

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

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# COMITÉ PERMANENT DES BUDGETS DES DÉPENSES

RAPPORT SUR LA DEMANDE DU COMITÉ  
CONCERNANT L'OBTENTION DE DOCUMENTS  
PROVENANT DU MINISTÈRE DE L'ÉNERGIE

1<sup>re</sup> session, 40<sup>e</sup> législature  
61 Elizabeth II

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

L'honorable Dave Levac  
Président de l'Assemblée législative

Monsieur le président,

Votre Comité permanent des budgets des dépenses a l'honneur de présenter son rapport et de le confier à l'Assemblée.

Le président du comité,

Michael D. Prue

Queen's Park  
Août 2012

# COMITÉ PERMANENT DES BUDGETS DES DÉPENSES

## COMPOSITION DU COMITÉ

1<sup>re</sup> session, 40<sup>e</sup> législature

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**COMITÉ PERMANENT DES BUDGETS DES DÉPENSES**

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## **TABLE DES MATIÈRES**

MOTION ADOPTÉE PAR LE COMITÉ

ANNEXE A: Documentation supplémentaire

## **Motion - Comité permanent des budgets des dépenses - Production de documents**

Le mercredi 11 juillet 2012, le Comité a adopté la motion suivante :

Que le président du Comité rédige une lettre au président de l'Assemblée législative ainsi qu'un rapport à l'Assemblée législative pour attirer son attention sur un outrage possible et une atteinte à l'ancien privilège parlementaire dont jouit tout député élu, et que le rapport en question contienne l'information suivante :

Le 16 mai 2012, le Comité a adopté la motion suivante :

« Que le Comité permanent des budgets des dépenses (ci-après appelé "le Comité"), aux termes de l'alinéa 110 b) du Règlement, lequel stipule que chaque comité étant autorisé à convoquer des personnes et à exiger la production de documents et de choses, ordonne au ministre de l'Énergie ainsi qu'au ministère de l'Énergie et à l'Office de l'électricité de l'Ontario de produire, d'ici 15 jours, toute correspondance échangée, sous forme électronique ou autre, entre le 1<sup>er</sup> septembre 2010 et le 31 décembre 2011 au sujet de l'annulation de la centrale d'Oakville ainsi que toute correspondance échangée, sous forme électronique ou autre, entre le 1<sup>er</sup> août 2011 et le 31 décembre 2011 au sujet de l'annulation de la centrale de Mississauga. »

Malgré cette ordonnance du Comité et l'ample délai qui lui avait été accordé pour s'y conformer, le ministre de l'Énergie, l'honorable Christopher Bentley, député de London-Ouest, au nom du ministère de l'Énergie, a répondu par écrit au Comité le 30 mai 2012. Sa réponse disait notamment ceci :

« Étant donné la nature confidentielle, privilégiée et très délicate sur le plan commercial de ce dossier, il ne serait pas approprié pour mon bureau ni pour le Ministère de divulguer des renseignements qui pourraient compromettre les négociations et litiges en cours. »

En conséquence, le Comité désire signaler au président et à tous les députés de l'Assemblée législative que le ministre de l'Énergie a refusé de se conformer à une ordonnance rendue par le Comité permanent des budgets des dépenses en vertu du Règlement de l'Assemblée législative de l'Ontario. Le Comité recommande également à l'Assemblée que le ministre de l'Énergie soit tenu de fournir sans délai au Comité permanent des budgets des dépenses les documents et renseignements demandés aux termes de l'alinéa 110 b) du Règlement et qu'en cas de refus, le ministre soit reconnu coupable d'outrage à l'Assemblée législative pour atteinte au privilège.

## **ANNEXE A**

### **DOCUMENTATION SUPPLÉMENTAIRE**

**Ministry of Energy**

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MC-2012-1682

May 30, 2012

Mr. Michael Prue, MPP  
Chair  
Standing Committee on Estimates  
Legislative Assembly of Ontario  
Toronto ON M7A 1A2

Dear Mr. Prue:

I am writing in response to the May 16, 2012 Estimates Committee motion brought forward by MPP Robert Leone under Standing Order 110B directing the Minister of Energy, the Ministry of Energy and the Ontario Power Authority (OPA) to produce all correspondence *in any form, electronic or otherwise*, that occurred between September 1, 2010 and December 31, 2011 related to the cancellation of the Oakville power plant, as well as all correspondence in any form, electronic or otherwise, that occurred between August 1, 2011 and December 31, 2011 related to the cancellation of the Mississauga power plant.

I respect the authority of the Committee and its interest in receiving this information. The Committee has an important role to play with respect to review of ministries' operations and is entitled to ask questions and seek answers.

As previously discussed with the Committee over the last number of sessions, there are confidential, privileged and commercially sensitive issues involved with both the Oakville and Mississauga power plants. There is also ongoing litigation with respect to the Mississauga power plant.

In response to the Committee's motion, the Ministry of Energy has undertaken a search for the requested correspondence. It is clear that these files are indeed confidential and in many cases the documentation is subject to solicitor-client privilege, litigation privilege and/or is highly commercially sensitive. Disclosure of these documents is anticipated to have a negative impact on resolution of these files in light of ongoing, confidential discussions, as well as litigation, in these files. The realities of the sensitive discussions that are occurring, as well as ongoing legal issues, cannot be forgotten as the Committee pursues its objectives.

.../cont'd



As a threshold issue in response to the motion, you had to determine whether MPP Leone's motion was in order. In your May 16, 2012 ruling, you noted the Committee's right to ask for documents. You also noted that I have the right "to either decline giving that documentation or giving voice to that documentation during his answering of the questions." You further stated that I "may choose to answer the question in such a way as not to prejudice the province in any way." Moreover, you indicated that you expected me to approach my responses in this way.

In light of the confidential, privileged and highly commercially sensitive nature of these issues, it would not be appropriate for my office or the Ministry to disclose information that would prejudice these ongoing negotiations and litigation. I also note that these very commercially sensitive negotiations between the OPA, the Government and TransCanada Corporation ("TransCanada") and the OPA and Greenfield South Holdco Corporation and Greenfield South Power Corporation (collectively "Greenfield") have been carried out on a without prejudice basis. Thus, both the Government and the OPA have legal obligations to not disclose the content of those negotiations at this time.

However, I am able to provide a chronology on both plants and outline why the decisions were made to relocate them.

### **Mississauga Gas Plant Chronology**

On April 12, 2005, the OPA and Greenfield executed a Clean Energy Supply Contract to develop and operate Greenfield South Generation Station, a 280 megawatt (MW) combined cycle natural gas plant in the City of Mississauga. This contract followed a competitive procurement that was run by the Ministry of Energy. This contract was amended and restated as of March 16, 2009.

Over the ensuing six years requisite environmental and generation approvals were obtained, but local public opposition to the gas plant grew. Mississauga Council and local residents groups expressed concerns about the proposed plant.

On December 10, 2008 the Ministry of the Environment issued a Certificate of Approval for Air and Noise (Environmental Compliance Approval) for Greenfield South Power Project.

On June 3, 2009 an Electricity Generation Licence for Greenfield was issued by the Ontario Energy Board, which authorized Greenfield to generate, purchase and sell electricity.

In May 2011 Greenfield entered into a financing agreement with EIG Management Company (EIG) to finance the gas plant. Greenfield subsequently obtained a building permit from the City of Mississauga that allowed for construction of the plant.

On May 30, 2011 the City of Mississauga issued a building permit allowing for the construction of the Mississauga gas plant.

On June 15, 2011 the Minister of the Environment requested Greenfield to provide an updated assessment of its anticipated emissions which conforms to the requirements of O. Reg. 419/05 made under the *Environmental Protection Act*

.../cont'd

On June 22, 2011 the City of Mississauga passed a resolution requesting from the Minister of Environment that a full Environmental Assessment be conducted on the Greenfield South project and requesting that the Minister of Energy conduct a full review to determine the necessity of manufacturing 280 MW of electricity in a densely populated urban zone.

On June 24, 2011 Mississauga Mayor Hazel McCallion wrote a letter to then Minister of Energy Brad Duguid regarding the June 22 resolution requesting a full Environmental Assessment and outlined concerns over the location of the plant and health implications for residents of Mississauga.

On September 24, 2011 a Liberal Party news release was issued which committed that under a future Liberal government, the plant would not go forward at the current location. It also expressed a commitment to work with the developer to find a new location for the plant, should the Liberals form a government. Around this time, the Progressive Conservatives and the New Democratic Party also committed that they would not allow the plant to proceed in the community.

On October 12, 2011 the City of Mississauga passed a further resolution asking the government to take immediate action to stop construction and return the site to pre-construction condition.

On November 21, 2011 the OPA issued a media statement indicating there would be no gas plant located on the Mississauga Site and that Greenfield and OPA continue to discuss relocation options for the plant. Those discussions remain ongoing. They are confidential, commercially sensitive, and privileged as between the parties.

On November 21, 2011 the Ministry of Energy also issued a media statement.

On March 27, 2012 EIG for itself and as agent for the Note holders under the Note Purchase Agreement (NPA) simultaneously brought a claim against Greenfield in New York State for breach and default of the NPA.

Also on March 27, 2012 EIG served a Statement of Claim naming Ontario and the OPA as defendants. EIG's claim asserts that cessation of construction by Greenfield caused Greenfield to breach the NPA and that Ontario and the OPA induced the breach of that contract, interfered with their economic relations and engaged in a conspiracy to the plaintiff's detriment.

Even as the parties pursue their legal rights through court proceedings, discussions between the parties are ongoing. This chronology is intended to highlight for the Committee the sensitivity of the commercial interests that are at stake and the important context surrounding the Committee's request.

### **Oakville Gas Plant Chronology**

In 2008, then Minister of Energy George Smitherman directed the OPA to assume responsibility for the procurement of approximately 850 MW of combined cycle natural gas fired electricity generation for deployment in the southwest GTA, to be concluded by the end of June 2009.

On September 30, 2009 the OPA announced it would sign a contract with TransCanada to design, build and operate a 900 MW electricity generating station in Oakville.

.../cont'd

Demand for electricity in southwest GTA did not increase as expected. Load in the southwest GTA remains below pre-recession levels.

On October 7, 2010 then Minister of Energy Brad Duguid announced that the Province would not proceed with the construction of the Oakville plant.

Discussions with TransCanada have been ongoing since that time.

The latest 18-Month Outlook published in February 2012 indicated that the Independent Electricity System Operator (IESO) is able to manage the system to meet current needs in the southwest GTA. Study efforts are underway with the OPA, the IESO and Hydro One to develop a solution to address transmission and supply adequacy in the southwest GTA.

Again, this chronology of events with respect to the Oakville gas plant is intended to highlight for you the commercial context around the ongoing, confidential discussions. Disclosing anything more at this time would significantly prejudice the Province's interests.

I hope this information is helpful and is sufficient for the purposes of the Committee.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ch Bentley', written in a cursive style.

Chris Bentley  
Minister



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May 30, 2012

Mr. Michael Prue  
Chair  
Standing Committee on Estimates  
Legislative Assembly of Ontario  
Toronto, Ontario  
M7A 1A2

Dear Mr. Prue:

I am writing in response to the motion dated May 16, 2012 that was brought forward to the Committee and which directed the Ontario Power Authority among others to produce by today's date "all correspondence, in any form, electronic or otherwise, that occurred between Sept. 1, 2010 and Dec. 31, 2011 related to the cancellation of the Oakville power plant as well as all correspondence, in any form, electronic or otherwise, that occurred between August 1, 2011 and December 31, 2011 related to the cancellation of the Mississauga power plant".

The OPA respects the authority of the Committee and its interest in receiving this information. As the OPA noted in a response dated May 16, 2012 to a similar request for information related to these two gas plants from the Standing Committee on Public Accounts, the OPA is engaged in ongoing very commercially sensitive negotiations on these two matters and, in the case of the Mississauga plant, is involved in litigation. The Standing Committee on Public Accounts asked the OPA for a range of information related to these two plants including copies of the contracts, the cancellation provisions in the contracts, any internal analysis on the potential costs associated with a contract cancellation, general background on the projects, financial information on a similar plant for comparative purposes, the status of negotiations and documentation of discussions in relation to costs including correspondence with project proponents about offers to relocate the projects. The OPA was able to provide the Committee with some information in response to these requests. However, in my response I also noted that there was commercially sensitive information that had been provided to the OPA in without prejudice negotiations and legally privileged information the disclosure of which would significantly damage the position of the OPA in the ongoing negotiations and litigation.

## Ontario Power Authority

I note that the challenges in disclosing information about these two matters have also been discussed by this Committee. I have reviewed the transcripts of the Committee related to the above motion and note the remarks of the Chair that the Minister may answer questions "in such a way as not to prejudice the province in any way" and that the Chair expected the Minister to approach his responses in this way. The OPA is also obligated to act in the best interests of Ontario electricity ratepayers and not disclose information which would be harmful to their interests.

The provision of correspondence to the Committee related to these two matters would disclose material which is legally privileged and has been provided by other parties in confidential, without prejudice negotiations. Such disclosure is likely to significantly prejudice the position of the OPA and the Province in the ongoing highly commercially sensitive negotiations and in the current litigation.

I hope that this response is of assistance to the Committee in understanding the concerns of the OPA with respect to disclosure of correspondence with respect to these two matters.

Yours truly,

A handwritten signature in black ink, appearing to read "Colin Andersen", with a long horizontal flourish extending to the right.

Colin Andersen  
Chief Executive Officer

Ministry of Energy

Office of the Minister

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July 11, 2012

Mr. Michael Prue, MPP  
Chair, Standing Committee on Estimates  
Legislative Assembly of Ontario  
Toronto ON M7A 1A2

Dear Mr. Prue:

I am writing to provide an update on the May 16, 2012 Estimates Committee motion made by MPP Robert Leone under Standing Order 110B directing the Minister of Energy, the Ministry of Energy and the Ontario Power Authority (OPA) to produce all correspondence *in any form, electronic or otherwise*, that occurred between September 1, 2010 and December 31, 2011 related to the cancellation of the Oakville power plant, as well as all correspondence *in any form, electronic or otherwise*, that occurred between August 1, 2011 and December 31, 2011 related to the cancellation of the Mississauga power plant.

Yesterday, I announced that the OPA had reached an agreement with Greenfield South Power Corporation to relocate the plant. The government accepted the OPA's recommendation to relocate the 300 megawatt natural gas plant on part of Ontario Power Generation's Lambton Generating Station site.

The total cost of relocation is approximately \$180 million. This includes a settlement agreement with EIG, the financier of the Greenfield South Power project. The settlement is necessary in order to relocate the plant and resolve outstanding legal proceedings. The total relocation cost also includes all payments made in relation to the original site, including construction costs, design costs, and permitting costs. Approximately \$85.5 million in equipment and engineering and design work will be reused at the new facility.

Now that an agreement has been reached to relocate the Mississauga gas plant, I have asked the Ministry to file the requested correspondence on the matter between August 1, 2011 and December 31, 2011 with the Committee shortly. Certain information remains subject to solicitor client privilege and I continue to ask the Committee to respect the confidentiality associated with that documentation by exempting it from disclosure. I understand that the OPA will also be producing the relevant correspondence.

I hope this update is helpful for the purposes of the Committee.

Sincerely,

A handwritten signature in black ink, appearing to be 'Chris Bentley', written over a diagonal line that extends from the signature towards the top right of the page.

Chris Bentley  
Minister



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**Legislative Assembly  
of Ontario**

First Session, 40<sup>th</sup> Parliament

**Assemblée législative  
de l'Ontario**

Première session, 40<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Tuesday 5 June 2012**

**Journal  
des débats  
(Hansard)**

**Mardi 5 juin 2012**

**Standing Committee on  
Estimates**

Ministry of Energy

**Comité permanent des  
budgets des dépenses**

Ministère de l'Énergie

Chair: Michael Prue  
Clerk: Valerie Quioc Lim

Président : Michael Prue  
Greffière : Valerie Quioc Lim

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

## STANDING COMMITTEE ON ESTIMATES

## COMITÉ PERMANENT DES BUDGETS DES DÉPENSES

Tuesday 5 June 2012

Mardi 5 juin 2012

*The committee met at 0845 in room 151.*

### MINISTRY OF ENERGY

**The Chair (Mr. Michael Prue):** We're going to call the meeting to order. I realize that not everyone is here yet, but if we are going to finish with this minister and this ministry over the next two days, we have to start now.

We're here to resume the consideration of the estimates of the Ministry of Energy, vote 2901. There is a total of six hours and 16 minutes remaining. When the committee adjourned at the last meeting, the third party had finished its 20-minute turn. It is now the turn of the government. Following that, we'll have the official opposition for another round of questioning.

To the government, you have 20 minutes.

**Mrs. Teresa Piruzza:** Thank you, Chair, and good morning, everyone. It's a pleasure to be here again this morning, and thanks for the wonderful pie, by the way, to get that in there.

Minister, I'll turn it over to us with respect to some questions for you. One of the areas that I hear about or that I get calls about in my office is with respect to door-to-door retailers, marketers and different elements as people knock on the door. I know we try to have discussions with my constituents in terms of what the rates are and what they can and can't do with respect to the door-to-door sales like that, but my question to you on this matter is, what is Ontario doing to protect Ontario consumers from electricity retailers and gas marketers?

**Hon. Christopher Bentley:** Thank you very much. I'm just going to spend a second or two, if I could, framing a few of the issues, and then turn it over to the deputy for some more of the detail. Most of us receive a bill from our distribution company and deal directly with the distribution company. There is another option, and that is to go through a retailer of some description. It could be for hydro; it could be for gas. We all have the power to make our independent arrangements with a retailer, if we choose.

Over the years there have been some challenges with respect to the conversations that take place between the homeowner and an energy retailer that might come to the door, some challenges, in part, because not all of us are or are intended to be experts in what makes up the bill, how it gets calculated, what variables there are, what we

have control over, the different parts of a bill, the different charges. We're really not expected to be experts. Sometimes those conversations in the past with people who come to the door proceed on the assumption that we are experts, and so in the past there have been people who have entered into contracts that really were not in their best interest, entered into contracts where they might not have fully understood or appreciated all the different charges they were going to pay, some of which were in addition to the charge they were negotiating with the energy retailer. Of course, when people come to the door and they make a very strong and forceful presentation, it's always tempting to be drawn into that conversation. Sometimes you don't always have the extra moment or two you need for reflection, to think about other issues.

A couple of years ago we started taking a look at this and started taking a look at some additional initiatives that would enable homeowners, when they're having the door-to-door conversations with potential energy retailers, to make sure that they had the information they required before they started entering into contracts. I think what I'll do now is turn it over to the deputy just to talk about what the initiatives were in the legislation we brought forward, which came into force on January 1, 2011.

**Mr. Serge Imbrogno:** Thank you, Minister. I was actually going to call John Whitehead. He's the assistant deputy minister of the regulatory affairs and strategic planning group. John can walk through those details.

**Mr. John Whitehead:** Good morning. As the minister mentioned, the Legislature approved in 2010 a new Energy Consumer Protection Act that came into effect on January 1, 2011. The goal of this act—the minister has touched on some of the inherent issues that we were trying to get at—was to ensure that consumers had a ready and accessible amount of information available to them at the time of the sale, and to rebalance the relationship, if I can put it that way, between the consumer and the energy retailer to ensure that the company selling products at the door was held accountable to ensure that certain standards were met.

**0850**

So when the legislation was being designed, we really did consider it right from the time that the salesperson left their office and walked up somebody's front step, through the process at the door, on to the life of the contract and even through the end of the contract. The new rules affect a variety of elements of the contract

relationship, so they deal with what must be disclosed to the consumer, or the potential consumer, at the time of the sale and the manner in which it must be disclosed.

The minister mentioned in his comments a moment or two for reflection, so we have built into the legislation specific requirements and standards for what retailers must do in terms of a follow-up call to consumers to assist them with their decision-making and to ensure that they've had that moment for reflection.

We have dealt with what many would consider to be unfair practices by those who sell contracts at the door. So there is a variety of new rules that apply there, as well as to the end of the contract period. There is now a new set of rules for contracts ending after January 1, 2011, in respect to what can be renewed and under what terms.

To ensure that the act has adequate administrative support and backup, the Ontario Energy Board, which licenses retailers and other entities in the energy field, was granted new enforcement powers. So it has powers of audit. As a licensing entity, it can apply new standards and requirements to energy retailers. For example, retailers must now, as part of their ability to sell in the market, verify that they've trained their sales agents in appropriate and allowable techniques at the door. They must have their sales agents prominently display an appropriate identification. One of the issues that we heard about through consultations in the development of this act was confusion on the part of some consumers, not just with respect to the details of the bill but actually with who was standing in front of them—whether the individual was a representative of the utility in the area or whether they were a representative of a retailer.

So there is a variety of new protections and a rebalancing of the relationship between energy retailers and their customers. I think the legislation is comprehensive. It's been in place just over a year at this point, and we have seen some significant changes in the marketplace as a result.

**Mrs. Teresa Piruzza:** Thank you for that response with respect to the act and the development of the act. Some of the elements, as you've indicated, came into effect at the beginning of 2011, so I'm sure there's still an element of education and awareness, I think, that may have to go out to our communities with respect to what is in the act and what their rights are and what the responsibilities of the retailers are. But to that end, what does a consumer do if they believe a retailer is not in compliance with the act?

**Mr. John Whitehead:** As I said, the Ontario Energy Board is our primary enforcement agent for ensuring that the rules and the requirements are met. I should mention that in addition to this legislation, the energy board also has a variety of codes and standards that it develops to ensure that there is an appropriate range of protections. For a consumer who is concerned about what happens or what has happened with their contract, or whether they are in a fair or appropriate arrangement, calling the energy board is a good first step. The energy board does now have powers of investigation and follow-up, and can

enforce—and does enforce—a variety of administrative penalties in the event of non-compliance.

The energy board has also taken the opportunity to revamp its website in the last year. Because of the breadth of their business, they have to deal with the sophisticated service providers, but they also deal with customers who are not, as the minister mentioned, experts in the review of their bill. So they've split their website into a consumer and an industrial approach. By all accounts, it's a much more user-friendly approach. Certainly we'd encourage people to reach out to the OEB as a first step.

**Mrs. Teresa Piruzza:** Just on that as well, is there a number that they can contact as well, given that some may not have access to those websites?

**Mr. John Whitehead:** Yes, there is a toll-free number for consumers as well. I'm sure we can get that for the record.

We have noticed as part of this that the number of times that people need to contact the OEB seems to be dropping. We're monitoring this. One of the key concerns that consumers noted for us during consultations was automatic renewals of contracts, things like that. Those renewal provisions, as I mentioned, have been changed, so there are fewer opportunities to find oneself in a contract one didn't intend to be in. If a contract is renewed—there are no automatic renewals of electricity contracts, and if a gas contract is renewed now, the terms of the deal are that it can't be renewed at a price higher than or different than the pre-existing contract, and it can be withdrawn from without a cancellation fee.

I think those things have helped, but again, we'd certainly encourage anyone with concerns to contact the OEB, either through their website or a toll-free number.

**Mrs. Teresa Piruzza:** You spoke of the enforcement that the OEB can provide through this act and some of the rules and regulations that they do have. If someone does call, how do they go about enforcing, or how do they enforce the act? Sometimes, when there is an act—the enforcement rules are there, but how does the OEB go about enforcing the act?

**Mr. John Whitehead:** It's actually a multi-step process. If somebody does have a concern or a complaint, the OEB would register that. We do, as a matter of course now, require retailers to record their phone calls with customers so that we can independently assess what was said to the customer and what they agreed to do.

The OEB starts with—it's an escalating series of steps that the OEB can take, from a simple phone call to the retailer to say, "There is a problem here. What would you like to do about it?" through to and including investigations and enforcement through audit and administrative penalties. In fact, by August 2011, there had been 12 administrative penalties issued to retailers involving allegations of non-compliance. So the board was active immediately in the first several months of the act's coming into force. Those allegations and those administrative penalties dealt with a range of things, including sales agent training, contract requirements, incorrect use of disclosure statements and price comparison documents.

If I could go back to your earlier question for just a moment, the toll-free number, apparently, is 1-877-632-2727.

**Mrs. Teresa Piruzza:** Perfect. Thank you.

**Mr. John Whitehead:** Of the various penalties that were issued, 10 of the retailers have filed assurance of voluntary compliance with the board, and they have set up a plan to pay their administrative penalties. The two remaining companies remain in hearings and in a process to resolve the outstanding issues.

In total for 2011, the Ontario Energy Board collected just under \$1 million of administrative penalties that are being used for further consumer education programs.

0900

**Mrs. Teresa Piruzza:** So certainly working on that. Again, given that the act is relatively new—it just came into effect in January—when we bring forward rules and regulations, there's an element of review or seeing if the act has attained its objectives, whether it's meeting its goals in terms of why it was originally developed. What happens if the existing rules aren't enough as we move forward?

**Mr. John Whitehead:** The legislation that was approved does include a variety of regulatory provisions, only some of which have been used and which could be used more fully. With the OEB, we are monitoring the changes in the patterns that we're seeing of consumer complaints and what we can do. Under the existing legislation, we do have additional regulatory authority that could be applied if it looks like there is a continuing problem.

I would say that in terms of the pattern so far, in 2010 the OEB recorded a total of over 5,700 consumer complaints in respect of retailer contracts. I'm just referring to a table here. By the first quarter of 2011, that had dropped to 1,458, second quarter was 732, third quarter was 578, and by the fourth quarter of 2011 it was down to 378. Certainly not that consumers are uniformly happy or that they are—but we think this is significant and directionally appropriate. The pattern that we're seeing is that there are certainly changes taking place in the marketplace, and it gives us optimism that these rules are appropriate. But as I say, if we see a change, there is further action that can be taken.

**Mrs. Teresa Piruzza:** Perfect. How much more time do we have?

**The Chair (Mr. Michael Prue):** About two and a half minutes.

**Mrs. Teresa Piruzza:** Good, so I'll just finish up.

With respect to the act, you've spoken about the fines that have been collected, and that money then gets reinvested in education and awareness for our consumers. You've talked about complaints being reduced over time since the introduction of the act, and some of that is the education and awareness. Is there a cycle, I guess, that the board goes on in terms of ensuring that the education and awareness is there? Are you suggesting, with the reduction in complaints that we're getting, that in fact the

act was successful in its original objective and goal; that is, to protect consumers?

**Mr. John Whitehead:** Certainly, what we're seeing at the ministry and what the Ontario Energy Board is reporting to us suggest that there is a great deal of success. As I mentioned, the pattern of complaints has been falling consistently.

We feel that there may be several contributing factors there. I mentioned that the automatic renewal of contracts was one element. Another element was for those consumers who find themselves in a contract. They may have entered into it quite knowingly but their circumstances have changed through time; the act also limits cancellation fees for exiting from the contract. There's a variety of factors that may have contributed to this. The act was pretty comprehensive.

But we are also seeing changes in the pattern of sales overall. We believe that the door-to-door sales of these contracts are diminishing, and so people will have more opportunity and perhaps less of the pressure that the minister mentioned in his comments to make a quick decision on a matter that, day to day, most people wouldn't walk around with a lot of detailed knowledge about what the implications of the contract would be. We do feel it's directionally appropriate.

As I mentioned, we and the Ontario Energy Board are watching the marketplace closely. As a licensing body, the Ontario Energy Board has the ability to review and, in extreme circumstances, suspend the contracts of retailers. I mentioned the rebalanced relationship between consumers and the retailers. One of the things that has been rebalanced is that if a retailer is found to have offered a contract that included unfair practices and that contract is deemed void, the consumer gets all of their money back from that contract.

**The Chair (Mr. Michael Prue):** I'm going to stop you right there. We're on to the Conservatives.

**Mr. Rob Leone:** Good morning everyone.

Minister, I'm going to come back to the Mississauga and Oakville gas plants for a moment. It was noted in the Toronto Star last week that there is an \$82.3-million suit against the government. Unfortunately, Minister, we had to find out about that suit through the newspaper even though we had asked you about what the value of these suits or pending suits was.

Could you tell us why you couldn't tell us and why we had to read this information through the newspaper?

**Hon. Christopher Bentley:** Well, in fact—thank you very much for the question; I appreciate that—you did not find out about a lawsuit through the newspaper, because I have mentioned that there were lawsuits with respect to the Mississauga gas plant. I've mentioned the fact that there are lawsuits on both sides of the border in a number of answers that I've provided to different questions. I've said, in relation to the questions that you've asked, that because of the lawsuits, because of the very sensitive discussions that are going on involving the gas plant, I'm not in a position to speak to those issues in detail at the moment.

**Mr. Rob Leone:** So even where the information is public, you aren't able to speak to those issues at all?

**Hon. Christopher Bentley:** I think as a general rule, when there are lawsuits that relate to a matter—and I'm speaking generally—and in addition there are very sensitive discussions, speaking about what may or may not have been heard, may or may not have been said, may or may not have been fact, or may or may not have been part of a discussion strikes at the very heart of the reason that you don't speak about things. It's much better and it's much more important to allow the conversations to take place within the realm of confidentiality, which protects the conversations, protects the negotiating position, in this case, of the people of the province of Ontario.

**Mr. Rob Leone:** This information is public, though.

**Hon. Christopher Bentley:** As I say, I'm speaking very generally, but what people may hear or may not hear, what may or may not be public, commenting on little bits of it would inevitably start to strike at the heart of the need for confidentiality for the discussions and place at risk potentially the protection of the position of the people of the province of Ontario. That's why we've taken a position with respect to the conversations—which are very sensitive, covered by privilege—and the lawsuits on both sides of the border that at this point in time it's not appropriate to speak to those issues, because the position of the people of the province of Ontario is being represented and defended and protected in a number of ways.

**Mr. Rob Leone:** I appreciate the fact that some sensitive matters and commercially sensitive matters, as you referred to them before, can be restricted. There's probably a legitimate basis for that. But what I'm talking about here, Minister, is the public information, the fact that we have reported in the Toronto Star last week an \$82.3-million suit. Now, we asked previously, and I'm going to ask again, where in the estimates do we find money set aside to defend these lawsuits? Where are they?

**Hon. Christopher Bentley:** Yes, thank you very much. There is not a line in the estimates, which are the spending of the Ministry of Energy. With respect to any comments, reports, details, suggestions, references, what we need to make sure that we do is protect and respect the interests of the people of Ontario, which are being protected and respected, both involving the lawsuits and in the discussions. It would not advance, and may well hinder, the interests of the people of Ontario to get into a discussion about those specifics at this point in time. I hope to be in a position to speak to the issues at a later date. Today is not that date.

0910

**Mr. Rob Leone:** Minister, are we to assume, then, that anywhere where there might be a pending lawsuit in the Ministry of Energy would be off limits to the kinds of questions we can ask in this committee?

**Hon. Christopher Bentley:** You've asked me specifically about the Mississauga gas plant relocation, a gas plant relocation which, I've said before, was and is sup-

ported by your party, was and has been supported by your party from the beginning. You've been asking me about issues relating to confidential, sensitive, privileged conversations, discussions and lawsuits relating to that matter, and I'm answering your questions in the context of those issues.

**Mr. Rob Leone:** Let me restate our position on this, Minister. While we agree that the location that you chose was not the best location for a gas-fired plant, we wouldn't have put that plant there to begin with. The siting of that plant, to begin with, was a decision that was made by your government, which we can't ask questions on because you're refusing to answer those questions.

Now, Minister, the reason why I asked the previous question was related to the fact that if we look through your ministry, the threat or the potential threat of lawsuits actually is pandemic. They are with respect to natural gas-fired plants. Whether they're green energy, windmills or solar plants, or folks who can't connect to the grid for whatever reason and these folks are also threatening lawsuits, does that mean we can't ask your ministry any questions?

**Hon. Christopher Bentley:** Thank you very much. I hadn't yet noticed that you had run out of questions to ask, either during estimates or during question period. Indeed, I have been privileged and blessed to have been the recipient of quite a number of different forms of inquiry, and sometimes those questions don't require the formality of estimates or question period in which to have them framed. I too can sometimes read about them in the occasional press release or press report from time to time.

I think what is important is that you're having the opportunity to pose the questions. What is very important is that we make sure at all times that the interests of the people of Ontario are protected. We have a shared interest in that and we have a shared, in some sense, responsibility, but certainly a shared interest.

There may be information that the discussion of which would hinder or harm or hurt the interests of the people of Ontario because they're in the midst of either the defence of lawsuits or confidential discussions.

The great privilege of living in a society such as ours, with free and open access to the courts, is that anybody, about anything, at any time, can either exercise any rights they have or exercise any rights they say they have under different contracts and have access to the courts. Access to the courts is one of the things that we have always protected and respected. Not everybody with access has a successful case, but the principle of a democracy such as ours is that there be access to the courts, and that's what we constantly work to defend and encourage.

**Mr. Rob Leone:** It's a good thing that you mention that we have a great system, and I agree that we do, but part of having that great system provides members of the Legislature to ask the government to be accountable and transparent to the affairs of the government, particularly the ministry. And that's what we're doing here in estimates. We're asking you questions related to your

ministry that are of the public interest and in the public interest. We just don't seem to be getting very many answers, Minister.

I'm wondering whether you'd be happy or excited, since you read the newspaper and you've alluded to that fact quite frequently, to read a headline in tomorrow's Toronto Star that states something to the effect that "Energy Minister Fails to Answer any Question on the Mississauga or Oakville Plants." Would you be happy with such a headline?

**Hon. Christopher Bentley:** Well, thank you very much for the question. My responsibility is always to perform my responsibility, and I leave the comment on it to others. Sometimes it is easy, and sometimes it is easy, but it's always a responsibility that we bear and we take very seriously.

I think it's important that we do recognize that sometimes in lawsuits, sometimes when you're defending the comments and actions of others, there are many who will have a much freer ability to comment—correctly or not—on the actions of a government than the government might have, because some of the interests that it is defending and protecting require either that it not comment, it not violate the confidentiality, which sometimes may accrue to its benefit and sometimes may accrue to the benefit of the party that it's having confidential conversations with, but protecting and respecting commercially sensitive, confidential conversations is essential to the maintenance of those conversations. When you're defending lawsuits or participating in legal action of any sort, defending or not, it is important that you respect the process, respect the approach, and it's important that you always protect and defend not only the principles of justice but the interests of those that you're representing.

The interests of the people of the province of Ontario are being represented in those discussions, and to engage in further conversation of them in any form at this point in time would not help advance, and may well hinder or hurt, those particular issues.

**Mr. Rob Leone:** Minister, we've been asking questions with respect to this for a number of hours, I would say, on this committee. We've asked questions on whether the government could produce any information with respect to whether a gas plant was needed, either in Oakville or in Mississauga. We've asked for a site assessment on the location of the gas plants in Oakville and in Mississauga. We weren't provided with that either. We've asked for the costing of what we've spent on constructing the plant in Mississauga and halting that. We weren't able to have any answers on that. We've asked you questions with respect to the legal issues and legal costs that you're going to incur as a result of the relocation of these plants, and you've failed to provide those as well. Minister, do you have any comments with respect to your failure to answer questions on any of these matters?

**Mrs. Teresa Piruzza:** Point of order with respect to the question just asked, Chair: He's indicated in his question that the questions that they're asking all have to do with legal proceedings or various types of negotiations

that are ongoing. The minister has indicated in his answer a number of times that with respect to those negotiations, with that process, the objective and the element that we must all consider is the protection of the province and of the families of Ontario.

Now, to ask the minister or to indicate, or even to suggest, that the minister is not responding to the question I believe does not stay in the spirit or the element in terms of the standing order, in terms of the questions of legal negotiations. We've discussed this before in terms of elements. In standing order 23(g), a member shall be called to order if they refer to any matter that is the subject of a court process. All these questions that they're asking are with respect to elements that are within a court process. So, again, to suggest that the minister is not responding—he has been responding. I just need to indicate that.

**The Chair (Mr. Michael Prue):** I listened intently. This is not a point of order. I mean, it is an argument, but I did rule as the Chair early in the procedure that the members of this committee are entitled to ask those questions. I also ruled, I think quite fairly, that the minister may respond as he sees fit. I don't think that the point of order is well taken. Mr. Leone has the right to ask that question; the minister has the right to respond in the way that he wishes.

**Mrs. Teresa Piruzza:** But with respect to that question—sorry, Chair—and in respect to your rulings that you've done with this as well, he's indicating that the minister is not responding, and in your comments you just indicated that the minister may respond as he sees fit with respect to the questions.

**The Chair (Mr. Michael Prue):** I think the—

**Mrs. Teresa Piruzza:** The minister is responding.

**The Chair (Mr. Michael Prue):** Yes, the minister is responding, perhaps not as Mr. Leone wishes, but the minister has responded. Mr. Leone, though, is entitled to ask this question.

I'm going to add another minute on to what you have because of this.

0920

**Mr. Rob Leone:** Thank you.

**Hon. Christopher Bentley:** Thank you very much. You know, I've quite extensively responded to the various issues surrounding these gas plants. I quite extensively indicated the commercially sensitive and the privileged nature of various discussions, and the different lawsuits in relation to the Mississauga plant, on both sides of the border. All of those issues are alive. They are current, they're not historical, and the interests of the people of the province of Ontario and the families and businesses are being represented in all of them. I think it's important that we allow the representation of the families and businesses of the province to take place.

**Mr. Rob Leone:** Okay, thank you. Mr. Harris?

**Mr. Michael Harris:** Minister Bentley, good morning. I would also like to follow up on a few items last week that we left off on. I'll draw your attention to the Auditor General's report, 2011. I'm sure you've got a copy of it

or have been through it. Specifically, the first, on page 11, where the Auditor General said that the ministry signed a contract with Samsung yet “no economic analysis or a business case was done to determine whether the agreement with the consortium was cost-effective....”

Next, on page 89, with regard to the renewable plan, “no comprehensive business case evaluation was done to objectively evaluate the impacts of the billion-dollar commitment.”

Page 96: With regard to the government’s energy plan and renewable energy policy, he says that “the minister essentially had the authority to direct the OPA, which minimized the need for an analysis of different policy options and an assessment of the cost-effectiveness of alternative approaches.”

On page 97, under the government’s energy plan and Green Energy Act, “billions of dollars were committed to renewable energy without fully evaluating the impact, the trade-offs, and the alternatives through a comprehensive business case analysis.” It goes on to say on that same page that “no thorough and professional cost-benefit analysis had been conducted to identify potentially cleaner, more economically productive, and cost-effective alternatives to renewable energy, such as energy imports and increased conservation.”

In his press release, finally, he stated, “Going forward, it will be critical for the Ministry of Energy and the Ontario Power Authority (OPA) to conduct an objective cost-benefit assessment of the progress made to date to provide government decision-makers with the information they need to strike an appropriate balance between the promotion of green energy and the price of electricity in Ontario.” That was what AG McCarter said.

Now, I’d like to ask you, obviously, if this cost-benefit assessment was done prior to the Green Energy Act. I’m assuming I will not get an answer on that one, so I’ll just simply ask, will you follow the Auditor General’s recommendation and perform this cost-benefit analysis on the Green Energy Act?

**Hon. Christopher Bentley:** Thank you very much. I very much appreciate the question and the number of different references—specific page references—to the Auditor General’s report, and the advice and the suggestions of the Auditor General. I very much appreciate all of that information.

I think you ask a multi-part question, so I’ll attempt to, in the time that’s—

**Mr. Michael Harris:** No, actually it’s just one: Will you perform a cost-benefit assessment and follow the Auditor General’s recommendation of doing so with regard to the Green Energy Act? Yes or no?

**Hon. Christopher Bentley:** Thank you very much. I think you asked your one question from a number of different aspects, with a number of different issues. I’ll give you one simple example: The green energy approach, which we have had some discussion of here in some detail, I think, really begins back with the determination that we won’t burn coal anymore. Because part of an analysis, any analysis by anybody, is, what is the

actual cost of burning coal for your energy? In any business case analysis, of course, you would always want to consider and take into consideration the externalities, the factors affected by a particular decision that are not always drawn in on a line-by-line basis. So when a number of independent studies, one of which, performed in 2005, suggested that the cost of burning coal and dirtying the air was about \$4.4 billion just for health and the environment, that’s a significant factor to be taken into consideration. Interestingly, it was not taken into consideration when determinations were made, I gather, to increase the use of coal in the province of Ontario as a source of energy.

So you start with a \$4.4-billion decision and then as you approach the opportunities that green energy represents, green or renewable energy being used all around the world, whether it’s bio, solar, wind—I’ll leave hydro out of that for a second—you also take a look at how the use of renewable energy can provide you with clean sources of power, reduce the burden on health care and environment—which of course are paid by taxpayers, not just ratepayers—and also potentially be used as a source of jobs-producing, income-producing opportunities for families and businesses throughout the province of Ontario. We’ve spoken quite a bit about the various considerations which went into the analysis of the Green Energy and Green Economy Act.

**The Chair (Mr. Michael Prue):** Okay, I’m going to stop you right there, and the next time we can go ahead.

Mr. Tabuns.

**Mr. Peter Tabuns:** Thank you, Chair. Good morning, Minister.

**Hon. Christopher Bentley:** Good morning.

**Mr. Peter Tabuns:** Minister, we’ve touched on this before, but just for the record, why does your government believe it’s necessary to maintain nuclear power at 50% of the grid mix over the next 30 years?

**Hon. Christopher Bentley:** It’s interesting. Yesterday, I believe, was the 50th anniversary of nuclear power in the province of Ontario. I actually was speaking to somebody about that yesterday—a rather significant anniversary, 50 years of nuclear power in the province of Ontario. It has for many decades been a substantial source of reliable and clean power, emissions-free power, a very important consideration with respect to nuclear.

We have developed, through Candu, a technology made in Canada. It’s been very successful, exported around the world, a technology that we’ve used at various sites in the province of Ontario to develop nuclear capacity. We have almost 80,000—it’s north of 70,000 and less than 80,000, they tell me, so I’ll choose almost 80,000—workers in the province of Ontario who derive their income through very skilled, highly advanced, very important work in the nuclear industry. We foresee that, given the assets that we have in the province of Ontario, as continuing to provide a significant source of our generation—not capacity necessarily, but our generation—for many years to come, and we’ve said it will be about 50%. I think in the long-term energy act it just goes under 50% in the future.

**Mr. Peter Tabuns:** Could you please give us an undertaking to provide the background documentation and analysis justifying your position that nuclear should remain at 50% of the grid mix?

**Hon. Christopher Bentley:** Well, I think you can—different countries and different jurisdictions can make a different determination—

**Mr. Peter Tabuns:** I'm sure they can. I'd like to know what the basis was for your determination.

**Hon. Christopher Bentley:** I'm sure that part of the determination was the fact that nuclear has historically been part of our mix here in the province of Ontario, that nuclear has provided safe, reliable, clean power to the people of Ontario for many decades. I suspect that that is a very significant source.

We are blessed in the province of Ontario to have a number of different opportunities to derive electricity from different sources, and we have a very good mix—well, almost a very good mix; we're getting out of coal. That was part of the mix.

**Mr. Peter Tabuns:** So, Minister, if you could actually provide us an analysis that shows us why the 50% target is the one you consider appropriate.

**Hon. Christopher Bentley:** Well, I know the long-term energy plan was the subject of much discussion, a public hearing, analysis, no doubt questions in the House, and you would have been part of those discussions, quite significantly.

0930

**Mr. Peter Tabuns:** Yes.

**Hon. Christopher Bentley:** I think history with respect to nuclear power in the province of Ontario was probably a very significant driver to how we derive that for the future. They are good assets, they perform well, and that's our determination as to what should happen in the future.

**Mr. Peter Tabuns:** I'm sure, Minister, you have a more in-depth analysis than "We've always done it and we'll continue to do it." So we would appreciate it.

I had the ministerial briefing when the long-term energy plan came out, and I was told this is a very rough document—lots more in-depth. I'd like the in-depth. Why 50%? Why not 20%? Why not 80%? Your justification would be good.

I'll move on. Did the OPA provide the government with a revised integrated power supply plan based on the long-term energy plan last summer?

**Hon. Christopher Bentley:** I know we have the long-term energy plan, which you've made reference to. We have not forwarded on to the Ontario Energy Board an IPSP, and it is our determination, our consideration, that we, going forward, should have a different approach to planning, a more focused and scoped approach to planning. So there is no completed IPSP that has been forwarded on to the Ontario Energy Board.

**Mr. Peter Tabuns:** So, after you produced the long-term energy plan, you did not in fact then prepare an integrated power supply plan. I'm clear in understanding you?

**Hon. Christopher Bentley:** No, there's no completed—there's no IPSP that we have forwarded on to the Ontario Energy Board. There was obviously work on what that would consist of, absolutely.

**Mr. Peter Tabuns:** Sorry. Was one drafted and then not forwarded on?

**Hon. Christopher Bentley:** I have no doubt there were drafts of various sorts.

**Mr. Peter Tabuns:** And the reason for not completing it and referring it to the Ontario Energy Board?

**Hon. Christopher Bentley:** Well, the reasons are as I have said. One of the challenges with the planning approach that exists in the province of Ontario is that it is a very long approach, not as flexible or responsive as it needs to be to meet different issues that arise in a fast-changing world economy, a fast-changing Ontario economy, and an economy in any jurisdiction which can seize new opportunities, technological or otherwise, that should be considered.

One of the things that we've said about planning is that for all its strengths, by the time we had finished with the planning process and with the detailed part of the planning process and the Ontario Energy Board's consideration of that, we would be many, many years down the road, and that wouldn't be terribly helpful to the people of Ontario. So what we have in legislation before us is a different approach, an approach which I think will be much more responsive and enable us to get input not only from members of the public, not only from stakeholders, not only from energy experts, but from the Ontario Energy Board in a much more scoped focus and timely way than the old approach would have provided.

**Mr. Peter Tabuns:** So did the government, under the law that's actually in place now—it has not yet been replaced. Did the government receive a draft integrated power supply plan from the OPA based on Energy Minister George Smitherman's previous long-term planning directive between 2008 and 2009?

**Hon. Christopher Bentley:** I'll get back to you on that.

**Mr. Peter Tabuns:** Yes. If you could give us an undertaking to confirm the existence of that document, and if you have that document, I would like an undertaking that you will provide us with a copy of that document.

**Hon. Christopher Bentley:** I'll get back to you on your question.

**Mr. Peter Tabuns:** And I guess, further, if in fact a revised IPSP was produced under the orders of Minister Smitherman, if you could tell us why that wasn't referred to the Ontario Energy Board under the laws of Ontario.

*Interjection.*

**Mr. Peter Tabuns:** Thank you.

Peter Jennings stated earlier in estimates on May 9, 2012, that reactor refurbishment costs would be approximately—

**Hon. Christopher Bentley:** Is it Rick?

**Mr. Peter Tabuns:** Sorry; it's Rick. My apologies. Sorry, Rick. Sometimes I read these things and sometimes they're wrong.

**Hon. Christopher Bentley:** Sorry, yes. I interrupted your question.

**Mr. Peter Tabuns:** I appreciate the correction.

It was stated that reactor refurbishment costs would be approximately \$1.8 billion per unit. Could you provide documentation showing us how that estimate was arrived at?

**Hon. Christopher Bentley:** Well, I appreciate your series of questions and the answers. This, I think, is one of the reasons why—when you've asked me various questions in the House and I don't have a figure, there's a reason for not having figures. The reason is that the contracts that will be negotiated around refurbishment with respect to Darlington have not been completed. When we started the refurbishment process in Darlington, we took a different approach than has been taken in the past. In the past—and it's not just Ontario; it's around the world—jurisdictions have looked for a bottom-line contract which both builds in every conceivable issue and can't possibly hope to be accurate, as accurate as it needs to be. That's one of the reasons why there are variations between the contracts agreed to and the ultimate costs.

So the approach taken by Ontario Power Generation here in the province of Ontario is to break down the contracting process into different parts. The first part we've spoken to; the ultimate cost we've not, because the contracts still need to be competitively let, competitively tendered and competitively negotiated. So there is no bottom-line price at the moment. OPG is going to keep every contractor's or every potential contractor's feet to the fire to make sure we get the best possible price for the people of the province of Ontario.

**Mr. Peter Tabuns:** I will point out that in open session you've said that your estimate is \$1.8 billion per unit.

**Hon. Christopher Bentley:** Mr. Jennings spoke to that in answer to some of the questions that you've asked around the long-term energy plan. My point is that the final prices and the makeup of the final prices are the subject of competitive contracts which have not yet been tendered or spoken to by OPG. So I think you have the very, very, very rough, ballpark estimate, which is like lots of other rough, ballpark estimates, but the hard work is still to be done.

**Mr. Peter Tabuns:** It would be to the advantage of this committee if you were to table the basis upon which that estimate was calculated, and I appreciate an undertaking to do so.

**Hon. Christopher Bentley:** I'll take your question back.

**Mr. Peter Tabuns:** Next question, then: What is the final cost of the refurbishment of Bruce A units 1 and 2 compared to the original estimate? And in addition to that answer, if you could provide us with documentation. So I'll start off with the final cost of the refurbishment of Bruce A units 1 and 2 compared to the estimate.

**Hon. Christopher Bentley:** I'll take your questions back. I don't know the extent to which the documentation

or other things are public or covered by commercial privilege, but I will take the questions back.

**Mr. Peter Tabuns:** Okay. I'll take that as an undertaking, and I appreciate it.

**Hon. Christopher Bentley:** You can take it as the answer that I've provided.

**Mr. Peter Tabuns:** That's fine.

Is it correct that the government's estimated cost of the new build at Darlington is \$15 billion? That is the long-term energy plan budget of \$33 billion minus \$18 billion for refurbishments.

0940

**Hon. Christopher Bentley:** I appreciate the question. In the long-term energy plan, where you attempt to come up with numbers on the basis of contracts which have not yet been negotiated, through an approach which has not yet been devised, you're going to come up with some very rough numbers. There are lots of numbers out there. That, as I understand, was the very rough basis of a very rough process.

I'm not sure where you go with the number, because, before any decision on a new build would be made or completed by the government, we'd have to have a lot more detailed information, assuming you decided to proceed with it, about what the costs would be and what the different issues would be and who was bearing the cost risk of those different issues. Lots of hard work ahead, and I suspect that we'll take a different approach to these things in the future than we have in the past, just like we've taken a rather fundamentally different approach to the refurbishment at Darlington than we have in the past, one that seeks to minimize the cost risk to the people of Ontario, whether they're a taxpayer or a ratepayer, and one that seeks to get large projects—and large construction projects of all sorts—not just nuclear, but of all sorts—have always been a challenge for governments—not just in Ontario; throughout the world—one which seeks to more closely match the estimates with the final figures.

**Mr. Peter Tabuns:** Was your estimate for new build at Darlington \$15 billion?

**Hon. Christopher Bentley:** My understanding is that that was the rough result of a subtraction mechanism, yes. It wasn't mine; it was the rough estimate of the long-term energy plan.

**Mr. Peter Tabuns:** Your government's, then. Your government is making decisions based on those numbers.

**Hon. Christopher Bentley:** No, and I think that's important. We're not making the decisions based on those numbers. The long-term energy plan is a plan, and the figures in the long-term energy plan are the estimates, but before you actually make the decision on the basis of the estimates, you have to test the estimate according to a contracting approach. For example, before you would actually make a decision about a new build, you would want to very rigorously test those who are proposing to do it and to see whether it was commercially justifiable for the ratepayers, whether that figure matched or was lower than the estimate in the long-term energy plan.



I would not want anyone to walk away from here thinking that if they matched the figure in the long-term energy plan, they're home-free as far as the cost of new build. I wouldn't want anyone to think that—no, not for one second. I think we want to take a very hard look at what would go into the contract, what the different issues are, and fight for the best price possible.

**Mr. Peter Tabuns:** Interesting.

On May 6, Mr. Jennings spoke about a South Carolina reactor, American reactors and a 2007 McKinsey report as the basis for your cost estimate of the Darlington new build. Could you please provide these studies and any other studies or analyses that led you to arrive at the \$15-billion cost estimate for the Darlington new build?

**Hon. Christopher Bentley:** I'll take your question back. Thank you very much.

**Mr. Peter Tabuns:** Pardon?

**Hon. Christopher Bentley:** I'll take your question back. Thank you very much.

**Mr. Peter Tabuns:** And you'll provide us with those figures?

**Hon. Christopher Bentley:** The first thing I'll find out is what there is.

**Mr. Peter Tabuns:** Find out what there is and you'll provide us with what there is.

**Hon. Christopher Bentley:** And then we'll go from there.

**Mr. Peter Tabuns:** Minister, how exactly do you expect the Legislature to hold you accountable if we can't ask you for this material?

**Hon. Christopher Bentley:** Well, you are. It's always difficult to provide certainty with what you will provide unless you know what actually exists. So I think the first step and the responsible step is to go back and find out what exists and make sure that there is material that exists, make sure that it's available to be disclosed and make sure that it's in our ability to disclose it. I just want to be as helpful as I can with respect to your question, and that's why I'm going to go back and find out what does exist and what state anything that exists is in.

**Mr. Peter Tabuns:** Assuming your ministry does have documentation, and assuming that it's not legally constrained, I understand that you'll provide it to us, which is great.

**Hon. Christopher Bentley:** I'm going to go back and find out, yes.

**Mr. Peter Tabuns:** Can you provide us with your latest long-term demand projections for energy in Ontario up to 2030?

**Hon. Christopher Bentley:** There are a number of different projections, and one of the things that we're working through at the moment is how the long-term energy plan demand curve—and there are a number of different potential scenarios—

**The Chair (Mr. Michael Prue):** I'm going to have to stop you there. Perhaps you can complete that answer later. We'll move on to the government.

**Mr. Reza Moridi:** Good morning. Thank you for appearing before this committee, Minister.

Minister, as we all know, a transmission and distribution system is a major part of our electricity system. Could you please let this committee know about the investments your ministry has made over the past few years in the transmission system within our electricity system?

**Hon. Christopher Bentley:** At the risk of wishing to answer every question, let me simply say, before I turn it over to the deputy, who may further delegate or pass off, a lot of work has been done with respect to the transmission system in the province of Ontario. We've spoken quite often about the \$9 billion-plus in investment in transmission in the province of Ontario. We've spoken quite often about the 5,000 kilometres of transmission system that is either new or has been upgraded or replaced, enhanced, which they tell me would get us from my home in London all the way up to the Yukon.

