres high noise barriers, constructed around the north face of 250 MVA and 120 MVA step-up transformers, with returns on the east and west sides.
- A noise barrier, 7 metres high, and approximately 60 metres long, along the south property line to provide shielding of noise from the cooling tower and the HRSG.
- rooftop barriers, 2.4 meters high, constructed around each rooftop fan on the steam turbine and gas turbine buildings.

5. Maximum Noise Emission Ratings

- Maximum noise emission rating in accordance with the provisions of the Noise Report.

In accordance with Section 139 of the Environmental Protection Act, R.S.O. 1990, Chapter E-19, as amended, you may by written notice served upon me and the Environmental Review Tribunal within 15 days after receipt of this Notice, require a hearing by the Tribunal. Section 142 of the Environmental Protection Act, provides that the Notice requiring the hearing shall state:

1. The portions of the approval or each term or condition in the approval in respect of which the hearing is required, and;
2. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

The Notice should also include:

3. The name of the appellant;
4. The address of the appellant;
5. The Certificate of Approval number;
6. The date of the Certificate of Approval;
7. The name of the Director;
8. The municipality within which the works are located;

And the Notice should be signed and dated by the appellant.

This Notice must be served upon:

The Secretary*
Environmental Review Tribunal
655 Bay Street, 15th Floor
Toronto, Ontario
M5G 1E5

AND

The Director
Section 9, *Environmental Protection Act*
Ministry of the Environment
2 St. Clair Avenue West, Floor 12A
Toronto, Ontario
M4V 1L5

*** Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 314-4600, Fax: (416) 314-4506 or www.ert.gov.on.ca**

The above noted works are approved under Section 9 of the Environmental Protection Act.

DATED AT TORONTO this 10th day of December, 2008



Victor Low, P.Eng.
Director
Section 9, *Environmental Protection Act*

RW/

c: District Manager, MOE Halton-Peel District Office



CERTIFICATE OF APPROVAL
MUNICIPAL DRINKING WATER SYSTEMS
NUMBER 2684-7GVLH9
Issue Date: August 12, 2008

Greenfield South Power Corporation
2275 Lake Shore Blvd W, Suite 401
Toronto, Ontario M8V 3Y3

Site Location: Keele Valley Power Plant
2315 Loreland Ave
City of Mississauga, Regional Municipality of Peel

Pursuant to the Safe Drinking Water Act, 2002, S.O. 2002, c. 32, and the regulations made thereunder and subject to the limitations thereof, this approval is issued under Part V of the Safe Drinking Water Act, 2002, S.O. 2002, c. 32 to:

construct watermains in the City of Mississauga, Regional Municipality of Peel, on Mattawa Avenue from Loreland Drive to approximately 125m west along Mattawa Avenue, intersection of Eloor Street and Dixie Road;

all in accordance with the application from Greenfield South Power Corporation, dated June 18, 2008, including final plans and specifications prepared by Earth Tech Canada Inc.

All or part of this decision may be reviewable in accordance with the provisions of Part X of the SDWA. In accordance with Section 129(1) of the Safe Drinking Water Act, Chapter 32 Statutes of Ontario, 2002, as amended, you may by written notice served upon me and the Environmental Review Tribunal within 15 days after receipt of this notice, require a hearing by the Tribunal. Section 129(2) sets out a procedure upon which the 15 days may be extended by the Tribunal. Section 129(3) of the Safe Drinking Water Act, Chapter 32 Statutes of Ontario, 2002, provides that the Notice requiring the hearing shall state:

1. The aspect of the decision, including the portion of the permit, licence, approval, order or notice of administrative penalty in respect of which the hearing is required; and
2. The grounds for review to be relied on by the person at the hearing.

Except with leave of the Tribunal, a person requiring a hearing in relation to a reviewable decision is not entitled to,

- (a) a review of an aspect of the decision other than that stated in the notice requiring the hearing; or
- (b) a review of the decision other than on the grounds stated in the notice

The Notice should also include:

3. The name of the appellant;
4. The address of the appellant;
5. The Certificate of Approval number;
6. The date of the Certificate of Approval;
7. The name of the Director;
8. The municipality within which the works are located;

And the Notice should be signed and dated by the appellant.

This Notice must be served upon:

CONTENT COPY OF ORIGINAL

The Secretary*
Environmental Review Tribunal
655 Bay Street, 15th Floor
Toronto, Ontario
M5G 1E5

AND

The Director
Part V, *Safe Drinking Water Act*
Ministry of the Environment
2 St. Clair Avenue West, Floor 12A
Toronto, Ontario
M4V 1L5

*** Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 314-4600, Fax: (416) 314-4506 or www.ert.gov.on.ca**

The above noted water works are approved under Part V of the Safe Drinking Water Act

DATED AT TORONTO this 12th day of August, 2008

Zafar Bhatti, P.Eng.
Director
Part V of the *Safe Drinking Water Act*, 2002

YB/
c: District Manager, MOE Halton-Peel
C.Gravlev, Clerk, Region of Peel
R.Wells, Project Manager, Region of Peel
O.P.Terminesi, Manager, City of Mississauga
Lorne Emery, Earth Tech Canada Inc.

Cayley, Daniel (ENERGY)

From: MacNaughton, Catherine (JUS)
Sent: November-07-11 11:38 AM
To: Calwell, Carolyn (ENERGY)
Subject: RE: Greenfield South Power - MOE approvals

thanks Carolyn. Have both your emails from this morning and starting the bill today.

Catherine Macnaughton
Legislative Counsel
Office of Legislative Counsel (Ontario)
3600 - 99 Wellesley Street West
Toronto, Ontario M7A 1A1

(416) 326-2787
catherine.macnaughton@ontario.ca

From: Calwell, Carolyn (ENERGY)
Sent: Mon 07/11/2011 11:29 AM
To: MacNaughton, Catherine (JUS)
Subject: FW: Greenfield South Power - MOE approvals

Catherine,

There are apparently 2 MOE approvals issued to Greenfield (for which I heartily thank my MOE colleagues). MOE is confirming that there are no others.