There has been a lot of work that has been done already, a lot of work that now, of course, comes on to be paid for and is paid for by ratepayers; obviously, a lot of work that needed to be done. We're doing a number of times more investment in transmission than historically was done in the years before we became the government, and they do it when they need to do it, so it was needed work.

With that, I'll pass it to the deputy.

**Mr. Serge Imbrogno:** I'm going to ask Rick Jennings to come up and walk you through the investments that have been made in transmission.

**Mr. Rick Jennings:** In terms of what major transmission investments have been made in the last few years, further to what the minister said, there have been substantial upgrades to existing facilities and the addition of new transmission projects since 2003. These were primarily planned to respond to four major drivers:

- to enable Ontario's off-coal policy by the end of 2014;

- to improve reliability of the provincial grid;

- to enhance interconnection with the neighbouring jurisdictions; and

- to help connect and integrate new renewable generation.

Together, these investments have met these objectives and allowed the transmission grid to keep pace with changes in supply and demand to ensure the integrity and reliability of the system.

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The largest or the most major inter-regional improvements that have taken place since 2003 include the Bruce-to-Milton transmission expansion project. This is the largest electricity transmission investment in Ontario in the last 20 years. This will connect over 3,000 megawatts of clean and renewable energy while helping facilitate removal of coal-fired generation from the province's energy grid.

The reinforcement of the power transfer capability between northern and southern Ontario—this allows a lot more hydro power from the north to come south—has enabled an additional 750 megawatts of transmission

capacity, to enable planned clean energy generation, and this includes the Lower Mattagami expansion. It's a major hydro increase.

Another major project is the Ontario-Quebec inter-connection project. This has been fully in service for the last two years and has increased the ability to move power back and forth between Ontario and Quebec by 1,250 megawatts. This gives us access to hydro power from Quebec, and Quebec can buy power from us during winter and other times when they need power.

Since 2003, more than \$9 billion has been invested to improve, replace and expand Hydro One's transmission and distribution system. That includes upgrades to over 5,000 kilometres of wire. The work is ongoing: In 2011 alone, Hydro One invested nearly \$1.5 billion into the upgrading and expansion of the transmission and distribution systems.

**Mr. Reza Moridi:** Thank you very much. These projects which you indicated at the bottom, which increase our transmission capacity with Quebec by 1,250 megawatts, I believe you mentioned: What will be our transmission capacity with Quebec at this point, considering this new system which is added to the previous one?

**Mr. Rick Jennings:** We have had the ability to move power back and forth to Quebec. This allows a dedicated line that allows us 1,250 at any one time. Previously, the Quebec system hasn't been that fully integrated, so they have actually had to separate generation to sell to different sides. This allows the systems to operate fully synchronously with each other, so it has greatly enhanced the ability to move the power back and forth.

**Mr. Reza Moridi:** Thank you. Among these projects which you have mentioned, are there new projects, and if there are, what are the stats of these new projects under construction?

**Mr. Rick Jennings:** The projects I've mentioned are ones that are either completed or well on their way to completion. The long-term energy plan set out new projects, planned projects. They outlined five priority projects, and these were identified for system reliability, to service new load and to incorporate renewables.

The five transmission projects, and the priority ones, are the east-west tie along Lake Superior—that's to better connect the northwest to the rest of the province. This will maintain an efficient and reliable supply to the northwest, and the Ontario Energy Board is currently conducting a designation process to select a qualified transmitter to develop this line.

There are three southwestern Ontario transmission projects, and these are largely to help integrate additional renewable energy into the grid. There's a new line proposed to go to Pickle Lake in northwestern Ontario, and this is to serve both increasing demands by the gold mining industry as a first step, and to enable connection to some of the remote First Nations communities.

Because the long-term energy plan integrates transmission and generation and supply, these work together in terms of the transmission projects, so they help facilitate the renewables targets in the plan as well as other

capacity and demand requirements in the plan. Particularly, as I said, a major, important point is integrating renewables. The southwest Ontario projects drive that.

Just to update on those, Hydro One is currently seeking Ontario Energy Board approval for the reconductoring of lines west of London. That means upgrading the wires so they can carry more power. This project is a proposal to upgrade about 70 kilometres of existing line in the west-of-London area by installing higher-capacity conductor. This is a very cost-effective way of adding capacity. You've got an existing right of way; you're just basically using the existing infrastructure but putting in lines that can carry more power.

In the Bruce area, as part of the planning, the power authority has recommended that Hydro One proceed with specialized equipment at its Milton station. This would help in being able to move more power through the existing system.

Further, the long-term energy plan has also asked the power authority to develop a plan for the connection of remote First Nation communities beyond Pickle Lake, so this is starting in northwestern Ontario but covering potentially a large area of the province. This is communities that currently rely on expensive diesel generation. The OPA has been working with communities in that area through a group called the Northwest Ontario First Nations Transmission Planning Committee. This involves about 25 different First Nation communities that have remote diesel systems. This committee is helping develop a business case for the expansion of the line and further expansion work.

**Mr. Reza Moridi:** Mr. Jennings, you talked about the east-west tie transmission line and its importance in terms of reliability of distribution and transmission of power in the northwestern part of the province. Could you tell us how you go about the procurement of this line?

**Mr. Rick Jennings:** The east-west tie is one of the five priority projects that I mentioned from the long-term energy plan. It is to provide greater connection capability between the northwest and the rest of the province, which currently has limited ability to transfer power. If approved, the project will maintain a reliable electricity supply in the northwest and make the system more efficient so we can take advantage of some of the resources there, and they can rely on some of the resources in the rest of the province.

The Ontario Energy Board has initiated a designation process to select a qualified electricity transmitter to carry out the development work; this is the technical studies, the environmental studies, public consultations. The selected transmitter would be able to receive cost recovery for any prudently incurred development costs, such as those related to conducting an environmental assessment and consultations with local communities. Seven transmitters have registered for this designation process.

The board plans to reach its decision on designation using a two-phased process. In the first phase, the board

has invited parties to make submissions on a specified issues list covering the following decision criteria: filing requirements and timing, obligations and consequences arising on designation, and the process for phase 2 of the hearing. In phase 2, the board will receive the plans filed by applicants for designation and evaluate those plans through a hearing process.

The unique nature of this is that instead of a transmitter sort of automatically having the right to do the project, there will be the ability to—as I said, there are seven different companies, and they're generally partnerships; some of them have partnerships with First Nation groups. So it is really a means of getting the best proposal to go ahead with the project.

**Mr. Reza Moridi:** Mr. Jennings, sometimes I compare the electricity system as a whole to a car, saying that if you have a car, you have to maintain your car. Otherwise, one day as you're driving on the highway, your car will stop immediately in the middle of the highway.

Our electricity system was basically ignored in terms of its maintenance and keeping it updated from 1990 up to 2003. We invested almost a very zero amount in terms of maintenance of our electricity system. A good example is the shutdown of a few nuclear power reactors because of lack of maintenance and updates of these systems.

In the past several years, as the minister mentioned, we have invested about \$9 billion in terms of upgrading just the transmission and distribution systems within the electricity system. Could you tell us where we are on this? Are we up to date in terms of keeping our system maintained in terms of reliability and also from a technical point of view as well?

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**Mr. Rick Jennings:** Maintaining system reliability is Ontario's number one electricity priority. Hydro One's systems include about 29,000 kilometres of transmission lines and, through their distribution system, 123,500 kilometres of distribution lines. This is enough to circle the earth three times. There are about 50,000 steel towers, 1.6 million wooden poles, nearly 300 transmission stations and about 1,000 of the smaller distribution and regulating stations. So it is a massive system and, as you note with the analogy with the car, there is a need to maintain it.

Since 2003, Hydro One has invested over \$9 billion to improve, expand and replace equipment in Hydro One's transmission and distribution, including upgrades to more than 5,000 kilometres of power lines. As the minister noted, that's the distance from London to Whitehorse, the Yukon.

About 50% of Hydro One's overhead transmission lines and more than 20% of power transformers are over the age of 50. This shows when the system was built out. This is another reason why the maintenance and ongoing work is important. Over 15% of transmission stations across Ontario received overhauls in the five years between 2006 and 2011, amounting to a total investment of \$850 million. This is critical to making sure that they're up to date and have the most modern equipment.

Throughout 2011, Hydro One continued to make prudent investments to enhance reliability and facilitate the connection of clean energy. I think I had noted before, but just to show how this is ongoing, during 2011, Hydro One invested nearly \$1.5 billion in capital to improve system reliability, address an aging power system, facilitate connection of new generation and improve service. Ontario's average annual investment into Hydro One's transmission and distribution system since 2003 was more than double the average annual investment over the preceding eight years.

**Mr. Reza Moridi:** Thank you, Mr. Jennings. This is comforting information you've been telling us: that our system is reliable and that we can rely on the supply of electricity for years to come.

These investments, as the minister and yourself mentioned, about \$9 billion just on the maintenance of upgrading our electricity distribution and transmission systems: In terms of its economic impact, have you done any analysis to tell us how many jobs, for example, have been created as a result of these investments?

Of course, the main intention wasn't job creation; the main intention, I believe, was to do maintenance on and upgrade our electricity system, but of course it will have economic impacts in terms of job creation and other spinoffs. In terms of just job creation, has there been any analysis to see how many jobs have been created as a result of these investments?

**Mr. Rick Jennings:** Yes. As you noted, the principal reason is that renewing and rebuilding the province's aging electricity infrastructure is critical for reliability. It's also making it easier to connect clean energy projects, and of course it creates good jobs.

As an example, as part of the system overhaul, Hydro One is upgrading five major area supply stations in Toronto, Ottawa and Niagara. Hydro One's estimate is that 150 new construction jobs will be created from this upgrade work. Each station will involve apprentice electricians, so it's also critical to training for young people.

Hydro One currently employs more than 600 apprentices, including electricians, millwrights, mechanics and power line technicians. In addition, other major transmission upgrades throughout the province contribute to Ontario's effort to sustain and create new, clean energy jobs.

**Mr. Reza Moridi:** Thank you very much, Mr. Jennings.

I have a couple of questions with regard to FIT, Mr. Jennings or Minister. The FIT program has been quite successful since we introduced the Green Energy and Green Economy Act, and many people—homeowners, for example—have been a part of this program. Recently, what have we done, Minister, to make sure that connections have been made to the grid by those who have signed up on the FIT program?

**Hon. Christopher Bentley:** I think that's a very good point and I may turn it over to Mr. Jennings in just a moment or two to speak further about the details. But one of the things that happened when we launched the Green Energy and Green Economy Act and then the Feed-in

Tariff program was that there was a huge amount of interest in it, not just by the larger companies for the larger contracts, but it provided an opportunity, as you say, for individuals, for families, for homeowners to participate in the generation of electricity. That's something that we really hadn't had to any significant degree before. It provides them an opportunity to obtain a contract and, either as part of a rooftop or as part of a ground-mounted opportunity, provided them with the opportunity to generate electricity from their residences and then sell it back into the grid, sell it to the people of the province of Ontario. The contracts enabled them to make the significant, substantial investment in the equipment necessary to provide the generation. Of course, when you have a lot of enthusiasm, you have a lot of people indicating all around the province that they want to participate, and—

**The Chair (Mr. Michael Prue):** And I'm going to stop you there.

On to the Conservatives. We have approximately, I guess, 12, 15 minutes, so you'll have to start now and continue this afternoon, so just be mindful of that.

**Mr. Rob Leone:** Ten or 12 minutes, you say?

**The Chair (Mr. Michael Prue):** Well, no, I think 12 or—maybe up to 17 minutes, actually, but not the whole 20.

**Mr. Rob Leone:** Go right to 20 after? Okay.

Mr. Nicholls.

**Mr. Rick Nicholls:** Thank you, Chair. Good morning, Minister.

**Hon. Christopher Bentley:** Good morning.

**Mr. Rick Nicholls:** It's a known fact, sir, that the Liberals cancelled the planned 280-megawatt gas-powered plant in Mississauga just days before the election, and it's also a known fact that the plant was cancelled to save some Liberal seats. It's also a known fact that EIG Management, a US hedge fund, is suing the province for \$300 million over the Mississauga power plant.

My question, Minister, is a simple one. The OPA in fact offered to settle this lawsuit by offering \$82.3 million as a settlement for the cancelled power plant in Mississauga. So I'm just curious as to where this \$82.3-million payment will in fact come from. Will it come from the taxpayer, an increase in taxes? Perhaps the elimination of the OPA? Where will that \$82.3 million come from, sir?

**Hon. Christopher Bentley:** Much of your question I have spoken to in different ways, but I'll just address it again. The statement by the party that was in the middle of the election, the Liberals, a commitment to the people of Mississauga and the western part of the GTA, was that there would not be—it was our commitment, should we be re-elected, that we would not site the plant or continue with that plant at the Mississauga site.

I do note that I believe the same night the local PC candidate made exactly the same commitment and that the party leader—

*Interjection.*

**Hon. Christopher Bentley:** If I could, your party leader, who is still your party leader, made the same commitment, and, in fact, the NDP made the same commit-

ment. I do believe that everybody made the commitment for the right reasons—

**Mr. Rick Nicholls:** Well, Minister, I guess my question, though, was simply—

**Hon. Christopher Bentley:** —and probably for the same reasons.

**Mr. Rick Nicholls:** —where that money will come from, because there was a commitment made by the OPA to settle for \$82.3 million. So if we could just focus on that particular aspect and leave the other known facts for another time, perhaps. I was just curious to know, sir, where that money would come from.

**Hon. Christopher Bentley:** It's a good question and I'm going to address the question, but I take issue with what you state to be the known facts. As I say, the one known fact with respect to the decision not to proceed with the gas plant at the Mississauga site—in fact, when it was a decision that was quickly echoed both by the PCs and by the NDP. I know from our perspective, we did it having listened to the people of Mississauga and the western GTA. It was our commitment, and I would be surprised if your party's commitment or the NDP commitment was of a different form than that, all as a result of having listened and determined that that should not be a plant that proceeded.

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You ask about what is or isn't happening in the litigation. We have litigation on both sides of the border, as you know, in relation to the Mississauga gas plant. It would not be in the interests of the people of this province to comment on what is or isn't happening with respect to the litigation. At this point, it is important those interests of the people of the province of Ontario—the families and the businesses—be protected in the course of the litigation. So I won't comment one way or the other with respect to the questions about what is or isn't happening in the course of the litigation through various conversations—

**Mr. Rick Nicholls:** Respecting that, sir, the question, though, is—the OPA had made an offer of \$82.3 million to settle. Our curiosity has been strongly aroused simply because we're wondering where that \$82.3 million would come from. The OPA makes an offer—we also know it was rejected, by the way, because EIG is in fact suing for \$300 million.

But the question remains: Where would that money come from? Obviously, it has to come from somewhere if they're going to make an offer.

**Hon. Christopher Bentley:** The question you're asking me is what my comment would be about what you say is something that has happened in the course of litigation that is not, you say, coming to fruition, and you say, where would the funds come from in the event that something that isn't happening might have happened?

What I would repeat is that it really doesn't advance the interests of the people of the province to comment one way or the other on what is or isn't happening in the course of—

**Mr. Rick Nicholls:** So you're not sure where that money would come from. If the OPA made an offer,

we're not sure where that money would be coming from, then.

**Mrs. Teresa Piruzza:** Chair, I believe the minister is being—

**The Chair (Mr. Michael Prue):** The minister is doing a fine job.

**Hon. Christopher Bentley:**—through the course of the litigation, because the interests of the families and businesses of the province of Ontario in these very commercially sensitive, litigation-protected discussions and proceedings are being represented at the various discussion points and in the proceedings. It is important that that protection and that representation continue—

**Mr. Rick Nicholls:** Do you know how they arrived at that number, sir?

**Hon. Christopher Bentley:**—and it would not be aided by further comment by me about issues that may or may not be happening or have happened or are about to happen in the course of the litigation.

**Mr. Rick Nicholls:** We're just curious because it is public information, sir, and we're just wondering how the OPA may have come up with that particular number, to try to lay this particular issue to rest.

**Hon. Christopher Bentley:** One of the challenges—and I think your question nicely touches on one of the challenges—when you are in the position of wanting to protect and respect the interests of the families and businesses in the province, it doesn't advance those interests to comment on specific things that people want to ask you about litigation or about discussions, whether they happened or didn't or whether they're in context or not or whether they came to fruition or they didn't. What you end up doing, ultimately, is undermining or harming the interests that you're charged to protect. So we're protecting the interests—when these matters have reached the appropriate conclusion, I look forward to speaking to them, and I look forward to the questions that I'll be asked about them.

**Mr. Rick Nicholls:** Then, Minister, maybe you could help me understand one other thing here. With regard to large projects such as this, would I be correct in assuming that there are reserve funds sometimes built in for such things as lawsuits?

**Hon. Christopher Bentley:** Oh, gosh, that's an interesting question. I'm not sure that I'm in a position to provide that information one way or the other.

I would expect and hope that as we look to site any form of project in the province of Ontario, we come up with the best possible approach. When it comes to the siting of generation projects, gas or otherwise, we're taking a look at opportunities to make sure that we have the strongest possible approach to the siting of projects.

You'll see and you'll note, through the review of the Green Energy Act that we conducted, that we came up with a different approach we're receiving comment on now with respect to the siting of green energy projects throughout the province of Ontario to make sure that those that have good, strong local support are more likely to proceed than those that might not have as much.

**Mr. Rick Nicholls:** So there's probably not a reserve fund built in for lawsuits. I'm wondering, if there was, might we be able to find that in the estimates binder? If not, then I guess the question would be, why wouldn't there be a reserve fund there? Why is it not there?

I'm going to pass the questioning over to my colleague Mr. Leone.

**Mr. Rob Leone:** Minister, you stated a number of times over the course of the last few weeks that all three parties shared the motivation to cancel the gas plant.

You made that decision a week or so before the last election campaign. I'm wondering, why did you wait so long? Why did you wait until seven to 10 days before the last election? Why wasn't it before the last election or maybe three months before the election or six months before the election?

We're offering a reason for that, Minister, and that's because you wanted to save some Liberal seats. I want to give you the opportunity to come up with an alternative reason why you may have waited so long to make that decision.

**Hon. Christopher Bentley:** At the time that the determination was made and publicly stated last September that the Liberal Party, if re-elected, would not proceed with the siting of the gas plant on the Mississauga location, I know it was spoken to publicly at that time. It's been spoken to many times since then—

**Mr. Rob Leone:** How about before then, though, Minister?

**Hon. Christopher Bentley:** It's been spoken to many times since then, as a result of the public comment, listening very carefully to the communities in Mississauga and the western GTA. I know that that night and within the days afterwards, both parties spoke quite determinedly to exactly the same position—

**Mr. Rob Leone:** So the only reason why you made the decision was to save a seat or two or three?

**Hon. Christopher Bentley:**—and I trust that the motivation of both of the other parties, yours and the NDP, was related to your listening to the communities of Mississauga, taking the position that the plant could not and should not proceed in that particular location, and spoke to the highest of ideals—that that's why you took the position that your party did and that the NDP did.

**Mr. Rob Leone:** So it was about saving a seat, then, for you?

**Hon. Christopher Bentley:** No, it was about listening to the people of the community. They have the right to express their position on a particular project, whatever that project happens to be. In this particular case, the project was the siting of a generation facility, a gas plant. Obviously, as the permits were concluded in the spring of 2011, that public comment built.

It was spoken to when we made the determination that, if re-elected, we would not proceed with the siting of the gas plant. I just repeat that the determination that we made and publicly spoke to was exactly the same determination your party made that night and in the days afterwards—all, I assume, for reasons that were similar

to ours: that we had listened to the people of Mississauga and the western GTA and determined—

**Mr. Rob Leone:** Did you seek their opinion at any point before actually siting that plant there? Did you engage in these community consultations before actually putting a plant where you located it? We asked for that criteria; you haven't provided a reasonable explanation, from my perspective, and I think that of people in the opposition and in those communities. Why wasn't this consultation done before siting it? Wouldn't you have saved hundreds of millions of dollars by doing that?

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**Hon. Christopher Bentley:** I think, generally speaking—and I won't get into the details with respect to the Mississauga facility, because there are a number of different not only lawsuits but conversations going on with respect to that, and I have no doubt that—

**Mr. Rob Leone:** So you didn't engage in consultations.

**Hon. Christopher Bentley:** —and I have no doubt that the lawsuits would touch at some point on how the decision was made, what was made, what was taken into consideration. I think it would be fair to say, and I've spoken to this a number of times publicly since I became the minister, that what we're looking for is an approach to siting facilities that is as strong as it can possibly be and that will enable these facilities to proceed with much greater ease in the future than, from time to time, they have been able to do in the past.

**Mr. Rob Leone:** So the government changed its mind. Does the government now admit that its initial decision to put the plant where it was located and where construction began—is it the position of the government today that the previous government made a bad decision in locating that plant where they did in Mississauga? Was it a bad decision?

**Hon. Christopher Bentley:** Just to be clear, from time to time you might be given to reframing or rephrasing what I say in a different and, I might say, a creative way. My answer is as I contain it. The fact that I do not go back and change or restate my opposition to your reframing is not in any way, shape or form to be taken to be an acceptance of the reframing.

I think it would be unhelpful to the protection of the interests of the people of the province of Ontario, through the litigation that is on both sides of the border, about which I've been asked again today, or the confidential, sensitive discussions that are going on, to get into an analysis of the approach.

What I have said quite clearly is that the siting of major power projects has, from time to time, been a challenge for governments all over, our being no different. Everybody wants the power. Being able to see its source is not always something that we like. Finding an approach to the siting of these generation facilities—we're taking a look to see if there's an approach that can be different, that will garner greater acceptance from the beginning, as we proceed—

**The Chair (Mr. Michael Prue):** I'm going to have to stop you there, because the time has elapsed. We will conclude with the Conservatives' time this afternoon.

**Mr. Rob Leone:** How much time?

**The Chair (Mr. Michael Prue):** Five minutes left for this afternoon.

Before we break, we're going to have to have a subcommittee, because the House has said that we have up to four days in June and July to continue this committee's business around estimates. I would suggest it would be wise to hold that subcommittee sometime before we leave here tomorrow, maybe after the meeting or perhaps sometime earlier in the day. The reason I'm saying that is because the following week, although we will be meeting, the House leaders and others will not be here, and given that it's June and July, there's likely to be a good number of substitutions and other things necessary.

Could I have agreement that we would hold a subcommittee sometime tomorrow? Agreed.

Any druthers on when you'd like to have that? Would you like it at the end—we're going to be in session until 6. We could do it from 6 till 6:15 or so, if that would accommodate everybody. Will that work?

*Interjections.*

**Mrs. Teresa Piruzza:** Six tomorrow, did you say?

**The Chair (Mr. Michael Prue):** At 6 o'clock, we'll hold the subcommittee and we'll determine how many of those four dates and when they're going to be. It would be wise, I think, for all parties to consult with their House leaders etc., in order to make sure that we can have a full group here, including substitutions that may be necessary.

Okay, this meeting is recessed until this afternoon at approximately 3:45. There is still pie left.

*The committee recessed from 1025 to 1556.*

**The Chair (Mr. Michael Prue):** The meeting is resumed. We're now into orders of the day, so we can continue. It's now five minutes to 4. We are here to resume consideration of the estimates of the Ministry of Energy, vote 2901. There is a total of five hours remaining.

When the committee recessed this morning, the official opposition had five minutes left of its 20-minute rotation. The official opposition has the floor.

**Mr. Rob Leone:** Mr. Chair, we're hoping that we can have a five-minute recess. We're wording a motion that we'd like to bring forward to the committee, and we're just trying to get some advice from the clerks on that. Could we have a five-minute recess, please?

**The Chair (Mr. Michael Prue):** Well, it needs agreement. There is a request for a five-minute recess. Is there general agreement?

**Interjection:** Agreed.

**The Chair (Mr. Michael Prue):** Is it agreed?

**Mrs. Teresa Piruzza:** Is it that you're still working on the motion—

**Mr. Rob Leone:** That's right.

**Mrs. Teresa Piruzza:**—or you're trying to get it approved?

**Mr. Rob Leone:** We're just at the final touches to the motion that we're trying to bring forward to the committee.

**The Chair (Mr. Michael Prue):** Is it agreed or no? Hearing no one against, it's accepted. We'll take a five-minute recess.

*The committee recessed from 1557 to 1602.*

**The Chair (Mr. Michael Prue):** The meeting is resumed. The floor again is with the Conservatives.

**Mr. Rob Leone:** Mr. Chair, I move adjournment of the committee.

**The Chair (Mr. Michael Prue):** I want to make sure: Is this adjournment for the day or for the balance of the committee?

**Mr. Rob Leone:** For the day.

**The Chair (Mr. Michael Prue):** Okay, for the day.

*Interjections.*

**The Chair (Mr. Michael Prue):** It's not debatable. The motion has been made, moving adjournment of the committee.

All those in favour of adjourning the committee for the day?

**Mr. Michael Harris:** Can I call for a 20-minute recess?

**The Chair (Mr. Michael Prue):** No, we have a motion on the floor.

*Interjections.*

**The Chair (Mr. Michael Prue):** This seems highly unusual to me, but I've been advised by the clerk that your motion to ask for a 20-minute recess in advance of the motion to adjourn for the day would be in order. All right, so you have that right, and it's not debatable. We are recessed for 20 minutes.

*The committee recessed from 1603 to 1623.*

**The Chair (Mr. Michael Prue):** The meeting resumes. We have a motion before us which is a motion of adjournment. All those in favour, please signify. Raise your hand. All those opposed? The motion is lost.

Back to the Conservatives.

**Mr. Rob Leone:** Mr. Chair, we have a motion that we would like to put forth to the committee. I want to raise this motion as it pertains to some of the proceedings that we've had in this committee. We are in the midst of providing copies to members of the committee as we speak. I believe they're on their way here today, right now.

Mr. Chair, may I read the motion?

**The Chair (Mr. Michael Prue):** If you have a motion, it must be read.

**Mr. Rob Leone:** Sure.

**Mrs. Teresa Piruzza:** On a point of privilege: I'd like a copy before you start reading it. So before you read it, just hold on a minute.

**The Chair (Mr. Michael Prue):** The point of privilege is well taken. If you would wait till all members have a copy in front of them.

**Mr. Rob Leone:** Sure.

**The Chair (Mr. Michael Prue):** Does everyone now have a copy of the motion to be read? Okay, please read it into the record.

**Mr. Rob Leone:** Thank you, Mr. Chair.

I move that the Chair write a letter to the Speaker as well as report to the Legislature and to draw its attention to a possible matter of contempt and a breach of the ancient parliamentary right of privilege that each elected member enjoys, and that the report include the following information:

That the Standing Committee on Estimates asked questions of the Minister of Energy on May 9, 2012, about the Oakville and Mississauga power plants. The minister refused to provide specific answers, citing that the answers would be "commercially sensitive." This is after the minister attempted to invoke the sub judice principle, which the Chair ruled was out of order for compelling and correct reasons, on the advice of the clerk.

The committee then passed a motion on May 16, 2012, which stated:

"That the Standing Committee on Estimates, herein 'the committee,' under standing order 110(b), stating that 'each committee shall have power to send for persons, papers and things,' directs the Minister of Energy as well as the Ministry of Energy and Ontario Power Authority to produce, within a fortnight, all correspondence, in any form, electronic or otherwise, that occurred between September 1, 2012, and December 31, 2011, related to the cancellation of the Oakville power plant as well as all correspondence, in any form, electronic or otherwise, that occurred between August 1, 2011, and December 31, 2011, related to the cancellation of the Mississauga power plant."

Despite that order as a directive of the committee, and despite giving ample time to comply, the Minister of Energy, the Honourable Christopher Bentley, MPP for London West, on behalf of the Ministry of Energy, responded in writing to the committee on May 30, 2012, which included the following excerpt:

"In light of the confidential, privileged and highly commercially sensitive nature of these issues, it would not be appropriate for my office or the ministry to disclose information that would prejudice these ongoing negotiations and litigation."

Accordingly, the committee wishes to report to the Speaker and to the House as a whole that the Minister of Energy has refused to comply with an order of the Standing Committee on Estimates under the standing orders of the Legislative Assembly of Ontario. Furthermore, that the committee recommends to the House that the Minister of Energy be compelled to provide the Standing Committee on Estimates, without delay, the documents and information it ordered, pursuant to standing order 110(b), and, if the minister refuses, that he be held in contempt of Parliament for breach of privilege.

Mr. Chair, on Wednesday—

**The Chair (Mr. Michael Prue):** Just hold on. Before you go on, as you were reading it out, there were several changes made to the written copy that I have. I just want to make sure that they are correct.

First of all, in the first paragraph, you stated "and a breach of the ancient parliamentary right of privilege." "Parliamentary" is not contained in the written document, unless I have something that's different?

*Interjections.*

**The Chair (Mr. Michael Prue):** Then I guess I was not given a copy. I was given something—maybe it was an earlier one. The clerk doesn't have that copy either.

*Interjections.*

**The Chair (Mr. Michael Prue):** Okay, yes, all right.

Then we went down to the fourth paragraph, midway, where it says "all correspondence, in any form, electronic or otherwise, that occurred between September 1, 2010"—on the record, you stated September 1, 2012.

**Mr. Rob Leone:** Oh, I apologize.

**The Chair (Mr. Michael Prue):** Which one is the correct one?

**Mr. Rob Leone:** It's 2010.

**The Chair (Mr. Michael Prue):** So 2010 is correct. Okay. Those were the two that I saw. Okay, thank you, just so the record is correct.

Now, if you wish, you may speak to your motion.

**Mr. Rob Leone:** Thank you.

Chair, on Wednesday, May 16, 2012, the Standing Committee on Estimates passed a motion that required the Minister of Energy, the Ministry of Energy, and the Ontario Power Authority to provide the committee with documents relating to the Oakville and Mississauga power plants. The Minister of Energy, on behalf of the Ministry of Energy, responded to the committee on May 30, 2012, and stated, "In light of the confidential, privileged and highly commercially sensitive nature of these issues, it would not be appropriate for my office or the ministry to disclose information that would prejudice these ongoing negotiations and litigation." The Ontario Power Authority provided similar reasoning.

Chair, when we made the request for the documents, we were not being unreasonable and afforded the minister an appropriate amount of time to table the documents. Overall, it is important to remember that the mandate of the committee is to investigate and to find out through estimates what is happening in government ministries. To achieve this goal, the committee should not be obstructed from receiving documents that it orders.

The committee understands that the government has a job to do. However, the opposition's job is to hold the government to account, and the government's refusal to provide the documents that the committee requested is blocking us from our undoubted role.

Members of the committee are only trying to do our job with full and complete documents. The minister has refused to provide the committee with documents, and it is important that we let the Legislature know what has happened.

On page 83 of O'Brien and Bosc, they provide a list of instances that would amount to contempt in the Legislature. Included in that list was, "without reasonable excuse, refusing to answer a question or provide information or produce papers formally required by the House or a committee." I believe that the minister's failure to provide documents to the standing committee falls under this description and constitutes a breach of privilege.

## 1630

Parliamentary precedent supports the committee. In 2011, a similar case occurred in the House of Commons. The finance committee had requested documents from the government regarding the cost of some of the bills before the House. The government refused to table the documents and cited cabinet confidence. The committee sent a report to the House and MP Scott Brison rose on a point of privilege. The Speaker ruled that the government's failure to produce the documents constituted a prima facie breach of the House's privilege.

In addition, in 2010, the House of Commons ordered the government to table documents regarding the transfer of Afghan detainees. The government refused, citing national security concerns. Speaker Milliken ruled that a breach of privilege did occur. He stated that "procedural authorities are categorical in repeatedly asserting the powers of the House in ordering the production of documents. No exceptions are made for any category of government documents, even those related to national security." His finding of a prima facie breach of privilege ultimately came down to the Legislature's ability to request documents to hold the government to account.

I would like to draw to the attention of the committee some recent developments regarding the issue at hand. More importantly, if the litigation on the Mississauga and Oakville power plants is so commercially sensitive, why were documents available to the media and the public through court? The Minister of Energy and the Ontario Power Authority, at the very minimum, should have provided those documents to the committee. As such, the minister's and OPA's disregard for the authority of the committee, I believe, is a prima facie breach of the Legislature's privileges and constitutes contempt of the House.

The remaining element of this issue before us is whether the Minister of Energy was correct in his ability to use a form of the sub judice convention. Former Speaker of the House of Commons the Honourable Jeanne Sauvé ruled that when considering a prima facie matter of privilege "the House has never allowed the sub judice convention to stand in the way of its consideration of a matter vital to the public interest or to the effective operation of the House and its members."

O'Brien and Bosc cite the first report of the Special Committee on the Rights and Immunities of Members, which—this is on page 100—"recommended that the imposition of the convention should be done with discretion and, when there is any doubt in the mind of the Chair, a presumption should exist in favour of allowing debate and against the application of the convention. Since the presentation of the report, Speakers have followed these guidelines...." Mr. Chair, I would suggest that allowing further debate would be to inform the Speaker about what happened here through a report from committee and recommend that the House take whatever measures it deems appropriate.

Thank you, Chair.

**The Chair (Mr. Michael Prue):** Thank you. A question of privilege has been raised and I must rule on



it—not the question of privilege per se, but whether or not it is a question of privilege.

I had no idea this was going to come up today, but evidently the clerks' office did, and they have provided me with some guidelines. I've read through them in advance of what was said just to see exactly what a Chair is required to do.

I'd like to quote, in part, from what was provided to me, because I think it's quite instructive. It says what the responsibility of a Chair in this Legislature is, what the responsibility of the Legislature is, and what that of the Speaker is, because they're all separate, of course.

From this document, just a few—well, I guess maybe 15 or so sentences need to be read from the entirety of it.

“Since the House has not given its committees the power to punish any misconduct, breach of privilege, or contempt directly, committees cannot decide such matters; they can only report them to the House. Only the House can decide if an offence has been committed.”

Then it goes on to talk about the Speaker.

It goes on further in this document which has been given to me as the Chair:

“Unlike the Speaker, the Chair of a committee does not have the power to censure disorder or decide questions of privilege. Should a member wish to raise a question of privilege in committee, or should some event occur in committee which appears to be a breach of privilege or contempt, the Chair of the committee will recognize the member and hear the question of privilege, or in the case of some incident, suggest that the committee deal with the matter. The Chair, however, has no authority to rule that a breach of privilege or contempt has occurred. The role of the Chair in such instances is to determine whether the matter raised does in fact touch on privilege and is not a point of order, a grievance or a matter of debate. If the Chair is of the opinion that the member's interjection deals with a point of order, a grievance or a matter of debate, or that the incident is within the powers of the committee to deal with, the Chair will rule accordingly, giving reasons. The committee cannot then consider the matter further as a question of privilege. Should a member disagree with the Chair's decision, the member can appeal the decision to the committee (i.e., move a motion ‘Shall the decision of the Chair be sustained?’). The committee may sustain or overturn the Chair's decision.”

Now, getting to the nub of the whole thing:

“If, in the opinion of the Chair, the issue raised relates to privilege (or if an appeal should overturn a Chair's decision that it does not touch on privilege), the committee can proceed to the consideration of a report on the matter to the House. The Chair will entertain a motion which will form the text of the report. It should clearly describe the situation, summarize the events, name any individuals involved, indicate that privilege may be involved or that a contempt may have occurred, and request the House to take some action. The motion is debatable and amendable, and will have priority of consideration in the committee. If the committee decides that the matter should be reported to the House, it will

adopt the report which will be presented to the House at the appropriate time under the rubric ‘Presenting Reports from Committees’ during routine proceedings.”

Then it goes on to say that the matter must be dealt with by the Speaker.

I listened intently, and I have read this motion. With the exception of one paragraph that I do have a problem with, I think the motion carries what is being conveyed by Mr. Leone. And we can get into that, should it be debated or should the committee wish it to go ahead. But it is quite clear, given what has been stated, that this is not a matter of a point of order, it is quite clear that it is not a matter of a grievance and it is quite clear that it is not something that can be dealt with in any other way, save and except as a matter of privilege. Therefore, I think I have no option other than to say he is raising a matter of privilege and that must be referred to the House and to the Speaker for a decision. It is not my decision whether or not it constitutes privilege. That is within, and only within, the ambit of the Speaker of the House.

What would then fall to us today—this is a debatable and amendable motion—is that it is open for debate and amendment whether to change any or all parts of this question of privilege. Does anyone wish to speak to it?

**Mrs. Teresa Piruzza:** Just with respect to the motion itself, given that we've just received it and I've been listening as well to the comments that were made following the reading of the motion itself—and, Chair, you will of course recall that we did have this discussion, this debate with respect to the sub judice ruling on May 16. We've pointed out a number of elements in terms of how we believe some of this information could prejudice the interests of parties involved in legal proceedings. We had that full debate. It was a lengthy debate. You did review the points we had made at that point, and in fact you didn't indicate that it was not in order. What you did indicate, however, is that the minister has the right to decline either giving the documentation or giving voice to that documentation during his answering, or the release of the documents. If I recall, during that discussion, your ruling at the time was that the motion could go forward, but what would be produced would be with respect to what the legal proceedings were and what the minister and his legal advisers considered to be reasonable with respect to releasing the information.

I recognize you're not ruling right now with respect to the breach or the conflict, as Mr. Leone has indicated in his motion, but I'd just like to remind everyone that the ruling was that the documentation that would have come forward would be reviewed by legal, and what would be released is what was considered to be appropriately released at that point.

On that matter as well, are you suggesting that we're voting on this motion? Is there going to be further debate, or what will be the process?

**The Chair (Mr. Michael Prue):** We're not voting on the motion. I have ruled, because I am compelled to rule, that this is a question of privilege because it is a question of privilege. I am not stating whether it is in order; I am not stating that it is well founded; I am not stating any-

thing else other than it is a proper question of privilege. Mr. Leone has raised this question of privilege, which is his right to do, and it must be referred to the Speaker and to the House. Those are the rules that I must follow, that we all must follow.

The only question now is—he has read out his motion. It is a debatable motion, and it is amendable. So if you think that there is any aspect which is contained herein that is not correct and should be amended, or if you want to debate that, then you're entitled to do so.

I must state that I think that paragraph 2 does not capture exactly what I intended or did state to this committee, and perhaps that is something that you may wish—I cannot amend it. I'm the Chair, but I am citing that if you see that paragraph 2 does not actually capture what was done, then you have the authority to move an amendment to change that.

**Mrs. Teresa Piruzza:** Would we be provided with 20 minutes to review this and determine if amendments are required?

**The Chair (Mr. Michael Prue):** That is in order, if you wish 20 minutes. It's only at the time of vote, though, is it not?

*Interjection.*

**The Chair (Mr. Michael Prue):** Only at the time of vote. I'm sorry, no. Twenty minutes is only at the time of vote, but yes, that can be accommodated when we're at that—

*Interjection.*

**The Chair (Mr. Michael Prue):** But you can ask for a recess by agreement to look at it, if you feel that you need that. If you want a recess, simply ask for it and we'll see whether it's the will—

**Mrs. Teresa Piruzza:** I would suggest, just given the length of the document and the type of allegations that are being made within the motion, I would need time to review this and then determine.

**The Chair (Mr. Michael Prue):** Okay. So you're asking for a recess.

**Mrs. Teresa Piruzza:** I am asking for a recess.

**The Chair (Mr. Michael Prue):** For what period of time?

**Mrs. Teresa Piruzza:** Let's say 10 minutes.

**The Chair (Mr. Michael Prue):** There is a request for a 10-minute recess. Are we in agreement?

**Interjections:** No.

**The Chair (Mr. Michael Prue):** I've heard some noes. All those in favour of a 10-minute recess, please indicate. Those opposed? It is tied. It's three to three, with one abstention. Therefore, again it falls to the Chair. I want to try to be fair to all parties. I think it's important. This is an important matter. I am going to allow the recess. I am going to vote in the affirmative for the 10-minute recess. It is, as you have stated, a lengthy document, and that would be my rationale. We stand recessed for 10 minutes.

*The committee recessed from 1644 to 1654.*

**The Chair (Mr. Michael Prue):** The meeting is resumed. Any further discussion?

**Mr. Rob Leone:** Chair, we have a friendly amendment that we would like to put forward.

In paragraph 2, we would like the last sentence to end after "sub judice principle," and strike out "which the Chair ruled was out of order for compelling and correct reasons, on the advice of the clerk."

**The Chair (Mr. Michael Prue):** I would not take that to be a friendly amendment, but it is an amendment. It's not like one word that's going to—okay, it is an amendment.

We have an amendment on the floor. Discussion on the amendment? Any discussion on the amendment? All those in favour?

*Interjection.*

**The Chair (Mr. Michael Prue):** Pardon? All those in favour of the amendment?

**Mr. Reza Moridi:** Mr. Chair, I have a point.

**The Chair (Mr. Michael Prue):** That's what I asked: Is there any discussion? I did not see an indication—

**Mr. Reza Moridi:** Yes, I was pushing the button. Sorry; I forgot to raise my hand.

**The Chair (Mr. Michael Prue):** No; don't push the button in here. You have to wave.

**Mr. Reza Moridi:** I was pushing the button. Sorry.

**The Chair (Mr. Michael Prue):** We'll cancel that and we'll go back. Mr. Moridi, the floor is yours.

**Mr. Reza Moridi:** Thank you, Mr. Chair. We've read this motion and we have serious issues with this motion, so we would like to bring our own amendments to this motion. I request a 20-minute recess so that we can bring our own amendments to the motion.

**The Chair (Mr. Michael Prue):** We have an amendment that is on the floor now. As soon as we've finished with that amendment, I will recognize you next and you can make that request. But the amendment is on the floor and we're in the middle of a vote.

The amendment is to delete the words "which the Chair ruled was out of order for compelling and correct reasons, on the advice of the clerk." That is the amendment.

All those in favour of the amendment to delete those words, please signify. Opposed?

**Mr. Vic Dhillon:** Chair, we would like a 10-minute recess.

**The Chair (Mr. Michael Prue):** A 10-minute recess for the purpose of?

**Mr. Vic Dhillon:** We need to discuss a few things on our side, so if we can have—

*Interjection.*

**The Chair (Mr. Michael Prue):** We're in the middle of a vote. This should have been raised before the—

**Mr. Vic Dhillon:** But this is the first time that this amendment is coming up.

**The Chair (Mr. Michael Prue):** Yes, that is correct. But when I asked if there was any discussion, that is when that should have been said: "We request a—"

*Interjection.*

**The Chair (Mr. Michael Prue):** But we are in the middle of a vote. I just have some difficulties with this. I

want to be fair, again, to all parties. Had you asked for it earlier, you would have an unqualified right—

**Mr. Vic Dhillon:** But earlier, Mr. Leone requested the adjournment of the committee and then a 20-minute recess was requested.

**The Chair (Mr. Michael Prue):** Yes, and—

**Mr. Vic Dhillon:** So what's the difference?

**The Chair (Mr. Michael Prue):** You need to listen to what I'm saying. You have an unqualified right to ask for this, but you have to ask for it at the appropriate time. The opportunity was there for you to have done so, and you have an unqualified right for it. Unfortunately, I have asked for those in favour and I have a vote, and now I am compelled to ask who is opposed. If there is anything else—

**Mrs. Teresa Piruzza:** Chair, under the circumstances—I believe Mr. Dhillon was trying to push the button to ask for a recess while you were looking over there, to request the 20-minute recess on this vote.

**The Chair (Mr. Michael Prue):** In fact, were you trying to do that?

**Mr. Vic Dhillon:** Absolutely.

**Mrs. Teresa Piruzza:** Yes.

**The Chair (Mr. Michael Prue):** Okay, then that's fine. I'm going to, again, err on the side of giving everybody the correct opportunity. Since you were attempting to do that, we will negate the vote. You have the right for a 20-minute recess to discuss this amendment.

This committee is recessed for an additional 20 minutes.

*The committee recessed from 1658 to 1718.*

**The Chair (Mr. Michael Prue):** The meeting is called to order. We are now in the process of calling the vote. We have a motion to delete the words "which the Chair ruled was out of order for compelling and correct reasons, on the advice of the clerk." That's the motion to delete. All those in favour of deleting those words? Opposed? That motion is defeated.

**Mr. Rob Leone:** Mr. Chair, can we call the question on the motion, please?

**The Chair (Mr. Michael Prue):** Call the question? You're attempting now to limit debate?

**Mr. Rob Leone:** That's correct, sir.

**Mrs. Teresa Piruzza:** I have an amendment that I'd like to bring forward.

**The Chair (Mr. Michael Prue):** I know, but he has called the question. Calling the question—

*Interjection.*

**The Chair (Mr. Michael Prue):** Yes, so—

**Mrs. Teresa Piruzza:** —want you to put that into the—he added that at the end. Come on: No.

**The Chair (Mr. Michael Prue):** Calling the question with other amendments forthcoming I don't think would be fair, so I'm going to say no. It generally does take precedence over, but—you have amendments. Please make them.

**Mrs. Teresa Piruzza:** Thank you, Chair. Thank you for providing us the opportunity to bring forward this amendment prior to calling the question on this motion.

With respect to Mr. Leone's motion for the Standing Committee on Estimates with respect to production of documents, our amendment is with respect to the last paragraph. If we move down to the last paragraph, down to the second-last line:

I move that in the last paragraph of the motion, the following words be added after "the documents and information it ordered": "except those documents that are protected by solicitor-client privilege or commercial sensitivity, or documents that, if released, would affect the interest of Ontarians in legal and other commercial proceedings,"

That is some additional wording that we would like added to that final paragraph.

**The Chair (Mr. Michael Prue):** Everybody has that motion before them? Okay, then, any debate? Mr. Zimmer.

**Mr. David Zimmer:** Just give me a second. So we're debating Ms. Piruzza's amendment?

**The Chair (Mr. Michael Prue):** That is correct.

**Mr. David Zimmer:** Chair, I've been asked to attend the committee and I, the other day and again this morning and just before I came in, had the opportunity to read your ruling on this matter of what the minister has to produce in terms of documents relating to what I'll refer to as the Oakville and Mississauga properties.

I note, reading from the Hansard transcript of May 16, 2012, at page E39 in the left-hand column, the pertinent points for my discussion here are:

"Notwithstanding the learned position put forward by Ms. Piruzza," with respect to other parts of her motion, the Chair then went on to say, "there was one point in which she stated that the minister, of course, has every right to decline." The Chair reflected on that submission of Ms. Piruzza and went on to say, "I think that that is perhaps the saving grace to allowing this to proceed.

"I would have to rule, in my opinion, that this motion is in order, because the committee has the right to ask for documentation, as Mr. Leone has pointed out in his counter-argument. They," referring to the opposition, "have the right to ask for the documentation." The Chair then went on to say, "The minister has the right to decline either giving that documentation or giving voice to that documentation during his answering of the questions."

Further, on page E39 of Hansard, May 16, 2012, in the right column, the Chair recognized that it was a difficult issue, but went on to say, after obviously careful thought, "I would advise that I'm going to allow the motion to proceed, but I would also advise ... the minister ... knows full well that he may choose to answer the question in such a way as not to prejudice the province in any way, and I would expect him to do so. That would be my ruling."

So we now have the situation here, which is really quite a unique situation, where, if the second attempt to have the minister answer questions he has chosen not to or to provide documentation he has chosen not to—if the minister was compelled to do that, in effect, what we have here is this bizarre situation of the Chair having to act, if you will, against his own ruling.

The Chair, when this was debated at length—and I did have the opportunity to read it over at length. I note that, among other things—and I think this is important. It's an important matter, because it's going to place the Chair in this weird legal position where he's going to have to in effect overrule his ruling. Now—

**The Chair (Mr. Michael Prue):** I want to cut you off here.

**Mr. David Zimmer:** Yes.

**The Chair (Mr. Michael Prue):** The Chair has no authority—you were not here earlier. I have no authority over points of privilege. A point of privilege has been made and it must be referred to the House and to the Speaker. I cannot and I will not be ruling on the point of privilege.

**Mr. David Zimmer:** I appreciate that, but I want to get this on the record—

**The Chair (Mr. Michael Prue):** Go ahead.

**Mr. David Zimmer:** I've got 20 minutes to do that. I want to get that on the record, because if this does work its way further along the ladder, so to speak, I think it's important that those people who are going to have to address this down the road, if it gets that far, understand the difficult situation here.

The Chair—and I compliment you, Chair, on the way that you applied your analysis to this difficult idea. In fact, the Chair went on to say—and I don't think I am going to read in the entire paragraph, because I want people down the road to know what has been going on here on this issue.

"The Chair (Mr. Michael Prue): I had no idea when I agreed to be the Chair of this committee that it would be so contentious so quickly.

"I had an opportunity to look at the motion"—this is the motion to compel the minister to answer certain questions and produce certain documents.

"I had an opportunity to look at the motion"—

**Mr. Peter Tabuns:** Excuse me. Mr. Chair, on a point of order: This doesn't seem to be addressing the amendment.

*Interjections.*

**The Chair (Mr. Michael Prue):** It's skating—on your point of order, I think your point of order is not well taken. I mean, I'm trying to give some latitude here. My ruling was on a point of order, which I am compelled to make. This is a point of privilege, which I am not allowed to make. That is the sole prerogative of the Speaker.

The motion that we have before us, with the greatest of respect, would have little to do with my ruling. This is an amendment to the point of privilege, which is within the parameter of this committee.

You have 20 minutes, but I think whatever I said may or may not hold great relevance to what has been put forward by Ms. Piruzza.

**Mr. David Zimmer:** Yes. Well, thank you, Chair.

"The Chair (Mr. Michael Prue): ... that it would be so contentious so quickly."

The Chair then went on to say, "I had an opportunity to look at the motion because it was circulated or

attempted to be circulated yesterday. I took the liberty of discussing with the clerks' department and with the legal department what might be involved here, in terms of the sub judge rule, in terms of the minister's right to answer or not answer, or to divulge the documents or not divulge the documents.

"Notwithstanding the learned position put forward by Ms. Piruzza, there was one point in which she stated that the minister, of course, has every right to decline. I think that that is perhaps the saving grace to allowing this to proceed.

"I would have to rule, in my opinion, that this motion is in order, because the committee has the right to ask for documentation, as Mr. Leone has pointed out in his counter-argument."

**Mr. Rob Leone:** A point of order, Mr. Chair.

**The Chair (Mr. Michael Prue):** On an additional point of order, Mr. Leone.

**Mr. Rob Leone:** Mr. Chair, under standing order 23(c), we have: "Persists in needless repetition or raises matters that have been decided during the current session." I believe these are matters that you have already had the opportunity to make a decision on and provide a ruling, to which the member, Mr. Zimmer, is referring.

Also, under standing order 23(d): "In the opinion of the Speaker, refers at length to debates of the current session, or reads unnecessarily from verbatim reports of the legislative debates or any other document."

I think, Mr. Chair, that you would agree that Mr. Zimmer is actually partaking in such repetition and reading from the Hansard. Therefore, Mr. Chair, I believe that we've dealt with a lot of the issues that Mr. Zimmer is now raising and that we should proceed to debate the amendment as presented.

1730

**The Chair (Mr. Michael Prue):** The point of order raised by Mr. Leone is, in part, well taken. The ruling that the Chair made was on a point of order previously made by Ms. Piruzza, and I had to rule on that point of order because the question was whether or not the minister had to respond to the questions of Mr. Leone, which I felt he did. There is a sub judge rule, but I don't see how my point of order reflects on the point of privilege and the motion that is before us. You know, I don't see it.

I'm trying to give some latitude to Mr. Zimmer. He is a parliamentarian of some stature and some considerable time. But the issue before us—Mr. Leone is, in part, correct—is the motion that has been made by Ms. Piruzza. It's whether or not you think this is a good motion or a bad motion, rather than reflecting on a ruling that I was compelled to make some two weeks ago to the minister.

**Mrs. Teresa Piruzza:** Chair? I'm sorry, finish off. Okay.

**The Chair (Mr. Michael Prue):** Is it a point of order? I've just ruled on that one. If not, I'm giving the floor back to Mr. Zimmer.

**Mrs. Teresa Piruzza:** Okay.

**Mr. David Zimmer:** Thank you. You've said, in part—the amendment here—I mean, read what the

amendment says: “Except those documents that are protected by solicitor-client privilege or commercial sensitivity, or documents that, if released, would affect the interest of Ontarians in legal and other commercial proceedings,”

This is the very nub of the thing. We’re trying to protect—the amendment here protects the minister’s right to answer the questions how he sees fit and to disclose what documents he sees fit, which is something that you, Chair, on May 16 already spoke to, in effect that, yes, the opposition parties have the right to ask questions and, yes, the minister has to listen to those questions and, yes, the minister has to provide his response to those questions. If his response is in the nature of, “I understand the question; you want this document and this information, but I’m not prepared to answer that or release these documents for that reason”—you’re right in one sense, Chair, that this was dealt with on the 16th, but we’re back here today and the opposition parties are coming at it a second time.

In response to their coming at it a second time, Ms. Piruzza has put forward an amendment to their motion, to take us back to where we were on May 16, when you made your ruling, Chair, that the questions can be asked and the minister will answer them as he sees fit.

The minister then, at some point, released a letter—I think it was around 4:30 or 5 o’clock in the afternoon. It was a lengthy, lengthy letter, and I’ve got a copy here and I’m prepared to read that into the record again. It was a lengthy document in which he gave very, very detailed analysis and a refined answer as to why he was not in a position, or not prepared, to answer those questions or release documents that would place the negotiations, the taxpayers’ dollars, in jeopardy.

Ms. Piruzza, in response to this second attempt to do what they tried to do on the 16th—and the Chair made his ruling—has brought an amendment to the motion. And I agree: It takes us right back to where we were on the 16th with the motion, because her amendment to the motion says—okay, we’re going to add this to the motion: “Except those documents that are protected by solicitor-client privilege or commercial sensitivity, or documents that, if released, would affect the interest of Ontarians in legal and other commercial proceedings.”