- 1) Air Certificate of Approval No. 2023-7HUMVW – issued Dec. 10, 2008. No amendments.
- 2) Municipal Drinking Water System Certificate of Approval No. 2098-7J6NYD – issued Sept. 4, 2008. This Certificate revokes and replaces CofA No. 2684-7GVLH9 (name change – administrative amendment)

As always, I will advise further as I hear more.

Carolyn

This communication is solicitor/client privileged and contains confidential information intended only for the person(s) to whom it is addressed. Any unauthorized disclosure, copying, other distribution of this communication or taking any action on its contents is strictly prohibited. If you have received this message in error, please notify us immediately and delete this message without reading, copying or forwarding it to anyone.

Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November 7, 2011 12:32 PM
To: Lindsay, David (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Silva, Joseph (ENERGY)
Subject: Confidential
Attachments: Term Sheet_ - Keele Valley- Mississauga.doc

Privileged and Confidential

Term Sheet as transcribed from original.

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.

Term Sheet
Resolution of the Keele Valley Matter and Stoppage of Site Construction at Greenfield
South Generation Station
CONFIDENTIAL AND WITHOUT PREJUDICE

AS TRANSCRIBED BY HP

1. Parties

Ontario Power Authority ("OPA") and Greenfield South Power Corporation
("Greenfield") Eastern Power Limited ("Eastern Power")

2. Purpose

To settle the Keele Valley matter with OEFC and to provide a commercial basis for the stoppage of construction at the Site of the Greenfield South Generating Station in Mississauga, Ontario, and for Greenfield and the OPA to enter into negotiations to relocate the project or terminate the ARCES Contract.

3. Term Sheet Not Binding

Nothing in this term sheet is binding on the parties.

4. Definitions

Capitalized terms not defined in the agreement will have the same meaning as capitalized terms in the ARCES Contract.¹

"Site" means 2315 Loreland Avenue, Mississauga, ON L4X 2A6

5. Contract Subsists

Notwithstanding any agreement to stop construction at the Site, the ARCES Contract subsists.

6. No Waiver

Neither party waives any rights or is relieved of any obligations under the ARCES Contract, except for the obligations on the parties to perform their respective obligations expeditiously pursuant to s.16.12.

7. Term

The term of the agreement shall expire when the ARCES Contract is terminated.

¹ Amended and Restated Clean Energy Supply Agreement (ARCES) Contract Between Greenfield South Power Corporation and the Ontario Power Authority, dated as of the 12th day of April, 2005 and amended and restated as of the 16th day of March, 2009.

Term Sheet
Resolution of the Keele Valley Matter and Stoppage of Site Construction at Greenfield
South Generation Station
CONFIDENTIAL AND WITHOUT PREJUDICE

8. Stoppage of Construction

Greenfield agrees to stop construction work at this Site.

9. Reimbursement of reasonable Costs for Halting Construction

OPA will pay Greenfield its reasonable costs associated with stoppage of construction at the Site, and demobilization from the Site.

10. Settlement of the Keele Valley Matter

Settlement payment of \$5 million for the resolution of all outstanding contractual disputes with OEFC at Keele Valley. This amount is inclusive of the award of costs against Eastern Power. Eastern Power will provide a release of all outstanding claims against the OEFC.

11. Confidentiality

The contents of the term sheet and any agreement flowing from it are to be kept confidential by the parties.

12. Site Security

Throughout the Term, although construction work at the Site is stopped, Greenfield shall keep the Site secure.

13. Liability and Indemnification

Exclusion of consequential damages associated with any breach of the agreement or other claims arising from it or associated with it.

14. Insurance

Greenfield will have to maintain insurance coverage on the Site throughout the term.

15. Constructor

Greenfield continues to be the constructor under the Occupational Health and Safety Act.

Term Sheet
Resolution of the Keele Valley Matter and Stoppage of Site Construction at Greenfield
South Generation Station
CONFIDENTIAL AND WITHOUT PREJUDICE

16. No Assignment

The agreement cannot be assigned by Greenfield without the OPA's prior written consent.

17. Miscellaneous

Miscellaneous terms will be negotiated to address: dispute resolution; business relationship between the parties;

18. No Agreement

In the event that the parties cannot renegotiate the ARCES Contract or negotiate a replacement contract to relocate the project, or terminate the ARCES Contract and settle the matter, by the end of the agreement and any extension thereto, the parties agree to enter into arbitration pursuant to s. 16.2 of the ARCES Contract.

The parties further agree that the arbitration will be conducted on a confidential basis.

19. Termination of the ARCES Contract

The ARCES Contract will be terminated once the parties resolve through agreement the dispute between the parties or failing agreement, the completion of the arbitration process including the payment of any arbitration award.

20. General

Greenfield and the OPA will negotiate the substantive agreement to stop construction in good faith, which will contain all the terms contained herein.

Cayley, Daniel (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: November 7, 2011 2:20 PM
To: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); Lindsay, David (ENERGY)
Subject: FW: term sheet - transcribed version
Attachments: Term Sheet_ - Keele Valley- Mississauga (2).doc

Duplicate attachment removed

FYI

From: Silva, Joseph (ENERGY)
Sent: November 7, 2011 2:20 PM
To: Hume, Steen (CAB)
Subject: term sheet - transcribed version

Hi Steen – attached is the term sheet transcribed from the original version. I'm working with Meredith to get the common interest agreement signed so we can get a hold of the original. The password will come separately.

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: November-07-11 2:28 PM
To: Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY)
Subject: RE: Response letter
Attachments: Letter #2 to the OPA 07 11 2011(rk).doc

[Our suggested edits attached](#)

From: Calwell, Carolyn (ENERGY)
Sent: November 7, 2011 9:26 AM
To: Jennings, Rick (ENERGY); King, Ryan (ENERGY); Silva, Joseph (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: Response letter

Confidential/Solicitor-Client Privileged

We've drafted a response from the Minister to Colin Andersen regarding Greenfield, based on the letter that we received from the OPA and marked up. We would appreciate your review. We will also send it to CLOC for their input – we haven't yet heard from them on the OPA letter and will follow up.

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.