You see, the irony is, we keep coming full circle on this thing. The reason we come full circle—this is the second time you’ve heard these arguments—is because the opposition parties are at it again, so we bring the amendment again. I rather expect, to follow the idea of rulings being consistently applied—and I’m not in any way telling the Chair how the Chair should rule, but you already ruled on this on the 16th. There are no new arguments. Certainly the arguments on this side substantiate or are in support of Ms. Piruzza’s amendment. We’re going back full circle, so I expect—maybe they’ll be here next week and bring another motion, ask the minister to answer questions, release documents; there’ll be an amendment to the motion by Ms. Piruzza saying, “Yes, okay, fine, we’ll do that, except those documents that are protected” and so forth and so on, and I’ll be

back here making the same arguments and the circle goes around.

This has already been decided. I think it’s important to know and to recognize, whoever is going to sort this out later on down the road, if that’s where the folks are going to take it, that the Chair went on to say—there’s a point at which he stated, “The minister, of course, has every right to decline. I think that that is perhaps the saving grace to allowing this to proceed.

“I would have to rule, in my opinion, that this motion is in order, because the committee has the right to ask for documentation”—yes—“as Mr. Leone has pointed out in his counter-argument. They have the right to ask for the documentation. The minister has the right to decline either giving that documentation or giving voice to that documentation during his answering....”

This is the part that I want in the record for the benefit of those down the road who may have to sort this out, because the Chair did not rule casually, if I can put it that way. The Chair, a long-standing member of this Legislature, I think in anybody’s judgment—whether they be Conservatives, NDP or Liberals, they recognize the Chair as an experienced parliamentarian, a thoughtful parliamentarian. I would expect nothing less of him that he would give it the full attention and the detailed analysis and—and, and, and—seek the best possible advice in rendering his ruling. The Chair did that.

He went on to say, and this is the important part, “I further went to the legal department and asked about whether the case is before the courts and things like that, and I’m not sure at this point—and I can be corrected if anybody has this knowledge—but the legal department stated to me that in civil proceedings the rule is said to apply from the time that the action is set down for trial, although some authorities say that it is from when the trial actually begins until judgment”—this is all about the matter being before the courts and so on and when the clock starts to run—“and again from the time that a notice of appeal is filed until there is a decision on the appeal. So I’m not sure that that action has actually begun at this time, which would mean that it would be sub judice under the courts.

“Further, I asked about the extent to which the Chair has to determine the status of the judicial proceeding, and was advised that the Chair should not be engaging in a sophisticated information-gathering exercise or legal analysis.”

He, referring to the—

**Mr. Peter Tabuns:** Mr. Chair, point of order.

**The Chair (Mr. Michael Prue):** On a point of order, Mr. Tabuns.

**Mr. Peter Tabuns:** I think that Mr. Zimmer, as much as I have great admiration for him, is taking us into an area that has little to do—frankly, nothing to do—with the amendment before us. The minister has said in the past his problem was he didn’t want to present material that was sub judice—under consideration in the courts. The amendment is talking about documents that are protected by solicitor-client privilege.

We're talking about two different matters here, Chair. We've got a minister who would use a defence in questions in the Legislature that something was sub judice, but that's not what we're dealing with here. We're asking for production of material. There is an amendment by the Liberals that doesn't even address that argument.

Chair, this is out of order. Can we move on?

**Mr. Rob Leone:** Same point of order.

**The Chair (Mr. Michael Prue):** I have been intrigued, and I think Mr. Zimmer has about 30 seconds left, so I'm not going to rule on that. I'm going to give him his full 30 seconds to conclude.

**Mr. David Zimmer:** Yes. "He went on"—that is the lawyer, I guess you were talking to, Chair—"to tell me that the clause should be seen as a procedural counterpart to the legal maxim that the onus is on he or she who alleges, meaning that the party alleging irregularity has to convince the Chair of the merits of his" argument.

1740

Obviously you weren't convinced of the merits of the argument because your ruling was, "Yes, you can answer the questions"—that's part one; part two is, "The minister can deal with the questions as he deems fit." He can answer the questions; he cannot answer the questions. He can answer them however he wants. He can produce the documents; he cannot produce the documents.

Chair, I think, with all due respect, the matter has already been dealt with and we're just going in a circle. If we don't break the cycle, we're going to be here next week. It'll be the same motion. Ms. Piruzza will have the same amendment. I'll have the same arguments. I think that's 30 seconds.

**The Chair (Mr. Michael Prue):** Thank you. I just want to be clear for everyone for the record. I am the Chair. This is before the committee. The committee will vote. The only way that I would be involved in this at all is should it be a tie. Other than that, it is before the committee. It is before the eight voting members of the committee. Mr. Zimmer and Ms. Thompson, as members of the Legislature, can speak, but cannot move motions or vote. That's who it's before. It is not before me, just so everyone—

**Mr. David Zimmer:** I'm just urging the Chair to be consistent in your thinking on this matter.

**The Chair (Mr. Michael Prue):** I am consistent in my thoughts. Thank you.

Further debate? Mr. Harris.

**Mr. Michael Harris:** With regard to Ms. Piruzza's amendment, for the record I just want to draw to the committee's attention a Tuesday, April 27 Hansard—a Speaker's ruling in the House of Commons on the provision of information to the Special Committee on the Canadian Mission in Afghanistan that reads that "the fundamental right of the House of Commons to hold the government to account for its actions is an indisputable privilege and in fact an obligation.

"No exceptions are made for any category of government documents, even those related to national security." As well, he goes on to read, "Bearing in mind that the

fundamental role of Parliament is to hold the government to account...."

I just wanted to strike that discussion for the record as per Ms. Piruzza's amendment.

**Mr. Rob Leone:** Mr. Chair?

**The Chair (Mr. Michael Prue):** Mr. Leone.

**Mr. Rob Leone:** Mr. Chair, you probably wish you'd called the question when I asked you to, but we've engaged in a long, long discussion here about what was said or what wasn't said. I will restate for the record that, Mr. Chair, you participated in this insofar as you voted in favour of the original motion to produce the documents that we are discussing today. Therefore, a lot of what Mr. Zimmer was talking about I think had nothing to do with the very fact of what we're doing here. The only thing that was being repeated is the fact that he read verbatim from Hansard all the stuff that happened that actually didn't pertain to the motion that we're discussing right now.

I would say, in referencing again: As a parliamentary democracy, we must maintain our ability to hold the government to account to ensure that the government is transparent, and, in doing that and in carrying through our obligations, we have to have unfettered access to documents.

I've cited during my presentation—and I'm sure Mr. Zimmer hasn't read the Hansard on that quite yet as it was just stated very recently that there are two very recent federal issues with respect to unfettered access to documents. One was raised by a Liberal MP in the federal House, Scott Brison, who asked for documents related to financial documents, and we also talked about, as my colleague Mr. Harris has stated, about Mr. Harris.

Mr. Chair, I would suggest that most of the comments that Mr. Zimmer made were not with respect to the motion at hand, and once again I would like to call the question on this amendment.

**The Chair (Mr. Michael Prue):** First of all, I have to see whether there is further debate. Any request for further debate?

**Mrs. Teresa Piruzza:** Yes. Just on that point with respect to some of the comments that were just made, whether discussions we've had in the past are relevant or not relevant to the amendment and to this motion, I would suggest that all of the above is true; in fact, they are very relevant.

The amendment is simply requesting, with respect to documents that come forward, that those that are protected by solicitor-client privilege or are commercially sensitive not be released.

With respect to any documentation, I don't think any one of us would like to see documents that are under solicitor-client privilege or involved in legal proceedings be released, which would then jeopardize any involvement with respect to Ontario, as we've discussed in the past.

It does get back to your ruling, Chair, with respect to the first part of their motion, indicating that there's a contempt or breach occurring here. You indicated in your ruling that in terms of a response, the minister or the

ministry would respond to that question. However, some documents may not be released if they are sensitive in nature. I remember the discussion we had.

I'm not going to back into the whole discussion with respect to standing order 23(g) and the sub judice rule and points that I've made in the past. But even as recently as this morning, Chair, you've indicated that the minister has the right to respond in the way that he wishes. The objective of the amendment is to ensure, again, that we are protecting solicitor-client privilege, something that I don't think any one of us would want to rule against, with respect to any of our interests, with respect to Ontario, either the Ministry of Energy or any other ministry, for that matter, because, certainly, again, as the amendment indicates, we wouldn't want to affect the interest of Ontarians in legal and other commercial proceedings.

With all due respect, I would suggest that all the comments that have been made with respect to this amendment and this motion are, quite frankly, relevant in terms of going forward.

**Mr. Rick Nicholls:** Speaker, if I may?

**The Chair (Mr. Michael Prue):** Further debate? Mr. Nicholls and then Mr. Moridi.

**Mr. Rick Nicholls:** Again, Speaker Milliken actually, at one point, had made a comment with regard to that. It was with regard to "procedural authorities are categorical in repeatedly asserting the powers of the House in ordering the production of documents. No exceptions are made for any category of government documents..." Therefore, the Chair must conclude that it is perfectly within the existing privileges of the House to order production of the documents in question. The Honourable Jeanne Sauvé also had made that ruling as well. Therefore, again, I would call for the question.

**The Chair (Mr. Michael Prue):** Mr. Moridi.

**Mr. Reza Moridi:** Mr. Chair, I don't know how many hours the minister has been in this committee—maybe around 10 hours or more. He has been here with his senior staff—the deputy and the three assistant deputy ministers—attending this committee for hours and hours. We fired questions at the minister, and he has been answering all questions with regard to various activities of his ministry, from nuclear power plants to water power plants to solar energy, wind energy, biomass, biogas, gas power plants, water plants. He has been answering, to the best of his knowledge, all kinds of questions that we raised in this committee. The minister and also his senior staff talked about renewable energy, the review of the FIT program. You just name it: There have been lots of questions raised in this committee, and the minister answered all these questions—he himself and his senior staff.

With regard to these points mentioned in this motion, the point is that as parliamentarians, particularly as members of this committee, we have to put politics aside and look after the interest of Ontarians and see where is the interest of Ontarians. Is the interest of Ontarians that we push the minister to come up with sensitive commercial information, to publicize sensitive commercial informa-

tion? Of course not. The minister has responded to all questions which are relevant and in the interest of this committee and in the interest of Ontarians.

I think this motion has a political agenda behind it, and I fully reject this motion because it's not in the interests of—

**Mr. Rob Leone:** So you reject your amendment?

**Mr. Reza Moridi:** I personally reject this motion, yes.

*Interjections.*

**Mrs. Teresa Piruzza:** We're talking about the amendment.

1750

**Mr. Reza Moridi:** Yes, I'm talking about this motion.

**The Chair (Mr. Michael Prue):** The debate is on the amendment. Be careful what you're saying. The debate is on the amendment made by Ms. Piruzza.

**Mr. Reza Moridi:** Yes, Mr. Chair, but the point is that the minister and his senior staff have been answering all questions here which are relevant to this committee, and of course, there are other committees dealing with other matters within this Parliament, within this House.

Mr. Chair, I think at this point I'm just going to go back to your own ruling, where you mentioned this morning, actually, the point raised by Ms. Piruzza. You said, "I listened intently. This is not a point of order. I mean, it is an argument, but I did rule as the Chair early in the procedure that the members of this committee are entitled to ask those questions. I also ruled, I think quite fairly, that the minister may respond as he sees fit. I don't think that the point of order is well taken. Mr. Leone has the right to ask that question; the minister has the right to respond in the way that he wishes."

Then, MPP Piruzza went on saying, "Sorry, Chair—and in respect to your rulings that you've done with this as well, he's indicating that the minister is not responding, and in your comments you just indicated that the minister may respond as he sees fit with respect to the questions."

Then, Mr. Chair, you said, "The minister is responding, perhaps not as Mr. Leone wishes, but the minister has responded. Mr. Leone, though, is entitled to ask this question.

"I'm going to add another minute..."

That is basically what you ruled, Mr. Chair. The minister has responded and is responding in the interests of this province. I think he has done the right thing, and I defer to your own ruling that the minister has done what needs to be done. Basically, that's it.

**The Chair (Mr. Michael Prue):** Mr. Dhillon.

**Mr. Vic Dhillon:** Ms. Piruzza's amendment reads that "in the last paragraph of the motion, the following words be added after 'the documents and information it ordered,': 'except those documents that are protected by solicitor-client privilege or commercial sensitivity, or documents that, if released, would affect the interest of Ontarians in legal and other commercial proceedings,'"

It's my firm belief—I think all of us believe this—that we're all here to represent the best interests of Ontarians. The opposition keeps bringing up the House of Commons example. If my memory serves me correctly, when

those documents they are referring to were released, they were heavily blacked out for national security concerns. Ms. Piruzza's amendment to the motion is asking something similar: that documents that are protected by solicitor-client privilege or commercially sensitive documents that would go directly against the interests of Ontarians not be released. With respect to their argument about the House of Commons example in regard to the Afghan documents that were released, I think this is a very similar request.

**Mr. Rob Leone:** Mr. Chair, could you put the question, please?

**The Chair (Mr. Michael Prue):** I don't have any other speakers. I just want to confirm: Are there any other speakers?

No other speakers being identified, we're going to call the vote.

*Interjections.*

**The Chair (Mr. Michael Prue):** I asked if there were any other speakers; there was no indication.

*Interjections.*

**The Chair (Mr. Michael Prue):** I am fallible, but I did ask the clerk. She did not see any hands go up either.

**Interjection:** Call the question.

**The Chair (Mr. Michael Prue):** The question has been called.

All those in favour of the motion of Ms. Piruzza, please signify.

**Interjection:** In favour?

**The Chair (Mr. Michael Prue):** In favour. Mr. Zimmer, you cannot vote. Don't be confusing this issue.

**Mr. David Zimmer:** My apologies, Chair.

**The Chair (Mr. Michael Prue):** Okay. I saw four hands.

All those opposed? I see four hands.

I think I need a raise.

*Interjections.*

**The Chair (Mr. Michael Prue):** I have listened intently to the debate and what is before us today and I am very mindful of the decisions that I have been forced to make over the course of the many days of these hearings. There has been a lot of procedural wrangling and there have been requests made.

I continue to believe that the estimates committee is empowered to ask questions, sometimes difficult questions, of ministers. That is what estimates exists for, that is the purpose of our job—to hold ministers to account.

The minister before us is a learned and capable minister. He is a lawyer of some considerable standing in the province of Ontario and he knows full well the rules of what he should and should not release. The documents have been requested. There are many options available to ministries. They can release the documents to committee in camera, they can release the documents and redact those portions which need to be redacted, or they may, in some instances, invoke the sub judice rule.

I ruled before what the sub judice rule means. The sub judice rule means that the case is actually before the

court in proceeding. That's why I read it into the record. I have yet to hear, with the exception, which I read in the newspaper, of a court proceeding taking place in New York state, that there is anything before the courts in Ontario.

So the question comes down to, what can the minister be compelled to do? The motion of Mr. Leone is that he give up those documents. The motion of Ms. Piruzza is that he give up the documents except those documents—and there's a lengthy list here. The lengthy list is documents that are protected by solicitor-client privilege, one; two, commercial sensitivity; three, that documents, if released, would affect the interests of Ontarians in legal proceedings; and four, commercial proceedings. That is a huge gamut.

I'm casting a deciding vote and I'm making the explanation because I know that I'm on the hot seat on each and every vote in this place. That's the reality of this committee and the nature and makeup of the committee. I cannot in all conscience vote for Ms. Piruzza's amendment because it is far more far-reaching than that on which I ruled earlier. The ruling before was those documents which are truly sub judice and that the minister knows full well which documents are of such a legal nature that it would prejudice a legal decision. The courts have ruled on this; Parliament has ruled on this. You can read in the learned books; they have ruled on this.

The points that have been made by Mr. Leone and, to a limited extent, by Mr. Harris are well taken. The House of Commons has said that the committees have this right, and I, as the Chair, have to insist that that right be respected.

I'm not going to vote for this. I'm going to cast my vote and my vote is cast in the negative, so the motion fails. But notwithstanding that, I am trying to be clear and consistent in what is being said. The minister has the right to—the members have the right to ask the questions, and the minister, in his wisdom, upon legal advice—and he is a lawyer himself—has to determine which documents are of such a sensitive nature that he can redact them or insist that they be heard in camera or, in those rare circumstances where it is sub judice, he can outright refuse. I stand by that ruling and my vote is cast in the negative.

The time—

**Mr. Michael Harris:** Chair, that being said—

**The Chair (Mr. Michael Prue):** No, no. The time is now 6 o'clock. I've been mindful of that, too, and we have to adjourn. I will hear any and all arguments; we will come back to other additional amendments, if people have additional amendments, on the next occasion, and we will hear from the minister. This is tomorrow afternoon at 3:45, approximately. Then we will proceed to finish, or to attempt to finish—we cannot finish, because we have five hours left of the questions of the minister.

The meeting is adjourned for today.

*The committee adjourned at 1801.*



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### Substitutions / Membres remplaçants

    Mr. Reza Moridi (Richmond Hill L)  
Mrs. Teresa Piruzza (Windsor West / Windsor-Ouest L)  
    Mr. Peter Tabuns (Toronto–Danforth ND)

### Also taking part / Autres participants et participantes

    Mr. David Zimmer (Willowdale L)

### Clerk / Greffière

Ms. Valerie Quioc Lim

### Staff / Personnel

Mr. Terrence Teixeira, research officer,  
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**Official Report  
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(Hansard)**

**Wednesday 6 June 2012**

**Journal  
des débats  
(Hansard)**

**Mercredi 6 juin 2012**

**Standing Committee on  
Estimates**

Ministry of Energy

**Comité permanent des  
budgets des dépenses**

Ministère de l'Énergie

Chair: Michael Prue  
Clerk: Valerie Quioc Lim

Président : Michael Prue  
Greffière : Valerie Quioc Lim

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
ESTIMATES**

**COMITÉ PERMANENT DES  
BUDGETS DES DÉPENSES**

Wednesday 6 June 2012

Mercredi 6 juin 2012

*The committee met at 1619 in room 151.*

MINISTRY OF ENERGY

**The Chair (Mr. Michael Prue):** The meeting is called to order. We are here to resume consideration of the estimates of the Ministry of Energy, vote 2901. As of the last date and again today, there is a total of five hours remaining. It was with the official opposition, who had five minutes and still has five minutes of its 20-minute rotation.

However, we have a motion before the committee. We're now in the hands of the committee. I'm given to understand that there are a series of amendments that are being proposed. Mr. Harris.

**Mr. Michael Harris:** Thank you, Chair. Knowing we had a fulsome day of discussion on the motion yesterday, I think there's agreement on this side to move forward. Obviously, we want to continue the work of the committee and make sure we've got proper use of the minister's and his deputy's time. I would ask that you or we call the question on the motion.

1620

**Ms. Lisa M. Thompson:** Hear, hear.

**The Chair (Mr. Michael Prue):** You're moving the previous question?

**Mr. Michael Harris:** Mr. Leone's original motion.

**Mr. Grant Crack:** Mr. Chair, can we have a 20-minute recess?

**The Chair (Mr. Michael Prue):** On the previous question?

**Mr. Michael Harris:** I called the question, though.

**The Chair (Mr. Michael Prue):** Yes. This is the calling of the question. If you agree, this would simply limit the debate. The debate would be over. If you disagree, it's quite simple to vote no. Do you need a 20-minute recess to determine whether to vote yes or no?

**Mr. Grant Crack:** I think we do.

**Mr. David Zimmer:** It's a serious matter.

**The Chair (Mr. Michael Prue):** All right. There is a motion made. That's the motion, and if you want to—

*Interjection.*

**The Chair (Mr. Michael Prue):** Okay. The clerk has reminded me that we don't always use Robert's Rules of Order, on which I consider myself quite an expert. We do use the parliamentary rules, and it is the prerogative of the Chair, he reminds me, to simply rule the motion that

has been made by Mr. Harris out of order if I believe that there has not been sufficient debate at this point. Given that we have four motions extant right here in my hand that are about to be made, it is obvious that there is a will for more debate, so I am at this time going to say no, okay?

I would then proceed. Are there amendments to be made? Mr. Moridi.

**Mr. Reza Moridi:** I have a motion, Mr. Chair, to make.

**The Chair (Mr. Michael Prue):** Yes. If you'd read it into the record. Have they been—

*Interjection.*

**The Chair (Mr. Michael Prue):** Oh, they are being provided. All right. If you'd just wait for a moment until everyone has one, and then—

**Mr. David Zimmer:** Chair, have you got a copy of the motion that this is the amendment to?

*Interjection.*

**Mr. David Zimmer:** Aha.

**The Chair (Mr. Michael Prue):** I trust that everyone now has the motion. Mr. Moridi, would you please read the motion into the record?

**Mr. Reza Moridi:** I move that the motion be amended by deleting the words, "This is after the minister attempted to invoke the sub judice principle which the Chair ruled was out of order for compelling and correct reasons on the advice of the clerk."

Mr. Chair—

**The Chair (Mr. Michael Prue):** Just hold on. Everyone now has the motion. It's read into the record. Mr. Moridi has the floor.

**Mr. Reza Moridi:** Thank you, Mr. Chair. The Chair didn't rule the sub judice principle out of order in relation to the committee's proceedings. This ruling was specifically in relation to a motion put forward by a member of the government with respect to certain lines of questioning. In so doing, the Chair made several references to the ability of the minister to invoke sub judice and other areas of privilege where he felt it necessary and appropriate. The motion, as drafted, implies the minister ignored a clear ruling of the Chair that sub judice could not be invoked before the committee, which misrepresents both the ruling of the Chair and the position of the minister.

In the past few or number of meetings we've had in this committee, the minister and his senior staff who

were present at every meeting here in this committee answered every question put forward by the members of the committee. The minister and his senior staff gave us full information about the status of energy production in the province of Ontario in various areas of the energy mix. When we look at our energy mix in the province of Ontario, we see renewables, we see various hydroelectric power stations, and we have a number of nuclear reactors in operation at three different sites. Actually, it was in the news today that there are technologies in place that we might be able, in the near future, to harness hydrogen energy as well, which is very promising.

On the nuclear side, Mr. Chair, I may remind the committee that the day before yesterday actually, June 4, people celebrated the 50th anniversary of the production of nuclear energy in this province, which is very interesting that—

**Mr. Rick Nicholls:** Point of order, Chair?

**The Chair (Mr. Michael Prue):** Excuse me, we have a point of order.

**Mr. Rick Nicholls:** Listening to my respected colleague, I question what this has to really do with the motion that has been put forward. Therefore I would, certainly, encourage him to just move the question.

**Mr. Reza Moridi:** Well, I moved the question. I'll get to that—

**The Chair (Mr. Michael Prue):** He has moved the question. He's entitled to speak to it.

**Mr. Reza Moridi:** I'm speaking to the motion.

**Mr. Peter Tabuns:** He moved the amendment. That's what he's talking about.

**The Chair (Mr. Michael Prue):** Yes, you have moved an amendment, and the amendment is to delete the words. I think you should, if you can, confine yourself to why it's necessary to delete these words, not to explain about the 50th anniversary of nuclear power.

**Mr. Reza Moridi:** I'm going to get to the point that the minister and the ministry—

**Mr. Rick Nicholls:** Quickly. It's almost Thursday.

**Mr. Reza Moridi:** Yes—has been doing a good job in terms of making sure that the electricity flows in our power lines every single moment. Many times I have referred to electricity and its importance to our economy as the importance of blood in our veins, saying that if the blood doesn't flow in our veins, we are dead; and if electricity doesn't flow in our power lines, our economy is dead. We are so dependent upon the flow of electricity in our power lines. For that, of course, the production of electricity becomes very, very important.

One major area of our electricity generation is nuclear. We are one of the pioneers of the nuclear industry in the whole world. Actually, our technology—

**The Chair (Mr. Michael Prue):** If I could, Mr. Moridi; I tried to be very fair, but your motion has nothing to do with this. If you would speak to the amendment. The amendment is to delete the lines.

**Mr. Reza Moridi:** Yes. I'm going to get to that point, Mr. Chair.

**The Chair (Mr. Michael Prue):** Well, please hurry.

**Mr. Reza Moridi:** I'm just trying to say that the minister has answered all questions in relation to questions which, basically, were proposed in this meeting.

Again, the minister and his senior staff at the ministry, they've been doing their best to make sure that we all have power in our power lines, that electricity flows in our power lines every single moment. For doing that, the ministry—this province, actually—has long standing in the area of various technologies.

I talked briefly about nuclear, but if you take into consideration our hydroelectric production facilities in Ontario, we are the first jurisdiction in the world to have a publicly owned utility. This was after Sir Adam Beck commissioned Niagara hydro power. It's very interesting that in Ontario people refer to electricity as hydro, because of, I guess, the hydro power in Niagara Falls at the turn of the last century, 1906. It's very interesting, Mr. Chair, to remember that when Sir Adam Beck commissioned his—

**The Chair (Mr. Michael Prue):** Mr. Moridi, the Chair is trying to be very patient here, but your amendment is trying to delete two sentences. You've given us a rationale why you want it, and if you could speak to the rationale of why this is a good idea. If I could be of some assistance: "It is a good idea to delete these two sentences because," and then you would be speaking to the issue.

**Mr. Reza Moridi:** Well, Mr. Chair, I'm speaking to the point that—

**Mr. Rick Nicholls:** There's no point. There is no point.

**Mr. David Zimmer:** Well, don't interrupt him. If you keep interrupting him, he's never going to get through his thing.

1630

**Mr. Rick Nicholls:** Well, sir, I think we understand the rationale; it's very clear. The other stuff, it's like he's penalty killing right now; he doesn't have to penalty kill.

*Interjections.*

**The Chair (Mr. Michael Prue):** Order. Order, please—through the Chair. I have requested, and I'm requesting again, for Mr. Moridi to speak to his amendment.

**Mr. Reza Moridi:** Mr. Chair, the amendment basically, as I read—I'm going to read again:

I move that the motion be amended by deleting the words "This is after the minister attempted to invoke the sub judice principle which the Chair ruled was out of order for compelling and correct reasons on the advice of the clerk."

The Chair didn't rule the sub judice principle out of order in relation to the committee's proceedings. This ruling was specifically in relation to a motion put forward by a member of the government with respect to certain lines of questioning.

**The Chair (Mr. Michael Prue):** Mr. Moridi, the Chair has—I've never invoked this in all my time in the Legislature, but you are being repetitive, and the rules specifically state you are not to be repetitive. You've already read this into the record; now you're reading it

into the record again with the same exact words. I'm sorry; I'm going to have to—

**Mr. Michael Harris:** Call the question.

**The Chair (Mr. Michael Prue):** No, I'm not calling the question. There are other people who may want to debate. I'm going to ask that you be finished.

Is there further debate?

**Mr. David Zimmer:** Sorry, I didn't hear what you said, Chair.

**The Chair (Mr. Michael Prue):** I've stated that he has now finished what he has to say. Is there further debate? Mr. Zimmer.

**Mr. David Zimmer:** Thank you. Well, I think this is an important matter that this committee is dealing with right now. The main motion is very important, and the amendment is very important.

So, to put it in layman's language, what has happened here is that the main motion, which the amendment addresses—the thrust of the main motion is that the minister ought to release a lot of information about the Oakville and the Mississauga power plants. A motion was brought earlier to compel the minister to answer those questions surrounding the costs of not proceeding with Oakville and Mississauga. In the course of that, the main motion asked for some quite specific information. The minister took that under advisement and indicated, pursuant to that first motion, that he would address the matters raised in that first motion, the matters being that the motion asked for essentially the financial details surrounding the costs; that the various negotiating parties—that is, the government and the folks who are about to undertake the building of those plants—what their discussions were about and, if anything was going to be paid, who is going to pay what and what the general terms of that were.

The general response, to put it in layman's terms, of the minister was that certain information relevant to the Oakville and the Mississauga power plants was of such a sensitive nature—because the various parties to that transaction, the commercial entities, the government entities and others, were in the midst of negotiations—that it was premature at this time, in the midst of those negotiations, to disclose that information because, in the minister's opinion and in the research that the minister did and the advice that the minister sought from his officials, the disclosure of that sensitive information on the narrow point of the financials surrounding the negotiations would have the effect of impairing the negotiating position of the province. To the extent that the negotiating position of the province is impaired and the province, because that information is disclosed to adverse parties—that is, parties who have another interest in opposition or apart from the minister or the ministry, the government—ultimately the parties, the people that pay the penalty of the effect of that information coming out prematurely would be the people of Ontario, the taxpayers of Ontario.

**The Chair (Mr. Michael Prue):** Mr. Zimmer, again, we have an amendment. You're speaking to the main motion, and the main motion comes after the amendments.

**Mr. David Zimmer:** Yes, I'm coming that way.

**The Chair (Mr. Michael Prue):** Okay, please.

**Mr. David Zimmer:** It's important to know, Chair, what the amendment is trying to address in the main motion. So it's important that everybody understand the thrust of the main motion and everybody understand what the amendment then is trying to address in the main motion, so that it's fair for the taxpayers of Ontario, it's fair for the government of Ontario and it's fair to the other parties in this negotiation.

So we've got the amendment in front of us, but I have to go back to the main motion. I've got the main motion in front of me, and the key point that is really the sensitive point here that seems to have got everybody's bee in a bonnet here is the penultimate paragraph—“penultimate” means the second-last paragraph on the main motion—and it's in quotes, of the motion that was brought by Mr. Leone. I'm quoting:

“Despite that order, as a directive of the committee and despite giving ample time to comply”—so the minister said he would comply, and he in fact complied on May 30—“the Minister of Energy, the Honourable Christopher Bentley, MPP, for London West, on behalf of the Ministry of Energy, responded in writing to the committee on May 30, 2012, which included the following excerpt”—and this is what the core of the problem here is with the main motion and that our amendment is trying to address.

“In light of the confidential, privileged and highly commercially sensitive nature of these issues, it would not be appropriate for my office or the ministry to disclose information that would prejudice these ongoing negotiations and litigation.”

That quote is taken from Minister Bentley's written response to this committee dated May 30, 2012, addressed to the Chair of the committee. The letter addressed the motion that the committee passed.

The motion's taken out just this one sentence here which I've just read: “In the light of the confidential, privileged and highly commercially sensitive nature of these issues, it would not be appropriate for my office or the ministry to disclose information that would prejudice these ongoing negotiations and litigation.”

Now, the thrust of what the opposition parties are trying to do here is to take that single sentence and say that the Ministry of Energy, this minister in particular, Minister Bentley, is somehow trying to thwart the work of the committee and that that single sentence of his in which he speaks of the highly confidential, privileged information affecting the negotiations—he's not prepared to release that narrow band of information, if you will. It has to be considered in the context of the minister's full response because I don't want to leave the impression—and I'm certain that neither the minister, nor the ministry, nor the government, wants to leave the impression that in any way the minister or the government or the ministry is trying not to co-operate with this committee, not to release every bit and piece of information that may be of help to the committee and may inform the work of this committee.

However, there are limits to what the minister is prepared to release. So the question then becomes—because they're trying to hold the minister in contempt for this sort of stuff—is the minister's response on that narrow issue of the privileged and highly commercially sensitive nature of the negotiations in any way thwarting the work of this committee? So I asked myself the question.

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Well, the minister sent a four-page detailed response, single spaced, in which he outlined his argument, his position on why he was not prepared to release that narrow piece of information having to do with surrounding negotiations, but in addition, in the letter, covers all sorts of other things that the minister and the ministry are prepared to do to assist the work of the committee.

So before we vote on this narrow piece of whether withholding those documents, which are privileged and commercially sensitive on a particular set of negotiations, the position not to release those is contemptuous, let's have a look at everything else, all of the other detail surrounding what the minister is prepared to do.

I think a fair-minded person, fair-minded members of this committee, fair-minded members of the public, will see that when you consider the entire context of what the minister's response on May 30, 2012, was to this committee's request and they see his detailed analysis and everything else that he's prepared to do—

**Ms. Lisa M. Thompson:** Chair, excuse me.

**The Chair (Mr. Michael Prue):** Only if it's a point of order.

**Ms. Lisa M. Thompson:** Point of order.

**The Chair (Mr. Michael Prue):** Okay, point of order—

**Ms. Lisa M. Thompson:** With all due respect, we need to be focused on the amendment that's on the table right now as opposed to wandering all over the motion. We should be debating the specific lines that they want to take out of the motion as opposed to delving into other paragraphs etc.

**The Chair (Mr. Michael Prue):** I have asked Mr. Zimmer to do exactly that. I think your point of order is well taken, but he has a certain degree of latitude which he is exercising in his most lawyerly way to, I hope, eventually get to that point.

**Mr. David Zimmer:** Yes. We're getting there, but I welcome any interruptions and will deal with them.

The point now that I'm going to move to is getting to the core of it. I think you have to consider not just the minister's response that you've excerpted from his letter of May 30, 2012, that one sentence, but what else has the minister said in response to the committee's directive to him to release all of the information.

Here's what the minister said, May 30, 2012:

"Mr. Michael Prue, MPP, Chair

"Standing Committee on Estimates

"Legislative Assembly of Ontario

"Toronto, Ontario

"M7A 1A2

"Dear Mr. Prue:

**Mr. Rick Nicholls:** Oh, please.

**Mr. David Zimmer:** Hmm?

**Mr. Rick Nicholls:** Please.

**Mr. David Zimmer:** I'm sorry. I can't—

**Mr. Rick Nicholls:** Please.

**Mr. David Zimmer:** Please. I'm happy to help you, but please what?

**The Chair (Mr. Michael Prue):** Order, please. Please continue, Mr. Zimmer.

**Mr. David Zimmer:** I really am.

*Interjection.*

**Mr. David Zimmer:** All right?

"Dear Mr. Prue"—and it's important to consider the full letter, because I think when people see what's in the full letter and when the full letter is reflected in Hansard, right-thinking people will say to themselves, "You know, this minister exercised his responsibilities properly and fairly"—properly because he's protecting the interests of Ontario and fairly because he's respecting the authority, the challenges and the work that this committee wants to do.

What did the minister say? "I'm writing in response to the May 16, 2012, estimates committee motion brought forward by MPP Robert Leone"—am I pronouncing that correctly?

**Mr. Michael Harris:** Leone.

**Mr. David Zimmer:** Leone, yes. Thank you—"under standing order 110(b) directing the Minister of Energy"—

*Interjection.*

**Mr. David Zimmer:** I'm sorry I even have to ask my fellow colleague—

**The Chair (Mr. Michael Prue):** Order, please. Mr. Zimmer, you have the floor.

**Mr. David Zimmer:** I don't want anybody to interrupt me because the committee has to understand this and the people who read Hansard have to understand it and if anybody's watching the television, they should understand it, too. So, before I was interrupted—albeit by my own member, but you're forgiven—"under standing order 110(b) ... directs the Minister of Energy as well as the Ministry of Energy and Ontario Power Authority to produce ... all correspondence"—and this is highlighted—"in any form, electronic or otherwise, that occurred between September 1, 2010, and December 31, 2011, related to the cancellation of the Oakville power plant as well as all correspondence, in any form, electronic or otherwise, that occurred between August 1, 2011, and December 31, 2011, related to the cancellation of the Mississauga power plant."

The minister went on to say—I've known him for a number of years now, and I know he truly believes this—

**Mr. Michael Harris:** Chair, a point of order—respectfully, a point of order.

**The Chair (Mr. Michael Prue):** Yes, I have another point of order from Mr. Harris.

**Mr. Michael Harris:** Under standing order 23(d)—members unnecessarily reading verbatim reports of the

Legislative debates or other documents—I'd ask that you rule.

**Mr. David Zimmer:** Let me speak to that, Chair, because I think you do raise an important point. You know, what I really—

**The Chair (Mr. Michael Prue):** First, you don't need to defend it. You have the right to refer to it. It's not being repetitive. Please continue.

**Mr. David Zimmer:** Thank you.

The minister said, "I respect"—emphasis on respect—"the authority"—emphasis on authority—"of the committee and its interest in receiving this information." He agrees with the committee. "The committee has an important role to play with respect to review of the ministries' operations and is entitled to ask questions and seek answers.

"As previously discussed with the committee, over the last number of sessions, there are confidential, privileged and commercially sensitive issues involved with both the Oakville and Mississauga power plants. There is also ongoing litigation with respect to the Mississauga power plant."

So now we've got the three issues here: confidential documents, privileged documents dealing with sensitive issues, and of course the litigation—there are cases going on in the court.

"In response to the committee's motion, the Ministry of Energy has undertaken a search for the requested correspondence." It's not as if the minister or his officials or the ministry or the deputies or anybody else has just blatantly ignored the committee's request. They've undertaken a search for the requested correspondence. After that comprehensive search, the minister goes on: "It is clear that these files are indeed confidential and in many cases the documentation is subject to solicitor-client privilege, litigation privilege and/or is highly commercially sensitive."

It would be an entirely different thing if this motion and the nature of the request went to the minister and he, off the top of his head, in a sort of flip and flamboyant way, said, "No, I'm not giving up anything." What the minister did was he went back to his officials and he ordered a comprehensive search of their files. They analyzed the files, and the advice and the position taken was a carefully considered position: "We can't release that information for the reasons of solicitor-client privilege and commercial sensitivity in the midst of negotiations."

The minister goes on: "Disclosure of these documents is anticipated to have a negative impact on the resolution of these files in light of ongoing, confidential discussions, as well as litigation, in these files."

That's the responsibility to the people of Ontario: that the minister not create a situation in which his actions, in releasing documents into the public forum, via this committee into Hansard and so on, have a negative impact on these very sensitive and—you know, there are significant amounts of money and position involved. I would think that all members of this committee, be they Liberal

members, be they NDP members, be they Conservative members, would have the best interest of Ontario's negotiating position in mind when they're asking the minister to order up these commercially sensitive documents, to the detriment of the province's negotiating position.

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The minister goes on: "The realities of the sensitive discussions that are occurring, as well as ongoing legal issues, cannot be forgotten as the committee pursues its objectives." So we've got two things that we've got to keep in mind. We've got the responsibility of this committee to, if you will, get to the bottom of things. The minister recognizes that. The competing or balancing or flip side of the coin is the reality of what effect the disclosure of these confidential documents and so on would have on Ontario's negotiating position.

The minister then goes on, because he addresses this problem now. In taking the decision, is this a set of documents or is this information that I can fairly and properly release or is it not? It's a judgment call. The committee wants it. Should I give it to them? Negotiating position, Ontario's position, maintaining our best negotiating position: Perhaps I should not give it to them. How does the minister go about striking the right balance there that's fair to everybody and recognizes the minister's responsibility to fulfill his obligations?

The minister goes on to talk about his analysis.

Excuse me, could you get me a glass of—my throat's gone dry.

**The Chair (Mr. Michael Prue):** It is an absolutely appropriate time, because you have now exhausted your 20 minutes.

**Mr. David Zimmer:** My 20 minutes are up? Well, I'll come back, because I want to go through the rest of this. But thank you very much, Chair.

**The Chair (Mr. Michael Prue):** Further debate? Mr. Craitor.

**Mr. Kim Craitor:** I'm pleased to have a chance to just say a couple of words. Fortunately I was here during most of the estimates and had a chance to listen to the questions being asked by my colleagues on the other side. I remember listening, and certainly you have every right to ask the questions; there's nothing wrong with that.

But I recall, as I was listening to the minister's responses, my days on city council. Suddenly it hit me that I had seen or been involved in three or four—many of us in this room come off city councils—kind of similar situations where we were being asked for information at a council meeting by the public, which they have every right to do.

One of the things we always did was ask for advice from our legal department, from the people who have that kind of expertise and can share with us, is this the kind of information we're allowed to give out? Would it have any effect on what's going on with negotiations? We had some situations involving negotiations of property. Things hadn't quite gone the way we had hoped, so there



was a demand from the public to provide all this type of information.

As was just said so eloquently a few minutes ago by my colleague, when I read the letter from the minister, it reminded me of a number of reports we received from our solicitor when I was a councillor in Niagara Falls. I could have just kind of moved it around and it would have been quite similar, which was that, based on our best advice to the minister—in my case, it was based on the best advice to the mayor and the council—we're recommending that it would not be in the public interest at this point to release that type of information. All the rationale was given, as we've heard here: We're dealing with commercial interests, we're dealing with sensitive information, we're dealing with negotiations.

So I'm always trying to be very open-minded when I sit on this side, because I am one of those who believe in transparency; I think we all do. I always have, and I always will.

*Interjection.*

**Mr. Kim Craiton:** You can chuckle all you want, but it's just a fact. If you go back to the Falls and ask, yeah. From all sides of the House, I just believe in that.

So I'm saying, in my own way, as I read the letter from the minister, he was getting the best advice he could from the ministry staff, who were saying, "Here's what we're suggesting you can do, and here's what we're suggesting you can't do." Then he has to make a decision, just like I did as a city councillor, or the council around the table. We had to make a decision when our solicitor said, "No, you can't release this." Maybe it sounds like you should, and it may appear to be not transparent, but it will have a negative effect or some significant effect on the negotiations that are taking place because there's a different point of view.

I'm not saying it because I'm sitting on this side. I'd wholeheartedly defend it if I went back into Niagara Falls and stood up in front of the public there, or Niagara-on-the-Lake or Fort Erie, the areas I represent—that the minister got the best advice that he could, that he was prepared to share certain amounts of information based on advice, but with the greatest respect for what my colleagues are asking on the other side, it's just something that he can't release.

To me, the minister has followed something that I would have followed, whether I was a minister up here or even when I was a city councillor for 13 years. That was the protocol that we always followed to get the best advice before we made a decision. I believe that the minister's explanation as to why he's not able to provide you with what you're looking for—and again, as I say, you have a right to ask for it—and as I used to hear at city council, it's in the best interests of the residents of Niagara Falls that we're not able to release this kind of information. The minister is making the same explanation here: It's in the best interest of the people of Ontario. He has assured us—and I know it will happen—that when it comes to a conclusion, when this finally comes to a conclusion, then all that information can be released.

I won't ramble on, but I'll say the concern I have—and I sincerely believe it—is that, again, you have a right to ask for the information, but I truly believe that some of the information you're asking for, if we release it, will have an effect, and it can be used by those who are negotiating with us who have a different point of view.

I do believe that we're doing the right thing in saying that we can't at this point—it will come out, and the minister said a number of times it will come out. But at this point, it is not in the best interests. That's the reason, Mr. Chair, that I'm supporting the amendment that we've put forward, not for political reasons, but because it's the right thing to do for the people of Ontario.

Having said that, I will stop there.

**The Chair (Mr. Michael Prue):** Further debate? Mr. Harris.

**Mr. Michael Harris:** I'd just like to call the question.

**Mr. Grant Crack:** There should be further debate.

**The Chair (Mr. Michael Prue):** Well, he's entitled to again call the question.

**Mr. Grant Crack:** A 20-minute recess, please.

**Mr. David Zimmer:** No, no, wait, wait. He had his hand up, Chair, for further debate—

**Mr. Michael Harris:** And I was recognized—

**The Chair (Mr. Michael Prue):** No, I didn't see his hand up before his.

**Mr. David Zimmer:** Oh, are you debating?

**The Chair (Mr. Michael Prue):** Yes, and his debate called the question. He put his hand up.

**Mr. David Zimmer:** All right, then call further debate again.

**The Chair (Mr. Michael Prue):** Well, no. He's called the question. I'm going to allow the question to be called this time because everything is becoming quite repetitive.

**Mr. David Zimmer:** Well, no, Chair, with respect—a point of order on this, with respect: Look, the minister gave a detailed, a comprehensive and a thought-out response and analysis as to why he was not prepared, on a very narrow ban, to release certain information. It's not fair for this committee or for the Chair of the committee not to have the full context of the minister's response. As I said in my remarks, if the minister had said when he got the request, "All right, I got it. I've got nothing to release, end of story"—that's not what happened. There's a four-page letter here that I want to put into the Hansard record and I want to go through—

**The Chair (Mr. Michael Prue):** It is.

**Mr. David Zimmer:**—and point out; I want to read it into the record, I want to make some comments on it and show that the minister has taken his responsibilities seriously and he's taken a response that's fair. Before we vote on the amendment on this narrow one sentence here, the committee and the public have to know what the minister's response was, in fact—because you've taken a one-line response from a four-page letter. That's not fair to the minister, that's not fair to the government, that's not fair to the work of this committee.

**The Chair (Mr. Michael Prue):** Mr. Zimmer, you are out of order. This is not the issue. The amendment before

us is very clear. It is to delete one line, not what the minister said. All of the documents—and you've made this statement: The document was submitted to the committee and is part of the record. The entire document is already in the record. Your point is not well-taken. Therefore, I am going to recognize—

*Interjection.*

**The Chair (Mr. Michael Prue):** The question has been put. This is becoming extremely repetitive. No one is speaking to the issues. They are speaking to the main motion, so we might as well deal with the main motion. If you want a 20-minute recess, you have one.

**Mr. Grant Crack:** Point of order first?

**The Chair (Mr. Michael Prue):** Point of order.

**Mr. Grant Crack:** I think Mr. Zimmer is making some good points, Chair. If he was just reading verbatim out of the report, that would be a different story, but he's also providing his perspective on some of the comments that are being made. I think it's more than appropriate that at some point we get to hear Mr. Zimmer out, and his position on some of the response from the minister.

**The Chair (Mr. Michael Prue):** Mr. Zimmer was heard out. He spoke for 20 minutes and he never once referred to the amendment that was before us.

**Mr. David Zimmer:** On the contrary, Chair, I read it into the record several times. I quoted it.

**The Chair (Mr. Michael Prue):** I've made my ruling. Do you want a 20-minute recess?

**Mr. Grant Crack:** Yes, absolutely.

**The Chair (Mr. Michael Prue):** Thank you. Then there is a 20-minute recess for the vote.

*The committee recessed from 1701 to 1721.*

**The Chair (Mr. Michael Prue):** The meeting is resumed. I'm required now at this point to ask the question. Shall the question now be put?

All those in favour of putting the question? Opposed?

Okay, it's 4-4 again. I can just vote or I can give a rationale, and I want to give a rationale.

This is a difficult job being Chair of this committee. There are a number of 4-4 votes all the time. We have a responsibility, not only to the people of Ontario but to the people who are in this room. The estimates committee is required to undertake 90 hours of in-depth questioning of a number of ministries. After I don't know how many days, we are now at the 10th hour of the first ministry, and it is frustrating to me, as the Chair, knowing that the minister is here, the deputy minister is here, two assistant deputy ministers are here—or maybe three; I can't remember all the titles—senior staff to support them, people, and we are arguing about things that aren't even contained within the body of the amendments that are being made. This is a huge waste of public resources.

Now, it would be very easy for me to end the debate and just vote with the mover of the motion, but I am given to understand, and I am given some hope, that if I vote no, this amendment will be put to a vote and there will be meaningful debate on the remaining motions. I am a man of endless hope, and if that is in fact the will of what will be done, and that what will be done here will

be correct, I am going to, at this time, cast my vote in the negative and allow for continuing debate.

But, in so doing, what I also want to do at this point, to ensure that there is no more public wastage of time, is that I am going to ask that the minister and the entire entourage who are here need not be here, and I will dismiss them for today and until such time as we are ready to proceed in what the estimates committee is supposed to do, and that is to ask questions and put the minister and ministry to account. If we are not going to do that, then there is no sense in wasting your time.

So you are free to go, and we will let you know when this committee has finished with this motion.

**Hon. Christopher Bentley:** Thank you very much, Mr. Chair. You'll notice that we are taking you up on your invitation.

**The Chair (Mr. Michael Prue):** Now, we are back, then, to the amendment made by Mr. Moridi. Just so everyone is clear what the amendment is, he has moved that the motion be amended by deleting the words "This is after the minister attempted to invoke the sub judice principle which the Chair ruled was out of order for compelling and correct reasons on the advice of the clerk."

Is there any—I hate to ask this, but is there any debate on this amendment? Mr. Zimmer.

**Mr. David Zimmer:** Briefly, Chair, I wanted to continue with this letter. The minister went on in his letter to talk about how he approached this threshold issue and how he came to the decision to limit what he was prepared to release.

"As a threshold issue in response to the motion, you had to determine whether MPP Leone's motion was in order. In your May 16 ruling, you noted the committee's right to ask for documents. You also noted that I"—meaning the minister—"have the right to 'either decline giving that documentation or giving voice to that documentation during his answering of the questions.'

"You further stated that I 'may choose to answer the question in such a way as not to prejudice the province in any way.'"

That's the essence of the matter.

"Moreover, you indicated that you expected me to approach my response in this way."

The minister specifically recognized the admonition of the Chair. "Moreover, you indicated that you expected me to approach my response in this way." And the minister, in good faith, paid attention to your admonition, Chair.

I'll just be another two minutes or so.

"In light of the confidential privilege and highly commercially sensitive nature of these issues, it would not be appropriate for my office or the ministry to disclose information that would prejudice these ongoing negotiations and litigation.

"I also note that these very commercially sensitive negotiations between OPA, the government and Trans-Canada—"

**Mr. Rob Leone:** Mr. Chair, point of order.

**The Chair (Mr. Michael Prue):** A point of order.

**Mr. Rob Leone:** I note that the member, Mr. Zimmer, decided that he was going to be very brief and decided to read verbatim a letter into the record, which contravenes standing order 23(d). I'd ask the Chair to rule on this. I also wonder what, if anything, this has to do with the amendment that has been put forth by Ms. Piruzza.

I ask you to rule that this member is out of order for the kinds of statements that he is trying to enter into the record.

**Mr. David Zimmer:** Chair, I'm half a sentence away, and then I'm finished.

**The Chair (Mr. Michael Prue):** If that's all there is, half a sentence, please, go ahead.

**Mr. David Zimmer:** —“the negotiations between TransCanada Corp., OPA, Greenfield South Holdco Corp. and Greenfield South Power Corp. collectively have been carried out on a without-prejudice basis, thus both the government and OPA have legal obligations not to disclose the contents of these negotiations at this time.

“However, I am able to provide a chronology on both plants and outline why the decisions were made to locate them.”

I'll stop there. I may speak later on other matters.

**Mr. Grant Crack:** Mr. Chair, can we have a 20-minute recess, please?

**The Chair (Mr. Michael Prue):** A 20-minute recess? Well, I guess it's—yes. You're entitled to it.

**Mr. Grant Crack:** Thank you.

**Mr. Rob Leone:** Don't we get to vote on that?

**The Chair (Mr. Michael Prue):** No, before every vote, just so members—perhaps newer members—would know, before every vote people are entitled to a 20-minute recess to consult. I need to find out, though, before actually getting to that, are there any other speakers?

**Ms. Tracy MacCharles:** I want to speak.

**Mr. Grant Crack:** I'd like to say a few words, Mr. Chair.

**The Chair (Mr. Michael Prue):** Well, then, why were you asking for the adjournment—for the recess, excuse me.

**Mr. Grant Crack:** I need a break.

**The Chair (Mr. Michael Prue):** Come on. In good faith, I have agreed to vote against putting the entire question—

**Mr. David Zimmer:** No more speakers.

**The Chair (Mr. Michael Prue):** Do you need a 20-minute recess before you vote? All right, that's the rule: 20 minutes. We'll be back here at 10 to 6 in order to vote on this amendment.

*The committee recessed from 1730 to 1750.*

**The Chair (Mr. Michael Prue):** It is now 5:50. We have a vote on Mr. Moridi's motion. All those in favour, please signify in the affirmative. Opposed? That's unanimous.

All right, further debate? I recognize Mr. Moridi first. Go ahead.

**Mr. Reza Moridi:** I have a motion, Mr. Chair. I move that the motion be amended by deleting the words “that the standing committee on estimates asked questions of

the Minister of Energy on May 9, 2012, about the Oakville and Mississauga power plants. The minister refused to provide specific answers, citing the answers would be, and I quote, ‘commercially sensitive.’”

It's not essential to the context of the motion to review the normal question-and-answer procedures of the committee. As pointed out by the Chair on several occasions, it is within ordinary practice and parliamentary tradition for individuals appearing before committees to raise issues of privilege and confidentiality in response to questions asked by committee members. Including this language in the motion could leave the impression that the minister violated parliamentary tradition and practice. That's why I'm making this amendment to the motion. Thank you.

**The Chair (Mr. Michael Prue):** Thank you. Further debate?

**Ms. Tracy MacCharles:** Yes, Chair?

**The Chair (Mr. Michael Prue):** I saw Mr. Leone and then Ms. MacCharles.

**Mr. Rob Leone:** Well, you know, I would hope that if the members on the governing side wish to continue debate on putting forth amendments, they table all these amendments right now, and let's have a debate on all of them. I hope that that would be appropriate. Certainly, they're debating something today that in fact their federal cousins, in particular the member Scott Brison in the federal Parliament—essentially, the same motion has been put forth to a committee that they are in fact now disagreeing with, which I find quite remarkable, Mr. Chair. That's why I'm hoping that you would agree that we put the question once again so that we end the charade that this committee has now engaged in.

**The Chair (Mr. Michael Prue):** Well, first of all, you've spoken, so you can't move the putting of the question. Secondly, the motion is in order. The motion, Mr. Leone, that you yourself put before the committee is debatable and amendable. Members have that authority to do so, and provided it's not out of order—and this one is not out of order—then it is debatable. So I'm going to allow further debate.

Ms. MacCharles.

**Ms. Tracy MacCharles:** Thank you. I'm glad to be here today. I want to assure the Chair and all the members of the committee that I am here with a genuine interest. As I was saying to a number of the members on the break, in my riding of Pickering–Scarborough East, we have the Pickering nuclear reactors and more broadly, in Durham and Clarington, we have the Darlington refurb project, which we've all heard about.

I guess the main and first message that I want to make about this motion and the reason I think it is a good motion is that, like our other motions, we're trying to move quickly but carefully when we talk about energy in Ontario. As my colleague Mr. Zimmer said earlier, I get worried when—

*Interjection.*

**The Chair (Mr. Michael Prue):** Excuse me, Mr. Harris, that would be a point of privilege. Have you not received a copy of the motion?

**Mr. Michael Harris:** Okay, I see it here now.

**The Chair (Mr. Michael Prue):** Okay, I'm sorry to interfere.

**Ms. Tracy MacCharles:** No worries.

**The Chair (Mr. Michael Prue):** He didn't have a copy.

**Ms. Tracy MacCharles:** Okay, does everyone have it now?

**The Chair (Mr. Michael Prue):** Everyone has it.

**Ms. Tracy MacCharles:** All right. The first point I wanted to make is the importance of treading carefully when it comes to energy in Ontario and releasing the right information at the right time. This is why I think this is a good motion, as the others are, because something very, very unfortunate happened in my riding of Pickering-Scarborough East during the election, when unauthorized materials were circulated by my opponent in the election suggesting that I was promoting that one of these power plants—either Oakville or Mississauga; I'm not sure which one—be relocated to the riding of Pickering-Scarborough East. To this day, I am answering many questions about this information that was circulated.

Just by putting out an unauthorized flyer during the election suggesting that I was advocating for something I absolutely had no intention to do, and have never given that impression, has caused no end of problems, especially in a riding like mine, where there are two nuclear reactors. So we need to take great care when we talk about energy in Ontario, and we need to be very careful and clear in our communications.

This motion, in particular, I think is important. When I look at Mr. Leone's motion, where he says, "The Standing Committee on Estimates asked questions of the Minister of Energy on May 9, 2012, about the Oakville and Mississauga power plants. The minister refused to provide specific answers, citing that the answers would be ... 'commercially sensitive.'"

Mr. Chair, this claim by Mr. Leone goes to the very heart of what is wrong. The minister in no way refused to answer questions, as I understand it. He has answered each and every question that has been put before him. It's a case, in some circumstances, that the minister's answer was indeed due to the extreme sensitivity of the ongoing negotiations and litigations involving these two facilities that he could not release certain facts and information. Again, I go back to this inappropriate campaign document that was circulated to each and every household in Pickering-Scarborough East suggesting that I was promoting the relocation of one of those plants to my riding. I say with all honesty how that creates so many problems in a constituency like mine, where there are two nuclear reactors.

We are trying to promote good energy policy in Ontario. We're trying to strike a balance between nuclear energy and renewable energy and continuing, of course, to get rid of the dirty coal plants. That strategy, that important message, that message of balance cannot resonate properly if information is not handled properly. This is a

very complex file. It's a complex sector. Releasing information prematurely or without the right kind of context can cause incredible problems.

Getting back to this motion and Mr. Leone's motion, it is, as I understand it, within ordinary practice and parliamentary tradition for individuals appearing before committees to raise issues of privilege and confidentiality in response to questions asked by committee members. It's very appropriate to do so, and I would submit and call on the opposition again to put aside any partisan issues and recognize that their actions could potentially jeopardize these processes to the detriment of Ontario taxpayers. That's where I'm coming from, as the member for Pickering-Scarborough East.

I think it was the Oshawa board of trade that had a nuclear conference, and I attended on behalf of the government. It was—

**Mr. Rob Leone:** Mr. Chair, point of order?

**The Chair (Mr. Michael Prue):** Mr. Leone, what is your point of order?

**Mr. Rob Leone:** I'm hoping we can confine comments to the amendment to the motion rather than the main motion as much as possible.

**The Chair (Mr. Michael Prue):** Okay. We are just about out of time, so I'm going to rule on this and then we're going to be finished for the day.

I would remind members that this is an amendment to the main motion. The amendment is to delete these couple of lines, but the main motion—I have already ruled, as I am required to rule, whether this is in fact a point of privilege. It is not up to this committee or to me as Chair to determine the point of privilege. All that happens is that a letter goes to the Speaker. What we are debating is—the change is not whether the motion is well-founded or not, but what changes we want to make to the motion. That's all the debate is about. That's all we're doing: fixing up the motion.

I leave that with you. The motion is well-founded, Mr. Leone, and I would ask members when we come back on the next occasion to confine your statements to the amendment or amendments that will be put forward. If I can just use a parliamentary trick, and it's a good one, "It is appropriate to vote for this motion because...." You're talking about the motion or the amendment and not about the main body, okay? So you have to say, and the best thing to say is, "This is appropriate to pass this because there is an error here or this wasn't said," or something to that effect. Then we can get on with this fairly quickly.

**Ms. Tracy MacCharles:** Thank you, Chair.

**The Chair (Mr. Michael Prue):** Okay, and with that—

**Ms. Tracy MacCharles:** Oh, I'm not finished.

**The Chair (Mr. Michael Prue):** No, but you will have the floor. If you are here on the next occasion, the floor will be ceded to you.

**Ms. Tracy MacCharles:** Thank you. I look forward to that, Chair.

**Mr. David Zimmer:** Chair, just—well, I just want to ask a question, but finish off.

**The Chair (Mr. Michael Prue):** I'm just going to adjourn for the day and state that we will be back here again, dealing entirely with the motion and any amendments that come, next Tuesday at 9 o'clock in the morning—

**The Clerk pro tem (Mr. Katch Koch):** At 8:45.

**The Chair (Mr. Michael Prue):** At 8:45 in the morning. Are you sure it's 8:45?

*Interjection.*

**The Chair (Mr. Michael Prue):** Well, we did it once in order to accommodate—

**The Clerk pro tem (Mr. Katch Koch):** I'll double check.

**The Chair (Mr. Michael Prue):** He'll double check it. It's either 8:45 or 9 o'clock. You will get adequate notice. We will be meeting Tuesday morning, we will be meeting Tuesday afternoon, we will be meeting

Wednesday afternoon, and we will be meeting four times over the summer.

**Mr. David Zimmer:** Oh.

**The Chair (Mr. Michael Prue):** Oh, yes. The minister's staff will not be called but will be on standby every single day that we are here, and they will be given 15 minutes' notice to appear. That's going to take some considerable time, and if we don't finish in that time, they will be called before the committee again when we return in September and until we're done.

Okay, so this is a lot of public resources out there. Please be mindful, because the decision is not even being made by us; it's being referred to the Speaker, who may or may not even want to go with it.

All right, having said that, the meeting is adjourned until Tuesday morning.

*The committee adjourned at 1803.*

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#### Also taking part / Autres participants et participantes

Ms. Tracy MacCharles (Pickering–Scarborough East / Pickering–Scarborough-Est L)

#### Clerk pro tem / Greffier par intérim

Mr. Katch Koch

#### Staff / Personnel

Mr. Terrence Teixeira, research officer,  
Legislative Research Service



**Legislative Assembly  
of Ontario**

First Session, 40<sup>th</sup> Parliament

**Assemblée législative  
de l'Ontario**

Première session, 40<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Tuesday 12 June 2012**

**Journal  
des débats  
(Hansard)**

**Mardi 12 juin 2012**

**Standing Committee on  
Estimates**

Ministry of Energy

**Comité permanent des  
budgets des dépenses**

Ministère de l'Énergie

Chair: Michael Prue  
Clerk: Valerie Quioc Lim

Président : Michael Prue  
Greffière : Valerie Quioc Lim

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

## STANDING COMMITTEE ON ESTIMATES

## COMITÉ PERMANENT DES BUDGETS DES DÉPENSES

Tuesday 12 June 2012

Mardi 12 juin 2012

*The committee met at 0900 in room 151.*

### COMMITTEE BUSINESS

**The Chair (Mr. Michael Prue):** I call the meeting to order. When the committee adjourned at the last meeting, we were considering Mr. Moridi's amendment to Mr. Leone's motion. That's motion number two. People have it in front of them on the members' desks. When we left off the last time, Ms. MacCharles had the floor. It's back to you.

**Ms. Tracy MacCharles:** Thank you, Chair, and good morning.

First, I'd like to call a point of order. Standing order 60(e) says, "No estimates shall be considered in the committee while any matter, including a procedural motion, relating to the same policy field is being considered in the House." Therefore, I do not believe this meeting should proceed.

We have a precedent, Chair, that on April 24, the Standing Committee on Social Policy was not able to meet for an organizational meeting because a bill of the same policy field was being considered in the House.

Further, the agenda and schedule of the meeting clearly states that the purpose of the meeting is the consideration of the Ministry of Energy's estimates. The estimates have been referred to the committee by the House and there is no way to separate the current motion from the consideration of estimates. My understanding is that the dismissal of the minister was a voluntary act and not founded in the standing orders. The critic for the NDP has also cancelled his leadoff speech in the House on Bill 75 to attend the ministry's estimates at committee.

**The Chair (Mr. Michael Prue):** I anticipated this and we went to the clerk's department, who told us that what your motion is is not correct. So we're just trying to find out exactly what you're saying. We were told that we cannot have estimates with the minister here, but we can do procedural matters, which is what is before us.

**Ms. Tracy MacCharles:** Well, it's our view that—

**The Chair (Mr. Michael Prue):** So you're going to have to be very specific, because the Deputy Clerk has told us in no uncertain terms that we are to proceed today.

**Mr. Michael Harris:** Chair—

**The Chair (Mr. Michael Prue):** Just hold on. Could you be specific, because we're trying to look up what section you're citing.

**Ms. Tracy MacCharles:** We believe that it can't proceed because it would be ruling against the precedent that I was trying to outline, Chair, which is section 60(e) of the standing orders.

**Mr. Grant Crack:** Chair, Bill 75 is before the House at this particular point.

**The Chair (Mr. Michael Prue):** Yes, we realize that. And the precedent that was stated was Bills 13 and 14, which were on the same subject matter for social policy.

**Ms. Tracy MacCharles:** Can I continue with my point of order?

**The Chair (Mr. Michael Prue):** Wait a minute. You have a point of order. You quoted a section of the standing orders at the beginning. We're trying to verify. What section?

**Ms. Tracy MacCharles:** Right. 60(e).

**The Chair (Mr. Michael Prue):** 60(e).

**Ms. Tracy MacCharles:** It says that "No estimates shall be considered in the committee while any" other "matter, including a procedural motion, relating to the same policy field is being considered in the House." In this case, as Mr. Crack says, it's the energy bill, Bill 75.

I have further information on my point of order, Chair, if I may.

**The Chair (Mr. Michael Prue):** I'm willing to hear further argument on this, but I think that that is a confusion of what this actually states.

Mr. Harris, you have—

**Mr. Michael Harris:** My only discussion to this point of order is that, as per our agenda dated Tuesday, June 12—

**Mr. David Zimmer:** Chair, I didn't hear.

**Mr. Michael Harris:** Sorry. As per our agenda, dated Tuesday, June 12, our item number one is a motion by Mr. Leone that we're dealing with here in committee and not item number two. I would assume that we're able to continue the business of the committee on the motion put by Mr. Leone.

**The Chair (Mr. Michael Prue):** That point of order is not well taken. We are dealing with the amendment to Mr. Leone's motion.

**Mr. Michael Harris:** Amendment.

**Ms. Tracy MacCharles:** May I continue on my point of order?

**The Chair (Mr. Michael Prue):** On the point of order, yes.

**Ms. Tracy MacCharles:** Thank you. I'd like to read from Hansard from the estimates meeting of May 15, where the Chair, Mr. Prue, said, "This meeting is resumed. I have asked the clerk to see whether or not the motion is in order and to consult with the clerks' department on my behalf, as the Chair. I am not sure that it is in order, but the clerks' department on my behalf, as the Chair. I am not sure that it is in order, but the clerks' department needs additional time to look at it."

"Considering the hour, I think it is appropriate at this point we adjourn till this afternoon. The first order of business this afternoon will be my ruling on this."

Followed by Ms. Teresa Piruzza: "Chair, if I can just clarify—I'm sorry—as you're talking about this afternoon, if we're actually sitting this afternoon. I need that clarified. I understand that there's an opposition motion this afternoon with respect to this area, energy. I'm reading from standing order—'Estimates Considered by Standing Committee'—60(e): 'No estimates shall be considered in the committee while any matter, including a procedural motion, relating to the same policy field is being considered in the House.'

"So I'd like to clarify whether we are indeed actually sitting this afternoon, given the opposition motion that's coming forward this afternoon."

Followed by the Chair's comment, Mr. Michael Prue: "Again, I'm not sure whether this is impacted. We will ask the clerks, as well. So the committee will meet at approximately 3:45 this afternoon to rule on both of these. It may indeed be a short meeting, or it may be till 6 o'clock."

Followed by Mrs. Teresa Piruzza: "I understand it's with respect to energy, and that would clearly be related to this meeting."

Followed by the Chair (Mr. Michael Prue): "That is quite possible. I'm not sure whether the standing order is as broad as that, but we will check that out."

Mr. Peter Tabuns spoke next. "Just a point of information: Ontario Power Authority and TransCanada Energy, with respect to a gas plant in Mississauga—actually TCPL was in Oakville, and it was Greenfield that had the power plant in Mississauga. You've reversed the locations."

"Mrs. Teresa Piruzza: Yes, and 'gas plan' should be 'gas plant.' I had just brought that up to the clerk, as well. So we'll clarify that, as well. Thank you."

"The Chair (Mr. Michael Prue): I am going to recess at this point till 3:45. I will rule on those two points of order at 3:45, and if the committee then continues—well, it will either continue or recess at that point."

"The committee recessed from 1020 to 1558."

"The Chair (Mr. Michael Prue): The meeting is called to order."

"This morning, prior to the recess, Ms. Piruzza raised a point of order relating to whether or not this committee could sit this afternoon. In making her point of order, she referred to standing order 60(e). I have had an oppor-

tunity over the period since the recess until now to consider 60(e) and what exactly was before the House this afternoon."

"At first blush, it appeared to me that the NDP opposition day motion was related to a finance matter. However, in reading what the motion actually says, it is quite clear that there is an involvement of the Ontario Energy Board. Therefore, in considering Ms. Piruzza's point of order, it appears to me quite logically now that it is in order, what she is saying, and that it is well-founded."

The next part, Chair, is very important, and I'm quoting again from the May 15 session:

"Standing order 60(e) states, 'No estimates shall be considered in the committee while any matter, including a procedural motion, relating to the same policy field is being considered in the House.' In fact, it is the same policy field because of the inclusion of the words relating to the Ontario Energy Board. The item to be debated in the House this afternoon is Ms. Horwath's opposition day motion, and it is, in fact, related to the Ontario Energy Board. Therefore, her point of order is well made and well taken, and therefore there is no other option at this time in order to follow the rules, the standing rules, than to adjourn this meeting until tomorrow at 3:45."

"Just before adjourning the meeting, the first item on the meeting tomorrow morning will be the motion that Ms. Piruzza has also filed. I will rule on that at that time. It is not appropriate to rule on it now, in that we cannot sit now. Therefore, I will adjourn the meeting until tomorrow at 3:45. Meeting adjourned."

Chair, for these and other reasons, we feel the meeting can in no way be allowed to proceed and that the Chair would be indeed ruling against the precedent if the meeting was allowed to proceed.

**The Chair (Mr. Michael Prue):** I have listened to the arguments, but I am not persuaded because—

**Mr. David Zimmer:** Chair?

**The Chair (Mr. Michael Prue):** Yes.

**Mr. David Zimmer:** I want to speak to the point of order.

**The Chair (Mr. Michael Prue):** All right. Go ahead.

**Mr. David Zimmer:** There was some reference—I think you made the comment earlier that a distinction between today's proceeding and the one referenced earlier by her was that the minister was not here for some reason and that that somehow changed the context of this meeting.

0910

But I would submit that the minister was here and the deputy was here, and that they are still here, because the ruling of the Chair last Thursday was that, as a courtesy to the minister and to the deputy minister so they didn't have to sit at the table while we were arguing these very matters, you excused them in the sense that they could leave the room but they were required to be within 15 minutes. So they could be down here in the lounge having coffee or downstairs, but they are still before the committee, as it were. I just wanted to sort out that distinction, if there's any suggestion that they're not phys-

ically here right now. They are down the hall or upstairs or wherever they are, on 15 minutes' notice.

My second point that I would make is that the situation today is clearly the same as the situation was on May 12. There was a motion on the floor at that time as well, and there's no difference between the events of the 12th and the events of today.

Lastly, I just want to emphasize again rule 60(e), because it says, "No estimates shall be considered in the committee"—no estimates in the committee—"while any matter," and then if there's any confusion about what is included in "any matter," it goes on—"while any matter, including a procedural motion, relating to the same policy field is being considered in the House."

So we have "any matter." We have a matter before us, and it further fits the definition because it's "any matter," and specifically, rule 60(e) says, "including a procedural motion." Obviously, the drafters of the rule wanted to make it quite clear. If they didn't want to make it quite clear, they would just say "any matter," and leave it up to the Chair of the committee to interpret "any matter." But they go on—comma—and they specifically set out and define, "including a procedural motion," and that's clearly what we have today. This procedural motion obviously relates to the same policy field that is being considered in the House.

For those three reasons:

(1) The minister is before this committee, albeit he's out in the hall, and he was not relieved or dismissed from the committee. It was merely as a courtesy to him, to accommodate the witness. The minister is here; the deputy is here.

(2) It's the same matter that we dealt with on the 15th, for which my colleague has gone through the precedent ruling in some detail.

(3) And then this matter of the ruling: I've gone through the standing orders, and I rarely have seen a matter defined so precisely. For the last time: "No estimates shall be considered in the committee while any matter"—and the rules did not want to leave it up to the discretion of the Chair or leave any doubt on this question about what was included in "any matter," so they put a comma there and put another phrase, "including a procedural motion," and a comma.

Clearly, the matter ought not to proceed, for the reasons that I've outlined and have been more elaborately outlined by my colleague Ms. MacCharles.

**The Chair (Mr. Michael Prue):** Mr. Harris on the same point of order.

**Mr. Michael Harris:** I guess I'll draw Mr. Zimmer's attention to the actual wording of standing order 60(e). It says: "including a procedural motion, relating to the same policy field" that is being considered in the House, not in committee.

The government is clearly using another stall tactic to address the amendments of the initial motion. This is a procedural matter here in committee that we're dealing with today. The Chair actually, as per the last meeting, ordered the minister and the deputies to stand down, to

allow this committee to address and deal with the amendments of the motion. So I say we get on with that and, Chair, hopefully you'll make your ruling.

**Mr. David Zimmer:** Chair, one final point, just briefly: I just want to get clearly on the record and put clearly before the Chair and members of this committee that this is, I think, the governing paragraph from the Chair's ruling on the previous matter that we were discussing. I quote from the last paragraph of that ruling: "Just before adjourning the meeting, the first item on the meeting tomorrow ... will be the motion that Ms. Piruzza has also filed. I will rule on that at that time. It is not appropriate to rule on it now, in that we cannot sit now. Therefore I will adjourn the meeting until tomorrow at 3:45. Meeting adjourned." The reason the Chair felt it was "not appropriate to rule on it now, in that we cannot sit now" was that the matter was before the chamber.

**The Chair (Mr. Michael Prue):** Well, I have listened to all the arguments, and I anticipated this. We had a long discussion with the Clerk's office yesterday. The Clerk quite rightly pointed out that, notwithstanding—and the circumstances were very different the first time than what is being described. The circumstances were that we were in estimates. We were listening to the minister and the senior staff who were here, and we could not listen to them because there was a procedure in the House. There was a motion, but the motion was dismissed because it was, in my view, not a legal motion, which I ruled on the next day.

What we have today is a motion which is before us. We do not have the staff and the ministers, and we are today in a procedural matter. According to the Clerk's office, this is a procedural matter and not a matter of estimates. Therefore, rule 60(e) does not apply. That is the best advice they gave me.

A plain reading of the rule says that no estimates shall be considered. This committee is not considering estimates today. We are considering only, at this point, the amendments to the motion which is before us. It goes on to state—and I think Mr. Harris' reading is clear, and that is the advice I received from the Clerk's office as well—that, "shall be considered in the committee while any matter, including a procedural motion, relating to the same policy field is being considered in the House." We are not considering estimates, and the Clerk was very clear: We are not considering estimates. Our job today, until such point as it is finished, is to deal with the motion and the amendments before us. If we finish, then it would not be possible to call the minister, notwithstanding there's a 15-minute bell for him to show up, because there is a matter before the House and we would be back into estimates.

I cannot find that the challenge is correct, and I am going to rule that we continue and that we have a matter before us, which is amendment number two, made by Mr. Moridi. Ms. MacCharles, you have the floor.

**Mr. Grant Crack:** Mr. Chair?

**The Chair (Mr. Michael Prue):** Yes.

**Mr. Grant Crack:** Before she starts, could we have a 20-minute recess to get an interpretation of your ruling?

**The Chair (Mr. Michael Prue):** No, you cannot. That is not a matter for which a 20-minute recess can be granted. You may have a recess if there is a vote. If you want a vote, you can ask for a 20-minute recess by vote.

**Mr. Grant Crack:** Thank you.

**Ms. Tracy MacCharles:** Mr. Chair, I respectfully appeal your ruling.

**The Chair (Mr. Michael Prue):** All right.

**Mr. Grant Crack:** Then, Mr. Chair, can we have a 20-minute recess?

**The Chair (Mr. Michael Prue):** Okay. I just wanted to get the wording correct because this is slightly different than most rules of procedure. The question has to be put: Shall the Chair's ruling be appealed to the Speaker? That's the vote. All those in favour—

**Mr. Grant Crack:** No, could we have a 20-minute recess to determine that, sir?

**The Chair (Mr. Michael Prue):** Okay, now you have a vote; now you can have a recess. Twenty minutes—it's now 9:20.

*The committee recessed from 0920 to 0941.*

**The Chair (Mr. Michael Prue):** I call the meeting back to order. I trust everyone has had their 20-minute consultation. We will now have the vote and the wording again, Mr. Clerk? Shall the decision of the Chair be appealed to the Speaker?

All those in favour of the motion? Opposed? I'm not going to rule against myself, so the motion is defeated.

I understand, Mr. Zimmer, you have another point of order.

**Mr. David Zimmer:** Yes, I do, Chair. I want to bring in a point of order. As a courtesy to you, I gave you a heads-up as to what it was. We will be asking—I say this with the greatest respect—that the Chair of this committee recuse himself and that the Vice-Chair of the committee stand in for these reasons. I will be brief on this.

Let me first refer to O'Brien and Bosc talking about points of order. That's at page 1050, chapter 20:

"A point of order can be raised at any time during a meeting where a member is of the opinion that the standing orders or a committee rule has been breached, or the member believes that usual practice has not been followed. The proceedings under way are temporarily suspended while the point of order is addressed. Every point of order must be considered by the Chair, who determines whether or not the point of order has merit. Generally, the Chair makes an immediate decision on a point of order. However, where the point of order requires greater reflection or more extensive research, the Chair can take the matter under advisement and render a decision at a later time."

Now, the reason why—

**Mr. Michael Harris:** What standing order is this? Are you referring to a standing order?

**Mr. David Zimmer:** No, that's a textbook on parliamentary procedure that we commonly use around here called O'Brien and Bosc.

**Mr. Michael Harris:** Page number?

**Mr. David Zimmer:** Page 1050, chapter 20.

O'Brien and Bosc: I became familiar with it in great detail because a former member of provincial Parliament for Welland, Peter Kormos. This was his bible on procedural issues, and I learned a lot from Peter and from O'Brien and Bosc.

Anyway, here is the heart of the matter: The Chairs of the committees have a special role to play, and it's a role that requires great independence, impartiality and thoughtfulness and fairness to all political parties represented at the committee. And—really important—the Chair must convey a sense, if you will, to the public at large that the Chair of the committee, whatever committee it is, is dealing with all matters procedurally and substantively in a fair, independent, unbiased way. That's how Chairs of committees maintain the confidence of the House and the confidence of the public.

I want to quote from a Canadian Press release dated June 12, which deals with the issues of the cancelled gas plants in Mississauga and Oakville, in which the NDP energy critic, Michael Prue, spoke about and addressed the issues that are substantively before this committee. So it's not a procedural matter that I'm raising; it's a substantive matter having to do, in legal terms, with judges having to be very careful to avoid the appearance of a predetermined view or the appearance of a bias. I do make these remarks quite respectfully of the Chair.

Sorry, I said the Canadian Press of June 12; it's June 1, 2012. I have a copy here. I can give you copies, but I'll read it into the record and ask the Chair to rule on it:

"NDP Wants Auditor to Probe Cost of Cancelled Gas Plants in Mississauga, Oakville," the Canadian Press, Toronto.

"Ontario's Auditor General should be called in to investigate the potential cost to taxpayers of the Liberal government's decision to cancel gas plants in Oakville and Mississauga, the New Democrats said Friday.

"The Liberals cancelled a planned 280-megawatt gas power plant in Mississauga just days before last year's election, after scrapping another one in nearby Oakville the year before."

This is what gives rise to the appearance of a predetermined view or a bias, and it's for that reason that the point of order is asking the Chair to recuse himself and turn the matter over to the Vice-Chair:

"The plants were cancelled to save Liberal seats, but the government won't say how much it expects to pay in penalties for its decisions, complained NDP energy critic Michael Prue.

"I think it is an embarrassment"—

*Interjection.*

**Mr. Michael Prue:** I'm not the energy critic, nor did I make this statement. But go ahead.

**Mr. David Zimmer:** I'm just quoting from the Canadian Press story. This is out in the public domain. That gives rise to the—

**Mr. Rick Nicholls:** Point of order, Chair.

**The Chair (Mr. Michael Prue):** We have a point of order here.

**Mr. David Zimmer:** I'll be through this in a couple minutes.

It quotes Michael Prue:

“I think it is an embarrassment because they were in such desperate shape they were willing to sacrifice the people of Ontario’s money in order to secure those seats,” said Prue.”

Michael Prue goes on:

“It worked politically, but I think in terms of economics and doing the right thing, it was not.”

“The Progressive Conservatives said anyone could have predicted there would be expensive lawsuits after the Liberals decided to reverse course and scrap power plants that were well into their construction....”

The gist of the matter is that statement, which is a statement about substantive matters that we’re dealing with here at this committee, the statement as quoted in the Canadian Press: “I think it is an embarrassment because they were in such desperate shape they were willing to sacrifice the people of Ontario’s money in order to secure those seats,” said Prue.

“It worked politically, but I think in terms of economics and doing the right thing, it was not.”

Surely in any proceeding such as this, the whole system is predicated on the Chair, when dealing with procedural matters and substantive matters, when coming to the Chair’s role, has to be really above reproach or above the appearance of a view that prejudices one side or favours another side. I say with the greatest of respect, Chair, that for those reasons and to ensure the integrity of the work this committee has to do on this substantive matter that you recuse yourself and turn the chair over to the Vice-Chair.

I think some of my colleagues want to speak to this point of order also.

**The Chair (Mr. Michael Prue):** Mr. Nicholls.

**Mr. Rick Nicholls:** I appreciate the history lesson from my honourable colleague, but I personally feel and believe that we have gone way right—or maybe perhaps, if I could say, way left—of the initial motion. Therefore, going back to the amendment, I would like to move the question. I call the question, sir.

**The Chair (Mr. Michael Prue):** I can’t entertain that at this point. We have a point of order here, and I have to deal with that first.

Mr. Harris, on the point of order.

**Mr. Michael Harris:** Yes, on the point of order, these folks should have called this earlier if they felt he wasn’t impartial. The Chair has presided over this committee now for several weeks. You’re referencing a June 1 date. It’s several weeks ago. They’re simply picking and choosing when they want to bring up points of order such as this. If they felt that he wasn’t impartial, this would have come up a long time ago, so I move that you make a decision or ruling on this point of order and immediately get on with the business of the committee and addressing the amendments before this committee.

**The Chair (Mr. Michael Prue):** Any other points of order?

**Ms. Tracy MacCharles:** Chair, I don’t want to extend this unnecessarily, but I think Mr. Zimmer has really

summed up what I call a perception issue. I think perceptions and actions go hand in hand, as we are representatives of this Legislature. I think that’s where he’s coming from, and it is indeed, with all due respect to the Chair. Thank you.

**The Chair (Mr. Michael Prue):** Any others?

**Mr. Michael Harris:** Rule.

**Mr. Peter Tabuns:** Let’s rule.

**The Chair (Mr. Michael Prue):** No, no. I’m going to take a few-minute recess to consider this. We’ll come back at five after 10.

*The committee recessed from 0952 to 1001.*

**The Chair (Mr. Michael Prue):** Call to order. The meeting is resumed.

I have had an opportunity to consider the request on the point of order that I recuse myself, and I decline to do so. I do so because, first of all, I don’t think that I have prejudiced in any way this committee. I am not sure from whence the quote came. I do not remember making it. I am not the energy critic of the NDP; Mr. Tabuns is. Even if I had made it, it was certainly not in the context of this committee; it was within the context of the wider frame around here. I am therefore not going to recuse myself.

I would suggest for the committee members that should such a challenge be made in the future, it should be in a timely manner. It should be done at the beginning of a set or procedure. We’re going to the Ministry of Finance on the next occasion after we finish the Ministry of Energy—if that ever, indeed, happens—and I am the finance critic. I am sure that someone will find something that I have said in my past experience to the Ministry of Finance. So if that is the intent of any member of the committee, then please do so at the commencement, when we start finance, not halfway through the proceeding.

So I will not recuse myself, and Ms. MacCharles, you have the floor.

**Ms. Tracy MacCharles:** Thank you, Chair. Again, with the utmost of respect, I request to appeal your ruling.

**Mr. Grant Crack:** Mr. Chair, can we have a 20-minute recess to discuss the appeal?

**The Chair (Mr. Michael Prue):** You are appealing my ruling that—I don’t know whether that’s appealable. It’s a point of order and I’ve taken it. You’re appealing the ruling of the Chair—

**Ms. Tracy MacCharles:** Yes.

**The Chair (Mr. Michael Prue):** —that I not recuse myself?

**Ms. Tracy MacCharles:** Correct, with all due respect.

**The Chair (Mr. Michael Prue):** And to whom are you appealing?

**Ms. Tracy MacCharles:** The Legislature itself and the Speaker of the House.

**The Chair (Mr. Michael Prue):** I’m trying to think: How did I give a ruling? I just said I would not recuse myself.

**Mr. David Zimmer:** On a point of order: I asked you to recuse yourself, with respect, Chair. You ruled on my

point of order. Your ruling on my point of order that you recuse yourself was—you declined. You ruled against me on that point of order. Ms. MacCharles wants to appeal your ruling on my point of order.

**Mr. Grant Crack:** And then a 20-minute recess, Mr. Chair.

**The Chair (Mr. Michael Prue):** I'm just trying to think. This is getting beyond bizarre. It really is. It's getting beyond bizarre.

Mr. Clerk, any comment on this?

**Mr. David Zimmer:** Chair, if I may, by analogy: By analogy sometimes, in judicial or quasi-judicial proceedings—

**The Chair (Mr. Michael Prue):** Which this is not.

**Mr. David Zimmer:** I said by way of analogy.

**The Chair (Mr. Michael Prue):** Okay. Just hold on for a second.

The clerk has advised me that there was no motion made that is appealable. Therefore, since there's no motion that is appealable, there can be no request for a 20-minute recess. There is no motion before this committee.

**Mr. Bill Walker:** Mr. Chair?

**The Chair (Mr. Michael Prue):** On a point of order? No? I have to recognize Ms. MacCharles. She has the floor.

**Ms. Tracy MacCharles:** I just want to be clear on the record. What I'm appealing is the point of order made by Mr. Zimmer. I believe my colleague has asked for a 20-minute recess.

**The Chair (Mr. Michael Prue):** You cannot have a 20-minute recess unless there's a motion on the floor to be voted upon. There is no motion on the floor that can be voted upon.

**Ms. Tracy MacCharles:** So I take it, Chair, that I should proceed to continue to discuss the amendment—

**The Chair (Mr. Michael Prue):** That is what I am asking.

**Ms. Tracy MacCharles:** —if I'm following the procedure. Okay.

Just to be clear, I have the floor on amendment 2.

I move that the motion be amended by deleting the words "that the Standing Committee on Estimates asked questions of the Minister of Energy on May 9, 2012, about the Oakville and Mississauga power plants. The minister refused to provide specific answers, citing the answers would be, and I quote, 'commercially sensitive.'"

In terms of the rationale and why I support this amendment—which is what I believe I'm to speak to now—and as pointed out by the Chair on several occasions, it is within ordinary practice and parliamentary tradition for individuals appearing before committees to raise issues of privilege and confidentiality in response to questions asked by committee members. Including this language in the motion—this is Mr. Leone's original motion, going back to that—could leave the impression that the minister violated parliamentary tradition and practice, and that is why I am supporting this motion.

As I was starting to talk a bit about last week, it's our view and my view that the minister in no way refused to answer questions put to him. He answered each and every one. There are circumstances, and we believe this is the case as well, where the minister's answer was due to the extremely sensitive nature of the information regarding the ongoing negotiations and litigation involving these two facilities.

I talked to the committee last week about an example in my own riding where misinformation was communicated and how I'm continuing to deal with the impact of that, encouraging the committee to keep that in mind. When misinformation or premature information gets circulated, it can be very disruptive to communities. So again, I guess what I want to emphasize is that it is within ordinary practice and parliamentary tradition for individuals appearing before the committee to raise issues of privilege and confidentiality.

At the very least, I ask that the language in the motion, as referred to in the amendment, be deleted on the basis that it is misleading and a mischaracterization of the minister's answers here on, I believe it was, May 9, 2012. He didn't refuse to answer questions. To the contrary, he was upholding his responsibility to this Legislature and the government and as an MPP and a member of the executive council.

So it's for those reasons, Chair, I do support this amendment, again emphasizing that we have a collective responsibility, as elected representatives, to ensure that information is managed properly, that we don't intentionally or unintentionally create adverse impacts in any of our communities, any of our ridings in the province. Government is confusing and complicated enough, and that's why I think we all have to work together in a non-partisan way when we make decisions of this magnitude, so as to not create undue confusion or complications about information, and especially when we're talking about negotiations and litigation involving the two facilities in question that the minister could not release certain facts on. So I strongly encourage all members of this committee to consider that and respect ordinary practices and parliamentary traditions on matters of this regard.

I am concerned that the language in this motion could leave the impression that the minister violated tradition and practices, which is clearly not the case, in my view. Thank you, Mr. Chair.

**The Chair (Mr. Michael Prue):** Further debate? Mr. Zimmer.

**Mr. David Zimmer:** The amendment asks that the motion be amended by deleting the words in the main motion: "that the Standing Committee on Estimates asked questions of the Minister of Energy on May 9, 2012 about the Oakville and Mississauga power plants. The minister refused to provide specific answers, citing the answers would be, and I quote, 'commercially sensitive.'"

In fact, as I said the other day, the minister in fact did respond substantively to the matters here and disclosed what he could disclose, and with respect to certain

matters raised the question of privilege and exercising his discretion to protect sensitive commercial negotiations which, if that information was put forward by the minister now in a public domain, would adversely affect the negotiations, possibly and probably to the detriment of a successful conclusion to the negotiations which would be fair and, indeed, advantageous to the people of Ontario.

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So the way it stands now, the main motion which this seeks to amend tries to create the impression that the minister was asked certain questions and basically gave the committee the finger and said, "I'm not going to deal with this request for information," when in fact that's not the case. As I referenced the other day, the minister responded in a letter dated May 30 addressed to the committee. He addressed the letter to the Chair, and I know that all committee members have a copy of the letter, and I do want to put it into the record.

"Dear Mr. Prue:

"I am writing in response to the May 16, 2012 estimates committee motion brought forward by MPP Robert Leone under standing order 110(b) directing the Minister of Energy, the Ministry of Energy and the Ontario Power Authority (OPA) to produce all correspondence in any form, electronic or otherwise"—

**Mr. Bill Walker:** Point of order.

**The Chair (Mr. Michael Prue):** On a point of order, Mr. Walker.

**Mr. Bill Walker:** It seems that we are regurgitating the same information over and over, and I would suggest respectfully that, pursuant to standing order 23(c), this repetition is purposely obstructing us getting to the actual amendment vote, and I would ask that you rule that we carry on to the vote.

**The Chair (Mr. Michael Prue):** If I could just find out from Mr. Zimmer: Is it your intention to read that entire three-page document? If that's what it is, then I think the point is well taken. If you're just going to quote a line or two from it, then please go ahead and do so.

**Mr. David Zimmer:** I intend to quote a line or two of it and then add my commentary, perhaps, on that line or two that I quote. Essentially, the point that I'm trying to get across is that on any fair reflection of this six-page letter, the minister responded fairly, substantively and comprehensively to the request, except that piece where he exercised his discretion as a minister of the crown to do what he deems best in the interest of the—

*Interjection.*

**The Chair (Mr. Michael Prue):** Just hold on. I'm not going to allow the point of order at this time. Please continue, Mr. Zimmer.

**Mr. David Zimmer:** Thank you. So the first part of the letter just refers to the Oakville and the Mississauga situations. The minister says in the letter that he respects the authority of the committee and so forth and so on. He talks about some technical aspects of the litigation and so on. He confirms that the minister made an extensive search of the relevant and requested correspondence, that

they did in fact find correspondence and documents. But that's when the minister, with respect to that correspondence dealing with the Oakville and Mississauga issue, exercised his discretion by saying—and this is the nub of the matter: "Disclosure of these documents is anticipated to have a negative impact on resolution of these files in the light of ongoing, confidential discussions, as well as litigation, in these files."

**Mr. Rick Nicholls:** Point of order, Chair.

**The Chair (Mr. Michael Prue):** On a point of order, Mr. Nicholls.

**Mr. Rick Nicholls:** I believe that our colleague across the way has already made reference to this particular letter before. I also don't believe that he's speaking to the amendment. He is actually speaking to the motion. Right now, it is my belief that we're debating the motion at hand. Therefore, I would ask that we call for the vote.

**The Chair (Mr. Michael Prue):** I can't interrupt a speaker. When it's your turn, you can ask to call for a vote at any point when you are recognized. I don't have any other speakers after Mr. Zimmer, but he has the floor, and he has to be allowed to finish.

Mr. Zimmer, the point that—please try to get as close as you can to talking about the amendment which was put forward by your colleague Mr. Moridi. That's the issue before us, not the main motion at this point. It's the amendment.

**Mr. David Zimmer:** All right. Then I go back to the amendment because that—the main motion says, in effect, "Minister, we asked you for such and such and you didn't give it to us. Now we are specifically saying that we want all of this correspondence and so on." The minister has addressed that matter. He addressed that matter in his letter of May 30, which is a comprehensive answer to the matters requested by the committee, albeit with the narrow piece that there are certain documents and email correspondence and so on surrounding the negotiations which anybody, any right-thinking person who's involved in any kind of negotiations, whether it's settling a business dispute between two business partners or sorting out a settlement in a divorce proceeding or a car accident—but where two parties are trying to resolve their differences.

The one party, in this case, is a private sector entity, the contractors and so forth in building the plants at Oakville and Mississauga. The other side is the government. So the private sector people, if this amendment is not allowed and the main motion goes through as crafted, and if that motion is successful and the minister is ordered to release those confidential documents and so on around the negotiation—the bottom line effect is that the private sector company, which can keep its negotiation position and what it intends to do and how it intends to play out the negotiation, what its ultimate goal in the negotiation is, what it would like to achieve in terms of the damages and the finances, if any, keeps that private, and so the other side has no idea what their strategy is, how they're going to approach this negotiation.

You contrast that with the government position, where the government position—if the main motion is not

amended by this amendment and it goes ahead and down the road the minister is required to produce all that confidential information, then the private sector side of things has an enormous advantage because they know what the other side is trying to achieve. They know the other side's strategic plan in the negotiation. They know the other side's tactical plan of the negotiation.

Just by way of analogy, imagine this: You've got two armies and they're about to start a battle. There's some referee to the battle, like the Chair or this committee. These two sides are in a battle and somebody says to the one side in the battle, "Okay, you release your battle plans to the other side. The other side, you can keep yours secret." That's a bizarre situation, and it's unfair to the party that has got to release their plans.

I know it's an analogy, but we've got the same situation here. There's the potential, given these power plants and the sums of money involved and all of that sort of stuff, that there may well be huge consequences if one side has to lay out their negotiating plan and the other side doesn't.

Whatever your view is of how it came about that the plants were closed and all of that business—which is, there are political positions there that all parties have—the fact is, on a going-forward basis, we are desperately trying—all parties are: the private sector, the government, the municipalities—everybody is trying to reach a settlement that's fair to all the parties. To get one party to unilaterally disclose its position gives the other side such an enormous advantage that, in my submission, if this committee were to order the minister and the ministry to disclose its strategic and tactical position, the members of this committee—and I'm reluctant to say this but it has to be said—would be doing a great disservice to the members of the Ontario public, to taxpayers' dollars. Fast-forward ahead: Supposing the motion, unamended, goes through—

**The Chair (Mr. Michael Prue):** I just noticed the time. It's 10:20. I will cede the floor back to Mr. Zimmer when we return this afternoon. But I did promise Ms. MacCharles she would have at least an extra five minutes to get upstairs.

**Ms. Tracy MacCharles:** Thank you, Chair. I appreciate it.

**The Chair (Mr. Michael Prue):** We are going to recess now until this afternoon, but I would remind members that there is a subcommittee meeting here at 11:30, or as soon after question period as you can get here. The purpose is to discuss possible dates for the subcommittee to meet over the summer, because we have to get our work done in estimates.

Recessed.

**Mr. David Zimmer:** Chair, or Clerk, can we leave our papers here?

**The Chair (Mr. Michael Prue):** Absolutely.

*The committee recessed from 1021 to 1557.*

**The Chair (Mr. Michael Prue):** I call the committee to order. When the committee broke just this morning, we were in debate. Mr. Zimmer has the floor.

**Mr. David Zimmer:** Thank you, Chair. How much time do I have left, Chair?

**The Chair (Mr. Michael Prue):** Approximately eight minutes.

**Mr. David Zimmer:** Thank you.

I was just highlighting—I mean, I made the point that what the opposition is trying to say here is that the minister is improperly resisting this committee's request for information, which the committee says it has a right to hear, to have, and that the release of that information by the minister trumps any concerns that the minister has; and further, that the minister has, in a very cavalier way, snubbed his nose at this committee. I want to point out, Chair, that in fact—and you have it before you and I won't read it all into the record again; I did that the other day, most of it—the minister released a five-page, detailed letter, in which it's clear from any reasonable reading of the letter that he's not snubbing this committee, he's not just cavalierly dismissing the committee's request and sort of holding up or trying to shelter behind this idea of privileged documents because he doesn't want the other side to see the documents, but he lays out a very detailed and cogent argument as to why.

The gist of the argument—and I come back to the points that I made this morning—is that the minister has an obligation and the ministry has an obligation and the government has an obligation to conduct these negotiations with the commercial interests representing the power plants in Mississauga and Oakville, which we are not proceeding with, in such a way as to get the best possible exit deal, if you will, for the Ontario taxpayers.

I used that analogy this morning—and in fact, I had a call at my office about this over the noon hour—about two entities about to start a battle, army A and army B, and what a scandal that would be if somebody ordered army B to release its battle plans to army A, and that led to the defeat of B. That's a very dramatic analogy, but it's exactly what we're facing here, because those commercial interests out there would love to know. And any of you members opposite, members of this committee, that have been in any business negotiations or any other complex negotiations and you're trying to figure out what the other side is thinking, what they're going to do, what they want, what they're prepared to give up and so on, whether it's a business negotiation, a labour negotiation, a negotiation with an ex-wife over family assets, you want to be very careful about what you disclose, how you disclose it and the manner in which you disclose it.

In summary, I say this to the members of the opposition, quite directly, on the record—on the Hansard record—I say this to Michael Harris, Progressive Conservative representing Kitchener–Conestoga; I say it to Rob Leone, Progressive Conservative representing Cambridge; I say it to Rick Nicholls, Progressive Conservative representing Chatham–Kent–Essex; and I say it to Peter Tabuns, NDP member representing Toronto–Danforth: If you vote against this amendment and, indeed, as this whole matter proceeds before this committee, if the end result is that the minister is forced to



release that information—that sensitive commercial information—to this committee and that jeopardizes the government of Ontario, the Minister of Energy, the officials at the Ministry of Energy, if it jeopardizes their negotiation position and places them in a weaker position vis-à-vis these large commercial entities out there that are private sector, profit-driven—their strategy is to get the most out of the government as a result of the cancellations of these deals.

If you force the minister to release that information, then, in effect, you are going to have blood on your hands, if you will, because the government is going to end up in a weaker negotiating position. A vote against this committee will put Ontario taxpayers at a disadvantage. The consequences of weakening Ontario's position could be immense. The only winner—the only people that are going to come out on the plus side of this thing, if these documents are released, are the commercial interests; certainly not Ontario taxpayers.

I say this to members of the opposition: Think very carefully about how you vote on this. Do you want your voting record in Hansard, as reflected in the votes in this committee, to show that you voted to disclose sensitive commercial information that jeopardized Ontario's negotiating position and has ended up costing Ontario significantly more than it would cost if the minister was allowed to, in a very sensitive way, negotiate this to get the best deal for Ontario? Do you really want that on your hands or your voting record? Do you really want your constituents in the riding of Kitchener–Conestoga, in the riding of Cambridge, in the riding of Chatham–Kent–Essex, in the riding of Toronto–Danforth to know that the members that they sent to this Legislature to represent the interests of Ontario, to get the best possible deal for Ontario; that those members—Kitchener–Conestoga, Cambridge, Chatham–Kent–Essex, Toronto–Danforth—jeopardized Ontario's negotiating position and placed the province, the minister, the ministry in a weaker position than they would have been in? I think for members of the opposition to allow that to happen is scandalous.

Thank you, Chair.

**The Chair (Mr. Michael Prue):** Okay. I have, first of all, Mr. Tabuns, and then Mr. Harris.

But before I recognize them, I want all members here to realize that the motion made by Mr. Leone is to be sent to the Speaker. The Speaker then has to make a determination if there's a prima facie case, and then the debate is allowed to take place in the House. The debate ought not to be here. We are here in order to do the estimates, so I'm trying desperately to steer people down the road. We have 80 hours left of estimates and we're not getting any of those estimates done.

I have Ms. MacCharles down third. First of all, I have Mr. Tabuns, then Mr. Harris, then Ms. MacCharles.

**Mr. Peter Tabuns:** I'm prepared to vote in favour of the motion and ask that we proceed to a vote.

**The Chair (Mr. Michael Prue):** So—

**Mr. Peter Tabuns:** Sorry, to this amendment that was—

**The Chair (Mr. Michael Prue):** To the amendment.

**Mr. Peter Tabuns:** Yes.

**The Chair (Mr. Michael Prue):** So you're calling the previous question.

**Mr. Peter Tabuns:** I am.

**The Chair (Mr. Michael Prue):** All right. We have a motion to call the previous question. All those in favour of calling the previous—

**Mr. Grant Crack:** Twenty-minute recess, Mr. Chair. I think that's in order.

**The Chair (Mr. Michael Prue):** It is in order, if you need a 20-minute recess. They've already indicated they're going to vote for it.

**Mr. David Zimmer:** I think it's important so that the Conservative members know; we now know the NDP position. Conservative members should think very carefully about this and, in my submission, follow the lead.

*Interjection.*

**The Chair (Mr. Michael Prue):** No, they put their hands up to vote, but if you need 20 minutes to confirm that you're going to get four votes from the other side along with your own vote—if you really need that, then you can have it. You need it?

**Mr. Grant Crack:** Yes, sir.

**The Chair (Mr. Michael Prue):** All right.

*Interjection.*

**The Chair (Mr. Michael Prue):** I can't deny him. It is in the standing rules.

**Mr. Bill Walker:** I was next on the speakers' list.

**The Chair (Mr. Michael Prue):** I know, but it is the standing rules. He was first. He moved the previous question. There is a request; he has the right to ask for it. Although I do not understand the need, he has it, and we're recessed for 20 minutes.

*The committee recessed from 1605 to 1625.*

**The Chair (Mr. Michael Prue):** Okay, we're going to call the meeting back to order. Just so it's clear for the record, what Mr. Tabuns was intending to do is to call the question, not on the whole thing, which would mean that no more amendments could come forward, but just on this particular amendment.

We have the amendment before us. I trust that everybody has had 20 minutes to think it through. All those in favour of the amendment? This is the amendment by Mr. Moridi. Opposed? That's carried unanimously.

On to the next amendment. The next amendment is submitted under the name of David Zimmer.

**Mr. Rick Nicholls:** Can you hold on for a few seconds?

**Ms. Tracy MacCharles:** Sure.

*Interjections.*

**Mr. Rob Leone:** Mr. Chair, I have a question.

**The Chair (Mr. Michael Prue):** I'm just waiting for the clerk to come back. I think we need to have him here, in case.

*Interjections.*

**The Chair (Mr. Michael Prue):** Here is the clerk. You have a question.

**Mr. Rob Leone:** Mr. Chair, my question is with regard to—I'm wondering if we could at least know the number of potential amendments that we're going to be seeing from all parties on the main motion and, at the very least, if we could see all of those amendments in advance before we proceed with doing this one by one. I'm hopeful that we could do that and, again, in the interests of time and resources, and given the fact that we have a number of other ministries that are coming after the Ministry of Energy, that we at least have in front of us all the amendments that are moving forward. I don't think that's an unreasonable request, a request that—

**The Chair (Mr. Michael Prue):** It is not. That's a point of privilege, and it's well taken. I would ask the clerk to submit—there are a total of eight amendments, and we have dealt with two. There are six more. It's my understanding that they've all been placed by the Liberal members. I see the first two have David Zimmer's name on them. The others are not signed, but I'm assured somebody is going to move these.

**Mr. Rob Leone:** I'm wondering, Mr. Chair, if we could limit the debate—this is a question; I don't know if it's possible—on all these amendments and do it at the same time, as I suspect we're going to hear much of what we've heard over the last little while.

**The Chair (Mr. Michael Prue):** There can only be one request at a time. That is a motion that could be made if somebody wants to make it, that debate on this amendment is limited to half an hour or something, but I'm not going to tell you what to do.

**Mr. Rob Leone:** Can I move that motion?

**The Chair (Mr. Michael Prue):** That is within the rights of the committee.

**Mr. Rob Leone:** Can I move a motion, Mr. Chair, to limit debate on each amendment to 15 minutes?

**The Chair (Mr. Michael Prue):** This is a debatable motion, so if you move this, it is debatable all by itself.

**Mr. Rob Leone:** I'm moving it.

**The Chair (Mr. Michael Prue):** All right. We have a motion moved to limit debate on each of the remaining six amendments to 15—

**Mrs. Teresa Piruzza:** So what are you asking? He just said "on this amendment"?

**The Chair (Mr. Michael Prue):** Each of the remaining. There are six amendments. We're going to have them distributed, first of all. Let's distribute them first and make sure that everybody has them.

*Interjections.*

**The Chair (Mr. Michael Prue):** I think, in order to allow the clerk an opportunity to collate these and give them out, we'll take a five-minute recess.

*The committee recessed from 1630 to 1641.*

**The Chair (Mr. Michael Prue):** The meeting is resumed. Everybody now has the amendments that have been filed, amendments 3 through 8. Mr. Leone has moved that—go ahead, Mr. Leone.

**Mr. Rob Leone:** Thank you, Mr. Chair.

**Mrs. Teresa Piruzza:** Chair, I have a point of order, please.

**The Chair (Mr. Michael Prue):** A point of order on his motion?

**Mrs. Teresa Piruzza:** On his motion.

**The Chair (Mr. Michael Prue):** On a point of order, then.

**Mrs. Teresa Piruzza:** While we were out there discussing the motion, we all had a bit of a different understanding with respect to what the motion was, so I believe in order to ensure that we all have the same understanding of what Mr. Leone's motion is, I think we need to see it in writing. I'm requesting that we see the motion in writing.

**The Chair (Mr. Michael Prue):** I think that's more than reasonable. Mr. Leone, if you could explain it first and then take a few minutes to write it out.

**Mr. Rob Leone:** Sure, no problem. Well, Mr. Chair, the reason why I moved the motion is because I think that there's a sense of frustration that a motion that is not even—the original motion, I should say, that's supposed to send this motion to committee—that's what we're voting on—is being delayed due to the tactics that we're seeing on the governing side. The reason why I initially proposed to move the motion was to suggest that the government is just wasting time.

I think we need to move the process forward. We know that this is going to go the House eventually, whenever it gets debated and so on.

Mr. Chair, I'm going to withdraw the motion, and I just wanted to provide that rationale on record, in Hansard, as the member for Willowdale likes to say. I'm going to withdraw that motion, but I do want to restate the position and the intent of that motion, which is to say, "Let's get going here. This is something that the Chair himself cannot rule on. He's just sending this to the House for the Speaker to rule on."

**Mr. David Zimmer:** Chair, a point of order. If the motion is being withdrawn, then—

**The Chair (Mr. Michael Prue):** The motion is being withdrawn. There's nothing further to discuss on the motion. It's done.

*Interjections.*

**The Chair (Mr. Michael Prue):** As to the reasons for withdrawal, he's made his statement. We now have motion 3, and Mr. Zimmer, this is in your name.

**Mr. David Zimmer:** Ms. MacCharles is going to—

**The Chair (Mr. Michael Prue):** It needs to be read into the record.

**Ms. Tracy MacCharles:** I'll do that, Chair. Thank you. This is amendment number 3 to the motion, Standing Committee on Estimates, submitted by David Zimmer, MPP, Willowdale, June 6, 2012.

I move that the following section of the proposed motion, "furthermore, that the committee recommends to the House that the Minister of Energy be compelled to provide the Standing Committee on Estimates, without delay, the documents and information it ordered pursuant to standing order 110(b) and, if the minister refuses, that he be held in contempt of Parliament for breach of privilege" is amended to read, "furthermore, that the com-

mittee recommends to the House that the Minister of Energy be compelled to provide the Standing Committee on Estimates the documents and information it ordered at such time as the ministry anticipates that producing such materials would no longer have a negative impact on these matters with respect to relevant confidentiality, privileges or commercial sensitivities, pursuant to standing order 110(b) and, if the minister refuses, that he be held in contempt of Parliament for breach of privilege.”

**The Chair (Mr. Michael Prue):** What has been read into the record is not what I have in front of me.

**Ms. Tracy MacCharles:** Amendment 3?

**The Chair (Mr. Michael Prue):** Maybe I have an old one.

**Interjection:** It was changed.

**Ms. Tracy MacCharles:** Is it changed? I apologize. I'm just reading the one I have, and I think it's the one Mr. Zimmer has.

**The Chair (Mr. Michael Prue):** Perhaps the clerk could tell us—

**Ms. Tracy MacCharles:** I don't know what's been handed out.

**Interjection:** This is what's been handed out.

*Interjections.*

**The Chair (Mr. Michael Prue):** I'm advised by the clerk that the copy that was moved is different from the one that was filed; therefore, he is required to make copies of the one that is now moved. We will take another couple of minutes' recess while he makes copies and distributes them.