**CONFIDENTIAL DRAFT – SOLICITOR & CLIENT PRIVILEGED – DRAFT
FOR DISCUSSION**

Dear Mr. Andersen:

In response to your letter of [date] ~~and in recognition that community opposition to the Greenfield South Generation Facility is ongoing and well documented,~~ I am writing to confirm the government's endorsement of the OPA's termination of the contract with the developer of ~~that facility~~ the Greenfield South Generation Facility, Greenfield South Power Corporation.

While full recognition must be given to rate-payers ~~value~~ and the fair treatment of contractual counterparties, as suggested in your letter, in light of the government's commitment ~~the strong and persistent opposition to the plant,~~ the government supports any appropriate commercial and other steps the OPA must take with the objectives of terminating the contract and ensuring that construction of the gas plant at its current location in Mississauga ceases ~~imminently.~~

~~The government is responding to unique circumstances in Mississauga.~~ The government remains committed to a strong, stable supply of electricity for Ontario and continued support of those making investments in Ontario's electricity system. I appreciate your prompt attention to this matter.

Sincerely,

Chris Bentley,
Minister

MC-2011-4181

C:RJ

⊖

FYI

Page 1 of 2

Pitkeathly, Doreen (ENERGY)

From: Bentley_Chris-MPP-CO [cbentley.mpp.co@liberal.ola.org]
Sent: November 7, 2011 9:23 AM
To: Write2us (ENERGY)
Subject: FW: Moving the Mississauga Power Plant

PC - Frequent anti-wind writer and media critic Parker Gallant copies minister on e-mail exchange with another frequent writer (Grant Church) re: moving the Mississauga gas plant
S-GTA New Supply

Joyce Kmith
Constituency Assistant
Chris Bentley, MPP
London West
8-11 Base Line Road East
London, Ontario
N6C 5Z8
(519) 657-3120

From: parker.gallant@sympatico.ca [mailto:parker.gallant@sympatico.ca]
Sent: November 6, 2011 2:46 PM
To: Steve Bihari; churchg@sympatico.ca; Bentley_Chris-MPP-CO; Peter Tabuns
Subject: Moving the Mississauga Power Plant

Steve, I know where they should move it! This posting on the transformingtonto website tells them where:
<http://transformingtonto.ca/etl.html> Pay attention to this in particular:

"A better alternative to meet Toronto's electricity needs consists of an integrated combination of energy conservation and efficiency, new renewables and natural gas-fired combined heat and power plants. This combination will provide the city with a more reliable, cost effective and efficient electricity system, and will directly contribute to better air quality and a reduced contribution to global warming from the city itself."

The Toronto Danforth riding held by Peter Tabuns of the NDP apparently were OK with it back when Tabuns was running against Ben Chin in the bi-election about 5 years ago. They didn't want the transmission lines but they were OK with gas generation. Peter Tabuns beat out the Liberal candidate Ben Chin (Ben was rewarded with a nice job at the OPA however by McGuinty) and one of the reasons was Tabuns fought the transmission lines going through the riding. Ben Chin had no choice but to support his party and was beaten.

I copied this to both of them so they can get together and work out the minor details. Maybe it will be the litmus test to see if the Liberals can get along with the other parties eh?

Parker

Date: Sun, 6 Nov 2011 14:22:33 -0500
Subject: Re: [windconcerns] Mississauga Power Plant Construction on the Weekend
From: steve.bihari@gmail.com
To: churchg@sympatico.ca
CC: windconcerns@googlegroups.com

Once the plant is finished, they're going to "move" it. That's the McGuinty promise.

He must believe the GTA voters are really stupid for them to buy that one.

But I digress...

11/07/2011

On Sat, Nov 5, 2011 at 6:17 PM, Grant Church <churchg@sympatico.ca> wrote:

Hi Everyone,

It was a beautiful day today in Mississauga. The power plant is still under construction, even on a Saturday. What do you suppose their up to? Are they just going to stick it to McGuinty for his cynical ploy to build the plant in the first place and then 11 days before the election cancel it to save some seats. The company could say them, "How much are you willing to pay us to call it a day?" Maybe a billion would be too small to ask?

Enjoy the pictures I took and save them as a testimony against the evil plans of the McGuinty Government. I think the plant will be completed and deliver power to the grid despite all the opposition and the McGuinty promise. There were many protest signs in a nearby residential neighbourhood with homes as close as 300 m from the plant, scaling the Google map.

To see the site of the plant copy this address to Google maps and zoom into street view. A backhoe is sitting on the fenced property. The picture might be a year or two old. The number on the fence is 2315.

2379 Loreland Ave, Mississauga, Peel Regional Municipality, Ontario L4X 2A6

They could stick a few wind turbines in the area since they elected Liberals.

Sincerely,

Grant

--
You received this message because you are subscribed to the Google Groups "Wind Concerns" group.

To post to this group, send email to windconcerns@googlegroups.com.

To unsubscribe from this group, send email to windconcerns+unsubscribe@googlegroups.com.

For more options, visit this group at <http://groups.google.com/group/windconcerns?hl=en>.

--
You received this message because you are subscribed to the Google Groups "Wind Concerns" group.
To post to this group, send email to windconcerns@googlegroups.com.
To unsubscribe from this group, send email to windconcerns+unsubscribe@googlegroups.com.
For more options, visit this group at <http://groups.google.com/group/windconcerns?hl=en>.

11/07/2011

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November 8, 2011 10:14 AM
To: Perun, Halyna N. (ENERGY)
Subject: RE: Mississauga Power letters

I can't get to this immediately, so I would be grateful if you would. I haven't touched base with Ryan – would you please loop him into the rationale for the content of the Min letter?

I expect to wrap up infrastructure stuff in the next hour – briefing at 5, apparently.

Carolyn

From: Perun, Halyna N. (ENERGY)
Sent: November 8, 2011 10:10 AM
To: Calwell, Carolyn (ENERGY)
Subject: Mississauga Power letters

Hi Carolyn – These include the DAG's edits. I indicated to Malliha that we'd accept the changes and provide clean versions for the briefing this aft. I told her that we'd be sending the OPA letter over to the OPA. In light of your other commitments, do you want me to take care of this? I am happy to.