**Mr. Rob Leone:** Mr. Chair, can we move to—

**The Chair (Mr. Michael Prue):** No. We have to deal with them in the order in which they were filed. This one has been moved, so we just have to make sure that everybody has a copy in front of them.

**Mr. David Zimmer:** So we're dealing with—

**The Chair (Mr. Michael Prue):** I just want to recess for a minute or two.

*The committee recessed from 1646 to 1650.*

**The Chair (Mr. Michael Prue):** Meeting resumed. We now have all received a copy of the correct amendment and it has been read into the record. Discussion? Ms. MacCharles, you have the floor, if you want to discuss—

**Ms. Tracy MacCharles:** Thank you. This amendment 3, while it may appear similar or the same as amendment 2, is somewhat different when you look at the wording. I, of course, support this amendment to the motion. It really provides a different level of emphasis in the amendment in that, “the documents and information ordered at such time as the ministry anticipates that producing such materials would no longer have a negative impact on these matters with respect to relevant confidentiality, privileges or commercial sensitivities.”

Again, I shared with the committee today and last week my concerns about the ongoing damage I'm dealing with about incorrect material that was distributed in my riding about—

**Mr. Rob Leone:** Point of order.

**Ms. Tracy MacCharles:** —relocation of a gas plant, and furthermore—

**The Chair (Mr. Michael Prue):** Sorry, I have a point of order. Mr. Leone.

**Mr. Rob Leone:** Again, Mr. Chair, I think we should stick to the reasons why these words should change, and not what happened in the last election campaign. I think we're repeating and being excessively repetitive, according to standing order 23(c), and I hope that the Chair can rule on that.

**The Chair (Mr. Michael Prue):** Yes, I can. I think your point is well taken, but I'm going to give some latitude to Ms. MacCharles. But really, in all of these amendments, we need to try to confine ourselves to why the amendment is in order and why the changes are necessary to properly reflect what has been put forward in the main motion. If you could do that, we could certainly move along much more quickly.

**Ms. Tracy MacCharles:** Yes, of course, Chair, and I appreciate the advice. I also recognize, too, that it is the government's right to submit amendments and have them debated, so I will get to—and continue to get to—the point here. As I said, it's somewhat different, but I think this is a timing difference in this particular amendment to the motion.

This is very important and I won't bring up what happened in the election again, but I will talk about the fact that where I live, my riding, is an energy belt, so to speak. It's a nuclear capital, and I'm very concerned that if we don't have amendments such as this accepted, then it puts, really, a sense of nervousness into not just the nuclear energy sector out in the region of Durham where I live—and I represent part of that—but also the renewable energy players, all the start-ups that come together to bring balance to how we provide energy to Ontarians. I think it's very important that we allow the ministry to anticipate what that right timing is vis-à-vis the negative impacts.

Again, it's similar to the last one about confidentiality, privileges or commercial sensitivities. I've sat in rooms full of people hosted by the board of trade in this sector who are, quite frankly, going to drive energy forward across the GTA on behalf of our province. If there is any inkling that confidentiality and privileges could be breached, it's going to set a precedent that would be unacceptable to the sector, whether it's nuclear, renewable or other. It's going to have a chilling effect.

Quite frankly, we're at a time right now when we need to be, I think, appropriately careful as we move forward. We cannot have concern on behalf of the sector that material is going to be released inappropriately and that there will be violations of proprietary information, confidential information and so on.

Some of these businesses, quite frankly, are in the infancy stage of becoming a real player in energy in Ontario. I think they need confidence from us as a government that we are providing leadership, we are providing safe carriage of information, and we are proactively leading this so as to not cause concern, to not cause

companies to be skittish and back away. I think that's why this motion—sorry, this amendment to the motion; I've got to get my language right—is very, very important. Those are some of the reasons I support it. I know first-hand because I sit with these people. I sit with the business leaders throughout Durham and the other players that want to come to Ontario and be a player in this sector.

That's why, Chair, I respectfully submit that this motion is required and that we must debate this amendment separately from other amendments.

**The Chair (Mr. Michael Prue):** Mr. Harris.

**Mr. Michael Harris:** Oh, I was just going to say thank you for your input on this amendment, but I'd like to call the question on it.

**Mr. David Zimmer:** Further debate over here.

**The Chair (Mr. Michael Prue):** You're calling the question—

**Mr. Michael Harris:** On the amendment.

**The Chair (Mr. Michael Prue):** On the amendment.

*Interjection.*

**The Chair (Mr. Michael Prue):** Well, it's not debatable. Is it a point of order that you have?

**Mr. David Zimmer:** Sorry, Chair, I—

**The Chair (Mr. Michael Prue):** Calling the question is not debatable. Either vote for it or vote against it. If it's defeated, then I will recognize you next. He's not calling the whole question; he's calling the question only on the amendment. Can he even do that?

**Mr. David Zimmer:** No—

**The Chair (Mr. Michael Prue):** Just hold on.

I have been reminded, and it is correct, that the rules in the House state that if the question is put, it is on the main motion; it is not on the amendment.

**Mr. David Zimmer:** Sorry, Chair, I didn't hear that.

**The Chair (Mr. Michael Prue):** It is on the main motion, not on the amendment. So then I have to think, when I hear that, whether or not there has been sufficient debate. Since the amendment has only had one person speak to it, I would recognize the next speaker.

**Mr. David Zimmer:** Thank you, Chair. Here's the irony of the opposition, if they're going to vote against this amendment. On the one hand, the opposition has said to the minister, "Give us all of these documents and information, the supporting materials on what's going on, on the negotiations on the Oakville and Mississauga plant."

Then, the minister responds in his letter of May 30—and I don't have to go into that in detail; I've done that already. In the letter, he makes his detailed and cogent arguments saying, in effect, "Look, the information that you want is of such a nature that it's not appropriate at this time to release it because of these sensitive commercial negotiations" and so on. When you read the letter through carefully he recognizes the authority of the committee, and he recognizes the responsibility of members of all parties to effectively do their work at estimates and get the information that they need to further the work of the committee and further their roles as MPPs. He lays

out the argument on why he can't release it at this time. It's not a refusal; it's a qualified response saying, in effect, "I'll release it when it's appropriate to do so and I can release it in such a way as to not injure the interests of Ontarians and Ontario taxpayers."

What this amendment does is, it really gets to the nub of the minister's response in his letter of May 30, because the amendment says, "Furthermore, the committee recommends to the House" and so on. The amendment that we want is, "at such time"—referring to the release of the information that the minister wants, at this time, to hold in abeyance—"that doing so is no longer anticipated to have a negative impact on the public interest in resolving these matters in the light of maintaining privilege and confidentiality." So the amendment quite specifically reinforces what the minister has already said in his letter. He says, in effect, "Yes, the committee's got a right to that information at a point in time when it's not going to do any harm to Ontarians, and I, as a minister of the crown, have a responsibility to make that judgment call."

1700

The irony here is that if we vote in favour of this amendment, we are reinforcing the minister's position, which you can distil from reading his letter: "Yes, I've got the information. It's not that I don't want to release it; it's that I don't want to release it now because we are in the midst of these sensitive negotiations."

I would like to think that the opposition parties would support this amendment, because the amendment does two things. It ensures that they will get the information that they require, and then they'll get it in a way, in a manner, and at a time that does not in any way jeopardize the interests of Ontario taxpayers.

This amendment, in effect, if you will, is a win-win for everybody. It's a win for the opposition parties. They get the information at a time and in a manner that doesn't jeopardize Ontario's negotiating position, so that must be good for opposition members. What member of whatever party would want to be seen to be jeopardizing the interests of Ontario's taxpayers?

It seems to me, in effect, that this amendment is the best of all possible worlds, and all parties should vote against it because it provides a mechanism and a time to get the information in a manner that doesn't do any harm to Ontarians.

**The Chair (Mr. Michael Prue):** Thank you. Mr. Leone.

**Mr. Rob Leone:** Again, I think that these amendments are speaking to the same points. It's becoming pretty repetitive in this committee, and I hope that this is going to exhaust the kinds of things they're going to be saying on an ongoing basis on this.

Those are basically the comments I want to make on it. I hope that we can proceed through all these amendments in a much more timely fashion, without delay, so that we can finish the Ministry of Energy and get through all the ministries that we have here, period.

**The Chair (Mr. Michael Prue):** Further debate? Ms. Piruzza.

**Mrs. Teresa Piruzza:** I'm pleased to be back, sitting at the committee of estimates. I've not been at the last couple of meetings, so I was a bit surprised that we're still kind of going over the motion and the different elements of it, only because, when we discussed this when I was here, we were quite clear in terms of needing to ensure that we protect our interests and protect Ontario's interests.

We've spoken a number of times with respect to the sensitivity of all the documents. The motion that we have in front of us here, amendment number 3, is really making it very clear that, as a government, we won't release any documents that will have a negative impact on the province. I think that's quite clear, and that should have been in the original motion that was brought forward.

Frankly, we're all here to protect the interests of Ontario, and we need to be very clear. The minister did provide his response, and he had the same wording in his response as well, that some of these documents can't be released right now. I frankly can't believe that the opposition members would consider it appropriate to release any documents that might jeopardize our interests. That's still quite surprising to me.

Again, we're here to protect our interest. We're here to protect our legal interest, and with such sensitive information that may come forward, I think we need to protect that. That's the response that the minister did provide to the original request for information, in terms of ensuring that we protect ourselves, that we don't release any information that may be sensitive.

Again, that wording belongs in the motion. I don't think it takes away from what Mr. Leone might be saying in terms of trying to get his information. It's that you have to wait till it doesn't have any negative impact on us, and that's frankly—

**Ms. Tracy MacCharles:** Timing.

**Mrs. Teresa Piruzza:** That's right. It's all in the timing, as my colleague here is indicating. It's the timing in terms of when the documents may be released and when would be the appropriate time for them to be available. Frankly, at this point, it's not the right time. That would be my consideration in terms of the amendment that's being brought forward right now, this amendment number 3.

**The Chair (Mr. Michael Prue):** Further debate? Mr. Crack.

**Mr. Grant Crack:** Thank you, Mr. Chair. For 11 years, I had the privilege of serving as the mayor of a municipality in eastern Ontario, the township of North Glengarry, which was formerly Alexandria. Mr. Chair, I know that you were a mayor as well, so I'm sure that you dealt with a number of issues that required confidentiality as well.

At that particular point, we would have been dealing under a creation of the province of Ontario, which is called the Municipal Act. Under the Municipal Act, municipalities can deal with legal issues, personnel issues, negotiations, and disposal and acquisition of property in a

confidential manner until such time as there's some conclusion to each and every one.

With all due respect to the line of questioning from the opposition, I think it's quite legitimate that you're entitled to ask for the information, but at the same time, as a mayor and having responded to a number of constituents and also responding to the press, I always ensured that any response I gave did not compromise any of the negotiations or the position of the municipality. I would think, at the Ontario government level, if they've created a Municipal Act that would reflect the issues I've just talked about, it would speak to the same thing when it comes to the Oakville and Mississauga plants.

When you get into these types of negotiations, it's always important to note that, as a government or as a mayor and a council, you always try to get the best deal possible for your taxpayers and/or your ratepayers. As such, you don't compromise those negotiations. I think Mr. Leone's motion has gone too far, and as such, we have a number of amendments that we're going to be putting forward here. We think they're important, because it's our obligation, our responsibility, to ensure that we do get that best deal and that we respect—it's a matter of respect, Mr. Chair—the taxpayers and ratepayers of the province of Ontario.

**The Chair (Mr. Michael Prue):** Seeing no further debate, we have a motion before us.

All those in favour of the motion, please signify.

**Mr. Grant Crack:** Could we have 20 minutes, Mr. Chair? I need a 20-minute recess.

**Mr. Peter Tabuns:** They actually had their hands up.

**The Chair (Mr. Michael Prue):** Well, I saw one hand go up, and then I saw Mr.—

**Mr. Peter Tabuns:** There were two.

**Mr. Grant Crack:** No.

**Mr. Peter Tabuns:** The vote was in process.

**Mr. Grant Crack:** We need a 20-minute recess, Mr. Chair, with all due respect.

**The Chair (Mr. Michael Prue):** I'm going to grant the 20-minute recess, but we're going to come back and vote on this. We're adjourned for 20 minutes.

*The committee recessed from 1708 to 1728.*

**The Chair (Mr. Michael Prue):** Everyone is here and it's within 30 seconds; we'll call the meeting back to order. We now have a vote on motion 3.

All those in favour, please indicate. All those opposed? Again, it's a 4 to 4 vote.

I have some difficulty with this one in that it's changing the words "without delay" to a very nebulous time frame at which time "the ministry anticipates that producing ... materials would no longer have a negative impact on these matters" etc.

I think it's just too open-ended. Had it have been clearer I might have supported it, but this is just leaving it that the minister may never have to report, and I think that the estimates committee has the right to ask for the material with some obligation that it will be forthcoming.

So I'm going to cast my vote in the negative. The motion fails.

We're on to number 4. It's in nobody's particular name. Oh yes, it's in David Zimmer's name.

**Mr. David Zimmer:** Yes. So, you want me to read it into the record, Mr. Chair?

**The Chair (Mr. Michael Prue):** Please.

**Mr. David Zimmer:** Okay. Thank you. I move that the last sentence in the last paragraph of the motion is amended to say, "furthermore, that the committee recommends that the Minister of Energy provide the Standing Committee on Estimates the documents and information it requested, pursuant to standing order 110(b) using the prescribed process as outlined in the Freedom of Information and Protection of Privacy Act R.S.O. 1990, Chapter F.31."

**The Chair (Mr. Michael Prue):** Okay, before you proceed, I have discussed this with the Clerk's office and my own reading of the bill. This is out of order. It is out of order for the reason that, first of all, 110(b) prescribes no limits on what the committee can ask for. It said, "Except when the House otherwise orders, each committee shall have power to send for persons, papers and things." It does not say going through freedom of information or anything else. Also, I requested information as to whether or not the Freedom of Information and Protection of Privacy Act applies to committees or the House; I was told no.

So it's clearly out of order.

**Mr. David Zimmer:** Well, surely I can argue that it—I can now make an argument. You've made a ruling without hearing, without debate.

**The Chair (Mr. Michael Prue):** There is no debate. I have consulted. It's clear from the standing rules. I checked it with the Clerk's office, and it's clearly out of order on their advice. I think the rationale that they gave was correct.

You are prescribing limits to this committee that it does not have set out in the standing order. You can't do that.

**Mr. David Zimmer:** With the greatest respect, then, Chair, I want to appeal your ruling.

**The Chair (Mr. Michael Prue):** All right. My ruling has been appealed.

**Mr. Grant Crack:** We'll need a 20-minute recess, Mr. Chair, to discuss the ruling.

**The Chair (Mr. Michael Prue):** All right, then. He is within his rights to ask for a 20-minute recess on the appeal. We stand recessed until 10 to 6.

*The committee recessed from 1730 to 1750.*

**The Chair (Mr. Michael Prue):** The meeting is resumed. The question before the committee at this point is, shall the decision of the Chair be appealed to the Speaker?

All those in favour? All those opposed?

I will not appeal my own decision, so that is defeated.

**Mr. David Zimmer:** Just for the record, Chair, are you voting against it?

**The Chair (Mr. Michael Prue):** Yes, I am voting. I am voting not to appeal.

**Mr. David Zimmer:** Okay, I just thought that should be clearly reflected on this.

**The Chair (Mr. Michael Prue):** Yes.

**Mr. Michael Harris:** So we're on amendment 5?

**The Chair (Mr. Michael Prue):** We're on amendment 5.

**Mr. Michael Harris:** It appears to be nameless.

**The Chair (Mr. Michael Prue):** Yes, it is nameless at this point. Is somebody taking carriage of this motion?

*Interjections.*

**Ms. Tracy MacCharles:** Okay. Amendment 5, including the Chair's ruling on May 16. Amendment 5, June 12, 2012.

I move that the following paragraphs be added before the last paragraph:

"The minister's response was in accordance with a ruling of the Chair made on May 16, 2012, regarding the minister's ability to protect the interest of the province in these proceedings. The chair ruled:

"I would have to rule, in my opinion, that this motion is in order, because the committee has the right to ask for documentation, as Mr. Leone has pointed out in his counter-argument. They have the right to ask for the documentation. The minister has the right to decline either giving that documentation or giving voice to that documentation during his answering of the questions."

May I continue, or one of my colleagues?

**The Chair (Mr. Michael Prue):** Surely.

**Ms. Tracy MacCharles:** So if I could speak to this amendment to the motion, Chair, amendment 5, including the Chair's ruling on May 16: It's clear to me that the opposition members are seeking to endorse, advocate and lobby for a prejudicial report against the Minister of Energy. The report that the opposition are lobbying for would be taken as a substantive and damaging position against the minister that would only serve the political needs of the opposition, and not in the best interests of our province.

This motion would send a report to the Legislature and to the Speaker that would have a prejudicial ruling on the following items: the committee compels the documents, irrespective of the sensitive nature of the materials; and if the minister does not bend to the committee's wishes, even though he is following the ruling of the Chair, that there may be a breach of privilege.

Next, the opposition have clearly outlined what they believe needs to be in this report; however, it does not provide the full and complete picture. Our amendment, therefore, seeks to ensure that the report back to the Legislature and the Speaker contains all the relevant and pertinent information that has seized this committee thus far.

I think one of the biggest pieces of information that has governed this committee and the minister's actions is the ruling of the Chair. I will remind folks that the Chair has ruled that the minister has the right to decline documents. In the same way, the Chair has ruled that the opposition members have the right to ask any and all questions about these matters.

In this case, the minister, in his response to the motion that was passed on May 16, 2012, thought it was in the best interests of the province to file the response that he filed—which, I might add, was in line with the Chair’s ruling.

While some would say it’s frivolous and the opposition is simply playing political games, any report back to the committee should contain facts. Now the opposition has clearly stated what facts they want to include in the report, namely, the full motion that was passed on May 16 and an excerpt of the minister’s response. It’s only fair and responsible that this motion contain a detailed outline about other facts that need to be included as not to prejudice or unjustly bias anything that goes before the Legislature.

In this vein, Mr. Chair, it’s important to note that the context to which the minister responded to the committee be a tenet of this motion as well as a principle of the report from this committee. Anything less than that would clearly demonstrate that the committee is not interested in presenting the facts on what we consider to be a very serious and unfounded charge, or charges, against the minister. Rather, they are out to hold a trial on the floor of the Legislature and besmirch the good name of the minister for political benefit, which would be most unfortunate, Mr. Chair.

I thank you for allowing me to make my comments—and that we do have, I hope, a fulsome debate on our amendment to the motion. Thank you.

**The Chair (Mr. Michael Prue):** Mr. Leone, then Mr. Zimmer.

**Mr. Rob Leone:** Mr. Chair, I think the motion should be ruled out of order. I don’t believe that inserting a quote from—I don’t know who this is being attributed to, with the word “I”—certainly not anything I said; I believe it might have been something that you said, Mr. Chair, which is a ruling that you already made on the original motion. So I think this whole motion—this entire amendment; sorry—is out of order.

**The Chair (Mr. Michael Prue):** No, I can’t rule it out of order. I do find it unfortunate, but I can’t rule it out of order. I should state again, so that everybody understands: The motion that has been made by Mr. Leone is for the Speaker to decide. The Speaker will have access to everything that has been said in this committee from the first minute we sat down until the end of the estimates period dealing with this minister and this ministry. It will be up to the Speaker to make that determination, not me. And if I have erred—I hope not, but if I have—I was trying to be fair to all parties. I find it unfortunate that it needs to be within the body of the complaint, but it is a legitimate motion that can be made and I’m going to allow it to go forward.

**Ms. Tracy MacCharles:** Thank you, Chair.

**Mr. Rob Leone:** Mr. Chair, again, this is being inserted into a motion in which Mr. Leone—myself—moves the motion. So I’m moving the motion, and I also, apparently, would have to be stating, “I would have to rule, in my opinion, that this motion is in order, because

the committee has the right to ask for documentation....” I just don’t understand how they can insert another thing that I did not say into this entire motion.

So that’s just my beef with the amendment.

**The Chair (Mr. Michael Prue):** If I could state, Mr. Leone, this amendment is amendable, because you can amend an amendment. And you can amend that to read, “The Chair stated: ‘I would have to rule, in my opinion....’” if you want, so that it’s clearer.

**Mr. Rob Leone:** I’m not moving that amendment.

**The Chair (Mr. Michael Prue):** Okay, well—

**Mr. Rob Leone:** I’m voting against this amendment.

**The Chair (Mr. Michael Prue):** All right. Okay, so, then Mr. Zimmer, I have you down next.

**Mr. David Zimmer:** In view of the hour—there’s only a minute or—

**The Chair (Mr. Michael Prue):** I’d like you to use up every single minute, because we have 80 hours left to go.

**Mr. David Zimmer:** Well, let me just, for the record, draw attention to the amendment—the first paragraph—because I think it is quite clear, just addressing Mr. Leone’s concern.

That the following paragraphs be added before the last paragraph:

“The minister’s response was in accordance with a ruling of the Chair made on May 16, 2012, regarding the minister’s ability to protect the interest of the province in these proceedings. The Chair ruled”—paraphrasing: The Chair, in effect, said—not in effect; the Chair said, to put it in layman’s language: “Look, the members of the committee have the right to ask the minister for documentation and to answer questions and all of that sort of stuff.” And that was entirely correct. Then the add-on, to complete the ruling, was, it then bounces back to the minister, and the minister has the right to decline to answer or decline to give the documents.

If this is going to work its way up to the Speaker, I think it’s very important that the motion going forward clearly point out, as the opposition have in their main motion, that in their view, thus and thus happened and the minister refused to answer; but that in fairness—and it’s a question of fundamental fairness—the motion fully reflect exactly what happened on May 16, and that is that the questions were put to the minister, the minister declined, then there was a kerfuffle and the Chair’s ruling, getting right to the heart of this matter. And in my judgment, in my view, the ruling was entirely correct.

Look, the members, the MPPs of the committee, have the right to ask questions, have the right to demand production of documents, and the Chair of this committee or indeed other committee members ought not to interfere with that right.

Those questions were put to the minister and the minister, in accordance with the Chair’s ruling that the minister had the right to decline to produce or answer questions, availed himself of that ruling; and, pursuant to the ruling, declined, for the reasons set out in his extensive letter of May 30, wherein, among other things, he gave a very detailed response and answer as to why he

was taking up the protection of the Chair's ruling that the minister had the right not to answer questions or produce documents if the minister said, in his judgment, it was prejudicial to Ontarians.

What's going on here, then—

**The Chair (Mr. Michael Prue):** If I could stop you at that juncture, I think it's past 6 o'clock—

**Mr. David Zimmer:** All right, I'll pick it up next time.

**The Chair (Mr. Michael Prue):** If you wish to continue on the next occasion?

**Mr. David Zimmer:** Yes.

**The Chair (Mr. Michael Prue):** All right. We will notate the amount of time used and the amount left.

**Mr. David Zimmer:** Thank you.

**The Chair (Mr. Michael Prue):** All right. It now being past 6 of the clock, this meeting is adjourned until tomorrow at approximately 3:45. Meeting adjourned.

*Interjection.*

**The Chair (Mr. Michael Prue):** I have to put the meeting back into order. I've given the wrong time. It will be the afternoon right after routine proceedings, so that would more than likely be 2-ish.

Don't we go to—is tomorrow different? It's Wednesday, yes. Yes. See? You got me all confused. Tomorrow's Wednesday, not Thursday; I was right the first time. It's 3:45. Okay.

*The committee adjourned at 1802.*



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### STANDING COMMITTEE ON ESTIMATES

#### Chair / Président

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Mr. David Zimmer (Willowdale L)

#### Also taking part / Autres participants et participantes

#### Clerk pro tem / Greffier par intérim

Mr. Katch Koch

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**Official Report  
of Debates  
(Hansard)**

**Wednesday 11 July 2012**

**Journal  
des débats  
(Hansard)**

**Mercredi 11 juillet 2012**

**Standing Committee on  
Estimates**

Ministry of Energy

**Comité permanent des  
budgets des dépenses**

Ministère de l'Énergie

Chair: Michael Prue  
Clerk: Valerie Quioc Lim

Président : Michael Prue  
Greffière : Valerie Quioc Lim

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
ESTIMATES**

**COMITÉ PERMANENT DES  
BUDGETS DES DÉPENSES**

Wednesday 11 July 2012

Mercredi 11 juillet 2012

*The committee met at 0802 in room 151.*

**COMMITTEE BUSINESS**

**The Chair (Mr. Michael Prue):** Good morning, and thank you, everybody, for being on time.

The committee was dealing with a motion, on the last occasion, by Ms. MacCharles to amend Mr. Leone's motion. This is motion number 5 in your package. On the last occasion, Mr. Zimmer had the floor but he is not here today—at least, he's not here in the room at this point. Therefore, we're open to further debate.

Further debate? Mr. Moridi.

**Mr. Reza Moridi:** Good morning, everyone. Mr. Chair, it's clear to me that the opposition members are seeking to endorse, advocate and lobby for a prejudicial report against the minister. The report that the opposition are lobbying for would be taking a substantive and damaging position against the minister that would only serve the political needs of the opposition and not the interests of the people of Ontario.

This motion would send a report to the Legislature and to the Speaker that would have a prejudicial ruling on the following items:

—the committee compels the documents, irrespective of the sensitive nature of the materials;

—if the minister does not bend to the committee's wishes, even though he is following the ruling of the Chair, that there may be a breach of privilege.

The opposition have clearly outlined what they believe needs to be in this report. However, it does not provide the full and complete picture. Our amendment, therefore, seeks to ensure that the report back to the Legislature and to the Speaker contains all of the relevant and pertinent information that has seized this committee thus far.

I think that one of the biggest pieces of information that has governed this committee and the minister's action is the ruling of the Chair. I will remind folks that the Chair has ruled that the minister has a right to decline documents, in the same way that the Chair has ruled that the opposition members have the right to ask any and all questions about these matters. In this case, the minister, in his response to the motion that was passed on May 16, 2012, thought it was in the best interests of the province of Ontario to file the response that he filed, which, I might add, was in line with the Chair's ruling.

We think that this whole motion is frivolous and the opposition is simply playing political games. The report back to the committee should contain the facts. The opposition has clearly stated what facts they want included in the report; namely, the full motion that was passed on May 16 and excerpts of the minister's response. It is only fair and responsible that this motion contain a detailed outline about the other facts that need to be included, so as not to prejudice or unjustly bias anything that goes before the Legislature.

In this vein, it's important that the context to which the minister responded to the committee be a tenet of this motion as well as a principle of the report from this committee. Anything less than that would clearly demonstrate that the committee is not interested in presenting the facts on what we consider to be very serious and unfounded charges against the minister; rather, they're out to hold a trial on the floor of the Legislature and besmirch the good name of this minister for political benefit.

Thank you, Mr. Chair.

**The Chair (Mr. Michael Prue):** Further debate? Mr. Leone.

**Mr. Rob Leone:** I just have no idea what that had to do with the amendment that we're putting forward here with respect to the one Ms. MacCharles put forward on June 12. I don't have any idea what that had to do with this amendment that we are debating. We're not debating the motion; we're debating an amendment. Certainly, that has nothing

to do with the amendment that they're putting forward.

I would hope that in future discussions on amendments, we would stick to whether the amendment is necessary or not.

Thank you, Mr. Chair.

**The Chair (Mr. Michael Prue):** Further debate? Seeing no further debate, are we ready for the question? Mr. Dhillon.

**Mr. Vic Dhillon:** Chair, I request a 20-minute recess.

**The Chair (Mr. Michael Prue):** Okay. Prior to the vote, it is in order for Mr. Dhillon to ask for a 20-minute recess, so the recess is automatic and is granted. The meeting is recessed till 8:27.

*The committee recessed from 0807 to 0827.*

**The Chair (Mr. Michael Prue):** All right, we will now proceed to the vote. We're voting on amendment number 5 to the motion, which you have before you.

All those in favour? All those opposed?

*Interjections.*

**Mr. Vic Dhillon:** Ms. Cansfield asked for a clarification.

**Mrs. Donna H. Cansfield:** Yes, I'm sorry. I didn't understand.

**The Chair (Mr. Michael Prue):** It's the amendment. We're voting on amendment number 5. That's what we have before us.

**Mrs. Donna H. Cansfield:** Okay, right. Thank you.

**The Chair (Mr. Michael Prue):** Okay. If there's some confusion, we'll do it again. All those in favour of the amendment? All those opposed? Again, it's tied. It seems this is mostly what I do here.

*Interjection.*

**The Chair (Mr. Michael Prue):** Okay. I am going to vote against the amendment. I am going to do so because of the events that took place yesterday. The main reason that was given by the minister and the main reason why I made the initial ruling was that it could have affected a court case. I'm given to understand from the minister, and all of the information that was released yesterday and is in all of the major newspapers this morning, that there is no longer a court case in either Mississauga or in Oakville. That being the reality, I don't see the purpose of this. It is quite clear that at the time the ruling was made, that was an issue, but I don't know how it needs to be an issue at this point. Having said that, I would cast my vote in the negative, and the amendment fails.

Yes, Mr. Leone.

**Mr. Rob Leone:** Chair, I'd like to call the question on the basis of what you just said—to the main motion.

**Mrs. Donna H. Cansfield:** Sorry, you want—

**The Chair (Mr. Michael Prue):** Well, I haven't even gotten to the point where I—but I will recognize you next. That's where we're at. We do have a number of amendments that have been filed before us, 6 through 10. Mr. Leone, I will now recognize you.

**Mr. Rob Leone:** Mr. Chair, I've asked to call the question to the main motion simply because we've been debating this for a number of hours now, in light of what happened yesterday. Certainly, the statement by the Ministry of Energy and the Minister of Energy with respect to the Mississauga gas plant included lines to the effect that there are no longer any legal proceedings related to the Mississauga gas plant. On the basis of that, I think that many of the questions and concerns brought by the governing party on this matter have simply, on the basis of that statement and the decision to move the plant to Lambton—I believe that it's in everyone's interests to proceed with the work of estimates so that we can get to the Ministry of the Environment, which is a choice, a selection, that I believe was made by the governing party to be scrutinized in estimates. On the basis of that, Mr. Chair, I would ask that this question now be put.

**Mr. Vic Dhillon:** Chair, I would like a 20-minute recess.

**Mr. Peter Tabuns:** He hasn't even called for the vote.

**The Chair (Mr. Michael Prue):** I haven't called the vote yet, but is there—

*Interjection.*

**The Chair (Mr. Michael Prue):** Yes, yes. I have to decide—and there is no debate on this?

*Interjection.*

**The Chair (Mr. Michael Prue):** No. There's no debate.

It's not a vote, so there's not an entitlement to a 20-minute recess; it's simply my decision whether or not sufficient debate has taken place around this issue. I'll take a 10-minute recess to consider that and also to consult with the clerk, because I need to know the number of hours we have spent debating this up to this point. So we will recess for 10 minutes, and be back here at 20 minutes to.

*The committee recessed from 0831 to 0841.*

**The Chair (Mr. Michael Prue):** The meeting is resumed. We have, in the period since the recess began and now, received a copy of a letter from Minister Bentley. I have asked that a copy of the letter be distributed to all members and form part of the record, so everybody will have a chance to read that.

Unfortunately, we require an additional 10 or so minutes to calculate the amount of time that has been spent to date, debating this particular motion by Mr. Leone. I think it is germane to the issue of the vote, so I am asking, and I will be recessing again, for 10 more minutes to have that calculation made. It will also give an opportunity for people to read the letter from Mr. Bentley, which is totally on topic to the decision that must be made.

Everybody has a copy?

*Interjection.*

**The Chair (Mr. Michael Prue):** We have them. Every member is entitled to a copy. That's a point of privilege, and everyone is going to have one—

**The Clerk Pro Tem (Ms. Tonia Grannum):** They've all got one.

**The Chair (Mr. Michael Prue):** —including the Chair. Thank you.

All right, we are recessed for an additional 10 minutes, until 8:52.

*The committee recessed from 0842 to 0853.*

**The Chair (Mr. Michael Prue):** The meeting is resumed.

I have now had an opportunity to consult with the clerk and especially to find out how long we have been debating Mr. Leone's motion and all the ancillary amendments to it. We have been at this now for eight hours. That is, we have spent eight hours without doing the primary work of the committee. The primary work of the estimates committee is to call the various ministers and ministries before us and to ask tough questions. That's what estimates does. That's its role within the Legislature. The role is, I think, what we are here to do.

I have considered the eight hours. I have also looked at a precedent. There is one other precedent where this happened, back in 1996. It involved a longer period of

time than eight hours, but it was on motions made by then-member Ms. Papatello—the request in that case to say that sufficient time was granted by the Chair in that day.

Given the statement by the minister that he will be in large part acceding to the request of the committee in short order, and so will the OPA, I see very little reason to continue with the debate. Therefore I am going to rule that the request is in order and that we go on and vote on the main motion, as amended.

**Mrs. Donna H. Cansfield:** Mr. Chair? I'd like to move an appeal on the motion of closure.

**The Chair (Mr. Michael Prue):** On my decision?

**Mrs. Donna H. Cansfield:** Yes.

**The Chair (Mr. Michael Prue):** Okay. An appeal has been made of the Chair's decision. So the question—and I'd better get it, because it's contrary to what I have learned in Robert's Rules of Order. It's not, "Shall this Chair be sustained," but—what's the actual wording?

**The Clerk Pro Tem (Ms. Tonia Grannum):** Shall the ruling be appealed to—

**The Chair (Mr. Michael Prue):** Okay, yes.

**The Clerk Pro Tem (Ms. Tonia Grannum):** Shall the Chair's ruling be appealed to the—

**Mr. Vic Dhillon:** Chair? I'd like to request a 20-minute recess.

*Interjection.*

**The Chair (Mr. Michael Prue):** Okay, yes, you do have to vote on that.

The question will be, then: Shall the Chair's ruling be appealed to the Speaker? When we come back, that will be the vote.

Mr. Dhillon has requested a 20-minute recess, which is in order. We are now recessed for 20 minutes so that members may consider their vote. We stand recessed until 16 minutes past 9 o'clock.

*The committee recessed from 0856 to 0916.*

**The Chair (Mr. Michael Prue):** The meeting is resumed. We will now go to the vote, the question being, shall the decision of the Chair be appealed to the Speaker? All those in favour of the motion made by Ms. Cansfield? All those opposed? It is again tied. As I have stated on the last occasion, since I am required to break the tie vote, I will not be appealing my own decision.

**Mrs. Donna H. Cansfield:** Mr. Speaker, if I may on a point of order, please: I have three issues that I'd like to identify.

**The Chair (Mr. Michael Prue):** We have to go directly to the closure motion, but I will recognize you after that.

All right, we now have the closure motion, which is to cut off debate on the motion of Mr. Leone and all the amendments that have been either made or filed.

All those in favour of the closure motion, please signify. All those opposed? Again, on a tie vote, I would cast my vote in favour of the closure for the reasons I have already given. We have had eight hours of debate.

The only issue that remains, given the copy of Minister Bentley's letter, is whether or not the committee

must respect the confidentiality associated with the document by exempting it from disclosure. That is what Minister Bentley has written on solicitor-client privilege. That's the only issue, in my mind, that's left.

We now proceed to the main motion, as amended.

**Mrs. Donna H. Cansfield:** Point of order.

**The Chair (Mr. Michael Prue):** But before we do that, I'm going to recognize Ms. Cansfield.

**Mrs. Donna H. Cansfield:** Thank you very much, Chair. I want to—

**The Chair (Mr. Michael Prue):** Oh, no; sorry. The clerk has told me I must move to the main motion, and I would acknowledge her expertise on this point. We must move to the main motion. Now, it's the main motion, as amended. There has been one amendment that was made, and that was amendment—

*Interjection.*

**The Chair (Mr. Michael Prue):** We had better clarify. I want to make sure that everybody understands the amendment. The clerk requires a few seconds here, so we'll recess for five minutes to allow the clerk to determine exactly how the motion has been amended before we vote on it.

Recess for five minutes.

*The committee recessed from 0920 to 0932.*

**The Chair (Mr. Michael Prue):** We will resume. I have been informed by the clerk that the Hansard has been requested in order to determine exactly what was done on that date. Any indication of how much time might be necessary?

**The Clerk Pro Tem (Ms. Tonia Grannum):** We need 10 more minutes.

**The Chair (Mr. Michael Prue):** She requires an additional 10 minutes to search the Hansard. I want everyone to be crystal clear on exactly what this motion now reads, as amended, before we vote on it.

We are recessed for an additional 10 minutes in order to get the transcript. Meeting recessed.

*The committee recessed from 0933 to 0946.*

**The Chair (Mr. Michael Prue):** The meeting is resumed. With much thanks to the clerk and the clerks' office, you now have the motion with the deletions, which is the entire paragraph 2, made in two separate motions. The vote will be on the motion, as amended. All those in favour of the motion, as amended? All those opposed? Again, it is another tie vote. Okay.

It has taken many, many weeks to get to this position. I am going to cast my vote in favour of the motion, as amended. In so doing, I want it to be very clear and on the record that I believe that the issue that is now before the Speaker—and it is before the Speaker, not this committee; it is the Speaker who must make the determination whether or not this committee has been accorded its privileges to see documentation; it is the Speaker who must determine whether or not the minister has provided that documentation. I am mindful and I trust the Speaker's decision, and he is the final authority and arbiter of this.

The issue, as I see it, at this point, is down to the point, since the minister has revealed in a letter today that he will be forthcoming with almost all of the documentation as it relates at least to the Mississauga portion. The final question, I think, that the Speaker is going to have to answer, and this is why I'm putting it on the record, is whether or not the minister can choose not to provide—and I quote from his letter: "Certain information remains subject to solicitor-client privilege and I continue to ask the committee to respect the confidentiality associated with that documentation by exempting it from disclosure." I think that's what has to be determined, in view of the House of Commons' decision made around the Afghan affair, that the information could not be kept from a parliamentary committee.

I think the Speaker needs to rule on this and that's why I am supporting it. And I am asking as well that the minister's letter be appended to the copy of the motion so that the Speaker understands very clearly. I'm also asking the clerks' department to make the entire transcript around this motion available to the Speaker, because I want the Speaker to be able to understand clearly how this changed from day to day and how we got to the final decision today. Having said that, I will cast my vote in the affirmative. The motion carries.

On the point of order, I now recognize Ms. Cansfield.

**Mrs. Donna H. Cansfield:** Thank you very much, Chair. I have a couple of issues I'd like to raise with you as a point of order. One is, I'd like to submit a dissenting appendix to the documents being forwarded to the Speaker.

I also would like to make a comment that I think that we have, as you have just indicated—it's interesting that according to the privileges for the members, I think you have usurped long-standing parliamentary procedures with your closure decision. I'd like that on the record. And you spoke about the letter.

But more so, I want to raise an issue, and I'm going to ask for direction from the legislative branch. Often in our role in other areas, we make comments one way or another about an event that occurs within the normal course of the Legislature. Then some of us end up in a position where we are a Chair of a committee, and as a committee, we are deemed to be neutral and to use parliamentary procedure to the very best of our ability, to remain and sustain that neutrality.

According to the procedures as they are outlined, the Chair must rule on his or her own decision, even as an appeal, except in a position where the Chair may be in a situation, having made a comment or a suggestion or a position, where it was known whether they were for or against a particular situation. It produces a fiduciary conflict of interest for that Chair and then, therefore, it's prejudicial to an outcome on a vote—and it could be in any committee, not just this committee.

My question for the legislative branch is, when such situations occur and given the fact that rulings must be made, can the Chair not excuse himself or herself and let the Vice-Chair assume that position? I don't need an

answer now. I would like it on the record, though, and to come back to all members, because I think it's something that really impacts all committees, not just this committee, when it may be seen that the Chair is prejudicial to a particular situation, either for or against, and then makes rulings one way or another on that issue. I think that helps the member so that they are not put in a conflict of interest or in a position where they may be shown to have a conflict of interest. So I ask that through you, Mr. Chair, to the legislative branch. And that I can do as a member of this committee.

**The Chair (Mr. Michael Prue):** Fine. The statement has been made and is part of the record. I don't think I need to rule on it or say anything about it.

All right. We are now at the point—

**Mr. Rob Leone:** Chair, can I respond to that on a point of order? Is it possible?

**The Chair (Mr. Michael Prue):** I'm not sure that it needs a response. It is a member making a statement that she believes that there should be some changes to the rules or procedures. That's really what she's saying. I don't know whether it needs to have a comment or not.

I am bound, as is this committee, as is the House, by the rules and procedures that are in place, and I believe they have been followed. If they are to be changed—then she has made a statement that she is indicating that she would like to see some change—that change would normally take the form of her talking to the government House leader, and the opposition House leaders would take a look at that, and they would sit down and discuss potential changes. I think that's how business goes on around here.

I don't know whether anyone needs to speak any further to that. Do you need to speak further to that?

**Mr. Rob Leone:** I was just going to say, Mr. Chair, that I know you've been put in many difficult positions throughout the course of this committee already and in positions where you are breaking ties, as we have four people on this side and four people on that side. I just want to state for the record that, in my view, you have conducted yourself very impartially and fairly. You have at times sided with us and at times sided with the government. I just wanted to state for the record that I think that your work as Chair has been very, very good.

**The Chair (Mr. Michael Prue):** I thank you for that.

Now, we are on to business, I would think, of the committee? Yes. At this point, on the last occasion it was made known to the Minister of Energy that he would be called and given 15 minutes' notice for his arrival. So I would ask at this point—I want to give 20 minutes, just in case. It is now five minutes to 10. If we could come back here at quarter past 10, at that time the minister will be—

**Mr. Reza Moridi:** Mr. Chair, can I request a half-hour recess, until the minister arrives?

**The Chair (Mr. Michael Prue):** He did inform me that he could be here in 15 minutes; we're making it 20, just in case.

**Mr. Reza Moridi:** That's fine.

**The Chair (Mr. Michael Prue):** Okay, we're going to make it 20, and that will be quarter after. The minister has indicated that he and his staff will be here—

**Mr. Peter Tabuns:** And the rotation—

**The Chair (Mr. Michael Prue):** If I could ask, so that we know the rotation, so everybody knows where we're starting—

*Interjections.*

**The Chair (Mr. Michael Prue):** It is my memory, but we will confirm this, that there's about five minutes left for the Conservatives; that we broke—this was way back in May or maybe April. There's about five minutes left on their rotation, and then we will proceed to Mr. Tabuns. We will confirm this in the next 20 minutes.

We are recessed for 20 minutes.

*The committee recessed from 0955 to 1015.*

## MINISTRY OF ENERGY

**The Chair (Mr. Michael Prue):** Time to reconvene. I want to welcome the minister and all of the staff back. Just for the edification of the minister, your letter was received this morning. It has been filed. It's part of the record.

**Hon. Christopher Bentley:** Thank you very much.

**The Chair (Mr. Michael Prue):** My understanding, and it has been confirmed by the clerk, is that on the last occasion you were here, questions were with the Conservatives. They have approximately five minutes left, and then we will go in rotation from there.

**Mr. Rick Nicholls:** Thank you very much. Welcome back, Minister. It's good to see you back here, and now an opportunity for us to get to the real issues. Recognizing that fact, Minister, I would really appreciate short, succinct responses in order to make up for the close to nine hours that we've wasted of taxpayers' dollars thus far.

Minister, here's my question: In your press release yesterday, you stated that the total cost of relocating the Mississauga power plant is approximately \$180 million. This lawsuit is a further financial burden on the back of Ontario taxpayers. My question is simple: Would you prefer to have that unnecessary expenditure paid for by the taxpayers or the hydro ratepayers through increased hydro bills once again?

**Hon. Christopher Bentley:** Thank you very much. I do appreciate being back to the committee. I did appreciate the opportunity yesterday to provide the people of Ontario and this committee with an update on the Mississauga gas plant situation. I said all along that as soon as I was able to provide an update, I would, and yesterday was an opportunity to do that.

The Oakville situation: There are still confidential conversations going on within the framework of an arbitration, so that is still going on. I don't have an update there.

Specifically to your question, we have announced an agreement between the Ontario Power Authority and Greenfield South Power to relocate the Mississauga gas

plant. It will now be known, I suspect, in our conversations as the Lambton gas plant. The bottom-line cost of relocation is \$180 million. That agreement was concluded on Monday. There hasn't been a further discussion or decision about how it will be allocated, but that is the cost of doing what we committed to do back in September 2011, and what your party committed to do by press release exactly the same day, and what the third party, the NDP, committed to do as well.

**Mr. Rick Nicholls:** So in answer to the question regarding who will, in fact, be paying for that: Will it be through increased hydro rates, do you suspect?

**Hon. Christopher Bentley:** As I indicated, there hasn't been a further conversation about that since the agreement was concluded on Monday. That's something that will have to be discussed and decided in the future.

**Mr. Rick Nicholls:** I see.

Do you have anything further?

**Mr. Rob Leone:** Yes. Thank you, Minister, for coming back. I have a question with respect to what has transpired over the last 24 hours. I know that David Caplan took the fall for Minister Smitherman on eHealth, which cost about \$1 billion.

I'm wondering if you're going to take the fall for Minister Duguid on this wasted \$180-million transfer of the plant.

**Hon. Christopher Bentley:** Thank you very much. What we announced last September 2011 as our intention—it was immediately, same day, by press release, picked up by your party. I'll quote part of it: "A Tim Hudak government will cancel this plant." The NDP was saying, approximately two days later, on September 26, that, "We wouldn't build it." It would mean that, however the election had turned out, all three parties were going to be in exactly the same position; that is, either cancelling it and not building anything or cancelling the location and moving it. Our choice was to cancel and move it to best obtain the power, to best protect the people of the province of Ontario and to reach the agreement.

The long, good-faith discussions that we had—and I thank all parties for their participation in those; their hard work in those discussions—resulted in an agreement that provides value for both. But the cost of relocating, the cost of fulfilling that commitment, which was the commitment that your party made and the commitment the NDP made, is \$180 million.

1020

**Mr. Rob Leone:** Minister, if we were in government, there would have been a new Minister of Energy, a different Minister of Energy, on account of bungling the siting of the Mississauga gas plant. Don't you think that we should have a new minister because of this bungling of the Mississauga gas plant, the siting of that, which was your government's decision?

**Hon. Christopher Bentley:** Thanks very much. I became the minister, actually, in October 2011 and proceeded to implement the commitment that we made, which was exactly the same commitment that your party



made and exactly the same commitment as the NDP made, so I think that's a fact that we shouldn't miss.

**The Chair (Mr. Michael Prue):** Okay, and that would be the end of the five minutes. Mr. Tabuns, the floor is now yours.

**Mr. Peter Tabuns:** Thank you very much, and welcome back, Minister.

**Hon. Christopher Bentley:** Thank you very much.

**Mr. Peter Tabuns:** Minister, did the Premier's office direct the Minister of Energy or the OPA to cancel the contract with Greenfield in Mississauga?

**Hon. Christopher Bentley:** As you know, there was a Liberal Party press release that was issued, I believe the date of September 24, 2011, announcing our intention. Once we became the government, we proceeded to implement our intention.

**Mr. Peter Tabuns:** So who actually made that decision? Was that the Premier?

**Hon. Christopher Bentley:** Sorry, the decision around the September 24th? That was a Liberal Party press release, and we campaigned on that.

**Mr. Peter Tabuns:** And who is the Liberal Party? Which individual in the Liberal Party made that decision?

**Hon. Christopher Bentley:** I can't speak to that. I can speak to the fact that it was a Liberal Party press release.

**Mr. Peter Tabuns:** So it wasn't the Minister of Energy?

**Hon. Christopher Bentley:** I wasn't the minister at the time.

**Mr. Peter Tabuns:** No, I know you were not, but my guess is that you've become intimately familiar with this whole affair in the last few months. Was it the Minister of Energy who, on his own behalf, decided that we should not proceed?

**Hon. Christopher Bentley:** The information I've seen is the Liberal Party press release.

**Mr. Peter Tabuns:** That's interesting. So it was the Liberal Party, not the government of Ontario at the time. So was it the—

**Hon. Christopher Bentley:** It was a Liberal Party press release that was issued on the 24th, and it was our intention, should we form the government, to relocate the plant. I don't believe we talked about cancelling the contract, as was suggested in a previous discussion. We spoke about relocating, not proceeding with the plant at the Mississauga location, and proceeding to work with the proponent to relocate the plant. Those were the discussions that have ensued.

**Mr. Peter Tabuns:** So if it was the Liberal Party in the midst of an election, was it the campaign manager for the Liberal Party operating in Ontario that made that decision?

**Hon. Christopher Bentley:** I don't have that information.

**Mr. Peter Tabuns:** We look forward to seeing some of that information come forward when you file the documents that you have promised to file.

**Hon. Christopher Bentley:** I did indicate by letter to the committee that we are preparing the documents relating to Mississauga and have asked the committee to respect solicitor-client privilege with respect to the documents. I'm aware of the report, Mr. Chair. That's a separate issue. I've just indicated by letter that there are documents that we're preparing that are not solicitor-client privileged.

**Mr. Peter Tabuns:** So, are the documents that you're going to provide us—will they show who in the Liberal Party decided that this plant would not go ahead?

**Hon. Christopher Bentley:** Well, when I provide the documents, when they're together and we're able to provide them, you'll be able to judge for yourself what they show. I don't want to get ahead of the documents and I don't want to get ahead of your characterization of the documents. What I've said is that we will provide them.

I said all along that when this matter reached a point where I could speak to it—I'm pleased that it reached a point where an agreement was concluded between Greenfield South Power and the Ontario Power Authority, but I said all along, and I have said since I became the minister, that when this issue reached a point where I could provide an update, I would provide the update. I said that to the committee. Yesterday I was able to provide the update on the basis of an agreement that was reached, concluded on Monday, and I have said by letter this morning—and yes, I'm aware of the report. The report is there. It's going to the House. But apart from the report, I have said by letter that we are preparing and prepared to provide documents, and we're asking that solicitor-client privilege be respected. So the documents that are not solicitor-client privileged we'll be providing, and I think they're being prepared now.

**Mr. Peter Tabuns:** That's good, because I would assume a letter or an email from the campaign director for the Liberal Party in the last election would not be part of a lawsuit. I assume direction from the Premier to the Minister of Energy saying, "Hop to it," also wouldn't be the subject of a lawsuit. So I look forward to those documents.

I want to go to another, but related, point—

**Hon. Christopher Bentley:** Can I just—I don't want to take too much of your time, but I've spoken about solicitor-client privileged information, I haven't spoken about matters that are subject to a lawsuit because, as I made clear yesterday during the report, the lawsuits relating to Mississauga on both sides of the border have been withdrawn. That's my understanding.

**Mr. Peter Tabuns:** Right.

**Hon. Christopher Bentley:** So I've separated out solicitor-client privilege from the broader issues that we talked about before.

**Mr. Peter Tabuns:** Yes. I just think a lot of us are interested in knowing who actually made the decision to incur this \$180-million cost, and my guess is, it was not a junior clerk in the Ministry of Energy.

On another matter—

**Hon. Christopher Bentley:** So you will see from the documents the implementation of the Liberal Party intention, as expressed in the press release of September 24, and I expect that in the documents that we are putting together, you will see the implementation of the government's stated intention in that press release. You can draw your own conclusions from those and from anything else.

**Mr. Peter Tabuns:** The IESO and the OPA had previously said that the power plant was needed in Mississauga to deal with a shortfall in supply to the southwest GTA. I was at your media conference yesterday. That question was asked. You've indicated that that is no longer an issue. When did that change?

**Hon. Christopher Bentley:** No, what I've indicated is that we're confident that we can meet the needs of Mississauga and that part of the GTA through other means. The Ontario Power Authority, the IESO—all parties are constantly planning to make sure that we have enough power to meet the needs. There obviously was a view that having generation located close to the need is always a factor to be taken into consideration, but as the past four weeks of very extreme hot weather and the demands on the electricity system in the province of Ontario have demonstrated, we have been able to meet the very high needs of the people of the province of Ontario, including Mississauga and this part of the—

**Mr. Peter Tabuns:** Well, you're—

**Hon. Christopher Bentley:** I'll just finish; I won't be long—including this part of the GTA through the existing. Now, we have indicated, obviously, if you don't have the generation right beside the load, then you're moving it from somewhere else.

**Mr. Peter Tabuns:** That's right.

**Hon. Christopher Bentley:** As you know, we just completed and opened up the Bruce-to-Milton line, which is significant, and we have been upgrading our transmission throughout the province of Ontario. We'll continue to do that, and we'll continue to plan for the out months and the out years to make sure that what we can meet today we'll be able to meet in the future, no matter what the demand happens to be.

**Mr. Peter Tabuns:** Well, in the spirit of brevity, you've just opened a whole other chapter for me. This \$180 million to move the plant from Mississauga to Sarnia, you are going to meet the shortfall and supply by "other means"—the words you used a few minutes ago. I'm assuming, again, from your words, that means investment in transmission. What's the cost of the transmission investment to deal with the movement of this plant?

**Hon. Christopher Bentley:** I don't think you accurately took from what I said—

**Mr. Peter Tabuns:** I think I did, but nonetheless, proceed.

**Hon. Christopher Bentley:** What I was intending to say: We have had, as you've seen in the past four weeks, very extreme weather, very high demands on the electricity system. We have had the ability—and I want to thank the men and women not only of the generators, like OPG and the independent generators, but the transmit-

ters, Hydro One, the LDCs, all those involved in the generation and transmission of electricity. I want to thank them for the work they've done the past four weeks.

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We've been able to meet the demands. We're constantly planning to make sure we can meet the demands in the future. We are confident that we can meet the demands, and we'll constantly plan to make sure that we can.

**Mr. Peter Tabuns:** How much more is it going to cost you in transmission infrastructure to deal with what you have said is a shortfall in demand in the southwest GTA? You're spending \$180 million to move the plant. You've said you will meet the needs there by other means. What is it going to cost you to provide those power supports by other means?