Apparently both Malliha and DAG attending the briefing this aft...

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: November 8, 2011 10:38 AM
To: Wilson, Malliha (JUS); Slater, Craig (JUS)
Cc: Wong, Taia (JUS); Lung, Ken (JUS)
Subject: RE: Mississauga Power letters

Understood

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: Wilson, Malliha (JUS)
Sent: November 8, 2011 10:30 AM
To: Perun, Halyna N. (ENERGY); Slater, Craig (JUS)
Cc: Wong, Taia (JUS); Lung, Ken (JUS)
Subject: Re: Mississauga Power letters

Thx. And mae sure when u go back to opa and clients you characterize the changes and generic mag and we don't point to individuals

Sent from my BlackBerry Wireless Device

From: Perun, Halyna N. (ENERGY)
To: Wilson, Malliha (JUS); Slater, Craig (JUS)
Cc: Wong, Taia (JUS); Lung, Ken (JUS)
Sent: Tue Nov 08 10:06:25 2011
Subject: RE: Mississauga Power letters

We'll accept these changes and have clean versions ready for the briefing. The letter from the OPA will need to go back to the OPA. The Minister will likely wish to know whether the OPA is comfortable with the version we've edited. We may not get back an answer in time for the briefing but we'll do what we can here to advance this.

Thanks for your assistance.

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: Wilson, Malliha (JUS)
Sent: November 8, 2011 9:57 AM
To: Perun, Halyna N. (ENERGY); Slater, Craig (JUS)
Cc: Wong, Taia (JUS); Lung, Ken (JUS)
Subject: FW: Mississauga Power letters

From: Di Ciano, Sandra (JUS)
Sent: November 8, 2011 9:43 AM
To: Wong, Taia (JUS); Wilson, Malliha (JUS)
Subject: RE: Mississauga Power letters

I am attaching the DAG comments in tracked changes – please note the deletion of “between ratepayers and taxpayers” in the OPA letter. The DAG can attend the briefing of Minister of Bentley today with you, but he will be about 15 minutes late because he has a call that ends right at 3 pm.

From: Wong, Taia (JUS)
Sent: November 7, 2011 3:04 PM
To: Di Ciano, Sandra (JUS)
Subject: Mississauga Power letters

Hi Sandra,

Further to Malliha's discussion with you, here are the two Mississauga letters for approval.

Thanks,
Taia

Fisher, Petra (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: November-08-11 11:04 AM
To: Lindsay, David (ENERGY)
Cc: Dunning, Rebecca (ENERGY)
Subject: FW: meeting this aft

Deputy – please see the email from Halyna below. The DAG and one of his ADAGs are planning on attending the Mississauga gas plant siting briefing. If you're okay with that, Rebecca can forward the invite.

Joseph

From: Perun, Halyna N. (ENERGY)
Sent: November 8, 2011 11:02 AM
To: Silva, Joseph (ENERGY)
Subject: meeting this aft

Please let the Deputy know that Malliha Wilson and Deputy Attorney General are planning to attend the briefing of Minister Bentley at 4:30 on miss. The Deputy had left me a message and invited me and Carolyn to the call he has at 4 and we'll be staying for the briefing at 4:30. Perhaps Rebecca can send out a meeting request?

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.

Fisher, Petra (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: November-08-11 11:10 AM
To: Dunning, Rebecca (ENERGY); Kulendran, Jesse (ENERGY)
Subject: 430 Briefings

Importance: High

Hi guys

DM would like to split the 430 briefing into two parts.

The first part (he says 15 mins, but it may well go over that) is small room conversation dedicated to Vapour Lock. The MAG folks (Rebecca – see Halyna’s email) should be added to that invite.

The second part is the gas plant siting and is a broader policy discussion that MAG folks do not need to be in.

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: November 8, 2011 11:30 AM
To: Lindsay, David (ENERGY); Jennings, Rick (ENERGY)
Cc: Silva, Joseph (ENERGY); King, Ryan (ENERGY); Calwell, Carolyn (ENERGY)
Subject: letters
Attachments: Greenfield South Power Plant OPA letter Nov 8 final.doc; Energy Letter to the OPA Nov 8 final.doc

Privileged and Confidential

Enclosed please find the two proposed letters – one from the OPA, the other from the Minister. These proposed letters are MAG approved. We've sent them both to Mike Lyle. I'll follow up with Mike shortly. He's not likely to be in a position to let us know this afternoon whether our edits of the Board's letter would be acceptable to the Board, but we will advance this as much as possible.

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 & PRIVILEGED

Dear Minister

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

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

After receiving your October 24th letter, OPA commenced discussions with Greenfield South. To date, OPA's objective has been to reach an agreement with Greenfield South to stop construction and negotiate an arrangement to relocate the plant or terminate the contract. Since then, it has become more clear that Greenfield South may not agree to such an approach which makes termination of the contract a logical next step.

Following termination of the contract, we would seek to continue discussions with Greenfield South to arrive at an agreement on appropriate compensation. Given our shared interest in ratepayer value, the board would then also like to commence a dialogue with you on the most appropriate way to allocate the compensation.

I look forward to your reply.

Yours sincerely,

Jim Hinds
Chair

**CONFIDENTIAL DRAFT – SOLICITOR & CLIENT PRIVILEGED – DRAFT
FOR DISCUSSION**

Dear Mr. Andersen:

In response to your letter of [date] and in recognition that community opposition to the Greenfield South Generation Facility is ongoing and well documented, I am writing to confirm that the government supports OPA's decision to terminate the contract with the developer of the facility, Greenfield South Power Corporation. The government remains hopeful that the plant can be relocated and that the OPA will be able to achieve a satisfactory resolution of the Mississauga site through discussion with Greenfield SPC.

While full recognition must be given to rate-payer value and the fair treatment of contractual counterparties, as suggested in your letter, in light of the strong and persistent opposition to the plant, the government supports any appropriate commercial and other steps the OPA must take with the objectives of terminating the contract and ensuring that construction of the gas plant at its current location in Mississauga ceases imminently.

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

Sincerely,

Chris Bentley,
Minister

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-08-11 11:49 AM
To: Silva, Joseph (ENERGY)
Subject: FW: Cooperation and Common Interest Privilege Agreement
Attachments: Cooperation and Common Interest Privilege Agreement.pdf

Duplicate attachment removed (original release)

Hi Joseph,

The agreement for your files – we will keep an original here and send an original back to the OPA. I will send on the term sheet as soon as I have it.

Carolyn

From: Calwell, Carolyn (ENERGY)
Sent: November 8, 2011 11:48 AM
To: Michael Lyle; Marsello, Leonard (JUS)
Cc: pivanoff@osler.com; Perun, Halyna N. (ENERGY)
Subject: Cooperation and Common Interest Privilege Agreement

Please find attached the fully executed agreement. Thank you all for your efforts to finalize this agreement so expeditiously.

Mike, my clients are now asking to see the term sheet in the form sent to Greenfield. Would you please share a copy that I can forward?

Carolyn

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

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: Calwell, Carolyn (ENERGY)
Sent: November-08-11 12:36 PM
To: Silva, Joseph (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Subject: Term Sheet
Attachments: OPA Ltr to GSPC 3 Nov 2011 (2).pdf; Term Sheet (2).pdf

Confidential/Solicitor-Client Privileged

As requested, please see term sheet and cover letter attached, provided by the OPA.

Carolyn

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

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.



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

CONFIDENTIAL & WITHOUT PREJUDICE

November 3, 2011

Greenfield South Power Corporation
2275 Lakeshore Blvd. West
Suite 401
Toronto, ON M8V 3Y3

Attention: Gregory M. Vogt
President

Dear Mr. Vogt:

Re: Amended and Restated Clean Energy Supply Contract (the "ARCES Contract") between Greenfield South Power Corporation ("Supplier") and the Ontario Power Authority ("OPA"), dated as of April 12, 2005 and amended and restated as of March 16, 2009 Settlement of the Keele Valley Matter and Stoppage of Work at Greenfield South Generation Station

This letter is further to our conversations over the past week relating to your interest in settling the ongoing litigation with the Ontario Electricity Finance Corporation ("OEFC") over the dispute related to the Keele Valley matter and the Government of Ontario's desire that work be stopped at the Greenfield South Generating Station ("site"). All terms not otherwise defined herein have the meaning ascribed to them in the ARCES Contract.

The OPA recognizes your desire to settle the outstanding litigation with the OEFC related to the landfill gas project at the Keele Valley landfill. The Government of Ontario is prepared to have the OEFC settle this litigation with you in exchange for stopping work at the site and continuing negotiations regarding the relocation of the Contract Facility or termination of the ARCES Contract. We have drafted the attached term sheet, which we are providing to you for your consideration on a confidential and without prejudice basis, outlining the quantum of the settlement for the Keele Valley matter and terms of a substantive agreement for stopping work at the site. We remain ready to meet with you to enter into negotiations on the issues addressed in the term sheet.

If you have any questions in respect of the foregoing, please feel free to contact Art Birchenough at 416-525-2073.

Yours truly,
ONTARIO POWER AUTHORITY

Colin Andersen
CEO

Attach.

Term Sheet
Resolution of the Keele Valley Matter and
Stoppage of Site Construction at Greenfield South Generating Station
CONFIDENTIAL AND WITHOUT PREJUDICE

	Terms
1. Parties	Ontario Power Authority ("OPA") and Greenfield South Power Corporation ("Greenfield") Eastern Power Limited ("Eastern Power")
2. Purpose	To settle the Keele Valley matter with OEFC and to provide a commercial basis for the stoppage of construction at the Site of the Greenfield South Generating Station in Mississauga, Ontario, and for Greenfield and the OPA to enter into negotiations to relocate the project or terminate the ARCES Contract.
3. Term Sheet Not Binding	Nothing in this term sheet is binding on the parties.
4. Definitions	Capitalized terms not defined in the agreement will have the same meaning as capitalized terms in the ARCES Contract ¹ . "Site" means 2315 Loreland Avenue, Mississauga, ON, L4X 2A6
5. Contract Subsists	Notwithstanding any agreement to stop construction at the Site, the ARCES Contract subsists.
6. No Waiver	Neither party waives any rights or is relieved of any obligations under the ARCES Contract, except for the obligation on the parties to perform their respective obligations expeditiously pursuant to s. 16.12.
7. Term	The term of the agreement shall expire when the ARCES Contract is terminated.
8. Stoppage of	Greenfield agrees to stop construction work at the Site.

¹ Amended and Restated Clean Energy Supply Agreement (ARCES) Contract Between Greenfield South Power Corporation and the Ontario Power Authority, dated as of the 12th day of April, 2005 and amended and restated as of the 16th day of March, 2009.

Term Sheet
Resolution of the Keele Valley Matter and
Stoppage of Site Construction at Greenfield South Generating Station
CONFIDENTIAL AND WITHOUT PREJUDICE

Construction	
9. Reimbursement of Reasonable Costs for Halting Construction	OPA will pay Greenfield its reasonable costs associated with stoppage of construction at the Site, and demobilization from the Site.
10. Settlement of the Keele Valley Matter	Settlement payment of \$5 million for the resolution of all outstanding contractual disputes with OEFC at Keele Valley. This amount is inclusive of the award of costs against Eastern Power. Eastern Power will provide a release of all outstanding claims against the OEFC.
11. Confidentiality	The contents of the term sheet and any agreement flowing from it are to be kept confidential by the parties.
12. Site Security	Throughout the Term, although construction work at the Site is stopped, Greenfield shall keep the Site secure.
13. Liability and Indemnification	Exclusion of consequential damages associated with any breach of the agreement or other claims arising from it or associated with it.
14. Insurance	Greenfield will have to maintain insurance coverage on the Site throughout the term.
15. Constructor	Greenfield continues to be the constructor under the Occupational Health and Safety Act.
16. No Assignment	The agreement cannot be assigned by Greenfield without the OPA's prior written consent.
17. Miscellaneous	Miscellaneous terms will be negotiated to address: dispute resolution; business relationship between the parties; enurement; survival of terms; etc.
18. No Agreement	In the event that the parties cannot renegotiate the ARCES Contract or negotiate a replacement contract to relocate the project, or terminate the ARCES Contract and settle the matter, by the end of the term of the agreement and any