**Hon. Christopher Bentley:** No, what I said was we're able to meet the needs; we believe we'll be able to meet the needs. And if there is any shortfall in the future, we'll make sure that the planning has been adequately done for this region, as in all regions of the province of Ontario, to make sure that we can get power to where it's needed.

**Mr. Peter Tabuns:** So you're saying—

**Hon. Christopher Bentley:** There isn't a shortfall at the moment; I don't anticipate a shortfall in the future. I do not anticipate a shortfall in the future. We constantly plan through the OPA and the IESO to be able to meet that.

But let's be clear: There are transmission upgrades going on in the province of Ontario, and there have been. There was not enough investment in the transmission infrastructure in this province for many years, up till the time we became the government in 2003. We've seen south of the border, in particular, the consequences of saving today by not making the necessary investment. We've been making the necessary investment.

You've asked about bills. That's reflected to some extent in the bills that ratepayers are receiving. We'll continue to make the upgrades in transmission to make sure you have a reliable system that can carry the load. We're confident that we can meet the needs today and tomorrow in Mississauga and the GTA, like all parts of the province—constant planning by the IESO and the OPA to make sure we can meet those needs.

**Mr. Peter Tabuns:** In the end, you will either show that the IESO and OPA misjudged the need for power in the GTA or you will have to at some point provide transmission infrastructure to deal with the shortfall, should it exist. I don't—

**Hon. Christopher Bentley:** What we have an obligation to do is to make sure that we can feed the needs of Mississauga and that part of the GTA. We are today; we expect to be able to in the future. In that region, like every other, we constantly plan to make sure we can.

There is no identified issue with respect to meeting those needs at the moment. It doesn't mean that they were wrong. It means that, as in all cases, it's always better to have generation as close to the load as possible; better subject to the fact that there are challenges in loca-

ting generation in the province of Ontario no matter what kind of generation you talk about.

There is a constant: There are challenges in energy projects in the province of Ontario in locating them. If you don't locate them nearby, there are challenges in transmission. And there is one constant: Everybody wants it. We've had a very reliable system, as demonstrated over the past four weeks.

**Mr. Peter Tabuns:** Minister, in the New York court documents that were filed, it was clear Greenfield was under no obligation to stop construction. In fact, they could have gone ahead with construction and, upon completion, the OPA would have been obliged to pay for the contracted amounts. If the OPA hadn't, Greenfield could have sued for failure on your end to meet your contractual obligations.

How did you get Greenfield to roll over and accept that their plant would have to be relocated?

**Hon. Christopher Bentley:** You know, I completely and utterly reject your characterization of Greenfield. I think it's a very unfair comment on your part. Greenfield throughout this, as did the OPA—the two parties to this negotiation both worked hard; they bargained hard. These were long and protracted conversations, as is evidenced by the fact that I started speaking about this just about the minute I became the minister and you, your party and others were constantly asking me for an update. I constantly told you there were very active discussions going on. They were very hard discussions.

In the end, the two parties reached an agreement—good-faith discussions—and I say good for them. They reached a discussion that's good for the people of the province of Ontario, that is good for Greenfield South Power and their owners and shareholders. If it hadn't been, there would have been no agreement, but there was.

**Mr. Peter Tabuns:** Now as you're probably aware, financiers for this project in court in New York expressed their frustration and anger that the Greenfield developers rolled over without a peep, without complaint. They just accepted it. The financiers were furious; read the court record.

What did you say to them to get them to agree to ignore a contract that they had signed with you?

**Hon. Christopher Bentley:** I'll let other people read records about things that are said in court or in the process of negotiation or discussion. I'll just let other people read them and decide.

What I need to deal with is the result. The result, as we were very clear about yesterday, is that all lawsuits with respect to EIG, the financier of the Greenfield South project, have been settled; they've been withdrawn. Part of the cost of relocating is an early termination payment of \$88 million, end of story. I don't need to worry about or concern myself with what was said by them in a lawsuit in another jurisdiction. That's the end of that story.

Greenfield South Power has reached an agreement that they believe is in the best interests of them and their owners. I happen to agree with them because it happens

to be an agreement that was reached on behalf of the people of the province of Ontario through the OPA that the OPA believed in all the circumstances was in the best interests of the ratepayers. That's what an agreement is: Two parties come to see it as something that they both believe is in their best interests. They both worked hard, very intensely—very intensely—and they reached an agreement. They are in possession of the facts and circumstances that they believe are important to them.

**Mr. Peter Tabuns:** Minister, I'm trying to understand what happened here. Your saying, "Well, let's just move on," is not adequate. We're \$180 million out of pocket, the people of Ontario. Whether it's through their rates or their taxes, they've incurred an expense they shouldn't have incurred. We need to understand what happened.

In court in New York, the financiers said that Greenfield just simply went along, didn't complain. So one has to ask, what inducements were offered to them? The financiers said that the OPA or the government of Ontario was paying off any liens that were being put against the equipment on the site. Did you tell Greenfield that you were going to assume any debts or liabilities that they might incur in the course of all this?

**Hon. Christopher Bentley:** Absolutely, yes. Were there payments that went to the different parties during the course of the negotiations—

**Mr. Peter Tabuns:** Yes.

**Hon. Christopher Bentley:** —to make sure that equipment that had been ordered had actually been received, to make sure that the negotiations and discussions were able to continue? Are all those accounted for in the course of either the negotiated price or the relocation cost? Yes. That's part of the discussion.

**Mr. Peter Tabuns:** So effectively, you became Greenfield's financier at that point. Well, their financier pulled out. They were engaged in litigation. They didn't have any other source of money; you were it. What did you offer? Did you offer to cover all their expenses? Did you cover their legal fees in this matter?

**Hon. Christopher Bentley:** The expenses that are part of the relocation cost are there. They add up to \$180 million. Any other part that was the subject of the negotiations is reflected in the net revenue requirement price of \$12,400. So lots of discussions; lots of items were talked about during the course of the negotiation.

Did money flow to pay off things like creditors? Absolutely, because the financier of the project was financing a project and there wasn't a project proceeding at that site. When you take a look at the Mississauga site-specific costs for goods and services that can't be used of \$85 million, there were people who had to be paid. Somebody paid them, and they're reflected in our price, in our \$180 million—some of which were paid along the way and some of which have since been paid. But they're all reflected in the \$180 million.

You have the backgrounder from yesterday?

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**Mr. Peter Tabuns:** I don't have it with me, but I would be pleased if all of us had a copy circulated.

**Hon. Christopher Bentley:** That would be great. Can we get extra copies? When I spoke yesterday about the cost of relocating the plant, and I broke out the Mississauga site-specific cost for goods and services that can't be reused at the new location—

**Mr. Peter Tabuns:** That includes the legal costs that—

**Hon. Christopher Bentley:** Yes. I'm providing a copy to everybody, Mr. Chair, while I answer the question so we don't grind up his time. When I spoke to the site-specific costs that can't be reused and said it's \$85 million—when you talk about labour or equipment storage or transportation, those are things that have been paid for. So, yes, it's part of our \$180 million. But if you look to the bottom, there are additional, Mississauga site-specific costs, \$7 million. That's what we anticipate for bills that haven't come in yet, and yes, the people of Ontario are responsible for those.

**Mr. Peter Tabuns:** So those are the legal bills for Greenfield—

**Hon. Christopher Bentley:** I don't know what we've been—

**Mr. Serge Imbrogno:** They're more site-specific.

**Hon. Christopher Bentley:** I think they're site-specific costs. But these are our costs.

**Mr. Peter Tabuns:** So where are the legal costs that Ontario paid for the developer in all of this?

**Hon. Christopher Bentley:** I'm not sure that we paid their legal costs, but I can get back to you on that.

**The Chair (Mr. Michael Prue):** With that, that's the 20 minutes. It's now the opportunity for the government.

**Mr. Reza Moridi:** Thank you, Minister, for appearing before this committee. Welcome back.

**Hon. Christopher Bentley:** Thank you.

**Mr. Reza Moridi:** It's a great day.

**Hon. Christopher Bentley:** Every day is a great day.

**Mr. Reza Moridi:** That's right. It's a beautiful summer.

Minister, Ontarians as well as people in my beautiful riding of Richmond Hill are all benefiting from the investments they have made in our green energy and renewable energy. By doing that, they are also helping us to reduce our dependency on fossil fuel and advancing our green energy strategy. What do you think is the potential for Ontario to become a leader in green energy initiatives globally?

**Hon. Christopher Bentley:** That's a really great question. I'll just provide a little bit of context and background.

We have been reducing our dependence on coal. We made it clear in 2003 that we were going to do that. At the time, it had climbed to about a quarter of the electricity that we actually generated, through coal. A lot of hard work by Ontario families and businesses over the past nine years has enabled us to get down to the point where the actual amount that we use is less than 5%. We have capacity for more than that, but the actual amount that's used is less than 5%. We're getting out of coal. We'll be out of it no later than the end of 2014.

When we launched the Green Energy Act back in 2009, it was with a twofold purpose: Make sure we built on the work that had been done in the years before—through the RES I and RES II RESOP programs, renewable energy approaches. This one used a feed-in tariff approach, used around the world, to make sure that we could not only accelerate bringing on green, renewable, clean energy, such as solar, biomass and wind; it also did it in a way that created jobs in the province of Ontario. We did that by requiring that a certain proportion of every project have Ontario content—made-in-Ontario parts, by Ontario businesses, hiring Ontario workers. It has been very successful: 20,000-plus jobs already; billions of dollars in investment; we see plants all across the province of Ontario.

We're now in a position—and we've just conducted a review of the Green Energy Act—where we expect that over the next two years, as the projects get built out—many of them have worked through their approvals process—we will see more renewable energy projects plugged in in the province of Ontario with more Ontario-made parts by Ontario workers than cumulatively have ever been done in our entire history. That's a strong statement of an industry here in the province of Ontario.

The question then is—and that's the one you ask—how do we become a leader in the world? Well, first of all, do we want to be? Gosh, the market for clean, green tech is in the trillions by 2020 and beyond—trillions—and that includes renewable energy. We already have businesses such as OSM Solar down Welland way, such as CS Wind down Windsor way, such as the racking outfit up in Scarborough—the name of which has just eluded me—that already export around the world, different parts of the world.

So can we build on our ability to manufacture high quality here—

*Interjection.*

**Hon. Christopher Bentley:** Samco; thank you very much; sorry about that, Samco—and export around the world? Can we build on that and become world leaders? The answer is, "Absolutely."

My colleague Minister Duguid and I launched about two months ago an export strategy. An export strategy consists of a number of different steps, but the goal of the export strategy is to make sure that we not only support our businesses here in the province of Ontario to develop high-quality products, but we find ways of smoothing their ability, facilitating their ability to export this expertise around the world. If you think about it, we have very skilled workers, knowledge-driven workers, in the province of Ontario, so we can develop the products, we can innovate in the design; we've got the workers who are trained, through our training systems, to produce them, and it's high quality, so we can export around the world. It really is a virtuous circle there, and that's the goal of this particular approach.

One of the parts of that is to make sure that we are visible at different trade shows around the world, and my colleague Minister Duguid is handling that part. Another

part of that is that we have a clean energy task force; Annette Verschuren is chairing that, and we've already had a meeting. Part of the goal of the task force is to make sure that people who have been in the industry and have expertise can let us know their views on how we best approach, from a government perspective, highlighting what we do, facilitating what we do, to make it even better and to better position ourselves for an export industry around the province of Ontario. By doing that, we encourage even more longer-term jobs here in Ontario.

We really do have an opportunity there—I think you've highlighted a very important point—and we're looking to exploit that.

**Mr. Reza Moridi:** Thank you very much, Minister. Minister, as you know, in the 1950s, when nuclear power plants became the technology of the day, the province of Ontario, by the introduction of Candu reactors, became the pioneer of this technology in the world. I'm pleased to hear that now, with the introduction of renewable energy, our province will become one of the leaders in this industry in the world.

My next question, Minister, is about smart grid. Smart grid-technology is relatively new technology. What are we doing to advance this technology in Ontario? Can you elaborate on that?

**Hon. Christopher Bentley:** Well, it didn't surprise me that you asked—in the preamble to that question, you asked a little bit about nuclear energy, or you mentioned a little bit. We did just celebrate the 50th anniversary, and I know, as a nuclear physicist, you're always very interested in the developments around the world. You're absolutely right: We are world leaders.

Smart grid: A lot of people have been talking about smart grid. To be clear, I don't profess to be the engineer and I don't profess to be the expert. Really, what a smart grid is all about is taking advantage of the technological advances that we've seen around the world in computers, phone technology and digital technology, and applying it to the poles and wires that are used to transport and transmit the power that we generate. Can we do it and can we control transmitting that power in a way that provides us information; that we can do it more effectively and more efficiently, so for less cost; that we can identify challenges, stresses on the system and problems, and fix them before they become a break? Can we reroute electricity around problems? The answer to all those and many other questions is, "Absolutely, yes."

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We have spent a lot of time over the past number of years putting in smart meters. Smart meters really are the beginning of the smart-grid solution, because smart meters are about collecting information that was always there—we just never had access to it—collecting information, putting that together, making it available to a system—and this is where the grid part comes in—that can then operate digitally so that you take advantage of the information and manage the system much more effectively.

Sometimes you hear about issues where a tree has gone down and cracked a line following a big windstorm or an ice storm. Years and years ago, you would need to find out about it first; then you'd need to dispatch the crew; then you'd need to figure out the repair, which might be simple and might not be. Today—and we're just on the leading edge of the smart-grid issue—a control room will know long before anybody calls in. The control room will know. The control room can figure out, to some extent, how to reroute power to many of the homes and businesses affected. Many of those homes and businesses may see next to no break in their power, or a very short break at the same time as the crew is dispatched to make the longer repair. This is the type of power that we now have—we sort of take it for granted on our portable phones, our hand-held devices—as a result of technology. Really, with the smart meter, we've done the equivalent of going from the rotary-style phone to the smart phone, except instead of taking 50 years to do it, we've done it in five.

Some 4.7 million Ontario ratepayers have the smart meter, which is collecting information, which we can use for their benefit, to manage their power use and reduce their bill. We can also use it for the grid's benefit. We do have a smart-grid fund that enables us, through this fund of \$50 million, which is revealed in the estimates—and this is estimates committee so it's probably not a bad thing to talk about something that's actually in the estimates. The \$50 million over four years allows innovators to apply for a grant. It's not often a huge grant, but it makes these very innovative projects possible. These projects are ones that can better utilize information, for example, that's collected by smart meters and turn it to the use of families and businesses in a certain area or allow storage opportunities to be implemented. Storage, as you know, is that huge opportunity that the world is looking at, that we want to be leaders in, and we've got a number of initiatives out there that we're funding through the smart-grid fund, and many more that would like to be funded.

There are a lot of opportunities out there to build on the knowledge we already have with respect to the smart grid and go further. Many of the local distribution companies are already implementing smart-grid initiatives of some sort, and a number have been supported through the smart-grid fund already. We look forward to supporting more in the future.

**Mr. Reza Moridi:** Thank you, Minister, for that explanation. It seems, Minister, that our investment as a province in smart meters has been an excellent investment in terms of the modernizing and management of our power distribution system and also the management of our power system in the province.

You talked about the status of smart grids in Ontario—the technology is relatively new—and that we are making great progress, as you explained, in that area in the province. So how would you see, again, our role in the future to become a leader globally in the area of a smart-grid system and the electricity industry?

**Hon. Christopher Bentley:** That's a great question. I think it was three or four months ago that 16 international journalists came to the MaRS centre on a conference that MEDI had set up, and energy was part of it. What they were interested in was what Ontario was doing in terms of the smart grid and smart meters. They had come here from all around the world, and the reason they'd come here is because they knew we were leaders, leaders in so many ways. In fact, the smart meter implementation is one of the largest, most successful implementations of smart meters anywhere in the world—basically on time, on budget, pretty much. The smart meters themselves now present us with a huge opportunity to collect information, but to use it for the benefit of families and businesses.

You might say, "How can I benefit, if I'm a family, from information collected on the meter?" And it's collected on a minute-by-minute basis. Well, we have time-of-use rates. We have time-of-use rates that reflect the cost of actually generating the electricity at different times of the day. So if there is a discount, as there is, for off-peak hours, anything you can do in the off-peak hours cuts your energy cost almost in half, as opposed to doing it in a high-peak time. So if the smart meter is collecting information showing that you're using a significant amount of power in high-peak times, you're going to ask yourself, "Well, how can I switch that to low-peak?" You then combine that with some simple technology such as timers and, where you're able to, you shift so you accomplish exactly the same task at an off-peak time.

How does that affect a business? Well, businesses may have specific production techniques that are very highly energy-intensive, but those techniques may not run 24 hours a day. If a business knows when the particular high-cost period is and they know what is causing a high energy use, they may—not necessarily all the time, but they may be able to shift their production to a lower-cost or off-peak time, or minimize their high-peak consumption. They accomplish the same task, minimize their costs—the same approach that businesses use for every part of the production stage, but the information collected by the smart meter really empowers. It gives us information. At the end of the day, people want to know. They want to know, and they want to know how this information can be useful for them.

Well, what we've done over the past five or six years is put in place this system of smart meters. We've got them everywhere. We're collecting the information, and now the challenge—and it's being met in part through projects from the smart-grid fund, in part through the innovation of the local distribution companies, and in part through the research and the innovators. What we're doing now is figuring out the easy ways of turning this information into something that's of immediate benefit to families and businesses. Let them manage their cost if they wish to do so.

That has, obviously, system benefits. There are huge system benefits from smart meters and the smart grid for all of us, but just for specific families and businesses,

they can take this information that's collected by the smart meters and turn it to their great advantage.

It is one of the areas where we're working really hard, because this is an area that really can help the bottom line of families and businesses very, very directly. There are a number of outfits already out there that do it in different innovative ways, places like Lowfoot and others that take the information and give it to the consumer in an easier-to-use way.

One of the smart-grid projects that is being funded through the smart-grid fund is something that Energate is involved in, and it's really going to empower consumers, about 1,000 consumers to begin with. It's giving them information in a way that enables them to manage, either from in the home or from outside, their energy use, and to reduce their costs.

**Mr. Reza Moridi:** Thank you, Minister.

You mentioned the smart-grid fund. Could you elaborate a little bit about the status of this fund and what it's all about, the smart-grid fund? What is its function and all of that?

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**Hon. Christopher Bentley:** It was set up about a year and a half, two years ago. It's a \$50-million fund over four years. Last year, my colleague Minister Duguid issued a smart-grid centre fund up in Markham with GE. That's proceeding.

This year, we just had a round of grants. There were about 20 grants for about a little under \$20 million, different projects all around the province of Ontario. These are decided on a very competitive basis. There were lots more applications than there were grants given out. They are decided through a review process, and it's a very rigorous one, to make sure that the application for funds fits within the criteria of the smart-grid fund, that it's something that has not already been duplicated or done somewhere else, that it's going to advance how you're getting good value for money and that there's going to be some benefit accruing to the province of Ontario in the future—immediately, of course, of jobs, but system benefit to the province in the future. There are a lot of very exciting projects out there. I'm really quite interested in what—

**The Chair (Mr. Michael Prue):** With that, I thank the minister. We're on to the Conservatives.

**Mr. Rob Leone:** Thanks, Minister. You kind of gave us a little smile over here that we hadn't asked you any questions on the actual estimates, and I think I did ask you a question on the estimates. I have asked you many questions on the estimates; you just haven't answered those questions. So maybe I'm going to ask a question on the estimates that might allow us to have a discussion here.

I'm flipping through the pages of the Ministry of Energy here in the estimates binder that was issued to all MPPs' offices. I'm wondering where this \$180 million is coming from with respect to the relocation of the Mississauga gas plant. Can you point out the line?

**Hon. Christopher Bentley:** Thanks very much. There had been no agreement concluded when the estimates were prepared. There was no net crystallized cost at that time. The agreement concluded on Monday between Greenfield South Power and the Ontario Power Authority—that's the point at which the \$180 million of cost that can't be reused, can't be recovered, can't be repurposed, comes from.

As I indicated, the agreement was just concluded on Monday. There has not been a further discussion since that time about where the money will come from.

**Mr. Rob Leone:** So will we look forward to the Minister of Finance revising his deficit projection this year to add another \$180 million to that?

**Hon. Christopher Bentley:** Well, as I say, that decision has—we have not had the further discussion. If your party or the NDP has some advice, because I know you both committed to cancelling the plant that was going in Mississauga, as to where you would have taken the money from, I'd be very happy to receive it and to include it in the considerations that will be undertaken.

**Mr. Rob Leone:** You know, Minister—and this bears repeating; we've said it many times—that we would never have sited that plant in Mississauga to begin with, and you haven't tabled any documents pertaining to why you sited it there to begin with. That was your decision and your decision alone, so this is \$180 million that actually falls on your government and such.

Mr. Tabuns, in his line of questioning, raised an interesting point for me as well with respect to—that this decision was through a Liberal Party press release. I'm wondering, Minister—and I've asked this question before, and whether you can care to comment now—does this simply prove that this was part of the Liberal Party seat-saver program in the last election?

**Hon. Christopher Bentley:** Well, thanks very much. We had made quite clear when we initially made the commitment during the campaign—"we" meaning the Liberal Party—that it had become clear that locating a plant in Mississauga was not the appropriate way of proceeding, was not going to work—

**Mr. Rob Leone:** So you're admitting your decision was a bad one to begin with.

**Hon. Christopher Bentley:** I take it that the PC Party reached the same conclusion, because it was a PC press release of the same day that indicated that a Tim Hudak government will cancel the plant. The NDP followed up two days later with similar comments.

**Mr. Rob Leone:** So is it the government's position—

**Hon. Christopher Bentley:** So at the—

**Mr. Rob Leone:** Sorry; go ahead.

**Hon. Christopher Bentley:** So at the end of the day, to implement that fact, we are all in—or would all have been in exactly the same position at the conclusion of the election. And then the question is, do you relocate it? That was our position. And do you negotiate hard to achieve the best possible agreement? And that's what we did.

**Mr. Rob Leone:** I want to ask some questions, Minister, about the relocation of the Mississauga gas plant in Lambton. Is this a retrofit of the coal plant there or is this a new build?

**Hon. Christopher Bentley:** No, this is going to be a new build. No decisions have been made with respect to the future of the coal-burning facility once it is closed down fully.

**Mr. Rob Leone:** I'm just curious, Minister: Could you tell us whether it would be cheaper to retrofit the coal plant or build a new one?

**Hon. Christopher Bentley:** Well, those are independent discussions. The new gas facility will be a combined-cycle facility, as the old plant in Mississauga was proposed to be. So it'll be similar—it'll be the same type of plant, using the same turbines, with the same maximum capacity.

It has, to my understanding, always been anticipated that if the Lambton coal generating facility is closed down and converted to something, it would be a single-cycle plant. They have different properties. Single cycle, as you probably know, has much faster turn-on/turn-off capacity.

But no decision has been made with respect to that and we're taking a look at all the options, including the general system need.

**Mr. Rob Leone:** So you're saying the coal plant's going to remain open?

**Hon. Christopher Bentley:** I never said that. I'm not sure where you got that. We're closing coal. We're not putting it on standby, as your party seems to think from time to time. We're closing, we're getting out—

**Mr. Rob Leone:** But you have put it on standby—

**Hon. Christopher Bentley:** —it'll be shut down by the end of 2014, no later. I've made that very clear, more than a few times.

**Mr. Rob Leone:** That's the reason I asked the question. If you're going to close the coal plant in 2014 and you're building a new plant, isn't it just simply cheaper to retrofit the coal plant that's there and save some money? You're incurring \$180 million and we're looking for some sort of accounting and accountability with respect to spending money of that magnitude on the relocation of the Mississauga gas plant. So why can't we choose or why wouldn't we go for a cheaper solution if retrofit does in fact prove to be cheaper?

**Hon. Christopher Bentley:** There are apples and oranges here. The agreement to relocate the plant was in the best interests of Ontarians. We get the capacity, we get a functioning plant; Greenfield South Power is able to construct and operate a plant, which is what they were intending to do in Mississauga. We've been able to fix the cost at \$180 million for the relocation.

The future of the coal-burning facility is a separate discussion. Whatever happens in the future, coal will be done by the end of 2014. There won't be any more coal generation there. Whether it is converted or whether it is not converted to something else will depend on a whole range of issues. As I indicated yesterday in answer to

some questions after the press conference, they're not the same conversation and they're not transferrable costs.

**Mr. Rob Leone:** I just want to state, Minister—you said this is in the best interests of Ontario—I think this is actually in the best interests of the Liberal Party of Ontario, not the people of Ontario, who now have an added \$180-million charge, whether through their taxes or through their rate increases, to pay for. I don't think under any circumstance could that be construed as being in the best interests of Ontario.

Now, I noticed that—

**Hon. Christopher Bentley:** What I was saying, sir, to be very clear, is that once we all made the commitment that the Mississauga plant would not proceed, then the agreement that was reached was the best agreement in all of those circumstances.

Your party, had it had the chance, having committed to cancel the plant, would have been in no better position than that.

**Mr. Rob Leone:** Minister, I notice that you've transferred the Mississauga gas plant from a Liberal-held riding to a PC-held riding. I also understand that in the particular case of Cambridge, in my riding, the OPA has issued some site requirements for a potential gas plant in that riding, one of which is that the site should be located near the Preston transmission station. The closest site to that Preston transmission station is a site owned by TransCanada on Witmer Street in Cambridge. Does this mean that the government is going to site a new gas plant or move the Oakville gas plant to the PC riding held by myself?

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**Hon. Christopher Bentley:** No. No decision whatsoever has been made about a further gas plant there or anywhere else.

I hope that when you say that it is being located in a Tory riding, you are saying that with a sense of optimism about the future, because we certainly have had a number of letters from your colleagues—MPP Bailey. In fact, your leader has been on the CBC indicating that he would go to willing communities—and he mentions Lambton—with respect to gas facilities. So a number of the local elected officials down that way seem to have been, over the past several years, quite interested in locating gas facilities in that county and that region. I know when you say we moved it to a PC riding, you're saying that's a good thing.

With respect to your own riding, there's absolutely no decision whatsoever, and we're continuing to assess the needs of the system.

**Mr. Rob Leone:** I do want to make a brief, brief comment on that, Minister, just before I hand it off to my colleague here. We believe that there has to be proper siting of these plants to locations that have community acceptance, to sites that are the lowest-cost. We have a set of criteria that we use in the siting of these plants. We've asked you to table those siting requirements, but you have refused to do that.

I just want to pass this over to Mr. Nicholls.

**Mr. Rick Nicholls:** Thank you very much, Mr. Leone. Minister, we know that the gas plant will be relocated to the community of Lambton in southwestern Ontario. That's where I hail from, in that general area. Given the widespread opposition to the gas plant in Mississauga, as you say, and the opposition to your other energy experiments throughout the region, can you tell us what community consultation took place with the people of Lambton prior to making this decision?

**Hon. Christopher Bentley:** Thanks very much. You can appreciate that for exactly the same reasons, or some of the same reasons, I was saying to the committee that I didn't have a further update during the course of the confidential negotiations. We respected and protected the confidentiality of the discussions.

The agreement contemplates moving the plant and locating the plant on the OPG site, where there has been electricity generation for some decades. It is a coal facility. There have been numerous comments, letters and requests by not only elected officials throughout the county but by your colleagues that further gas generating facilities be located there, either through conversion—or generally an interest in gas plants, whether Oakville or Mississauga.

That part of the world down there has long been known as an energy hub, both through generation, through what's affectionately known as Refinery Row. Recently, I think you've got the largest solar farm—or it was the largest solar farm in North America before; not anymore, I don't think. So it's very much an energy hub, and it is a site that has long been used for electricity generation. And there is a gas plant, as I recall, just down the road near—I'm not sure it's as far as Corunna. I'll have to take a look at the map.

**Mr. Rick Nicholls:** Okay. Well, I'm glad you didn't mention wind turbines, because that's a totally different issue and a major issue and concern in my area.

Here's something else for you, Minister: Could you offer an estimate of what this new plant in Lambton will cost that includes the \$180-million figure that you gave us yesterday?

**Hon. Christopher Bentley:** So let's just be clear—and do all the members have a copy of the backgrounder now?

**Interjection:** Yes.

**Hon. Christopher Bentley:** Do you? Okay; sorry.

The original contract with Greenfield South Power and the OPA provided a power purchase agreement, and that is that Greenfield South Power would build, on their own dime, construct and operate a gas turbine electricity-producing facility. Their contract is for what's known as a net-revenue requirement that they get from the Ontario Power Authority every month, but they're responsible for the construction. This contract is exactly the same. It's not exactly the same in all of its terms, but it's the same approach. Greenfield South Power builds, constructs—they're operating the gas turbine, electricity-producing facility. They have a contract with the Ontario Power Authority, which is a power purchase agreement where



they get what's known as a net-revenue requirement every month. It so happens that the face amount is a little less than the other one—\$12,400 versus \$12,900—just the face amount. There are some different terms.

The cost of construction is theirs. They build it. We expect that it will be ready in 2017.

**Mr. Rick Nicholls:** I see. Minister, the Society of Energy Professionals said today that the relocation of the Mississauga gas plant was a decision made on “political expediency.” Southwestern Ontario is already serviced by the Brighton Beach plant in Windsor and the gas plant in Sarnia. Could you please bring forth the documents to this committee demonstrating the need to move this plant to Lambton?

Before you are able to respond to that, I have a press release that came out today, again from the Society of Energy Professionals, and it has stated that, “The government is trying to paper over the mistakes that they made in cancelling the Mississauga and Oakville gas plants,” and this is according to a gentleman by the name of Sheppard. I don't have his full name here. He goes on to say, “Unfortunately their mistakes are being papered over with taxpayer dollars.”

Then he goes on to say, “The government may be portraying this as a simple land swap, but at the end of the day it is a de facto privatization of publicly owned electricity generating assets.” That was Sheppard. He goes on to say, “The other shoe to drop will be the now inevitable closure of OPG's existing Lambton generating station which the government had long suggested might be converted to a gas/biomass generating station, which would have been the cheaper option.”

The article then goes on to say, “Southwestern Ontario is already served by an existing 1,000 MW gas plant in Sarnia and the 540 MW Brighton Beach plant in Windsor. If OPG's existing Lambton coal plant were converted to gas/biomass fuel it could generate between 800 and 1,000 MW, suggesting the new Greenfield Lambton plant is a product of political expediency, not system necessity.”

Again, Minister, my question is: Could you please bring forth the documents to this committee that would in fact demonstrate the need to move this plant to Lambton, despite the fact that this particular press release has been brought forward by the Society of Energy Professionals?

**Hon. Christopher Bentley:** I very much appreciate you quoting from a press release that I haven't seen. We are talking about a plant that had been contracted as early as 2005 as an independent facility. I didn't think that your party was necessarily opposed to private generation of power, but if that is a new position, I'm happy to hear that, or at least I'm happy to have additional information. I'm not necessarily happy to have the position, but happy to have additional information on that.

What is being constructed or is agreed to be constructed in Lambton is exactly the same capacity, exactly the same type of plant.

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As I was indicating to your colleague a few minutes ago, this plant will be a combined-cycle plant. The conversion—and you're right; we're still taking a look at that possibility—would, as I understand, be of a different type. It would be a single cycle. It has different properties: a little less efficient in the production, but has ramping qualities up and down that are hard to match through others. We're still taking a look at that.

We have lots of transmission capacity there, so we can take advantage of that with both the new and whatever is done with the Nanticoke—with the Lambton, sorry, coal generating facility. So that's very much in question.

As I said before—I mean, I'm just sort of trying to follow the logic of what you're now asking me. Your leader has said on CBC News—I have a quote here from October 5, 2011—“A PC government would go to willing communities like Nanticoke and Lambton, which already have transmission lines and a workforce at power production facilities.” So I might have thought that you would be at least recognizing that locating this gas electricity-generating facility on a site that your leader has said is one we should be looking at would be the cause for some—I guess “celebration” is too strong a word, but some recognition that we were following some suggestions or at least echoing some suggestions that your leader has spoken of. Your colleague MPP Bailey has also said that we should be looking at his area as we consider what's to be done with Mississauga. I believe he—

**The Chair (Mr. Michael Prue):** I'm going to stop you with that. We're on to Mr. Tabuns.

**Mr. Peter Tabuns:** Thank you, Chair. Thank you, Minister. Minister, as I understand it, the site that the Greenfield plant was going to be built on will stay in the ownership of the partnership, Eastern Power. Is that correct?

**Hon. Christopher Bentley:** Yes. They owned it and they still own it.

**Mr. Peter Tabuns:** They owned it beforehand?

**Hon. Christopher Bentley:** Yes. It was not a government of Ontario site.

**Mr. Peter Tabuns:** Okay. Will they be paying the government of Ontario for the land they will be getting in Sarnia?

**Hon. Christopher Bentley:** Yes, the agreement does contemplate the purchase of the—

*Interjection.*

**Hon. Christopher Bentley:** Sorry? —fair market value of the land.

**Mr. Peter Tabuns:** Okay. Can you tell us the amount of money—

**Hon. Christopher Bentley:** Can I just have two seconds? Yes, go ahead. Sorry.

**Mr. Peter Tabuns:** I'm just going to go back. What is the fair market value for the land?

**Hon. Christopher Bentley:** I don't actually know.

**Mr. Peter Tabuns:** Could you provide us with that information?

**Hon. Christopher Bentley:** I don't know if it's part of the contract that was reached between Greenfield South Power, and I'm going to turn it over to the deputy.

**Mr. Serge Imbrogno:** Part of it would be based on an appraisal that will be done in the future to get the actual fair market value of the land.

**Mr. Peter Tabuns:** Okay. So at this point, neither OPG nor Eastern Power knows how much that land is going to cost them. Is that correct?

**Mr. Serge Imbrogno:** I think they're waiting for that appraisal. They probably have a rough idea, based on market value in that area. But the appraisal will set the final amount.

**Mr. Peter Tabuns:** And the land in Mississauga that Eastern Power owned previously and owns now, at any point was the purchase of that land financed by the government of Ontario, OPA?

**Hon. Christopher Bentley:** Not that I'm aware of. That was always theirs. As I understand it, it was always theirs.

**Mr. Peter Tabuns:** Okay.

**Hon. Christopher Bentley:** And part of the agreement that was reached is that no gas generating facility will be constructed on that site.

**Mr. Peter Tabuns:** Okay. The amount of money that Eastern Power gets on a monthly basis per kilowatt hour—so they're paid \$12,400 per month as a base fee for simply existing. Is that correct?

**Hon. Christopher Bentley:** I'm going to turn it over to the deputy.

**Mr. Peter Tabuns:** That would be fine.

**Hon. Christopher Bentley:** It's \$12,400 net revenue requirement per megawatt of capacity every month.

**Mr. Peter Tabuns:** Oh, per megawatt of capacity.

**Hon. Christopher Bentley:** Yes. So if there are 300—I think there are 298 point something. But, Deputy, why don't you go a little further?

**Mr. Peter Tabuns:** Yes, if you could explain—

**Mr. Serge Imbrogno:** I think the minister had it correct. It would be the \$12,400 multiplied by the capacity of the plant—

**Mr. Peter Tabuns:** Which is?

**Mr. Serge Imbrogno:** —which is about 300 megawatts per month. But the contracts have—they're fairly complicated contracts. They have a deeming provision where the net revenue requirement covers fixed and operating costs. But as the facilities are required to run, if they achieve a certain market price, that's part of the contract. As they run and get revenues from the market, that reduces the net revenue requirement.

**Mr. Peter Tabuns:** Yes, I can understand there may be some complexities in the formula. What are they paid per kilowatt hour for the power they produce?

**Mr. Serge Imbrogno:** It would depend on how much they run, so it's not really based on a per kilowatt hour; it's based on this deemed provision and kind of a capacity payment to cover their ongoing costs.

**Hon. Christopher Bentley:** But as you said, if they run and generate electricity and sell it, they'll get a price

back for that. The price they will get is what they could get on the open market, whatever that is, or whoever is contracting to pay for it.

I think what the deputy was saying, and correct me if I'm wrong, is that at the end of the month, if they've earned \$100 by selling electricity—I obviously made up the figure—then you take that away from the net revenue requirement.

**Mr. Peter Tabuns:** Got it. Okay.

**Hon. Christopher Bentley:** Because there is a rate of return built into the net revenue requirement, as all their costs are.

**Mr. Peter Tabuns:** So we can order them to produce power. Ontario can order them to produce power because we need it, otherwise why would you produce power, incur expenses and have your revenue reduced?

**Hon. Christopher Bentley:** Otherwise, why would you have it?

**Mr. Peter Tabuns:** Yes.

**Hon. Christopher Bentley:** Part of their obligation is to be there when we need them, and the IESO determines when we need them.

**Mr. Serge Imbrogno:** Right, and if they don't run when they're deemed to have run, then they lose revenues. The contract is structured so that there's an incentive for them to run, when it's appropriate.

**Mr. Peter Tabuns:** Okay, that's fine.

**Hon. Christopher Bentley:** And this is the same structure as all of these gas plants.

**Mr. Serge Imbrogno:** That's correct.

**Mr. Peter Tabuns:** Why did the price drop from \$12,900 per megawatt of capacity to \$12,400?

**Hon. Christopher Bentley:** That's a great question. Let me take a little stab at it, and then, Deputy, you can.

In the course of the negotiations and the discussions, which were very long and protracted, from the time that the price was arrived at until now, there's obviously inflation. There's the escalation of construction costs. There may be other costs that were lower before. Costs usually don't go down in construction; they tend to go up. That would dictate a raising of the price.

Now, if you go back to the background, there's some equipment that's been purchased and that will be used. There's some planning, and there are some other issues there as well.

**Mr. Serge Imbrogno:** That's correct.

**Hon. Christopher Bentley:** There were a number of other issues taken into consideration in arriving at the price, so it's not an easy flow through. That's why I said, in answer to a question, that the face price is a little lower. I'm not necessarily suggesting that you draw from that conclusion that it's cheaper, when you consider all the factors. There's a very complicated series of factors here, and you have to throw them all in. We've had eight to 10 months' worth of very complicated negotiations back and forth with lots of different price questions.

**Mr. Peter Tabuns:** Is EIG still the financier?

**Hon. Christopher Bentley:** To my knowledge, they don't have a financier. EIG has been settled out of their lawsuits.

**Mr. Peter Tabuns:** So they are no longer a player in this?

**Hon. Christopher Bentley:** I can't speak for Greenfield South Power and any agreement they have. My understanding at the time the agreement was signed is that they didn't have a financier for the project. They'll go out and find one. You need an agreement to find one. Who that will be, I don't know.

**Mr. Peter Tabuns:** So they have a contract but they don't currently have the money. They may or may not. And is there any consideration that the OPA or the government of Ontario will provide the financing for this?

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**Mr. Serge Imbrogno:** I think Greenfield would do its best efforts to go out and get financing. The expectation is, like any other generator that gets a contract that has a net revenue requirement going over 20 years, that that is totally financeable in the market. Our expectation is that Greenfield, like any other generator, will get financing, finance the project and move forward. That's the expectation.

**Mr. Peter Tabuns:** So EIG has completely severed its relationship, then. They're not part of this.

**Hon. Christopher Bentley:** The reason I'm hesitating in answering your question is, my understanding may be yours, but I'm not Greenfield South Power; I don't have access to their conversations and I wouldn't want to say something on their behalf today that may or may not be the case.

What I know is that the \$88 million in the back-grounder was the net settlement of all the lawsuits and the issues with respect to EIG. You saw the little asterisk at the bottom of it about the principal.

**Mr. Peter Tabuns:** Yes. The question of supply to Mississauga and Oakville: Has the IESO, has the OPA, gone back and looked at their initial projections that told them that a plant was necessary in this area?

**Hon. Christopher Bentley:** Let me answer it in this way, and I'll build on the answer I gave you before with respect to Mississauga—and we're confident that we can meet the needs today and in the future. There is constant planning going on, not just for those regions but throughout the province of Ontario. When the decision was taken with respect to Oakville, we spoke, and have spoken about since, of a transmission solution, which means it's generated somewhere else and it's brought in. The IESO and the OPA will constantly plan to make sure that that will happen and can happen. We're confident that it can, and we'll continue to be confident in the future.

**Mr. Peter Tabuns:** Can you tell me when this solution that you're confident in will arrive on the scene?

**Hon. Christopher Bentley:** That's a great question, asked in a very clever way. I wish I could tell you when I would have more to report on the Oakville discussions. That's really what you're asking me about.

**Mr. Peter Tabuns:** You're telling me that there's a transmission solution that's going to deal with the problem you originally saw. You have confidence that that solution will be implemented. In which year will you have confidence?

**Hon. Christopher Bentley:** It has to be implemented on a minute-by-minute, day-to-day basis, doesn't it? Right now in Oakville, the Halton region, we're able to meet their electricity needs through various sources. We're confident that we'll be able to meet them in the future.

As you know, the supply-and-demand situation has been fluid over the past number of years. As a result of the worldwide economic recession, the demand curve did not recover as quickly as others hoped—we all hoped. Conservation has had a significant effect.

Over the past four weeks, as we've seen, weather events—you asked me the last time about weather events—are an issue. When we sit here in the province of Ontario now at the end of rather high temperatures and take a look at North America, and say: Am I glad we've got all that generation capacity available? You're darn right, I am. Did I think two months ago, when I was answering other questions about potential surplus, that I predicted as hot a four-week stretch as we've had? No, I didn't predict that. But maybe we're into a slightly different time—and that's one of the things that you were hinting at, I think, in your previous series of questions, that we have to be prepared for, and we are prepared for and will continue to be prepared for. So I'm okay with that.

**Mr. Peter Tabuns:** Can you tell me how many megawatt hours per year this plant is supposed to produce when it's up and running in Sarnia? On average, because I'm sure there will be fluctuation.

**Hon. Christopher Bentley:** I could calculate out—it has a 300-megawatt capacity.

**Mr. Peter Tabuns:** Right.

**Hon. Christopher Bentley:** So if the 300 megawatts run for an hour, it produces 300 megawatt hours.

**Mr. Peter Tabuns:** Correct.

**Hon. Christopher Bentley:** And if it ran for 24 hours a day and ran straight without a break for every single day of the year, I could calculate that out. I'm not sure whether gas plants actually do that or whether they'd be overstressed. I suspect not.

**Mr. Peter Tabuns:** What, on average, are you expecting to be produced out of this plant over the next five to 10 years—per year? How many megawatt hours?

**Hon. Christopher Bentley:** I'd have to come back to you with that. It will be an education for me, because I'm not sure how you'd calculate that.

**Mr. Peter Tabuns:** Well, my guess is your system planners have a sense of what their average production will be—

**Hon. Christopher Bentley:** So why don't I go ask the question and see what they come back with?

**Mr. Peter Tabuns:** And if you could undertake, then, to provide that information to this committee—

**Hon. Christopher Bentley:** I'll undertake to ask the question. I don't know what they'll come back with.

**Mr. Peter Tabuns:** And assuming they give you an answer, you will provide that answer to us.

**Hon. Christopher Bentley:** Absolutely.

**Mr. Peter Tabuns:** Mr. Chair, are we running into lunch at this point, or do I have more time?

**The Chair (Mr. Michael Prue):** No, lunch is at 12:30, in an hour.

**Hon. Christopher Bentley:** And there was no banana bread—

**Mr. Peter Tabuns:** No, there was none. It was very, very brutal.

Just on a different subject, the feed-in tariff program: When will it be relaunched?

**Hon. Christopher Bentley:** Great question. Today, the Ontario Power Authority posted the rules. I expect that within a day or so we'll see the microFIT relaunched.

**Mr. Peter Tabuns:** Okay.

**Hon. Christopher Bentley:** But the rules are there to be seen. We can provide you a copy. Can we provide a copy?

**Interjection:** The directive is there.

**Hon. Christopher Bentley:** That's what I said: The directive is there. I might have said it in a slightly different way.

**Mr. Peter Tabuns:** There were reports in the paper, about a week ago, that Bruce nuclear was not meeting its deadline for restart of its refurbished reactors, and there are significant penalties attached to not meeting that deadline. Have they met their deadlines or are they paying those penalties?

**Hon. Christopher Bentley:** I can answer the first question. There were in-service dates for the refurbished reactors. They are past the in-service dates for those two refurbished reactors. The contractual issues are being considered and dealt with between the Ontario Power Authority and Bruce.

**Mr. Peter Tabuns:** So you are not aware of whether the contract is being utilized to impose a penalty at this point?

**Hon. Christopher Bentley:** Well, I'm aware of a contract and I'm aware of the issues, generally speaking. My understanding is there has not been a conclusion to the discussions about reasons, results, as a result of any contractual and other provisions.

The deputy just wants to add a little bit to that.

**Mr. Peter Tabuns:** Yes, please.

**Mr. Serge Imbrogno:** The units were supposed to be on by July 1. Because of that, at this point, the units that are running are receiving the wholesale market price as opposed to the contracted price. The discussions between OPA and Bruce are continuing in terms of whether they accept that there was a force majeure event. But as of this point, Bruce is receiving the wholesale market price for the units that are running, 3 and 4.

**Mr. Peter Tabuns:** And what's the wholesale market price they're receiving?

**Mr. Serge Imbrogno:** It fluctuates, but on average, two cents, two and a half cents, three cents an hour.

**Mr. Peter Tabuns:** What would they have been receiving under the contract if they had met their in-service dates?

**Mr. Serge Imbrogno:** I think it's in the five or six range, but I can get you the exact numbers.

**Hon. Christopher Bentley:** It's 6.4 or—

**Mr. Peter Tabuns:** Okay.

**Hon. Christopher Bentley:** So those discussions about the contract are ongoing, as I understand.

**Mr. Peter Tabuns:** But at the moment, the contract actually is being applied and Bruce is receiving the lower amount?

**Mr. Serge Imbrogno:** That's my understanding, and I'll confirm it—

**Mr. Peter Tabuns:** If you could confirm that today, that would be great, because we'll be here for a few hours.

Minister, you announced that you had come to an agreement with SNC-Lavalin and Westinghouse for construction plans, schedules and cost estimates for the new build at Darlington. Can you tell this committee what is being paid to those companies for doing that work?

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**Hon. Christopher Bentley:** Ontario Power Generation reached an agreement with those two companies, not me. They reached an agreement with them to prepare the various proposals and estimates. Although I am advised that the specific price between the two is commercially sensitive—they had hard negotiations with each—the ballpark total price for the two is less than \$26 million.

**Mr. Peter Tabuns:** Less than \$26 million?

**Hon. Christopher Bentley:** The total.

**Mr. Peter Tabuns:** The total?

**Hon. Christopher Bentley:** Yes.

**Mr. Peter Tabuns:** So we're paying each of those companies about, and I'll just split the difference, thirteen million bucks—maybe I'll be generous: \$12.5 million each—to prepare essentially a bid on this new build.

**Hon. Christopher Bentley:** OPG has determined that the best way to be able to know costs, know construction timelines, know risk so that they can determine whether it's financially the right thing to do, is to get these companies competitively to put together a hard estimate. It is not unusual, I understand, in large construction to get those who would put together such a bid—to provide them with some funds to be able to do that. The \$26 million would be roughly the equivalent of somebody deciding to pay \$50 in market research for a \$20,000 car, depending on how you calculate out what the net cost would be.

So is it appropriate for OPG to ask for two to prepare this? Yes. Was it their decision to pay the two entities to do this research and to get an in-depth, usable product so they'd be in a better position to make a decision? Yes, because, as we've discussed before, these are very-large-ticket decisions and we want to make sure that if a decision is made—if it's decided that we need the power,

if it's decided it's going to be nuclear—we have as good an idea as possible on what the costs are, what the timelines are, so we're better able to make the decision, better able to manage the decision. So they've taken this approach.

We're taking different approaches, having learned from the experience elsewhere on how to better manage both refurbishment and new build costs and construction timelines, and we're implementing—

**The Chair (Mr. Michael Prue):** I'm going to stop you right there. On to the government, the Liberal Party. Ms. Cansfield.

**Mrs. Donna H. Cansfield:** Thank you very much, Chair. Thank you very much for the opportunity to have some discussions with you, Minister. As you would know, the first place I'm going to go is conservation.

**Hon. Christopher Bentley:** Absolutely.

**Mrs. Donna H. Cansfield:** There's been a lot of discussion around the issue of supply: Why would the supply need to be changed? Why is it going where it's going?

You've already discussed the issue of where it's built, and then there's the issue around distribution. I think it's important, as well, to look at our total supply mix also from the demand-response side and look at the issue around conservation and the work that's been done.

I'm going to ask you some questions that deal with the whole issue around load-shifting, demand-response, going from peak to off-peak, and the work that's been done in both commercial—which I think is really significant—and residential, but a little bit more so.

I'd like to start with that and how that has had an impact on the need to reduce the demand in that particular area.

**Hon. Christopher Bentley:** And I could have anticipated that that was the first place you were going to go, because you started every speech, when you were the minister, with conservation. I know that—very good leading work.

I'm wondering if you'd mind if I called up Sue Lo, who is assistant deputy minister and really is the authority here.

**Mrs. Donna H. Cansfield:** Not at all.

**Hon. Christopher Bentley:** Thank you very much.

Sue, you have the question. Fire away.

**Ms. Sue Lo:** The question is about commercial and industrial programs relating to load-shifting and conservation, right? I have that? Okay.

**Mrs. Donna H. Cansfield:** Right.

**Ms. Sue Lo:** Okay. There are a vast number of programs now that have been launched recently. In 2011, though, there was an entire suite of programs, in fact, on conservation launched by the OPA, and those programs are called saveONenergy. They were launched in 2011. Those programs target every sector, so they target the residential and commercial sector and the industrial sector too. In terms of what they do, I'll give you some examples of business programs, for instance.

The business sector is highly complex. It's highly diversified in terms of small businesses, medium-sized businesses and what the businesses actually do. First of all, there are energy audits available to help businesses realize what it is that they use their energy for. Consultants who conduct these energy audits look at the energy needs, the electrical needs in terms of heating, cooling, ventilation and lighting. You'll probably know from your time at Energy that HVAC and lighting systems are the most energy-intensive for any business. In fact, HVAC, I think, is the largest expense in terms of the electricity portion, responsible for about 60%, and lighting accounts for about 30% of any business's use. If you focus on those two elements and design systems that help to make the heating and cooling ventilation systems more effective—the building insulation, for instance, is another huge factor—and then also focus on the lighting, that's what would really help with businesses.

I'll give you an example of one particular case that we had. It was a water treatment facility in Hamilton, and they had a pumping system, so you have motors and pumps and air conditioning systems that need to be changed out and retrofitted. This particular water treatment plant in Hamilton went through replacing inefficient equipment and lighting, and saves around \$400,000 annually now. The \$400,000 actually represents about 20% of their total energy consumption, so that's a huge thing.

I think your question was also related to demand response. So in terms of demand response, businesses, large and small, can sign up for the demand response programs that the OPA offers through their LDC, local distribution company, so businesses have incentives where they can sign up for the demand response programs. By signing up, what they commit is that they will not use their energy during the peak periods, which is most critical to the system's needs, and they shift their use to the off-peak periods, so that's a tremendous benefit to the system.

I should also comment on lighting, because lighting is something that contributes to 30%. So there is a saveONenergy small business lighting program that's currently offered by LDCs. An example of a business that went through a lighting retrofit is a motorcycle shop. I'm giving you small and large examples. A motorcycle shop used a \$1,000 grant from the OPA and Guelph Hydro—this is part of the Power Savings Blitz program—and they replaced their overhead lighting in their workshop, which was inefficient. The grant covered about 80% of installing and purchasing the new lighting and the customer provided the balance, so they did also pay a share. But the total installation time took about two weeks, and now the customer is saving 10% each month, resulting in about a \$70 saving each month, so really worthwhile. These programs and rebates apply to everything from clothing stores to restaurants, drycleaners, medical offices and the very large industries as well.

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**Mrs. Donna H. Cansfield:** Do you have some idea—I always used to say that a megawatt saved is one you don't have to produce. So how many megawatts have we not had to produce?

**Ms. Sue Lo:** I can get that for you.

**Hon. Christopher Bentley:** As I recall, it's already about 1,700 megawatts over the past three to four years—

**Ms. Sue Lo:** Yes.

**Hon. Christopher Bentley:** —as a result of the conservation initiatives to date. We have very aggressive targets, as you know, like 7,100 megawatts by 2030, 28 terawatt hours, which, on the basis of current demand, is almost a 20% reduction in our overall use—but already, 1,700 megawatts. Now, that is—well, you know; that's huge. That is absolutely huge.

I think, to be fair, we need to give a lot of credit to families and businesses for really taking the lead on this, taking the good programs that are out there, combining with a lot of good homespun commonsense. They've made these programs work, because that is a huge reduction. We're talking about a 300-megawatt gas plant over here, so that's five of those plus. That is huge, and it underlines what you have always said, Donna, which is if you can save it, you're not paying to produce it. And that is a big saving.

**Mrs. Donna H. Cansfield:** Thank you very much. I also wanted to chat a little bit about some of the other opportunities that are out there that I think people forget about.

I'll use the GTAA as a really good example. I think their cycle—off-grid plant is about 40, 44 megawatts. I think you should have an opportunity to talk a little bit more about some of those opportunities that are out there or have been taken advantage of.

**Hon. Christopher Bentley:** Do you want that, Sue?

**Ms. Sue Lo:** Sure. I can give you some other examples of success stories. For instance, there is the University of Guelph. Their library is called the McLaughlin Library. What the McLaughlin Library did was replace lighting and HVAC systems and reduced their electricity consumption by two million kilowatts a year. That's huge. And they're saving \$180,000 annually. This library is large. It's about 250,000 square feet. It was retrofitted with energy-efficient lighting and new lighting controls in 2008. So that's a huge success.

In terms of typical office buildings, typical office buildings can go through access grants and incentives from BOMA, the BOMA Toronto conservation and demand management program. It's funded by the Ontario Power Authority. A typical Toronto office building can receive a \$50,000 incentive to go through energy-efficiency measures. This particular project, this particular office building, saved 33% of what that building would have consumed, by replacing their air conditioning—HVAC—system. That's also huge. Over a million kilowatt hours per year were saved.

There are numerous examples like this and together, in aggregate, they're really producing quite a benefit to the province and to the system.