Term Sheet
Resolution of the Keele Valley Matter and
Stoppage of Site Construction at Greenfield South Generating Station
CONFIDENTIAL AND WITHOUT PREJUDICE

	<p>extension thereto, the parties agree to enter into arbitration pursuant to s. 16.2 of the ARCES Contract.</p> <p>The parties further agree that the arbitration will be conducted on a confidential basis.</p>
19. Termination of the ARCES Contract	<p>The ARCES Contract will be terminated once the parties resolve through agreement the dispute between the parties or failing agreement, the completion of the arbitration process including the payment of any arbitration award.</p>
20. General	<p>Greenfield and the OPA will negotiate the substantive agreement to stop construction in good faith, which will contain all the terms contained herein.</p>

Cayley, Daniel (ENERGY)

From: MacNaughton, Catherine (JUS)
Sent: November-08-11 1:45 PM
To: Calwell, Carolyn (ENERGY)
Subject: Password for the draft I will be sending in awhile

Hi Carolyn,

I think I have muddled about in the draft long enough and need you folks to bail me out. I will use the following password when I send the document : Lot3Con1

(The project is on that property.)

Catherine Macnaughton
Legislative Counsel
Office of Legislative Counsel (Ontario)
3600 - 99 Wellesley Street West
Toronto, Ontario M7A 1A1

(416) 326-2787
catherine.macnaughton@ontario.ca

Cayley, Daniel (ENERGY)

From: MacNaughton, Catherine (JUS)
Sent: November-08-11 2:31 PM
To: Calwell, Carolyn (ENERGY)
Subject: gov2011.046 draft 1 - passworded
Attachments: gov2011.046 (Greenfield South Power Project).e01PW.doc

Hi Carolyn,

Here is a really rough draft 1 with questions indicating my ignorance, for your review. Password is hopefully what I emailed to you earlier.

Catherine Macnaughton
Legislative Counsel
Office of Legislative Counsel (Ontario)
3600 - 99 Wellesley Street West
Toronto, Ontario M7A 1A1

(416) 326-2787
catherine.macnaughton@ontario.ca

CONFIDENTIAL
gov2011.046.e
1-CEM

Greenfield South Power Project Act, 2011

EXPLANATORY NOTE

to follow

(OLC drafter's notes and questions are included)

Bill

2011

An Act to Terminate the Greenfield South Power Project in the City of Mississauga

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definition

1. In this Act,

“Corporation” means Greenfield South Power Corporation; (“French”)

“project” means the Greenfield South Power Project undertaken by the Corporation on the site **(do we include related servicing or the water mains that are not on the actual site but which may have been put in?); (“”)**

“site” means the real property that is part of Lot 3, Concession 1 in the City of Mississauga known municipally as 2315 Loreland Avenue; (“French”) - **is this an accurate description of the land? (taken from the cert. of approval)**

Are there any other structures/improvements to the land unrelated to the project or any part of the construction for the project that will be allowed to remain on it? Was the land serviced before the project or as part of the project? The new water mains on the street? Are they in? Do they stay or are they to be taken out? Do we include them as part of the “project”? Is there anything else that is not on the actual site but should be included in the description of the project?

For the moment, I have differentiated between the real property and the project on it in case you need to talk about each separately re remediation of the site, stopping the project, etc.

Prohibition on continuing construction of the project

2. (1) If, on or before the day this section comes into force, the Corporation has not ceased construction and other activities on the site related to the construction of the project, the Corporation shall ensure that the construction and other activities on the site related to the construction of the project are stopped and the following actions are taken within the time

specified by the Minister and in a manner that complies with all applicable laws **(any municipal by-laws affecting removal and remediation?)**:

1. *removal of all improvements to the real property forming part of or to be used in connection with the project and the transmission of electricity? (What happened to the new water mains MOE approved? Are they in? Do they stay? Was the land serviced before the project? If not, do they leave the services? Were transmission facilities in yet? Who owns them?) may need to indicate just what you want removed. Need language for this.*
2. *remediation of the site?*
3. *relocation of the project to somewhere else or will that be handled outside the Act?*

How do you want the above described. Need lingo relating to “undeveloping” and remediating the land. If you want to legislate a detailed list of things to be done, it can be made a schedule to the Act. Do we cross-reference to any existing legislation governing remediation?

Same

(2) Despite any agreement or other arrangement to which a person is a party, the person shall cease engaging in activities relating to the construction and development of the project. **(placeholder - Do we need to expressly tell the contractors and trades to put down the tools or leave it up to the Corporation? If Corporation tells them to stop, results in breach of contract with the contractors?)**

Exception

(3) Nothing in this section prohibits the Corporation or any other person from taking such reasonable action as may be necessary to prevent theft of or damage to property and to prevent safety risks in connection with the project and the site. **(Don’t want to stop them from taking any necessary action to keep the site safe and prevent loss or injury.)**

Revocation of approvals relating to the project

3. (1) The following are revoked:

1. Certificate of Approval Number 2023-7HUMVW issued December 10, 2008 under section 9 of the Environmental Protection Act to the Corporation in respect of the project.
2. Amended Certificate of Approval Number 2098-76NYD issued September 4, 2008 under Part V of the Safe Drinking Water Act, 2002 to the Corporation.

Building permit issued by the City? Was a development plan approved for the site? A rezoning?

Termination of agreement

4. The agreement dated as of April 12, 2005 and amended and restated as of March 16, 2009 between the Corporation and Ontario Power Authority relating to the project is terminated. (retroactively? Deemed never to have been entered into or just terminated on Royal assent or an earlier date?) Did OPA or any other government entity provide financing up-front that needs to be repaid to the Crown? If so, is it to be deducted from the compensation in section 6?