**Mrs. Donna H. Cansfield:** Thank you. We've talked a lot about what's happening in urban areas. I know there's the whole issue around distributed energy, as well, and that's really the small energy and how it can be impacted—or impactful, I guess is a better word, for example to the agricultural and the related industries, i.e., greenhouses and such.

Again, I'd like to have in the record some of the suggestions and opportunities and how it represents that we've been able to save the dollars so that we don't have to produce the energy, and how successful that program has been. I don't know if you want to talk about fuel cells or biomass or Stirling engines. It doesn't make any difference.

**Hon. Christopher Bentley:** I'll leave it with Sue. Do you want to talk about biomass for a while?

The biomass opportunity is a really interesting one. Europe, for a long period of time, has seen biomass as a way not only of generating electricity but, frankly, dealing with something that's produced through agriculture and other ways. They don't have the land that we have here. They don't have as many opportunities for a landfill. They long ago figured out that they needed to get more creative about their approach to waste. You'll know that Germany, Holland and a number of countries in Europe have long been leaders in terms of biomass.

One of the things that we started in the early days—and you were one of the leaders on this—was to look for opportunities here in the province of Ontario and work with farmers and the farm community to figure out how to use farm substances—biomass and others—in many different creative ways to create not only a way to better utilize them, but also a way to generate electricity.

There have been a number of projects throughout the province of Ontario that we sort of helped kick-start. The feed-in tariff provides a guaranteed rate for approved projects that are biomass or biogas. There are a number of these already. They've taken a little longer to sort of put together than maybe the wind or the solar projects have, but the directive that was posted just today, following up on the feed-in tariff review, provides a good, solid foundation for even more of this activity in the future. I'm really looking forward to the opportunity to see more and more of these bio projects of different types come to fruition and take shape.

As you know, one of the very large projects that we've been working hard on in a different area involves taking wood waste from the forestry industry. Can you take the by-product that we're not otherwise utilizing and turn it into something useful? Pellets have been mentioned; fibreboard and other products, of course, are mentioned, but also electricity is mentioned. A lot of the work has been done by our colleague Bill Mauro, who has Atikokan in his riding, about what happens to that coal generating station when it closes down. We've committed to closing it down. We've also committed, working with

Mr. Mauro and with the mayor, to convert it to bio products, and that very hard work is under way at the moment. That's another way. That's not agricultural waste, but that is forestry by-product.

How do you get more creative? At the end of the day, it all feeds into something that you've spoken about for a long period of time: sustainability. A sustainable society means that we're using what we need to in the most effective and most efficient way possible, so we all get the maximum benefit out of it. We don't have the luxury we might have had decades ago in just discarding things and forgetting about them and not seeing them, because they're with us. Everybody wants to use our resources as productively as possible, and conservation, in all its forms—biomass, biogas etc.—is another way of utilizing what we produce in a very effective, creative way, minimizing ultimate costs to the system in the long term.

**Mrs. Donna H. Cansfield:** Thank you. One of the things, again, that's been discussed a fair amount is the distribution of the energy and the ability to move from one place to another. If folks have the opportunity, I encourage everybody to go to the IESO and take a look at the Star Wars board, as I used to call it, where they actually track the distribution of the energy across this province and can tell where there's an outage or a problem, and how they interact with the United States because we're very much into a shared relationship, which we've had for many years.

Part of what also has happened in looking at the new gas plants is we've changed from a single cycle to dual—combined heat and power, a whole different approach from what was in the past to what's in the future. Maybe you could speak a little bit about that planning process. Again, much has been said about, "Do you need it? How do you know you need it?" But it needs to be emphasized how this process actually occurs.

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**Hon. Christopher Bentley:** Your question raises a lot of very interesting issues. There are some jurisdictions that derive all of their power from one source, or almost all from one source. That can have some benefits, unless something goes wrong with the source.

One of the great strengths of the province of Ontario is that we have a number of different sources of power. When one is having maintenance issues or, in the case of hydro—one of my favourites happens to be hydro—when there's a drought in northern Ontario and there's not as much water going to the hydro facilities, we have other sources to draw on. It's very important to have a multiple of sources. It also enables us to look to the lowest-cost source and try to use our sources to minimize costs over the long term. In energy, you're always looking over the long term.

In Ontario, of course, we've long had hydro, a great source, a reliable source, able to turn on and off very quickly—that's really good. We've got some storage capacity in Niagara, for example, and we're looking at other opportunities. We're making some more hydro. We're expanding Niagara Falls, of course, with the Beck

tunnel, which will be huge, taking advantage of the generators we already have and just putting more fuel through them. I know my colleague Kim Craiton is really interested in that and has been there many times. You're taking advantage of the generating capacity you have but effectively using more fuel. What's the fuel? It's water. It flows through; it's just as clean as when it started.

This tunnel will take enough water to generate enough electricity for tens of thousands of homes without actually expanding the generating facility, simply by moving it from the top of the falls and down to the bottom. And, yes, don't worry. The first call on water, as a result of a joint agreement between Canada and the United States, is always the falls. Power takes second place. It's always the falls, which is very interesting.

What other sources do we have? My colleague Reza, my parliamentary assistant, spoke about nuclear power. We celebrated a 50-year anniversary. Ontario, for decades, has had a very strong, stable, clean, reliable and cost-effective nuclear industry. It has been about half of the generation we've used. Our intention is that it will continue to be about half of the generation we use. It runs. It runs reliably. It just runs.

Gas has other properties—

**The Chair (Mr. Michael Prue):** And with that, it is now an opportunity for the Conservatives to run with the questions.

**Hon. Christopher Bentley:** Thank you very much.

**Mr. Rob Leone:** Thank you, Mr. Chair. I want to come back to a line of questioning I started with last time, one that deals with the question of taking responsibility, and the government taking responsibility, for actually siting the plant where they did. I have to reiterate the fact that the opposition parties did not site the plant there; it was the government that did that. Therefore, the government made the \$180 million—to relocate the plant—their own mess.

As well, I noted before, Minister, that your response seems to be, "I wasn't the minister at the time. Therefore, I shouldn't take responsibility for that." But I don't think that answer really satisfies the people of Ontario. I think they want to know exactly who's going to be held responsible for the siting of the plant where it was sited. I know you weren't the minister at the time, but there was a Minister of Energy and that minister was a member of your party, and you have become the successor of that minister. Why are there two different rules of thumb here? Why does David Caplan get the boot for eHealth but Bentley doesn't get the boot for Minister Duguid's bungling of the siting of the Mississauga plant?

**Hon. Christopher Bentley:** Well, thanks very much for the question. I do appreciate that. You know, we've been very open about this. We said last September that as a result of very significant community pressure, advocacy and determination, both in Mississauga, Etobicoke and surrounding areas, building a plant, continuing with the plant at that site was just not the right option, and we committed, should we be elected, not to proceed with it.

I know that it was under our government's watch that the original contract was signed. That's quite clear. There was a rush—not a rush; there was a determination in the early years, 2003, 2004, 2005, 2006, to get as much generation up as we possibly could. We didn't have enough. You'll remember the brownouts in 2002-03. You'll remember that notwithstanding increasing the amount of coal generation up to a quarter of our production, our actual capacity to generate electricity had gone down just under 10%, at the same time the population and the demand had increased 10% under the previous government's watch—not a good direction. So we brought on the generation that was needed, generation that has been used, by the way, over the past four weeks to make sure we—

**Mr. Rob Leone:** Minister, I'm asking you the question of why there's a double standard between Caplan and yourself in dealing with a decision that's costing hundreds of millions of dollars. The situations parallel each other, and the people of Ontario are looking for someone to take responsibility for the decisions that your government has made. No one seems to be coming forward and saying, "I made a mistake," and taking responsibility for those actions. I'm wondering why, Minister, aren't you taking responsibility for those decisions, because you are now the Minister of Energy, on the original siting of the Mississauga gas plant, which was your government's siting?

**Hon. Christopher Bentley:** We've been very clear: We said that, as a result of the position of the community in Mississauga and the surrounding area, we were not going to proceed with—the same position your party took and the NDP took.

**Mr. Rob Leone:** But it was your decision to put it there.

**Hon. Christopher Bentley:** We're going to relocate the plant. That's what we've done. As you can see from the backgrounder, we've been very clear about the cost. It's \$180 million.

**Mr. Rob Leone:** Mr. Arnott?

**Mr. Ted Arnott:** Minister, I'm pleased to have this opportunity to ask you a few questions. I want to continue to focus on the announcement that the cost of relocating the Mississauga gas plant is \$180 million. You said facetiously in a previous round that some might be celebrating the decision to relocate that facility in Lambton. I can assure you that no one in the opposition is celebrating. The people in Wellington-Halton Hills will be aghast to learn that \$180 million of taxpayers' and/or hydro ratepayers' money will be expended to—

**Hon. Christopher Bentley:** At no time did I suggest in any way, shape or form that that was a cause for anything that you just said. I said the relocation of the plant to Lambton—that's what I meant; that was very clear. It was also very clear from the quotes that I read from previous Tory members.

**Mr. Ted Arnott:** I go back to the decision that was taken just days before the writ period was actually initiated. In an effort to apparently save at least one

Mississauga Liberal seat or perhaps others, the decision was made to cancel the plant. We initially asked questions about what the cost would be. We speculated that it might be in the hundreds of millions of dollars. That has now been confirmed.

**Hon. Christopher Bentley:** I think at one point you speculated it was going to be a billion.

**Mr. Ted Arnott:** Well, if you think \$180 million is a drop in the bucket, you'll soon find that that is not the case—

**Hon. Christopher Bentley:** I don't, not for a second. I never suggested that.

**Mr. Ted Arnott:** —and the people of Ontario will not find that that's the case either.

I'm going to ask you this question. I assume, even though you weren't the minister at the time of the decision—and I understand you have said publicly that, in fact, you learned about it in the newspaper, so there apparently wasn't a cabinet discussion that you were aware of or privy to.

I'm going to ask you—because I assume that you've been thoroughly briefed on the decision since that time; I anticipate that you've had a lot of questions, probably in your initial briefing, as to what was going on with that decision—what was the role of the Liberal candidate in Mississauga South in the decision to cancel the Mississauga gas plant?

**Hon. Christopher Bentley:** We've been very clear on the position that we took when we announced that it was our intention, should we be re-elected as the government, to relocate the plant. I note that your party issued a press release the same day indicating the same intention. I am assuming that your intentions were not with respect to gaining a seat, but with respect to the appropriateness of locating the plant in that location in Mississauga. I'm assuming that when the NDP issued their press release or made their comments two days later that they wouldn't build the plant, it wasn't for the purpose of gaining a seat; it was for the purpose of responding to a community position. But if that's different, I remain to hear about that.

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Implementing that decision has meant a number of actions that we took since then, including a lot of discussions and decisions. We're putting together and we'll be releasing documents relating to those that are not otherwise covered by solicitor-client privilege. You'll be able to make the determinations as you wish from the documentation.

**Mr. Ted Arnott:** Did the Liberal candidate in Mississauga South speak to you or, to the best of your knowledge, did he speak to your predecessor prior to the decision? If so, what did he inform you of?

**Hon. Christopher Bentley:** Speak to me when, and what about?

**Mr. Ted Arnott:** About the decision to relocate or to cancel the Mississauga gas-fired electricity plant.

**Hon. Christopher Bentley:** And when would that have been?



**Mr. Ted Arnott:** Can you tell us what your conversations with him have been since you've been the minister? Perhaps you were privy to the fact that he was concerned about it prior to the election; I don't know.

**Hon. Christopher Bentley:** I get lots of people having conversations with me about lots of things. There is no doubt that the Mississauga gas plant issue is something that I've been aware of, and I'm aware of the negotiations between the Ontario Power Authority and Greenfield South Power. He has not been part of those negotiations, nor has any other member. The negotiations speak for themselves in the resulting agreement. Whatever statements anybody has made publicly are out there to be made publicly. They'll live by those discussions, and I know that there were—I anticipate; I don't know, because I wasn't following—comments in the press for all the candidates for that particular riding or any other at the time, leading up to the press release that was issued on the 24th of September.

**Mr. Ted Arnott:** Did you ever play hockey, Minister? You're doing a good job of ragging the puck. I have to compliment you on that.

**Hon. Christopher Bentley:** I don't think it can be suggested that anybody who has got 15 hours' worth of estimates and has been either here or on call for what seemed like dozens and dozens of days can be ragging the puck. Even hockey games, even with stop action, come to a conclusion after 60 minutes. I did play hockey as a kid.

**Mr. Ted Arnott:** That's okay. We don't need to hear any more about your hockey career.

**Hon. Christopher Bentley:** On the Mississauga issue, I have been available and answering questions from the moment I became the minister. Yesterday, I was pleased to be able to announce that I was in a position to provide a report with respect to the Mississauga matter. As you have seen from the material and the documentation you'll be receiving with respect to this, there'll be lots of information to talk about, but we have indicated very clearly that the cost of relocating the plant is about \$180 million. There's an outline of those costs there, and no doubt there will be details later on.

**Mr. Ted Arnott:** Did the Liberal candidate in Mississauga South, to the best of your knowledge, send emails, faxes, letters—any correspondence to your predecessor concerning the Mississauga gas plant, or has he sent any to you? If we could ask that those be shared with the committee.

**Hon. Christopher Bentley:** I don't know of any that were sent to me.

**Mr. Ted Arnott:** I have to ask about the role of the Liberal campaign team in the decision to cancel the Mississauga gas plant. Are you aware of any correspondence—

**Mrs. Donna H. Cansfield:** Point of order.

**The Chair (Mr. Michael Prue):** Excuse me; we have a point of order. Yes, your point of order is?

**Mrs. Donna H. Cansfield:** I was just curious about the questioning about the Liberal Party as really being a

part of the minister's responsibility in estimates. I don't think they're the same. One is to deal with the Liberal Party, which is quite separate from this committee's responsibility, which is to question the minister on the estimates from his ministry.

**The Chair (Mr. Michael Prue):** No. This is broad and free-ranging. Mr. Tabuns asked questions on this very same point of view—

**Mrs. Donna H. Cansfield:** And I was going to raise it there, but he stopped.

**Mr. Peter Tabuns:** I'll restart.

**The Chair (Mr. Michael Prue):** But the minister also has responded, pointing out that it was a Liberal Party announcement. He was the one who said that it was a Liberal Party announcement to start it. I don't know how you stop the question, other than: The minister is very deft at handling that puck.

**Hon. Christopher Bentley:** Gosh, I'm not sure how to take that, Chair, but thank you very much. I wasn't part of that decision.

**Mr. Ted Arnott:** So again, what was the role of the Liberal campaign team in the decision to cancel—

**Hon. Christopher Bentley:** I can't answer that. I wasn't there. I wasn't part of it.

**Mr. Ted Arnott:** Well, we have to—I mean, people listening will assume and conclude that it was the Liberal campaign team that initiated the decision resulting in the \$180-million penalty to the people of Ontario.

**Hon. Christopher Bentley:** When the issues surrounding the decision to work to relocate the gas plant were announced in our press release, were confirmed in your press release, were confirmed by NDP comments within the space of about three days—I think the people of Ontario can draw whatever conclusion they wish to draw, one of the conclusions being that we were all making exactly the same commitment at exactly the same time and would have been in exactly the same position when the election was done. What we have done over the last eight, nine months is to bring that—

**Mr. Ted Arnott:** Are you suggesting it was our political party that made the decision to site the plant in Mississauga in the first place?

**Hon. Christopher Bentley:** That's not what I said, and you know it. What I was able to announce yesterday is the conclusion of the discussion.

**Mr. Ted Arnott:** What was the role of the Premier and the Premier's office in the decision to cancel the Mississauga gas plant?

**Hon. Christopher Bentley:** You know what? I've already answered the question.

**Mr. Ted Arnott:** You have not.

**Hon. Christopher Bentley:** I've answered the question.

**Mr. Ted Arnott:** You can't stall around it. You've skated all around it.

**Hon. Christopher Bentley:** I told you what I know.

**Mr. Michael Harris:** All right. Minister, thank you. Yesterday you actually were quoted in the Globe and Mail as saying, "Last year, after listening to the commun-

ity's concerns, our government made a commitment to residents in Mississauga and Etobicoke to relocate the Greenfield South Power natural gas plant." What specific concerns raised by those residents convinced your ministry to cancel this project? As a follow-up, because I know we'll drag this one out, how on earth, through that process or the environmental site plan assessment, did they miss those concerns?

**Hon. Christopher Bentley:** You've mentioned the approval process. There is a fairly lengthy approval process at a number of different stages, without going through the details, unless you wish me to, that took place, in this particular instance, over a number of years. As that came to a conclusion, as it became clear that there was going to be a plant located on this site, my understanding is that community comment, however you characterize that, built quite significantly and continued to build. As the press release and subsequent comments have indicated, we responded to the wishes of the community in the surrounding area and took the position that we did.

**Mr. Michael Harris:** Thank you. You know, Minister, obviously, paying \$180 million to relocate a power plant is a big price to pay to save Liberal seats. In my community of Kitchener–Waterloo, 20,000 people are without a family doctor. I want to just run out some stats in terms of what \$180 million could in fact pay for, to provide help for those 20,000 folks in my community of Kitchener–Waterloo. It would provide, in fact, 900 extra doctors in the province of Ontario. It would buy 3,144 first-year nurses in Ontario. It would employ 2,100 nurse practitioners throughout the province—6,000 cancer treatments at \$30,000 each. In fact, that amount, when we're talking about estimates, nearly equals the amount needed to operate the Ministry of Citizenship and Immigration, as well as the Ministry of Aboriginal Affairs. How can you justify this to Ontarians, wasting \$180 million?

**Hon. Christopher Bentley:** Thanks very much for the question. I've been very upfront about the costs. I've outlined them yesterday. They are costs of fulfilling the commitment that we made yesterday that was echoed by your party and the NDP, and those are the costs of the relocation.

**Mr. Michael Harris:** Again, just for the record, I want to state that our party's intention was never to build this plant at this site in the first place. You keep referring to that.

You said before in this committee that the Mississauga and Oakville sites were chosen because there was a demand for power in the GTA. What happened to that demand? Is there no longer a demand for power in the southwest GTA?

**Hon. Christopher Bentley:** I'll answer the question, and there are at least two approaches. The demand question, overall, we've addressed earlier in conversations at this committee. We plan for the demand in the province of Ontario on a regular basis. The IESO and the Ontario Power Authority regularly plan to make sure that we

meet the needs, brought on a number of different generators in the early years throughout the time—since 2003—to better meet the demand, to be less reliant on imports, or brownouts.

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Obviously, it is always, no matter what you're talking about, a factor to consider as to whether you have the ability to meet a demand located close to the load. That's always an issue; something you take a look at.

Are we able to meet the demand in Mississauga, in this part of the GTA, on the basis of what we have available today and into the future? Yes. Are we determined to continue to do that? Absolutely, yes. Do we still require the plant? Yes, we do, and that's why we've proposed to relocate it.

**Mr. Michael Harris:** Will there be more costs, in fact, or investments to provide power through transmission lines because of this relocation?

**Hon. Christopher Bentley:** No. We have transmission already available, as you know, from the Lambton generating site because it's been used to generate electricity through coal for a long period of time. We are not generating as much coal-fired electricity from Lambton as your party did; more historically was used and therefore the transmission capacity that would otherwise have been used by coal is available for other purposes. That's my understanding.

But be clear: We will continue to make investments in the transmission infrastructure throughout the province, which for many years had not received the investment it needed, to make sure that it is reliable and serves the needs of the people of the province of Ontario.

**Mr. Michael Harris:** I'll pass it over to my colleague Ted Arnott.

**The Chair (Mr. Michael Prue):** You have about a minute and a half.

**Mr. Ted Arnott:** Just a moment ago, I wish to inform the minister, I received an email from one of my constituents who lives in Erin, and he says, "Hi Ted. If you like give this ... to the Premier. The power plant in Mississauga makes me want to throw up." That's the first email I've received on this issue.

Again, I think the committee's entitled to a fuller explanation than we've received so far.

**Hon. Christopher Bentley:** Thank you very much.

**The Chair (Mr. Michael Prue):** No more questions? All right, then we will go on to Mr. Tabuns.

**Mr. Peter Tabuns:** Thank you, Chair. Just to reiterate, Minister, I understand from your comments yesterday and recent comments that the reason for cancellation of the plant was that the public in the area rejected the plant. Is that correct?

**Hon. Christopher Bentley:** Increasing public and community opposition in Mississauga and the surrounding area, yes.

**Mr. Peter Tabuns:** Okay.

**Hon. Christopher Bentley:** That's a brief summary, unless you want me to give a much longer—

**Mr. Peter Tabuns:** No, that's fine. That's the argument that's been put forward.

At the time, last September—there are some reporters in the room who may well have been around for the announcements—there was a statement made that construction of condominium buildings and other factors had changed the air pollution impacts from these plants. Are we to assume now that that argument was of no consequence, that in fact it was an empty argument?

**Hon. Christopher Bentley:** No. That's one of the factors, one of the changes that had happened since the time the plant was originally contracted that I suspect—I wasn't on the ground at the time; I don't know—gave rise to increasing community comment and consideration. The community expressed, as I understand it, itself in many different ways. There were many different comments and some of those mentioned the changed residential landscape in the area since the plant was originally contracted—not all of them, but some of them did.

**Mr. Peter Tabuns:** So what is the break point for this kind of decision? I went out to York region when those people were organizing against their plant, and they were hopping mad, I have to say. There was a big movement, strong opposition from across the community, and yet that plant went forward. What was qualitatively different in Mississauga?

**Hon. Christopher Bentley:** I think you raise an interesting issue, an interesting question, and you make reference to an interesting challenge. Every situation will have its own facts. You'll remember the York issue started out as a transmission approach. The first—

**Mr. Peter Tabuns:** Oh, I know the history.

**Hon. Christopher Bentley:** But this is important. You need to meet the demand for our electricity, so you either bring it in from somewhere else or you generate it close by.

There was a discussion initially about a transmission solution. The community spoke very loudly about the possibility of a transmission solution. It made its views very clear, so that solution was out. That leaves either not meeting the needs of the community or a generation solution. You're left with no choice, so you have a generation solution. That really, in a very short way, is where you end up with respect to the York situation.

With Mississauga, there is the ability to bring it in, and that's what's being done at the moment and will be done into the future.

**Mr. Peter Tabuns:** So what's the threshold you have to reach to stop the plant from being built?

**Hon. Christopher Bentley:** As I say, I think every situation is different and decided on its own facts.

**Mr. Peter Tabuns:** And these facts were not apparent to decision-makers prior to shovels being put in the ground?

**Hon. Christopher Bentley:** You know, I can't—what I can say is what was contained in the statement on 24 September and moving forward. I think every situation is going to be a continuum and have a large series of considerations.

There will be few energy projects that are conducted in the province of Ontario in which somebody doesn't have an objection; I'm unaware of any in my tenure. Maybe there has been one in the history of the province which doesn't have somebody objecting to something; either it's creation or it's non-location or it's transmission. So it's obviously a continuum of issues about how you meet the needs and what's the best way to meet the needs and how you listen to, understand and respond to community comment.

**Mr. Peter Tabuns:** So why is it that you didn't notice the rejection prior to the construction getting under way?

**Hon. Christopher Bentley:** I can't respond beyond what I already have in a number of different—I can't add anything else to what I've said already.

**Mr. Peter Tabuns:** The decision to not proceed, was that at any point reviewed with the cabinet prior to this matter being concluded?

**Hon. Christopher Bentley:** Well, I won't speak to specific cabinet discussions. I don't think I'm entitled to do that. What I've said all along is that there have been confidential discussions going on—there were confidential discussions going on; there aren't at the moment—between the Ontario Power Authority on the one hand and Greenfield South Power on the other with respect to relocation and related matters, and that they reached a conclusion. That's the report I made yesterday. That was the agreement that was reached Monday.

**Mr. Peter Tabuns:** So this was not a cabinet decision to cancel?

**Hon. Christopher Bentley:** The decision to contract was an Ontario Power Authority decision. The conclusion was an Ontario Power Authority decision. The Ontario Power Authority was at the table the whole time, and in the documents, you'll see much of the history of this—the documents I think that are being prepared that are not solicitor-client privilege.

**Mr. Peter Tabuns:** So are you telling us that the OPA independently decided to cancel this plant a few days before a provincial election?

**Hon. Christopher Bentley:** I think you will see the decision-making authority and you will see the history as this tracks through.

**Mr. Peter Tabuns:** That doesn't really address my question. The OPA approved this plant and then later was told to cancel it, or decided on their own to cancel it?

**Hon. Christopher Bentley:** I think I'll leave that to the documents. The Ontario Power Authority has been at the table throughout. The Ontario Power Authority is making decisions about this, and the Ontario Power Authority reached the agreement with Greenfield South Power. It was, no question, a commitment of our party in September that it was our intention, if re-elected as the government, not to proceed with the construction of the plant and to work to relocate it. That was no question. That was our commitment in September. There's no question about that. I think that's very clear.

**The Chair (Mr. Michael Prue):** I'm going to stop you there because it is 12:30, and we have half an hour

for lunch. Lunch is provided to all of the members of the committee and all of the people, I assume, who are in the room—

**The Clerk Pro Tem (Ms. Tonia Grannum):** Just staff.

**The Chair (Mr. Michael Prue):** —just committee staff, in committee room 1. Please make every effort to be back here at 1 o'clock.

*Interjection.*

**The Chair (Mr. Michael Prue):** Yes, we can leave everything here. If we are back at 1, we can actually be out of here by 4.

**Mr. Rob Leone:** The next ministry will be the next—

**The Chair (Mr. Michael Prue):** Next, yes.

Okay. The meeting is recessed for lunch until 1 o'clock.

*The committee recessed from 1231 to 1302.*

**The Chair (Mr. Michael Prue):** We'll call us back to order. It's a couple of minutes after 1. Thank you, everybody, for being prompt coming back.

Mr. Tabuns, you have approximately 12 minutes left.

**Mr. Peter Tabuns:** Minister, just before we broke for lunch—the Liberal Party made a decision before the election, made a promise; the OPA had authorized the construction of this gas plant, had authorized the contract with Eastern Power. When did the OPA decide to cancel this contract or relocate this plant?

**Hon. Christopher Bentley:** We made the commitment during the election campaign. When we were re-elected, we worked to fulfill the commitment. The OPA made its decision to work to relocate the plant after the election was concluded, and the documents, I think, will outline the specific date.

**Mr. Peter Tabuns:** So, will you be providing us with the minutes of the OPA meeting in which the decision was made?

**Hon. Christopher Bentley:** My recollection is that there will be documents and correspondence outlining the position of the OPA.

**Mr. Peter Tabuns:** And can you tell us why the OPA decided to cancel this plant?

**Hon. Christopher Bentley:** The OPA documents and their position will speak for themselves. We made a very clear commitment during the campaign, and when we were re-elected it was obviously our expectation that we would implement that commitment. The agreement the other day indicates that we fulfilled that commitment. So it won't be surprising that after the election campaign that it was our intention, that I expressed publicly on a number of occasions, that we work to fulfill the commitment that we made. But, as I say, the documents will speak to the specific dates about the issue.

**Mr. Peter Tabuns:** So, in the end, the OPA approved the plant. The Liberal Party made a promise to cancel a plant that they'd previously supported, approved, as a government. They were elected, and they told the OPA, "You have to cancel construction here; you have to move it." They were given a political decision to implement. They weren't following their planning guidelines; they

were just simply told, "We're the government; we've made a commitment that we're going to do this. Cancel this plan."

**Hon. Christopher Bentley:** Thank you for that. No.

**Mr. Peter Tabuns:** No, eh?

**Hon. Christopher Bentley:** We made a specific campaign commitment during the course of the campaign—

**Mr. Peter Tabuns:** Yes.

**Hon. Christopher Bentley:** If elected, it was our intention to work toward the relocation of the Mississauga gas facility, which has been concluded. The OPA made the specific decision. They have been negotiating and discussing with Greenfield South Power for some period of time now—a very long period of time. The OPA has concluded the agreement, just on Monday, with Greenfield South Power—

**Mr. Peter Tabuns:** Sorry. Prior to the election of 2011, did the OPA indicate—

**Hon. Christopher Bentley:** No, no. I said that after the election was concluded, it was our commitment during the campaign that, should we be re-elected as the government, we would work to relocate the Mississauga gas facility. It was our commitment not to pursue a gas-fired facility in Mississauga on that site. After we were re-elected, it was our stated intention—it was public a number of times—not to proceed with the Mississauga gas facility; to work to have it relocated. The OPA expressed their intentions to the proponent, the other party, Greenfield South Power. They worked very hard, the two of them, over the number of months since then to conclude the agreement.

**Mr. Peter Tabuns:** It's now clear the OPA wasn't acting autonomously. They had been given instructions initially to approve the plant and set up a contract. After the election, they were given instructions to wind things up on the Mississauga site. Can you tell us, because I assume that you have been intimately involved in this process: Were you told, as Minister of Energy, to tell the OPA to cancel this plant after the election?

**Hon. Christopher Bentley:** I'll let the documents speak for themselves. It was absolutely our intention, should we be re-elected as the government, to proceed to implement the commitment that we'd made during the course of the election. It was absolutely our intention to do that.

**Mr. Peter Tabuns:** Minister, I'm not asking for any great secret. You were appointed Minister of Energy after the election. We agree on that fact. You talked to the OPA and said, "This plant can't go ahead in this location." Is that correct? Did you tell them that?

**Hon. Christopher Bentley:** There was correspondence going back and forth, and I outlined, in some of that correspondence, our government's commitment during the campaign and our determination, because of the position of the residents of Mississauga and the surrounding area.

**Mr. Peter Tabuns:** Did you take it on your own to do this, or did someone tell you to do this?

**Hon. Christopher Bentley:** It was a very clear commitment that our party had made during the campaign. It was clear that, during the campaign, we made the commitment. We ran on the commitment, and it was our determination to fulfill the commitment after the campaign. I was certainly anxious that we fulfill our commitment; absolutely.

**Mr. Peter Tabuns:** Minister, you've been very vague about who has made this decision. Why are you not forthcoming with the committee? Are you protecting someone?

**Hon. Christopher Bentley:** No.

**Mr. Peter Tabuns:** If you're not, who—

**Hon. Christopher Bentley:** It's pretty clear. We issued a press release as a party. There was a press event as a party. We ran on the issue as a party. The commitment was that, should we be re-elected, we would work to do certain things that we certainly work to do. I spoke in the House and outside the House about these matters many, many times. I just reported the other day that we'd fulfilled the commitment that we'd made during the election campaign. We've been clear, transparent and open about that from the very beginning. We fulfilled the commitment.

**Mr. Peter Tabuns:** I have asked you earlier today: Whose decision in the Liberal Party was it to say, "We are going to cancel this plant"?

**Hon. Christopher Bentley:** It was a campaign commitment, like all campaign commitments. Some were contained in the platform; some were rolled out during the course of the campaign. This one was made during the course of the campaign. If you go back through the history of this last campaign, you'll see that a number of parties made different commitments during the course of it that may or may not have been contained in their campaign document platform, including about this plant. That's what we proceeded to implement. We ran on it. We were very clear about it.

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**Mr. Peter Tabuns:** So why won't you say who, in that election, made the decision to cancel this plant and incur penalties, unknown at that time, but which so far have been determined to be \$180 million?

**Hon. Christopher Bentley:** I don't think anybody can reasonably take the position that when you make a decision like this, it's going to be easy or it's going to be without challenge. I don't think anybody could have said that.

**Mr. Peter Tabuns:** Yes, but which buddy did this?

**Hon. Christopher Bentley:** All three parties—

**Mr. Peter Tabuns:** Sorry; you actually were the government before the election and you are after—

**Hon. Christopher Bentley:** I don't think I can add too much to what I've said. It was a campaign commitment that was out there in a press release. There was a press event. There were public statements about it. We ran on it and we proceeded to implement it. I had been the Minister of Energy. I had been working to implement that commitment. There is correspondence and there are

documents. The OPA had signed the original agreement. The OPA has been at the table and they signed the subsequent agreement. But be clear: I've never said anything else. We made the commitment as a party that if we were re-elected as the government, we would implement the commitment. That's what we've done.

**Mr. Peter Tabuns:** Minister, in the course of making this commitment to save these seats, did you ever contemplate that this should be an election expense for your party, \$180 million? You made a very big promise—

**Mr. Vic Dhillon:** All parties make—

**Mr. Peter Tabuns:** May I say, Mr. Dhillon, you're not on the speakers' list.

*Interjection.*

**Mr. Peter Tabuns:** You're not on the speakers' list, Mr. Dhillon.

**The Chair (Mr. Michael Prue):** Mr. Tabuns has the floor.

**Hon. Christopher Bentley:** If you've concluded your question, all parties have made commitments in every election campaign. Your party made a number of campaign commitments, both before and during, and those campaign commitments outline your position that you'll implement, should you become the government. That's what our party did. The discussion as to how the costs will be allocated among Ontarians has not yet been taken up after the agreement was concluded. That there would be costs of relocation would have been clear to every single party that made the commitment—every single party: your party, the PCs and ours.

**The Chair (Mr. Michael Prue):** You have approximately one minute of question and answer.

**Mr. Peter Tabuns:** Just quickly: When the OPA got their orders to cancel this location, did they have any objections?

**Hon. Christopher Bentley:** I think you'll see from the correspondence what transpired. It would have been apparent to everybody that we had made a commitment during the campaign and that it was our commitment to proceed with the commitment, should we be re-elected. That is something that we said to the people of Mississauga, Etobicoke and the surrounding area and the people of Ontario that we were going to do if we were re-elected. We ran on it. It was made before election day, so it was clear and it would have been clear to everybody.

**Mr. Peter Tabuns:** And so the OPA had no commentary—

**The Chair (Mr. Michael Prue):** I'm cutting you off there. It is now the turn of the government.

**Mr. Kim Craiton:** Minister, I just have a question which is near and dear to me, and that's regarding the Niagara tunnel. We affectionately call it Big Becky.

Before I ask my question, I just want to share a couple of comments with you, Minister, and I'd like to have them put on the record. That's why I'm doing that. I want to let you know that about two or three weeks ago—and I thank your office for this—I received a phone call asking me if I could represent you at an event outside of my riding because you weren't available, and it was to do

with jobs. I will go anywhere when there's an opportunity that creates jobs. I had the pleasure of visiting Beamsville, which is not in my riding, and I had the pleasure of meeting a company that was spending \$5 million opening a plant there which was going to employ 50 people to start with. The purpose of the plant was wind power and electronics.

I had the opportunity to meet with the CEO, who explained to me quite clearly, when I asked him the question, "Why would you be locating here in Ontario?" He said, "It's pretty simple. Number one is the Green Energy Act. Number two is that the requirement in the act is that you have a certain percentage of the product produced here in Ontario. Thirdly," he says, "this is a great location." He said, "The Niagara region is a great location." We know that the region of Niagara wants to become known as the wind power—economic development for Ontario. The region itself, with Gary Burroughs, who's the chair, has been leading that charge.

About two weeks later, I received another call asking me if I would attend an event at a former plant that closed, called Hayes Dana. It was sad to see it close. I remember working there when I was a kid. It had been sitting there idle, and a company from China came in and was spending \$15 million and had bought the entire plant and all the land associated with it. They were in the process of hiring 100 people to start with, and they were going to be producing wind turbines. They've been in the business for years. The mayor of Thorold was there and just ecstatic, saying, "This is the future. This is the new industry, and I'm proud that the government"—I'm quoting him—"went forward with the Green Energy Act. For the people of Thorold, this is just a great day." The regional chair was there as well, and there were a number of economic development officers who were there from Niagara Falls, from Fort Erie, from Thorold. They were all there, saying, "This is a great day."

When I had a chance to speak with Chris—he's the CEO—I asked him the same thing. We were talking. I said, "Why did you choose here?" He said, "It's the Green Energy Act. You're making the right decision. Secondly, we have to locate in Ontario. That's part of the condition."

He explained to me that this was the first phase, and he expects that they will be hiring probably another 100 more and that they'll be investing millions and millions of dollars more, in addition. He also explained to me that a lot of their product that they're going to be producing is leaving Ontario. It's not that it's all being utilized here, but it's leaving Ontario because they are distributors worldwide.

I tell you that because I had a chance—this is the highlight of both events—to actually meet people who had jobs. I remember talking to this lady—that was the one in Beamsville. She didn't know who I was; we just started talking. She was saying to me, "This is a great day. My husband lost his job about six months ago, seven months ago. He was working in industry. He has a job, and this is

a really good job, so we're just so ecstatic that this is happening."

Hayes Dana: I met a number of the people who had lost their jobs when the plant had closed. Some had gone back to Mohawk College. Some were at Niagara College, because they're now offering training programs. Niagara College explained this to me. They're saying that they realized this is a highly skilled job, whether it's to do with solar power or wind power, and now it's going to require certifications. So they're now putting together a curriculum to offer training programs with the certificates.

Both of these companies said to me the same thing. They said, "The problem you're going to have is that you're not going to have enough workers." They both said to me, "You'd better get yourself prepared by making sure your educational system is in place to get these workers trained, because we're going to need them."

I just wanted to share that with you. That was a good day, and it was good to see people who, unfortunately, had been out of work, working.

**Hon. Christopher Bentley:** Thank you.

**Mr. Kim Craiton:** The Niagara tunnel: I've had this question asked of me a number of times, and I know the answer, but I think it's just important that we have it from yourself and we put it on record. It has been asked of me about the additional capacity, because I think it's something like 160,000 more homes or 200,000 more homes because of this additional electricity. People are questioning me, "Can we utilize that electricity? Are there transmission lines in place? Can it be moved around? Because we know it doesn't always stay in our community." I've been reassuring them, "Yes." I think I said that we've spent a lot of money putting in additional lines, but I thought it would be good coming right from your ministry, just to confirm that the electricity will be used and there's a need for it and that it'll be moved throughout Ontario.

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**Hon. Christopher Bentley:** You're absolutely right. First of all, thank you for sharing the jobs-related events that you went to. It's good to hear first-hand what the experience of people in different communities is and has been, and it's good to hear first-hand that what we hear at a very high level, actually, is having an effect on lives. It was nice to hear from the community member, through you, about that. Thanks for doing that.

Big Becky: What a fascinating project. You're right; it's going to provide electricity for at least 160,000 homes. In my early days, what I said to Tom Mitchell was, "How many extra megawatts is this project going to create in the Niagara complex, in the Beck complex?" Because every time we talk about a power generation facility, we're talking about extra megawatts of capacity. He said, "None." I was a little taken aback, and I said, "What do you mean?" He said that this project has had a capacity to generate electricity far beyond what the fuel will allow it to do—the fuel is the water. They haven't

been able, because of the limitations of the existing water transport structures, to utilize all the capacity that they have to generate electricity in the plant, just using the existing equipment. What I found fascinating is that even after this largest hard-rock tunnel in the world, they'll be up to about 75% or 80% of their capacity. Depending on how much water is available, they can do even more.

But you're absolutely right. Do we need the electricity? You bet. Hydro is clean, it's cheap and it can ramp up and ramp down very quickly. I understand that when we had the blackout in 2003, it was the Beck facility that was really the hub. The people around Beck didn't have any power outage; they still had power. That was the hub where the authorities at the time started getting electricity out to others, and kept it going for our different facilities to get them up and running. It really was a very impressive fact to know about the Beck facility.

Do we have a need for it? Absolutely. Do we have a need for power of this character and type? Absolutely. Do we have the wires to take it? Yes, we do. Yes, we have the wires. As you would expect, Hydro One, the IESO and the planners always look to see where, if we put in extra transmission capacity, we can have even more flexibility in the system. So it's not always just about, "Can you take it out?" but, "How many different directions can you take it out in?" You're always looking for opportunities to have not only the best system, the most reliable system, the most flexible system. We have the ability to take it out, we have the ability to get it around, and, yes, we want to use it.

**Mr. Kim Craitor:** The other thing I want to close with saying is thank you. I have been inundated—and I'm going to say the name HotWired, from Fort Erie. They've been calling me regularly. I've had so many companies coming in about: When are we going to make the announcement about the FIT program? When are we going to go forward with it? So, I'm pleased to hear that you've issued a directive, and that's going forward. Allen, I said I'd wave to you, if you're watching TV. The minister has made that directive, so it will be coming forward.

The other thing, Minister: I've got such a large number of people coming in that want to go with the wind power projects, particularly out in Niagara-on-the-Lake. They're coming in and hoping that we're going to go forward. The difficulty was—and I know you know this, but I just want to put it on the record—when the election was called—and I have a company in Fort Erie called DMI that produces the wind power turbines. It was the company that explained this to me; this is not me that's telling you. They were saying that the challenge was that the orders stopped coming in because no one really knew what was going to happen with the election. There are no guarantees in our business, but we knew that one particular party was very strongly opposed to wind power; that's their right to have that opposition. So the orders stopped, and everything slowed down. They're hoping now that if we start moving forward and get the positive signs, those orders will start coming back in. So that's one. It's called

DMI, in Fort Erie. I was out there the other day, and they're feeling positive.

In fact, I should tell you that they were excited over the fact that this company has come in from China. I thought there would be a little bit of concern because they're producing the same type of product. The general manager said, "No, this is a good thing, Kim. This is a good thing, to have competition. We have no problems with that at all, so we're glad to see it." So I just want to pass that on to you as well.

**Hon. Christopher Bentley:** Thanks very much. I'm pleased that the Ontario Power Authority was able to get the directive up on the website today. That is the directive that sets out the rules resulting from the green energy review that we did that concluded several months ago. We put the original draft directive up for discussion and review. There were lots of technical issues with those, I understand, and lots of people had the ability to comment even on the directive. Many, many thousands had the ability to comment originally, so it was great to get those comments to make sure that, as we proceed, we do it in the most effective way possible. I'm really looking forward to the applications. Thank you.

**Mr. Kim Craitor:** Thank you, Minister.

**The Chair (Mr. Michael Prue):** That's it? Questions? Mr. Moridi.

**Mr. Reza Moridi:** I'll continue. Thank you, Mr. Chair, and thank you, Minister. Minister, since 2003, when our party came into office, we have made lots of investments in the area of transmission. We have built 5,000 kilometres and did the maintenance work and upgraded 5,000 kilometres of transmission lines across the province. Could you please tell us about the major investments we have made recently in the transmission lines?

**Hon. Christopher Bentley:** Yes. We're going to call an expert up.

**Mr. Serge Imbrogno:** I'm going to call Jon Norman up. He's the director of transmission and distribution.

**Mr. Jon Norman:** Hi. Thank you for the question. Since 2003, the government has invested more than \$9 billion in the transmission system and the distribution systems. That, overall, represents an expanse of about 5,000 kilometres of wire if you put it in wire equivalents. Even in the past two years this investment has been accelerating as well because of the aging infrastructure on the system. Since 2011, Hydro One has invested nearly \$1.5 billion in upgrades and expansions of the transmission and distribution system.

Major improvements since 2003 include the Bruce-to-Milton line, which was referred to earlier, which is the largest transmission project to be built in Ontario in the past 20 years. That was recently put in place and will connect over 3,000 megawatts of clean energy, and will also help facilitate the removal of coal-fired generation in the province.

Another major project since 2003 has been the reinforcement of power transfer capability between the northern Ontario system and the southern Ontario system, which is an important bottleneck in the Ontario

system. This has allowed for many hundreds of megawatts of renewable energy projects as well as the expansion of the Lower Mattagami hydroelectric project in the north.

Finally, another major project has been the Ontario-Quebec interconnection. There's a series of six interconnections between Ontario and Quebec, and there was a joint agreement between the province and Hydro Quebec to expand that transfer capability by 1,250 megawatts, which has allowed the system to have more flexibility, both in terms of dealing with times when power is needed and in times when Quebec needs power as well. It was done to the mutual benefit of both parties.

I would also point out that there's a good deal of investment that has happened with regard to keeping the system at a level that can ensure the safety, reliability, quality and efficiency that Ontario customers are used to. Transmission reinforcement has occurred in Niagara, in London and in Kitchener, to the tune of approximately \$400 million over that time period. In addition, because of aging transformer station infrastructure, 15% of Hydro One's transformer stations have been upgraded as well over the past five years, which has amounted to an investment of \$850 million.

**Mr. Reza Moridi:** Thank you very much. Speaking of the Bruce-to-Milton transmission line—just recently, I believe, the minister officially opened that line—could you elaborate on the impact of this line on the communities across the province, particularly around the power line, as well as the type of generation which this power is going to deliver from the source to the consumer or the consumption place?

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**Mr. Jon Norman:** Yes, thank you. Bruce-to-Milton is a good example of the importance of transmission investment in the province. Very often, the discussion is around the supply side, the locations of that supply and where that source comes from. But of course, the wires are really the backbone of the electricity system.

The Bruce-to-Milton project, being the largest transmission project in over 20 years, has really allowed for the expansion of capacity from the Bruce area to the major load centres in the greater Toronto area. That has, in particular, allowed for up to 3,000 megawatts of new, renewable generation—that's wind generation and solar generation—in a very promising region of Ontario for that type of investment.

In and of itself, the investment into the wires has resulted in 500 jobs at the peak construction period, and that's not including indirect jobs that would come from the project and the amount of economic activity that comes from that. Perhaps more importantly, the project has allowed for those significant thousands of megawatts of renewable generation, which has also enabled a good deal of some of the manufacturing companies that have participated in the feed-in tariff program and allowed for that economic growth as well.

Just to give you an idea of the scope, the amount of generation that that equates to is enough to power about

1.5 million homes. It's a very significant investment, both for the Ontario electricity system but also for the economy of that region.

**Mr. Reza Moridi:** Thank you very much. Ontario's long-term energy plan, which was introduced a couple of years ago, calls for some new transmission line projects. Could you elaborate on those, please? What are those projects in terms of their geography, in terms of their generation-to-load locations?

**Mr. Jon Norman:** Sure. The long-term energy plan, because it's an integrated plan, of course also recognizes that transmission is an important backbone of the electricity system and important for reliability over the long term. There is a specific transmission plan in the long-term energy plan that allows for the objectives of the plan to be met: for instance, achieving the target of 10,700 megawatts of renewable generation; for achieving the replacement of coal-fired generation; and, importantly, to ensure that reliable, adequate service is maintained to all Ontarians at all times.

There are five projects that are outlined in the plan. They're spread between the north and south of Ontario. The first in the north is called the east-west tie. It is a link between the northwestern Ontario system and the rest of Ontario. It will increase that transfer capability by about 300 megawatts. It's a \$600-million project. It's very, very critical to continued reliability in the northwest, and also to ensure that in times when there are significant amounts of hydroelectric generation, it can be brought to the rest of the province and vice versa: During time periods when there may be a drought, power can be brought into the northwest to ensure system reliability there as well.

Currently with that project, the Ontario Energy Board is running a designation process which will select a qualified transmitter to develop the project. That process is well under way.

**The Chair (Mr. Michael Prue):** With that, I'm going to stop you. On to the official opposition.

**Mr. Rob Leone:** Minister, I would like to have some clarification between the relationship between the OPA and the ministry. Can you describe that? Is it at arm's length from the ministry or does it simply respond to the direction that you set forth? Can you give us some explanation as to what that is?

**Mr. Serge Imbrogno:** I could try to answer that. The OPA is an agency of the ministry. It's consolidated through the ministry. It has a board of directors. The minister can provide direction to the OPA on procurement. So that's kind of the general overall structure, but the OPA board is charged with, once that direction is given, fulfilling that direction.

**Mr. Rob Leone:** Okay; that's very helpful. The minister, in essence, can provide direction to the OPA and, in so doing, the ministry would have some involvement in some of the decisions that the OPA would make, which means that suggesting that the OPA made a decision to relocate the Mississauga gas plant may have in fact been a result of some direction from the ministry.



**Hon. Christopher Bentley:** You're going to have the specific correspondence soon. Let's be very clear: We campaigned on it; we said we'd do it if we got elected. It was my determination that I review the documents and see where we were, implement the campaign direction and implement the commitment that we'd made.

**Mr. Rob Leone:** So was the ministry directing the OPA, or had some sign-off authority on actually siting the plant where it did? Did the ministry have any way in providing its feedback on the actual siting of the plant? I'm not talking about the relocation; I'm talking about the siting.

**Hon. Christopher Bentley:** Let's be very clear: The specific contract party was the Ontario Power Authority. I don't think there would be much question that they were aware that we'd campaigned on it. I did a very extensive review of documentation, as I believe you'll see in the documents, and outlined my review with the Ontario Power Authority, as I believe you'll see in the documents. I don't have it in front of me, so I don't have the specific wording.

**Mr. Rob Leone:** The reason why I asked the question, Minister, is because I got some maybe inferences, if not stated words, when Mr. Tabuns was asking you some questions, that there was some sort of sidestepping, perhaps, maybe passing the buck, in terms of the decisions that were made, to the OPA. But if you're in fact the minister responsible for the OPA, you are, in effect, responsible for the delegation and direction that you provide that ministry. If that is in fact the case, then your ministry and you, as minister, can be held personally responsible for the decisions that have been made, particularly with the siting of the plant. I'm not talking about the relocation; I'm talking about the first siting of the plant. Is that correct?

**Hon. Christopher Bentley:** With respect to the first siting.

I want to let the correspondence speak for itself. When you get the specific letter, you'll see what action I specifically took and the way it was written and outlined.

**Mr. Rob Leone:** Typically, as these sites are being discussed and debated, you're providing input to the OPA in terms of what the government's preference, perhaps, is on these sites, particularly with reference to where they're located. Do you recall, as a minister—obviously in a different ministry—that the original siting was actually discussed around the cabinet table?

**Hon. Christopher Bentley:** First of all, I won't comment on cabinet discussions. The OPA does have a very strong, independent planning authority, so I can't speak for any minister-OPA discussions that occurred at the time of the original siting. I think I'll just leave it at that. I'll let the correspondence speak to the actions that I took and the way that they were phrased. I know you're asking some specific questions, so I just want to make sure that I have the specific phrasing in front of you.

**Mr. Rob Leone:** With respect to the relocation of the site, assuming that the ministry provides input to the OPA, and some feedback or discussion or perhaps debate

around the cabinet table did in fact occur—and you're not at liberty to talk about those, so we're going to have to assume that that simply happened. Why was cabinet not notified of this decision to relocate the site? As you've previously mentioned, you learned about the relocation of the site reading the newspaper. There was no conference call of cabinet; this was something that you learned, as a cabinet minister—in a different ministry, mind you, and I respect that—in the newspaper. Don't you think this would be something that cabinet would throw around, would debate, particularly when it's costing us \$200 million?

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**Hon. Christopher Bentley:** In a newspaper or in the press, yes. It was a campaign commitment that we made in the course of that campaign, and we were all—

**Mr. Rob Leone:** But it was a campaign commitment, Minister, that no one really knew about. This was an 11th-hour campaign commitment. You released your campaign platform before the campaign actually started, as I recall, just the weekend or a couple of weeks before the campaign. This seemed to be at the 11th hour—about 11 days before the actual election. This might have been a campaign decision, and I respect that the Liberal Party and people like Don Guy are calling the shots in this government, but this can't really be construed as a long-term commitment if it just came out at the very last minute.

**Hon. Christopher Bentley:** My recollection during the campaign is that all three parties had a campaign platform document, and all three parties made additional campaign comments or commitments during the course of the campaign on different issues. On this particular issue, all three parties made a commitment with respect to whether or not the plant would proceed. We were very clear on the commitment that we ran on. Once the election was concluded and we became the government, it was obviously our intention, which was outlined a number of different times, to proceed to fulfill the commitment. There were several approaches to fulfilling the commitment. The negotiation/discussion approach is the one that we chose. The OPA had a very long, extensive, detailed—as I understand it—discussion on both sides, and that reached the agreement at the end of the day. They were at the table.

**Mr. Rob Leone:** So was it Don Guy that made the decision to cancel the plant?

**Hon. Christopher Bentley:** As I said to you a number of times, or answered a number of different questions, pretty clearly, there was a press release—just like your party issued a press release, and just like the NDP had public comments about it; I don't know if they issued a press release. We ran on the commitment—there might have been a press event the same day. My recollection is that there was. When we were elected, we proceeded to state our commitment to fulfill the commitment we'd made during the campaign—just like all parties had made commitments during the campaign.

**Mr. Rob Leone:** As a member of cabinet, and in the creation of party manifestos like platforms that you run

on, are cabinet ministers typically consulted on what is actually included in those party manifestos?

**Hon. Christopher Bentley:** Gosh, you know, I'm sure every party has proceeded in pretty much the same way historically in coming up with its campaign documents. Lots of input from lots of places would be the general rule. Campaign commitments would have been made. What is very clear is that we made it openly, made it by press release, ran on it and proceeded to implement it.

**Mr. Rob Leone:** The Toronto Star claims that even press aides on the campaign press bus didn't know about the fact that this was actually going to happen. This was, and very much seemed like, an 11th-hour decision to change course. I'm wondering if you could offer us any idea: Did Premier McGuinty actually authorize this decision at all, or did this simply happen from Don Guy and his folks?

**Hon. Christopher Bentley:** I can't offer you anything further than I already have.

**Mr. Rob Leone:** Do you know if the previous minister, Minister Duguid, was notified of the impending change prior to the announcement on that September day?

**Hon. Christopher Bentley:** I can't add to what I've already said.

**Mr. Rob Leone:** At what point, Minister, did you effectively become briefed on what has happened, what has transpired, in your ministry? What would that briefing have included? Would it have been simply a briefing that was prepared by the deputy minister and the ministry staff? Would you ever have encountered or had a conversation with the previous minister about some of the hot-button issues that are in your portfolio?

**Hon. Christopher Bentley:** Well, there were obviously briefings. There are briefings in every ministry that I've been in on materials prepared by the public service, and those briefings commence almost the minute that you're appointed and leave the appointment ceremony. Obviously, there were briefings on this and many other issues.

The public service is not political, so the public service would not have participated in those, to my expectation—any press release that went out from the Liberal Party—just as they wouldn't have participated in any that were made by your party or the NDP. That would be my expectation.