Should the bill terminate any of the agreements/contracts the Corporation entered into relating to the project to protect the Corporation from breach of contract actions and for liability for future payments under the contracts for work not yet done? The contractors are losing future profit from finishing the rest of the project. The Corporation may also be in breach of its terms of borrowing for the project if it ceases construction and may be subject to penalties if it repays the lenders. Better minds than mine will know more about these risks and how they should be handled.

Extinguishment of causes of action

5. (1) Any cause of action that exists on the day this section comes into force against the Crown in right of Ontario, a member or former member of the Executive Council, or an employee or agent or former employee or agent of the Crown in right of Ontario, the Ontario Power Authority or any employee or agent or former employee or agent of Ontario Power Authority in respect of the project or the site is hereby extinguished.

Same

(2) No cause of action arises after this Act comes into force against a person referred to in subsection (1) in respect of the project or the site if the cause of action would arise, in whole or in part, from anything that occurred after April 5, 2005 (date of first agreement or should this be earlier?) and before this section comes into force.

Enactment of this Act

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

Application

(4) Without limiting the generality of subsections (1), (2) and (3), those subsections apply to a cause of action in respect of any agreement, or in respect of any representation or other conduct, that is related to the project or the site.

Same

(5) Without limiting the generality of subsections (1), (2) and (3), those subsections apply to a cause of action arising in contract, tort, restitution, trust, fiduciary obligations or otherwise.

Legal proceedings

(6) No action or other proceeding shall be commenced or continued by any person against a person referred to in subsection (1) in respect of a cause of action that is extinguished by subsection (1) or a cause of action that, pursuant to subsection (2) or (3), does not arise.

Same

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

Same

(8) Subsection (6) applies to actions and other proceedings commenced before or after this section comes into force.

No expropriation

(9) Nothing in this Act and nothing done or not done in accordance with this Act constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

Compensation

6. (1) The Crown in right of Ontario shall pay compensation to the Corporation in accordance with this section. **Is the only compensation paid to the owner or is compensation to be paid by the Crown directly to the contractors and trades or the Corporation's lenders?**

Amount

(2) Subject to subsection (3), the amount of the compensation payable to the Corporation under subsection (1) is the sum of the following amounts:

1. The amount of the reasonable expenses incurred and paid by the Corporation after April 12, 2005 **[date of original OPA agreement?]** and before **[second date]** for the purpose of developing the project.
2. The lesser of,
 - i. the reasonable expenses that,
 - A. were incurred by the Corporation after April 12, 2005 and before **[second date]**, but not paid before **[second date]**, and

B. were incurred for the purpose of developing the project,

ii. \$? (estimate of expenses incurred but not yet paid).

3. The amount of reasonable expenses incurred or to be incurred by the Corporation to **[remove the project and remediate the land – need language for here]**
4. The amount of the reasonable expenses for legal fees and disbursements incurred by Greenfield South Power Corporation on or after **[second date]**, in respect of legal services provided in connection with ? **[need language to describe legal fees for what]** on or after that day and before this section comes into force.

Same

(3) If the Crown in right of Ontario acquires the site, the amount of the compensation payable under subsection (1) shall be the amount determined under subsection (2), less the fair market value, on the day this section comes into force, of the site **(as improved by the project? after remediation? or the value as vacant land before the project started?)**

Accounting

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

Audit

(5) The Corporation shall provide the Crown in right of Ontario with reasonable access to its records, management staff, auditors and accountants for the purpose of reviewing and auditing any accounting submitted under subsection (4).

Application to Superior Court of Justice

(6) The Corporation or the Crown in right of Ontario may apply to the Superior Court of Justice to determine any issue of fact or law related to this section that is in dispute.

Payment out of C.R.F.

(7) The Minister of Finance shall pay out of the Consolidated Revenue Fund any amount payable by the Crown in right of Ontario under this section. **(placeholder – need authority to fund the payment from somewhere)**

Loss of goodwill or possible profits

(8) For greater certainty, no compensation is payable under subsection (1) for any loss of goodwill or possible profits. **(another placeholder in case you need it)**

Reasonable expenses

(9) For greater certainty and subject to subsection (10), a reference in this section to reasonable expenses incurred for the purpose of developing the project includes reasonable expenses incurred for that purpose for,

- (a) seeking to acquire and acquiring the site for the development of the project;
- (b) surveys, studies and testing;
- (c) engineering and design services;
- (d) construction, including construction of **related improvements to real property; (I am referring to related improvements because of the water mains under the street, site servicing or whatever else there may be that is not the power project per se – is this needed?)**
- (e) terminating contracts for the construction of the project **and related improvements to real property?**
- (f) legal fees and disbursements relating to...;
- (g) property taxes; and
- (h) seeking government approvals.

Same

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

- (a) does not include any expense that exceeds the fair market value of the goods or services for which the expense was incurred; and
- (b) does not include any expense for which the Corporation has been reimbursed by another person.

What other provisions are needed in the bill?

Commencement

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. The short title of this Act is the *Greenfield South Power Project Act, 2011*.

COMMENCEMENT AND SHORT TITLE

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Relief for Ontario Families Energy Amendment Act, 2011*.

Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November-08-11 2:43 PM
To: Wilson, Malliha (JUS); Slater, Craig (JUS)
Cc: Wong, Taia (JUS); Lung, Ken (JUS)
Subject: Mississauga Power letters
Attachments: Energy Letter to the OPA Nov 8 final(OPA comments).doc; Greenfield South Power Plant OPA letter Nov 8-11 (wOPA comments).doc

Privileged and Confidential

The responses back from the OPA on both letters. May we proceed to put these forward to the Energy Minister at the 4:30 meeting – 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: Wilson, Malliha (JUS)
Sent: November 8, 2011 9:57 AM
To: Perun, Halyna N. (ENERGY); Slater, Craig (JUS)
Cc: Wong, Taia (JUS); Lung, Ken (JUS)
Subject: FW: Mississauga Power letters

From: Di Ciano, Sandra (JUS)
Sent: November 8, 2011 9:43 AM
To: Wong, Taia (JUS); Wilson, Malliha (JUS)
Subject: RE: Mississauga Power letters

I am attaching the DAG comments in tracked changes – please note the deletion of “between ratepayers and taxpayers” in the OPA letter. The DAG can attend the briefing of Minister of Bentley today with you, but he will be about 15 minutes late because he has a call that ends right at 3 pm.

From: Wong, Taia (JUS)
Sent: November 7, 2011 3:04 PM
To: Di Ciano, Sandra (JUS)
Subject: Mississauga Power letters

Hi Sandra,

Further to Malliha's discussion with you, here are the two Mississauga letters for approval.

Thanks,
Taia

**CONFIDENTIAL DRAFT – SOLICITOR & CLIENT PRIVILEGED – DRAFT
FOR DISCUSSION**

Dear Mr. Andersen:

In response to your letter of [date] and in recognition that community opposition to the Greenfield South Generation Facility is ongoing and well documented, I am writing to confirm that the government supports OPA's decision to terminate the contract with the developer of the facility, Greenfield South Power Corporation. The government remains hopeful that the plant can be relocated and that the OPA will be able to achieve a satisfactory resolution of the Mississauga site through discussion with Greenfield SPC.

While full recognition must be given to rate-payer value and the fair treatment of contractual counterparties, as suggested in your letter, in light of the strong and persistent opposition to the plant, the government supports termination of the contract and any other appropriate commercial and other steps the OPA must take in seeking to stop construction of the gas plant at its current location. ~~with the objectives of terminating the contract and ensuring that construction of the gas plant at its current location in Mississauga ceases imminently.~~

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

Sincerely,

Chris Bentley,
Minister

CONFIDENTIAL & PRIVILEGED

Dear Minister

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

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

After receiving your October 24th letter, the OPA commenced discussions with Greenfield South. To date, the OPA's preferred approach objective has been to reach an agreement with Greenfield South to stop construction and negotiate an arrangement to relocate the plant or terminate the contract. Since then, it has become more-clearer that Greenfield South may not agree to such an approach which makes termination of the contract a logical next step. The Board of Directors is therefore seeking the Government's support in taking this step.

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

I look forward to your reply.

Yours sincerely,

Jim Hinds
Chair

Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: November-08-11 2:45 PM
To: Jennings, Rick (ENERGY); Silva, Joseph (ENERGY)
Cc: King, Ryan (ENERGY); Calwell, Carolyn (ENERGY)
Subject: Mississauga Power letters
Attachments: Energy Letter to the OPA Nov 8 final(OPA comments).doc; Greenfield South Power Plant OPA letter Nov 8-11 (wOPA comments).doc

Duplicate attachments removed

Privileged and Confidential

We've heard back from OPA's counsel – please see attached proposed changes. These revisions have also now been sent to the MAG for review.

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: November-08-11 2:51 PM
To: Calwell, Carolyn (ENERGY)
Subject: FW: Mississauga Power letters
Attachments: Energy Letter to the OPA Nov 8 final(OPA comments).doc; Greenfield South Power Plant OPA letter Nov 8-11 (wOPA comments).doc

Duplicate attachments removed

I didn't copy you on this as Malliha had asked that the below emails from her not be shared – my apologies as is a bit awkward -

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: November 8, 2011 2:43 PM
To: Wilson, Malliha (JUS); Slater, Craig (JUS)
Cc: Wong, Taia (JUS); Lung, Ken (JUS)
Subject: Mississauga Power letters

Privileged and Confidential

The responses back from the OPA on both letters. May we proceed to put these forward to the Energy Minister at the 4:30 meeting – 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: Wilson, Malliha (JUS)
Sent: November 8, 2011 9:57 AM
To: Perun, Halyna N. (ENERGY); Slater, Craig (JUS)
Cc: Wong, Taia (JUS); Lung, Ken (JUS)
Subject: FW: Mississauga Power letters

From: Di Ciano, Sandra (JUS)
Sent: November 8, 2011 9:43 AM
To: Wong, Taia (JUS); Wilson, Malliha (JUS)
Subject: RE: Mississauga Power letters

I am attaching the DAG comments in tracked changes – please note the deletion of “between ratepayers and taxpayers” in the OPA letter. The DAG can attend the briefing of Minister of Bentley today with you, but he will be about 15 minutes late because he has a call that ends right at 3 pm.

From: Wong, Taia (JUS)
Sent: November 7, 2011 3:04 PM
To: Di Ciano, Sandra (JUS)
Subject: Mississauga Power letters

Hi Sandra,

Further to Malliha's discussion with you, here are the two Mississauga letters for approval.

Thanks,
Taia

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: November-08-11 2:52 PM
To: Perun, Halyna N. (ENERGY)
Subject: FW: gov2011.046 draft 1 - passworded
Attachments: gov2011.046 (Greenfield South Power Project).e01PW.doc

First draft! Password to follow.

Duplicate attachment removed

Carolyn

From: MacNaughton, Catherine (JUS)
Sent: November 8, 2011 2:31 PM
To: Calwell, Carolyn (ENERGY)
Subject: gov2011.046 draft 1 - passworded

Hi Carolyn,

Here is a really rough draft 1 with questions indicating my ignorance, for your review. Password is hopefully what I emailed to you earlier.

Catherine Macnaughton
Legislative Counsel
Office of Legislative Counsel (Ontario)
3600 - 99 Wellesley Street West
Toronto, Ontario M7A 1A1

(416) 326-2787
catherine.macnaughton@ontario.ca

Cayley, Daniel (ENERGY)

From: Michael Lyle <Michael.Lyle@powerauthority.on.ca>
Sent: November-08-11 4:00 PM
To: Perun, Halyna N. (ENERGY)
Subject: RE: Mississauga Power letters
Attachments: greenest2011_english-(custom)verysmall.gif

Attachments are images below

Yes. Appears correct.

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

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.



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.

From: Perun, Halyna N. (ENERGY) [mailto:Halyna.Perun2@ontario.ca]
Sent: November 8, 2011 3:26 PM
To: Michael Lyle
Subject: Mississauga Power letters

Hi Mike – can I ask you please to take a couple of minutes to double check this version – to make sure it includes the changes you wish? I provided this version to MAG and Energy clients – to simply show them what was new from the version we sent to you but want to make sure I caught everything – 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