**Mr. Rob Leone:** Minister, I would suspect that it would be the case in your party, as it would be in ours, that at the very least the leader would have some knowledge of what would be committed to on a particular day. They would be well-briefed on those occurrences, and the rationale for making these particular decisions with respect to that would be clearly outlined and clearly tabled. Some references might be, in terms of the electoral impact of said decisions—I'm sure that calculus is part of the decision-making process in any party, in any government. I find it very remarkable that at every stage there seems to be a skirting of political and personal and ministerial responsibility with respect to this decision

that's costing taxpayers, or electricity ratepayers at the very least, \$180 million. That's a lot of money.

What I'm trying to assess here, Minister, is, who takes the fall for that decision? Is it you, as minister? Is it Don Guy, as the campaign chair? Is it the Premier himself? Is it some scapegoat that decided that it was a good idea to make sure that we save Liberal seats in terms of protecting your own? Perhaps it's the campaign manager for the MPPs and the Liberal candidates surrounding the plant. Who takes the fall for a government's decision to locate a site where it did, effectively costing taxpayers \$180 million? That decision, mind you, was a decision made by the government. It wasn't made by the opposition parties. It was simply made by the government itself. Who takes the fall for that?

**Hon. Christopher Bentley:** We were pretty clear in the commitment, that we made a commitment. You did join in, as did the NDP. We ran on it; I suspect without knowing that it was discussed a number of times during the balance of the campaign. When we were elected, we proceeded to fulfill the commitments that we had made. We've been very clear and open about that. It doesn't get much more open than issuing a press release and then, as I recall, having a press event. That was out there for all to see and to make determinations on, and everyone would have known that, obviously, if you make a decision to relocate, there are going to be some costs.

**Mr. Rob Leone:** That's understandable, Minister. But obviously, if another party did form government, there would have been responsibility. There would have been an indictment on the past decisions that your government would have made. Since you did actually form the government, a minority government, mind you, no one has taken political responsibility for the decisions that your government has made. When it has cost \$180 million, does that number, in an era of austerity, not raise alarm bells for you in terms of what it could potentially buy: hospitals, schools, roads in different communities that perhaps need infrastructure and things like that? Doesn't it bother you that there's \$180 million that has been lost as a result of your government's decision to locate the site where it did?

**Hon. Christopher Bentley:** Everybody would rather there be no cost or low costs, including me. There were some very hard negotiations and discussions during the course of the last number of months. We have reached an agreement. The OPA and Greenfield South Power have reached an agreement to relocate the plant. Those are the costs of equipment and work done that can't be reused. Every party that made that commitment would have known that there would be costs associated with the commitment. Depending on whether you relocated the plant or not, the costs would have been much higher.

**Mr. Rob Leone:** I know, Minister, that you keep coming back to the fact that we were part of that, but there's one thing that sets us apart, I think, and that's that the PCs—I don't mean to speak for the NDP, but I'm sure they'll agree with this statement—admit and we fully state and we don't shy away from stating that this

decision to locate the site where they did was in fact a mistake. Are you prepared today, Minister, to state clearly that the decision to locate the plant where your government did was in fact a mistake?

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**Hon. Christopher Bentley:** I suspect the decision that was made at the time was the decision that was appropriate in the circumstances. It was pretty clear that the circumstances changed dramatically in terms of the community approach and position with respect to that. I've already been asked about some changes in the residential makeup of the surrounding area. That's one aspect that probably fed in to and contributed to significant, building community concern about it. That's why, in those changed circumstances, the decision was made, and that's the position that we've taken. I suspect it was the same reason that your party indicated they wouldn't proceed with it, but I don't know; I can't speak for it.

**Mr. Rob Leone:** But we stated it was a mistake.

I'll pass it off to Mr. Nicholls.

**Mr. Rick Nicholls:** Thank you very much. Earlier today, Minister, you provided us with a backgrounder identifying the costs of relocating the Mississauga gas plant. Again, you stated in there that the government was able to minimize the cost impacts by repurposing \$85.5 million in equipment and work for use in the new facility. Had you not been able to do that, I would then assume that the cost was \$180 million, plus that \$85.5 million. That would be a correct assumption? Okay.

Here's my question for you, sir: How much money did the government have invested in the Mississauga power plant before the decision was made to pull the plug? And I think I can hear taxpayer money going down the drain here.

**Hon. Christopher Bentley:** The way the power purchase agreement works is that there is an agreement on the part of the Ontario Power Authority to pay the other party a certain amount of money every month for a plant with capacity. The proponent is responsible for the building, so the proponent goes out and does the necessary approvals, gets the design, gets the engineering—you've seen that referred to in the document—contracts for the equipment—

**Mr. Rick Nicholls:** But how much money, Minister, was actually invested, whether it be on the contractor's part or the government's part? How much money was invested in that power plant prior to the plug being pulled?

**Hon. Christopher Bentley:** When the commitment is made and we campaign on the commitment, there are then a number of discussions with respect to the relocation and the negotiation. When you see the first basket of costs here, that \$85 million represents the costs and the services that can't be reused in the new plant. So there would have been labour that was contracted for, there would have been equipment that was paid but can't be reused—"repurposed" I think is the phrase of the day—construction material and the like, things that might have been delivered after we got elected, but they had already been contracted for and paid for. So when you

say how much had been spent, there would have been monies that had been contracted for or otherwise spent, or otherwise in the process of being used, up to the beginning of the fulfillment of the commitment. I think those are all the baskets there.

**The Chair (Mr. Michael Prue):** I'm going to stop you right there, because that's the end of the 20 minutes.

Mr. Tabuns.

**Mr. Peter Tabuns:** Minister, possibly the deputy minister will have advice to you on this one: Eastern Power got a contract initially in 2005, and they couldn't get financing until 2011. That was a long period of time, and yet they had a guaranteed power contract that was of some value. What kind of company with a guarantee to sell power can't get financing in that period of time?

**Hon. Christopher Bentley:** I'll turn it over to the deputy.

**Mr. Serge Imbrogno:** Mr. Tabuns, I don't have specifics on Eastern Power. They would have received the winning bid in 2005 and then would have proceeded to get their approvals. So I don't know whether between 2005 and 2011, there were issues with approvals that they were getting, or whether it was a combination of that and financing. I don't have that breakdown for you.

**Mr. Peter Tabuns:** When you have a company bidding on this kind of project, what assessments do you do as to their viability, their stability, their general ability to deliver?

**Mr. Serge Imbrogno:** I think there would have been basic financial tests that they would have had to have met. But then once they got the contract, it would be up to them to go out and get the financing. They don't bring the financing when they come forward, but they would have to present an acceptable balance sheet.

**Mr. Peter Tabuns:** Have you looked at their balance sheet since this contract was thrown into dispute back in November 2011?

**Mr. Serge Imbrogno:** We have, and I believe the OPA going forward would review that as well.

**Mr. Peter Tabuns:** In moving to this new location, what assets do they bring with them?

**Mr. Serge Imbrogno:** Do you mean the physical assets?

**Mr. Peter Tabuns:** Yes. You've listed some gas plant equipment here. Is that owned by them or by the OPA?

**Mr. Serge Imbrogno:** Those assets would be owned by Greenfield.

**Mr. Peter Tabuns:** They would be owned by Greenfield.

**Mr. Serge Imbrogno:** They would be owned by Greenfield. But the value of those assets would have been taken into account in setting the net revenue requirement going forward. In other words, they would have been subtracted off as part of the negotiation of the net revenue requirement going forward, and that partly explains why the net revenue requirement dropped from \$12,900 to \$12,400.

**Hon. Christopher Bentley:** You'd asked an earlier question in an earlier round about payments that had been

made and some of the payments that have been forwarded related to equipment that was contracted being delivered. In the course of the negotiation, as I understand it, payments that had been made for equipment that was going to be of benefit to Greenfield South Power was taken into consideration in lowering what the net revenue requirement would otherwise have been, just as they might, I assume, have brought to the table things like inflation and increased cost of construction in trying to raise it.

**Mr. Peter Tabuns:** So why did the OPA pay money to Greenfield to keep them whole after they had been told that the OPA would no longer honour their contract with them at this site?

**Hon. Christopher Bentley:** I'll let the documents speak for themselves in their legal terms, but generally, the approach was that the Ontario Power Authority would enter into discussions with Greenfield South Power about relocating the facility. It was always our intention to not have a gas plant proceed on the Mississauga site, but have a gas plant at another place. It wasn't a "We're ripping up the contract. We don't want to see you anymore"; it was a "We don't want it here. Can we find another place?" That is a different construct of a discussion and negotiation. That's really what was happening.

It obviously adds a certain level of complexity for all parties to it, but it does enable the parties to work very hard together in good faith over a period of time and come up with a result.

**Mr. Peter Tabuns:** Again, I'm going to go back—the OPA apparently sent a letter to Greenfield. This is the court transcript from New York. On November 14, Eastern Power gets a letter from the OPA saying, "We're not going to purchase power from you under a power purchase agreement for the next 20 years." The conversations start from there. Why is it that you continued—why did the OPA, why did the government of Ontario continue—giving money to Eastern Power after they had sent that letter? Why was it our problem?

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**Hon. Christopher Bentley:** Well, there was—I'm not going to speak as a lawyer on the issue. I'll just speak on my understanding of the issue. There was a power purchase agreement with Ontario Power Authority and Greenfield South Power.

**Mr. Peter Tabuns:** That's right.

**Hon. Christopher Bentley:** So there's a contract.

**Mr. Peter Tabuns:** And they were informed that it would not be honoured.

**Hon. Christopher Bentley:** I won't speak to that document because that's not my document, but the hope was and the expectation was that, although the issue is challenging, discussions could be had with Greenfield South Power not about ripping up the contract, going to court, having a fight and figuring out all the damages, but how to take the proposed plant from Mississauga and find an acceptable resolution to move it somewhere else so that we benefited from the power, we benefited from

the facility and attempted to work hard to minimize the relocation impacts.

**Mr. Peter Tabuns:** So why did you give them money?

**Hon. Christopher Bentley:** It was part of the determination, I suspect, to make sure that the commitments that have otherwise been made, the commitments that were site-specific, could be met and that discussions could continue in good faith on both sides—all of which has been taken into consideration either in the specific costs or in the price of the new power purchase agreement.

**Mr. Peter Tabuns:** When did you decide on Sarnia?

**Hon. Christopher Bentley:** I don't know about a "When did you decide on Sarnia?" I don't know if I can specifically ask and answer that question. The agreement was concluded on Monday between the parties. I think it would be fair to say that very early on in discussions about this, my thought was that Sarnia would be a site, the Lambton facility would be a site—my personal thought.

**Mr. Peter Tabuns:** And when was this broached with Eastern Power?

**Hon. Christopher Bentley:** I don't know exactly the conversation; I wasn't at the table. Obviously at some point, the Lambton site was voted as a possibility and the agreement was concluded on that basis. I know that they would have reached the agreement because they both determined, from their good analysis of the situation, that that was the appropriate site, not on the basis of any thought I might have had personally or uttered in a different scenario otherwise. I don't purport to be the expert on siting gas plant facilities. There are others who do that. They obviously decided that this was an appropriate place and I don't disagree with that decision.

**Mr. Peter Tabuns:** Why Sarnia and not Nanticoke?

**Hon. Christopher Bentley:** It seemed like a good fit. They're both good sites. They both have coal generating stations on them. We're getting out of coal in both places. I think the Nanticoke site is a good one as well, but the Sarnia one is the one that was agreed upon, and I think that's good.

**Mr. Peter Tabuns:** I'm going to go back. When Eastern Power was told that the OPA was no longer going to buy power from them, the complaint in court by EIG, the financier, was that Eastern Power didn't complain, didn't make any legal filings over it. They just rolled over. Why was that? What was the relationship between Eastern Power and this government that allowed the government to say, "I'm cancelling a 20-year contract with you. I'm not buying power from you. You're about to be put on a very risky venture into uncharted territory as to whether or not we can find a site for your plant"?

**Hon. Christopher Bentley:** You've probably heard me say, wearing a number of different hats on a number of different occasions, that I tend not to comment on the minute-by-minute flurry of remarks either in court, orally or through documents or submissions. Lots of things are said. I wasn't there at the time and I'm not either of the parties, so I'll let them speak to that.

I don't accept your characterization. I think the facts would reveal, and the facts do ultimately reveal, in the agreement, that Greenfield South Power worked very hard to reach an agreement and stood up for their interests and their owners. It was not an easy agreement to reach. These discussions went on, you've heard me say, for a long period of time. We're in July now. I don't know if I made my first comment in October, but I suspect I did, within a day or so of being—in fact, my recollection is that there were certain press comments the day I was being sworn in. That's my recollection. I've been commenting somewhat continuously since then, not in as much detail as I was able to yesterday, about this. So, I have long since resisted the temptation to speculate on why people say different things in court or through their documents. What's important for me is that that's concluded—that's done. The EIG part is done, by agreement, and the lawsuits there and here and with them, all of the comment and allegations have been withdrawn because allegations are not facts. The whole point of court, of course, as we all know, is for the trier of fact and law to determine what the facts really are, not for everybody to speculate. So, that determination was never made because those never went to trial. They were all withdrawn and concluded by settlement. So, it's the settlement—and I've revealed the settlement, the \$88 million—which settles those out.

**Mr. Peter Tabuns:** Does Eastern Power or its related companies have other contractual relationships with the OPA or other entities like OPG in this province?

**Hon. Christopher Bentley:** I'll give it to the deputy to answer, if that's okay.

**Mr. Serge Imbrogno:** Yes, just—I'm on the Ontario Electricity Financial Corp.—

**Mr. Peter Tabuns:** Oh, OEFC; yes, right.

**Mr. Serge Imbrogno:** —the OEFC—board of directors. So, Eastern Power has two prior non-utility generator contracts that were signed with the old Ontario Hydro that were transferred to the OEFC or remain with the OEFC as the continuation of the old Ontario Hydro. I think those are still in place. There are two biomass ones, Keele Valley and—I'm sorry, I forget the other one, but they're fairly small NUG facilities that are mainly biomass.

**Mr. Peter Tabuns:** And can you tell me their size and their location?

**Mr. Serge Imbrogno:** One is in Keele Valley. I don't remember, off the top of my head, what the size is, but they're fairly small. Related to—

**Mr. Peter Tabuns:** Methane collection from landfill?

**Mr. Serge Imbrogno:** That's correct, yes.

**Hon. Christopher Bentley:** I think we can find out their size and location.

**Mr. Serge Imbrogno:** Yes; they're not large natural gas power plants.

**Mr. Peter Tabuns:** Okay. So, they're a very small player.

**Mr. Serge Imbrogno:** I'm just aware of those assets in terms of when you asked about any contracts with On-

tario government agencies. I'm not aware if they have any other assets contracted with anyone else or outside Ontario.

**Mr. Peter Tabuns:** Okay. But in your relationship with them, they're a fairly small player—"your" meaning the province of Ontario and the Ministry of Energy.

**Mr. Serge Imbrogno:** In my role as board member of the OEFC that would be my only contact with them.

**Mr. Peter Tabuns:** Okay. One of the things that came up in your comments, Minister, in November of last year, was problems with siting. You said, "Clearly, we have difficulty here with siting." Can you tell us what you've done since then to review siting criteria and the changes that you're proposing?

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**Hon. Christopher Bentley:** Thank you for that. You asked me a little bit about this, I think, a couple of sessions ago. We indicated, as you said, that there had been some challenges on siting. We indicated that we were going to take a jurisdictional scan to see if somebody had a better approach. We can speak about it in more detail. I think it would be fair to say that there isn't a universal rule that constitutes a better approach. An approach that has been taken either in one jurisdiction that works but doesn't work in another jurisdiction; one that involve hearings in one that work but don't work in another jurisdiction. Sometimes within the same jurisdiction, they don't work. It's just one of the challenges about siting power generation facilities. You have similar issues with respect to transmission, of course. The jurisdictional review has not resulted in a pattern that one can follow.

If you ask me why I'm attracted, in part, to a place where they've generated electricity for decades from a coal facility, that's close to transmission, close to a gas line, in a region that has long been known as an energy hub with Refinery Row, maybe one good reason is that it's challenging elsewhere. But we're still looking.

**Mr. Peter Tabuns:** You're still looking, and there have been no proposals for changing the siting criteria since you first commented last November.

**Hon. Christopher Bentley:** There are many proposals. There have been no conclusions.

**Mr. Peter Tabuns:** Do you have a sense of when you will come forward with the conclusions?

**Hon. Christopher Bentley:** We're still looking, and I'm anxiously awaiting the magic formula, but I'm not at the point where I see the magic formula forthcoming.

**Mr. Peter Tabuns:** You told us earlier today that you're constantly reviewing transmission issues, grid issues. Can you tell us the investments that are going to be made in the southwest of the GTA over the next five years in transmission capacity?

**Hon. Christopher Bentley:** The IESO and the OPA are constantly reviewing, yes. You got an answer to the previous question from Jon Norman on the long-term energy proposals, the different major investments. That's in the plan. The one that's going ahead is not in the southwest. We just finished and opened up the Bruce-to-Milton line. I'd count that as part of the southwest.

**Mr. Peter Tabuns:** Really? The southwest GTA?

**Hon. Christopher Bentley:** No, not the southwest GTA.

**Mr. Peter Tabuns:** I'm going back to the southwest GTA.

**Hon. Christopher Bentley:** Oh, sorry, the southwest GTA.

**Mr. Peter Tabuns:** Yes.

**Hon. Christopher Bentley:** Oh, okay. Sorry; I just heard "the southwest." I'll go back and find out if there's a specific breakdown. Hydro One is always looking at upgrading and renewing its facility. Toronto Hydro and the other utilities within the southwest GTA would all be constantly looking at how to upgrade their own facilities. What specific investments they all have, I'm not aware of.

**Mr. Peter Tabuns:** I'm interested in Hydro One investments in the southwest GTA that you have proposed for the next five and 10 years. Similarly, if you could tell us what the power demand growth or reduction has been in the southwest GTA over the last five years and what it's projected to be for the next five.

**Hon. Christopher Bentley:** With respect to the first one, I'll ask what transmission projects, apart from the usual maintenance review etc., they have decided to undertake in the southwest of the GTA.

**Mr. Peter Tabuns:** Correct. Thank you.

**The Chair (Mr. Michael Prue):** With that, I will stop you. It is now the government's turn.

**Mrs. Donna H. Cansfield:** Thank you very much. Actually, it's a little bit, Minister, in the same vein. I was interested yesterday in your announcement that, in fact, you were switching us over to the Lambton area. My first question is: When was the plant in Lambton slated to close?

**Hon. Christopher Bentley:** Thank you. As you know, as we've been very clear since the spring of 2003, we're getting out of coal. There's a lot of very hard work in not just getting out of coal but having other forms of generation to pick up the slack, other forms of generation with different properties. We have said that we are getting out of coal and closing the facilities by the end of 2014—that's the Lambton generating station, by the end of 2014. Several of the units have been closed completely already. Most of the units that remain don't run most of the time but are there for emergency use, if required. But they'll all be closed by the end of 2014, no later.

**Mrs. Donna H. Cansfield:** How many megawatts at Lambton?

**Hon. Christopher Bentley:** Somebody is going to tell me, in about two seconds, how many megawatts at Lambton and how many units.

**Mrs. Donna H. Cansfield:** There used to be a whole slew, and then we shut down a little, and it's not producing as much.

**Hon. Christopher Bentley:** How many are left?

**Mr. Serge Imbrogno:** Two at Lambton.

**Hon. Christopher Bentley:** There are two at Lambton left.

**Mrs. Donna H. Cansfield:** So that's probably about half the capacity there was. I think it was about 1,900 originally, so you're probably at 1,000 or so. That doesn't mean you use it, that just means it's there. That's really important.

**Hon. Christopher Bentley:** That's exactly right.

**Mrs. Donna H. Cansfield:** For me, one of the reasons around the reduction in the coal and the phasing out of coal and to look to cleaner sources—and certainly natural gas is a cleaner source—is the issue of the pollutants and what's emitted even still at Lambton. As I recall, Lambton was probably the second-dirtiest plant, next to Nanticoke, because of the kind of coal they used. They were high in NOx and SOx, which are the nitrous and the sulphur, and probably a significant number of other contaminants.

Again, when you look at this issue of the siting, from your perspective as a minister, do you believe that this is an appropriate way in dealing with the phasing out of the coal?

**Hon. Christopher Bentley:** That's a great question. You want to make sure you can make the progress that needs to be made with respect to the environmental issues, with respect to the health issues, as well as having the appropriate supply online. When we made the commitment to get out of coal, it was a very important decision at the time because, as I've said before, coal had already grown to be about a quarter of our power use. This was in 2003, when we didn't have enough. Using all of our facilities, as much as they could be used, there wasn't enough power in 2001, 2002 and 2003, particularly in 2002 and 2003, to meet the needs of the province of Ontario. There were a number of brownouts. For years after, Ministers of Energy, I know, would have been sitting on the edge of their seats whenever anybody even hinted that we had a really hot, muggy day, because we didn't know if we had enough.

It's great to talk about importing power. The problem with talking about importing power is that the jurisdictions we'd most likely import from tend to have much the same weather that we have at a particular time. So if it's really, really hot in the province of Ontario, as it has been the last four weeks, well, guess what? It's really, really hot in Michigan, Ohio, Pennsylvania and New York as well. There isn't the ability, then, to import. And the tie that we had with Quebec at the time, 2002, 2003, was not as much as we would have liked it to be to draw in lots of power. They sell to the States as well.

So we made this commitment—great environmental benefits, huge health benefits. It was estimated that we were spending about \$4 billion a year through the health and other taxpayer pockets for health care and environmental effects of burning coal. That doesn't make any sense, because there's no gain on that. In fact, there were thousands of people who were suffering and deaths that were attributed to the dirty air that burning coal produces, so we decided to get out of that. We've had to do it, and we're doing it in a very systematic, measured way so that we still have the power that we need throughout the prov-

ince of Ontario to meet the needs, whether it's Samia-Lambton, London, Mississauga, Halton, Oakville, GTA or elsewhere, and we've been able to do that.

So as you close down, you're building elsewhere, making sure you've got the transmission to take it to where it's actually needed. That work has been very successful—very hard work by men and women throughout the facilities in Ontario, very hard work by Ontario families and businesses to do this, because it's not easy.

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So then, as you try to locate power generating facilities, you quickly discover that although everybody wants the power and expects it will be there and expects it will be reliable, there is not the same degree of enthusiasm for having power facilities in all parts of the province where it might be most desirable to have them, and then certainly not necessarily the same degree of enthusiasm for transmission of the power. It's just one of the challenges that we have.

As we look to locate facilities, we look at a number of factors—the OPA and the IESO do. Obviously, in this particular case, as we were looking to locate a gas facility, having it on a site that has historically been used for the generation of electricity does make some sense. They have the skilled workers. They happen to have lots of construction trades, of course, there. It happens to be a site that's used to having generating facilities—coal-burning facilities for a long period of time; this is a much cleaner approach. It is very close to transmission facilities, so there is transmission to take the power. And it is, I understand, relatively close to a gas line. That's important if you're having a gas-fired facility.

So it just seemed to be a very good fit and one, obviously, that the parties in this particular case thought was a good fit because they were able to reach an agreement in this very challenging circumstance to put the plant there.

You know, we get out of coal, we get the power that we need, we locate it in a place that's used to it, in an energy hub: It's a good result. From that perspective, it's a good result.

**Mrs. Donna H. Cansfield:** Thank you. I know the Ontario Clean Air Alliance has stated that it's about a 60-some-odd per cent reduction in air pollutants by switching to natural gas. Certainly a number of those pollutants that come as a result of burning coal are the same ones that impact respiratory disease, pulmonary disease. I remember my predecessor, Chris Stockwell, who said you can't close down the coal-fired plants because people would be without electricity. "It's that simple," he said. That's not true. We've proven that.

Actually, that takes me on to my next question I wanted to ask you about, and that is the task force: the composition of the task force, the expectations of the task force. If you could give us some information about that, I'd be pleased.

**Hon. Christopher Bentley:** The Clean Energy Task Force—and just before I do, the deputy has got some really good figures with respect to the environmental

benefits of getting out of coal. Maybe I'll just let the deputy—

**Mr. Serge Imbrogno:** Sure. You mentioned that there were environmental benefits related to coal, and I'll just give you some of the facts that we've been able to achieve since 2003.

You mentioned the supply mix. It was 25% in 2003. It's now down to 3% of our supply mix related to coal, and that represents about a 90% reduction in coal use since 2003.

In 2011, coal-related sulphur dioxide emissions were down 93% from 2003 levels. As you know, sulphur dioxide is a large contributor to smog.

Also, in 2010 the coal plants emitted 87 kilograms of mercury, the second lowest on record. It's anticipated that in 2011 mercury emissions from the coal plants will be their lowest in 45 years.

As you know, we're on track to meeting the coal phase-out by 2014. Overall it's equivalent, in terms of climate change, as well, with CO<sub>2</sub>, to removing seven million vehicles from the road by the end of 2014.

Those are some of the benefits—as well as climate change, but the smog and acid rain that you had mentioned as well.

**Mrs. Donna H. Cansfield:** Thank you. It's amazing when you think about seven million vehicles, the impact that has; it's absolutely amazing. Thank you very much for putting those statistics in.

And, Minister, about the—

**Hon. Christopher Bentley:** The Clean Energy Task Force: We've had our first meeting, co-chaired by—actually chaired by Annette Verschuren, but Minister Duguid and I are both there. We've asked a number of very capable individuals to participate: Lisa DeMarco, who is one of Canada's leading climate change and energy law experts; Tim Weis, director of renewable energy efficiency policy; James Murphy, director of business development for Invenergy Canada; Carmine Marcello, executive vice-president of strategy for Hydro One—just to name a few. We've got about 15 people who have volunteered to come and join.

What are they going to be doing? Well, here are some of the questions that we've really asked them to take a look at and provide us with their strategic sense and advice. How can we identify and eliminate barriers to the implementation of new clean energy technologies by innovative Ontario companies? There are lots of good things going along. We hear from time to time about barriers. They've got good on-the-ground experience. So what can we do?

What are the best export opportunities for our technologies and expertise that we develop here? We don't want to get rid of the expertise; we want to use it, create jobs here and generate wealth here by selling to the world. So what are the export opportunities? It's good to have a group of individuals who have breadth not just in the issue, but have a breadth of knowledge about different jurisdictions. We may have something that we're very good at here that is being used around the world, but

the need for that is being met locally. Focusing on that as an export opportunity really is not going to get us very far. On the other hand, we may have expertise in a particular technology or approach that isn't in great supply elsewhere, or if it is in great supply, we're either better or more cost-effective or both at it, and we can identify that as an export opportunity. Where's our real leadership position that we can use? They're going to give us some good strategic advice on that.

How can we attract investment and maximize the benefit of our position as a global leader in the advancement of smart-grid technologies? Our colleagues were asking earlier about the smart grid. Everybody's talking about it now. Particularly in the States, you hear a lot of discussion now as a result of adverse weather effects and some of the challenges they've had. Huge investment is required—huge. How can you attract the investment? How can you make sure that you're going to get real-time, tangible benefits for that investment so that families and businesses are better off by the investment beginning immediately?

How can we advance our economic opportunities and benefits associated with our renewable energy right here? What's the best way to market our clean energy expertise? Is it trade shows? Is it advertising? Is it piggy-backing with somebody else? Is it identifying the businesses that are leaders? They're going to give us good strategic advice. I'm very thankful to all of the members for participating. It's already started out well.

**Mrs. Donna H. Cansfield:** Great. Thank you very much.

**Hon. Christopher Bentley:** No, thank you.

**Mrs. Donna H. Cansfield:** Do I have any time left?

**The Chair (Mr. Michael Prue):** Oh, yes. You still have about seven minutes.

**Mrs. Donna H. Cansfield:** Oh, great. Thank you very much.

I wanted to also ask you a couple of questions about—we had some discussion around the transmission and the importance of the renewing of the transmission. My question was just how we're working with the local distribution companies on their local distribution.

**Hon. Christopher Bentley:** You know what? Can I just echo something that I said a couple of hours ago? We've had some very challenging weather the last four weeks. Lots of us love hot weather in the late spring and the summer—lots of beach and cottage and other resort opportunities. Gosh, the power demands when the hot, muggy weather arrives are huge. They really tax the system. They tax us in terms of meeting the maximum demand, air conditioning in particular. They tax the technology. You probably heard the comments about some rail and road technology; it gets superheated. You've got to take extra precautions. That's just natural.

The same happens with electricity technology: transformers, grids. So it is important to make sure that you do whatever you can so that you're ready for the worst—you're planning all year, having things sit all year so you're ready for the worst—so that you can meet the

demand and you can meet it effectively in the weather conditions.

I just want to thank the local distribution companies that we have in the province of Ontario, just under 80 of them, for the hard work that the men and women do, whether they're out on the road, whether they're dealing with the lines, the transformers, answering customer issues or in the planning or in the control rooms, because, gosh, they really did a great job throughout the province of Ontario. We're never out front of events, but if you take a look at how we've done the last four weeks, the great work that they've done, with the experience elsewhere, we're very fortunate for the hard work that the men and women have done—very reflective of the strong planning and investments that have been made at the local level and at the provincial level. It has been a good approach, but you can't rest, because there's always a challenge.

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You heard about the equivalent of 5,000 kilometres of wire: \$9 billion worth of investment. Obviously, that's reflected in the bill, but you have to do it. Otherwise, the wire that you have with the transformers can't take the energy that you need from a Niagara Falls and get it out to homes throughout the province of Ontario. You just have to make this. Anybody who has a home or a car knows that. You can ignore things, but if you ignore, your car is breaking down on the highway or the water is coming through the roof, and then it's too late to be making those wise investments.

They've been making these investments. They're going to keep making the traditional investments. Hydro One tells me that they have many, many thousands of poles that are decades old and need to be replaced, with the additional challenge that we have the beginnings of this technology to put in the smart meters, and now we have this other digital and related technology that allows us to manage a system in a way that we never have been able to before. The benefit of wise investments there through a smart grid are seen to be huge. The challenge is what to invest, when to invest and how to make sure that you're getting the benefit from the investment in real time so that families and businesses are making the investment, but they're also seeing the benefit right away.

That's the great opportunity and challenge we have with the technology right now. It's a very exciting time, as investment in this area used to be all about poles and wires and transformers, I understand, and now it's at least as much, if not more, about the digital opportunities, the computer-based opportunities, the smart meters, smart technologies and where to invest money in that so that it can take the stress off your poles and wires and make the whole system run infinitely more efficiently than it ever has before.

I've seen lots of great examples throughout the province of Ontario already. Hydro One has been a leader; a number of our local distribution companies really have taken a great leadership position. They're actually helping some of the other LDCs in the work that they've



done—a very exciting opportunity. My view has always been that it's great to invest; I want to see the benefit in real time, because families and businesses want to see that benefit in real time as well. So how do we match up the benefit with the investment as much as possible?

**Mrs. Donna H. Cansfield:** Thank you very much. I guess the only thing is, if you can find a way to keep the squirrels from nesting in my local little transformer, that would be really helpful.

**Hon. Christopher Bentley:** Do we have the squirrel expert here? I think you're going to have to ask the Minister of Natural Resources.

**Mrs. Donna H. Cansfield:** Everybody has that challenge.

**The Chair (Mr. Michael Prue):** That's the end of the time, but if you can teach the squirrels, you have to teach the raccoons as well.

All right. Just to remind everybody: This is the last full round, although the Conservatives will have an extra few minutes at the end. This is your last 20-minute round.

**Mr. Rob Leone:** Sorry, Chair; did you say we have 20 minutes, and then after the rotation we have a few minutes?

**The Chair (Mr. Michael Prue):** After the rotation, you're going to get another 10 or 12.

**Mr. Rob Leone:** Okay. That way, I will ask some more questions, Minister, about this gas plant issue that has certainly been the talk of the committee today in estimates. I'm wondering, Minister, if you could tell us who in fact wrote that press release that changed the location of the Mississauga gas plant. Do you have an idea who would have written that?

**Hon. Christopher Bentley:** No, I don't.

**Mr. Rob Leone:** Do you have any idea who would have authorized the release of this?

**Hon. Christopher Bentley:** I appreciate the questions. I think I've told you all that I possibly can with respect to that. We issued the press release; as a party, we campaigned on it—the same type of commitment your party made and the NDP made. We were elected, and we proceeded to fulfil the commitment.

**Mr. Rob Leone:** The issue, Minister, is that we're now out \$180 million because of the relocation—also because of the delay. In fact, after the decision was made in a press release, the construction of the plant continued, costing tens of millions of dollars, hundreds of millions of dollars of taxpayer money. We are in an era of austerity, as we like to say often in all parties. We have to show some restraint, and that \$180 million is a lot of money. It's a lot of money that could go to build the cancelled hospital expansions that you have on page 40 of your budget. Doesn't that bother you, Minister?

**Hon. Christopher Bentley:** I think we've done pretty well in terms of constructing hospitals. I'll get to your question. I know you closed 29 of them. We've done pretty well on that score.

Any amount of money is a big amount of money for me. Any opportunity to minimize the relocation cost was

taken, and it is a positive development that they were able to reach an agreement on the relocation of the facility so that it continued. I'm pleased that they were able to reach that agreement and, as I say, any amount of money, for me, is a large amount of money.

**Mr. Michael Harris:** Minister, since yesterday's announcement, I've been inundated with emails and phone calls from my constituents just flabbergasted at the cost of this careless, reckless decision. In fact, locally, one of the greater KW chambers of commerce's concerns was the long-awaited Highway 7 expansion between Kitchener and Guelph. The \$180 million would have got us halfway there already to build this ever-so-needed highway.

A couple of other stats I found interesting that some constituents have relayed on: Were you aware or are you aware that we could hire, in fact, 3,500 teachers for one year with \$180 million that we've just recently wasted, or your government, has wasted? A student's average tuition is \$6,600 for post-secondary—

*Interjection.*

**Mr. Michael Harris:** College and university—27,000 students would have been eligible for free tuition.

**Mr. Rob Leone:** That's everyone at the University of Waterloo.

**Mr. Michael Harris:** The entire population of the University of Waterloo could have gone to school for a year with that \$180 million. When you're in London, what do you tell people in your constituency? How do you justify, again, wasting either ratepayers' or taxpayers' money to the tune of \$180 million? What do you say?

**Hon. Christopher Bentley:** There's no question that every effort was made to minimize the relocation costs. Every party knew, or would have known—including yours—when the press release was issued and when your subsequent press release was issued, that there would be costs to the relocation or the cancelling, which is the term that you used, and every effort has been made. Any amount of money is a lot of money for me. I find that the examples that you've been using are interesting, because you are not noted for making investments in education. You are noted for raising tuition, not lowering it. But that's beside the point. The point is that everybody has worked very hard to minimize the relocation costs, the same effort that you would have been involved in had you had the opportunity to either cancel the contract or work with the party to relocate the plant.

**Mr. Rob Leone:** Minister, once again, you keep trying to put the blame on us, but you were the government that actually sited the plant where you did, so you are, in fact, responsible for \$180 million going to things that have no relation to any of the investments that my colleague Mr. Harris has outlined. I have to note, since you tried to suggest that we are a party that does or doesn't make certain investments, you're the party noted to waste money when it comes to energy—billions of dollars, in fact, in energy contracts, whether it's this gas plant or green energy or others. That's your party's legacy. It's your party's swan song, perhaps, when it's all over, that you have given Ontarians a massive deficit, doubling the debt; and these

energy experiments that are ending up costing us billions upon billions of dollars, that's your party's legacy. So you can't put that on us, Minister, effectively what your government has to decided to do and impose upon us.

This is interesting, because roughly 27,000 people, which is roughly the population of the University of Waterloo; it's very similar to what the population of the University of Western Ontario—in effect, all the students there could have gotten free tuition, a free education, as well, for a year, in terms of going there.

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Don't your constituents raise these concerns with you when you're out and about? Are you knocking on doors, are you listening to people who are coming to you with their hydro bills to try and outline these global adjustment charges that are excessive? What do you say to them? What do you say to them in terms of all of the money that you've effectively spent on energy that you're not spending on core social services?

**Hon. Christopher Bentley:** We've been working very hard as a government to address the fiscal issues. I would have appreciated some support on some of the initiatives that we advanced during the course of the budget process from your party. Unfortunately, that was not to be forthcoming. You had a number of different investment opportunities.

Look, I know you're not particularly happy when I say it, but all three parties made a commitment not to proceed with the gas plant. The words your party used were that you would cancel the plant; whether that means move it or whether that just means rip up the contract, I don't know. But every party would have known or should have known that there would have been costs to the decision that they committed to make. We made one. It was a clear commitment. We ran on it. We were judged on it and we proceeded to implement it.

**Mr. Rob Leone:** Our party also stated, Minister, that someone should be held responsible for this. Certainly, you don't repeat those words very often right back to us. You conveniently just stick to the fact that we all agreed to cancel it. You've never taken responsibility for actually putting it there. You have never agreed with us that we want to find out who is responsible for this particular decision.

I don't know why, Minister, you wouldn't—if you had a name perhaps, why won't you share that? Because it certainly would take the spotlight off you, in terms of you being responsible for these decisions. So why won't you offer us a name? Is it because it's you?

**Hon. Christopher Bentley:** It was pretty clear that we issued a press release. I believe that we did a media event—not sure, wasn't there. But we all ran on our commitments as a party. The voters made a judgment. We proceeded to implement those commitments.

**Mr. Rob Leone:** In terms of the effect that you are simply not going to take responsibility for this decision, that you're not even going to call it a mistake—certainly the member for Mississauga South, the Minister of Citizenship and Immigration, called the idea “dumb.” But

the government is not similarly going to be making that sort of statement. Don't you see a problem with that in terms of what Ontarians may well see as being, perhaps—maybe it's being oblivious to the fact of what's going on in the Ministry of Energy or, perhaps, incompetence. Don't you think people are going to ask legitimate questions with respect to why no heads are rolling with respect to the moving of this plant from Mississauga to Lambton?

**Hon. Christopher Bentley:** Well, as I say, we were very clear and transparent with the commitment that we made. It is clear from this and a number of other issues that locating the generation facilities that we have in the province of Ontario has been a challenge. We all want the power; we all expect the power to be there; we expect it to be reliable and plentiful. Locating generating facilities of any type or locating the wires to take the electricity from anywhere seems to be something that attracts a fair degree of comment. That's one of the challenges that we have. I've indicated that we are looking at a better approach to siting facilities.

I also indicated, in answer to some questions posed by my colleague from the NDP, that I haven't yet come up with a magic solution. There seem to be comments about any generation facility of any sort that's located anywhere. It will continue to be our work to work hard to make sure that we can meet the needs of the province of Ontario in terms of energy, which we're doing. This particular one is going to a site that your leader has otherwise indicated is a site that we should be looking at, so they've agreed to go there. That is—

**Mr. Rob Leone:** A retrofit though. It's a retrofit, not a new build. If we're talking about Samia-Lambton—

**Hon. Christopher Bentley:** Yes, I don't—

**Mr. Rob Leone:** We're talking about a retrofit.

**Hon. Christopher Bentley:** Maybe you have all of his comments. I know there was a lot of—

**Mr. Rob Leone:** I don't, actually. I don't have it, but I'm assuming that if it was a siting of a gas plant, we would try to find the most cost-effective way possible to actually place a plant, which doesn't seem to be the case here.

Earlier in my line of questioning, we talked about how retrofitting Lambton would have been a more cost-effective way of putting gas down in that location. Now you're building a new plant for whatever reason, we still don't know. I'm assuming it's because you've concocted some deal with the group that's moving down there. So you're trying to, I don't know, instill blame or show that we're all with you, Minister—I don't know what you're trying to attempt to do here.

The reality of it is that you're the government. You made a decision to locate the plant in Mississauga. You decided to relocate that and come to an agreement with the parties that are at the table. That's costing taxpayers a \$180-million fee that has not been accounted for in the estimates or in the budget. That is essentially the story that emerges from this. You made a decision, you relocated it, it's costing money that we don't have, and

you seem to be flippant about the fact that this is actually happening.

This is under your watch, Minister. You would, I would think, want to have some reasonable answers to some of the concerns that are not just being made by myself and my colleagues here, but are concerns that are going right across the province of Ontario, concerns that are coming to your email box as well as mine. People have legitimate questions and concerns. They want to see somebody held responsible for this decision, and nobody is stepping up to the plate. When we ask those questions, your response is either “I wasn’t there” or “I simply don’t know.”

**Hon. Christopher Bentley:** I just reject your comments completely. That has not been my approach in this at all. I’ve been clear, open and direct about what we committed to do, what we’ve done and the costs. All of that’s out there.

I’m just referring to a number of comments that your leader has made that we should be taking a look at willing communities like Nanticoke and Lambton, which already have transmission lines and a workforce at power production facilities.

A number of the comments by either your leader or other members have referred to the retrofit, but they have also been more general comments following on the decisions taken with respect to Oakville and Mississauga. I’ve taken from those comments, unless you have something to the contrary, that they’ve wanted us to take a look at these sites in terms of not only retrofitting the existing facility, but also new build. That’s what was done as a result of the agreement. It’s not an agreement that was concocted in any way, shape or form; it was an agreement that was reached between the OPA and Greenfield South Power after many months of very hard negotiation that actually does move the plant. Another approach could have been to rip up the contract and go to court, but this was one of working with the proponent to move it and to try to minimize the relocation costs.

**Mr. Rick Nicholls:** Minister, we’ve talked about the Mississauga power plant a bit today, but this debacle is not the only lawsuit the Ontario Power Authority is involved in. In April, the OPA was the target of a \$1.2-billion lawsuit for cancelling the offshore wind farms in Lake Erie. It is even reported in the Winnipeg Free Press. So your government’s legal troubles are fairly well known across the country by now. By simple math, that’s nearly \$1.4 billion in lawsuits against one of the government’s chief energy agencies. How have these lawsuits affected the OPA’s ability to conduct its business?

**Hon. Christopher Bentley:** Thank you for the question. The proposed offshore wind facility that you refer to is not one that actually had a contract, to my understanding, between the party that is making the allegations in court—allegations made through court documents are not proven; they’re allegations. As I said, my understanding is that there was no contract there. There was no contract.

Governments make decisions, and governments get challenged from time to time on those decisions. It is a fact of life. It has been a fact of life of every government. The resolution of those decisions, whether it’s in court or otherwise, is there for all to see.

As I say, on the particular offshore approach that you refer to, there was no contract. I’m not aware of—

**Mr. Rick Nicholls:** So the lawsuit is dead in the water?

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**Hon. Christopher Bentley:** I’m not aware that your party was proposing offshore wind projects, because we have said there should be a moratorium on those while the issues are—

**Mr. Rick Nicholls:** No, we definitely weren’t proposing that, sir. I was just asking the question with regard to that particular issue.

I guess another question I have for you, then, is: Do these ongoing legal disputes give you any pause about how the OPA is conducting its business? How could these lawsuits perhaps have been avoided?

**Hon. Christopher Bentley:** I don’t know how the last one you’re referring to could have been avoided, because I’m unaware of there being any contract. I can’t speak for those who exercise their right within our society to go to the courts and ask for redress—whether there is merit or not to their claim. That is just the nature of the legal process and the legal opportunity, and the basis of our democracy.

**Mr. Rick Nicholls:** So it’s still ongoing, sir?

**Hon. Christopher Bentley:** It is, and that’s just the basis of our democracy. People can do that.

**Mr. Rick Nicholls:** I’d like to turn it over to my colleague Mr. Harris.

**Mr. Michael Harris:** Thank you, Mr. Nicholls. I know we are just about out of time, so I just wanted to throw two more interesting stats out for you.

I’m not sure if you’re aware, but this year, the province will spend about \$199 million on water and environment infrastructure to protect Ontarians, obviously, and increase the viability of their drinking water. Your government has wasted \$180 million to relocate a power plant that took the equivalent of what the province is spending on protecting our water and environmental infrastructure. As well, your colleague the Minister of Labour’s entire operating budget for the Ministry of Labour is around the same amount, \$188 million—to the same tune as the \$180 million that has been wasted to relocate this power plant.

I just think the magnitude is phenomenal in terms of the financials. You could have diverted that money to health, education or our valuable social programs. Today, we hear concerns of different fee cuts with our doctors, picking fights with teachers, and we turn around and throw money into a big hole, basically—\$180 million. I just want to make you aware of some of those interesting numbers.

**Hon. Christopher Bentley:** Thank you.

**Mr. Michael Harris:** You’re welcome.

**The Chair (Mr. Michael Prue):** You still have maybe 30 seconds. Do you need it?

**Hon. Christopher Bentley:** If they want me to respond to part of that, I could always relieve them of the obligation of asking a further question.

**Mr. Michael Harris:** I'll turn it over to Mr. Nicholls.

**The Chair (Mr. Michael Prue):** No, there it is. It's fine. It's flipped over.

Mr. Tabuns, your last opportunity.

**Mr. Peter Tabuns:** Thank you, Chair. Minister, prior to this decision to locate the Greenfield plant to Sarnia with the closure of the Lambton facility, what was going to be done with it?

**Hon. Christopher Bentley:** It's a good question. It's an open question. There has been a consideration of just closing it, and that's it; there has been a consideration of closing it and converting it either to gas or to gas and biomass—a number of different proposals. There have been many thoughts and proposals out there by many different people, and those are still being looked at.

As I think I said earlier, that would be a plant, as I understand, of a different type than the plant that's being located there. That's a single-cycle plant, so it's used for ramping up and ramping down very quickly. It's not used as much, although it can be, for longer-term generation, because it's not as efficient.

**Mr. Peter Tabuns:** So the expectation, then, is that the Lambton coal plant is going to stop burning coal, but you are currently considering other options for producing power from that site. Is that correct?

**Hon. Christopher Bentley:** We've been asked to take a look at a number of different options. There isn't a proposal in the long-term energy plan—

**Mr. Serge Imbrogno:** No, it's not built into the long-term energy plan.

**Mr. Peter Tabuns:** It is not.

**Mr. Serge Imbrogno:** It is not.

**Hon. Christopher Bentley:** No, but we've been asked by local elected officials, by others, to take a look at the opportunities that might exist for that. We have been, but we've not made a decision. Obviously, the IESO and the OPA, as you know, are constantly planning and taking a look and trying to judge whether we need additional power, and if so, what type, and if so, where.

**Mr. Peter Tabuns:** When you were looking at Sarnia and that part of Ontario perhaps four years ago, did you envision the need for this sort of peaking plant located there at that time?

**Hon. Christopher Bentley:** I can't speak to that.

**Mr. Peter Tabuns:** Well, it didn't show up in your long-term energy plan, is my guess.

**Hon. Christopher Bentley:** It's not in the long-term energy plan.

**Mr. Serge Imbrogno:** But the Mississauga site would have been part of the long-term energy plan—that 300 megawatts would have been—and whether you locate it in Mississauga or Sarnia, it's still feeding the system. So it's not serving a local need, but it is serving an overall system need.

**Mr. Peter Tabuns:** So again, it was never really necessary to build it in Mississauga at all, then. It could have been located anywhere in southern Ontario. Is that the case?

**Hon. Christopher Bentley:** Not in the way you say it, no. There are a lot of factors, as I understand, that go into trying to locate facilities. Obviously, finding an appropriate site: It is a factor to have the generation as close to the load as possible; that's obviously a factor. It's not always possible; in fact, it's not often possible. The Portlands facility in Toronto is one that's very close to the load, and that's got advantages. There would have been advantages in having a facility close to the load, but the facility that will be located on the Lambton generating facility will still provide the same capacity through wires that exist to the system that needs it. So that's still a benefit.

**Mr. Peter Tabuns:** So it will provide to Mississauga all of the peaking capacity that it otherwise would have provided?

**Hon. Christopher Bentley:** Yes. Whether it goes directly from Lambton to Mississauga I couldn't tell you, because that's not the nature of the beast. It goes into a system and the system is managed so that it feeds off into different places. But yes, it has the same characteristics and the same capacity to feed the same system that the Mississauga plant would have had.

**Mr. Peter Tabuns:** Can you tell us when we will know what your plans are for the future of the Lambton plant?

**Hon. Christopher Bentley:** I can't say exactly when you'll know. It's our determination and it's our stated intention to close the coal-fired facility no later than at the end of 2014. There are, I think, two units left that haven't been formally closed, although they don't run very often at all. They're going to be closed. What the future is, that's still a discussion. We're no closer to making that decision.

**Mr. Peter Tabuns:** When will you be providing us with the documents that your letter earlier today stated?

**Hon. Christopher Bentley:** I'm going to get the update right now.

*Interjection.*

**Hon. Christopher Bentley:** The latest is in about 40 minutes.

**Mr. Peter Tabuns:** In about 40 minutes, all of the documents that were outlined in your letter today?

**Hon. Christopher Bentley:** In the letter, yes. Is that right? Okay.

**Mr. Peter Tabuns:** That's very interesting. Electronically or hard copy?

**Hon. Christopher Bentley:** Hard copy.

**Mr. Peter Tabuns:** A box for everyone in the room?

**Hon. Christopher Bentley:** You know what? You're beyond my—I've been sitting here for a while, so I don't know what form they're going to come in, but I'm about to find out.

*Interjection.*

**Hon. Christopher Bentley:** Okay. So I am advised—

**Mr. Peter Tabuns:** Yes, I can see that.

**Hon. Christopher Bentley:** —that a hard copy will be delivered to the clerk, and then the clerk will be able to do what clerks are sometimes asked to do.

**Mr. Peter Tabuns:** In about 40 minutes?

**Hon. Christopher Bentley:** Don't hold me to the minute, but that's sort of what I'm advised.

**Mr. Peter Tabuns:** Well, before 5 o'clock in any event. Very useful. That being the case—and I think all of us will be quite fascinated to go through that paper—this committee won't be sitting any further, so we'll miss that opportunity to question you in this way with those details, but I'm sure others will take advantage of their opportunities to talk to you, Minister.

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**Hon. Christopher Bentley:** I have no doubt. I have no doubt.

**Mr. Peter Tabuns:** Then a few other questions. The community base set aside for feed-in tariff: How much has that been set at with the relaunch?

**Hon. Christopher Bentley:** It was—Sue is going to come up and speak to that—100 megawatts?

*Interjection.*

**Hon. Christopher Bentley:** It's roughly 100 megawatts.

**Mr. Peter Tabuns:** Roughly 100 megawatts. And the same level of grid access has been allocated?

**Hon. Christopher Bentley:** It will have grid access, yes. That's our intention, yes.

**Mr. Peter Tabuns:** Okay.

**Hon. Christopher Bentley:** I thought that was a good feature of the review. There were a lot of groups—maybe you've spoken to this in the past—that were very interested in community participation in renewable energy projects. They have, in the past, been a little slower to get going. It's always more challenging to speak to a roomful of people than to speak to one or two people. Getting them going, making sure that they are good, viable projects, has been a longer trajectory, so having some specifically set aside for that is a good thing. That's on the bottom of page 1 of the directive that went out this morning.

**Mr. Peter Tabuns:** Okay. Thank you for that. Many weeks ago, I had the opportunity to ask you about climate adaptation. Since I asked you those questions, we've seen the impacts in the United States of more extreme weather, both in terms of storms and heat, and we've seen the heat impacts directly here. At the time, you told me that you had technical people who looked after these things. Have you had a chance to talk to your technical people, and have they been able to give you information indicating that we will be prepared, over the next 10 years, for the increasingly extreme weather conditions that we're facing?

**Mr. Serge Imbrogno:** I think Jon was going to talk to—

**Hon. Christopher Bentley:** Jon wants to speak to it?

**Mr. Serge Imbrogno:** Yes, we do have someone who can talk to it, if you want Jon to come up.

**Hon. Christopher Bentley:** Now, interestingly—

*Interjection.*

**Mr. Serge Imbrogno:** Sorry. Michael? Sorry, wrong person. Michael's the expert.

**Hon. Christopher Bentley:** Yes. We have somebody in the ministry to speak to this issue.

There is work, as I understand it, going on in Hydro One, in OPG. In fact, I saw that somebody from either Hydro One or OPG is going to an international conference about—

**Mr. Serge Imbrogno:** It's Hydro One.

**Hon. Christopher Bentley:** Is it Hydro One?—about climate change effects, to share their expertise with the conference. I saw that just over the past week. Yes, I thought of you when I saw that person going there.

**Mr. Peter Tabuns:** I'm sure you did.

**Hon. Christopher Bentley:** So I just pass that on to you. Michael?

**Mr. Michael Reid:** I'm Michael Reid, the acting assistant deputy minister of the regulatory affairs and strategic policy division in the ministry.

**The Chair (Mr. Michael Prue):** I wonder if you could speak up. I can barely hear you.

**Mr. Peter Tabuns:** Yes, we're a loud bunch. You have to be louder, Michael.

**Mr. Michael Reid:** In terms of the climate change story and the electricity sector, the electricity sector is making great progress towards achieving greenhouse gas emission reductions in several key areas. We've talked about some of those already today, including the phase-out of coal, which is one of the single largest initiatives in Canada and the equivalent of taking seven million vehicles off the road, as well as new clean energy, which again is going to help reduce the GHG profile of the electricity sector.

In terms of the adaptation question specifically, there are a number of things that are going on in a number of the different electricity agencies. The agencies, as well, do talk to make sure that they're taking advantage of their specific expertise and modelling capacities as well as their specific concerns concerning adaptation, whether it be on the generation side with OPG or the grid side of things with the IESO and Hydro One.

In terms of some of the specific things that are under way, some of these are detailed in Ontario's 2011 Climate Ready report, and there are also things that have happened subsequently.

The Independent Electricity System Operator, Ontario Power Generation and Hydro One, for example, have basically incorporated risk evaluation and management as just a basic, ongoing part of their core business delivery as well as their system planning. That includes things like severe weather events, and the potential for increasing severe weather events; just making sure that the grid does have all the capacity to withstand and to adapt to severe weather events.

In addition, the IESO, through the market rules and also some of their engagement with US standard-setters, is also making sure that, as market rules emerge and as reliability standards change, it is building into these

things emerging in the ongoing studies about what climate change could mean for the electricity grid, again, whether that be severe weather events or things like hydroelectric and water supply, which again has been referred to a little bit earlier.

We also talked about the smart grid a couple of times in the proceedings today. The smart grid is also another feature of the adaptation strategies; again, just making sure the system can, in real time, continue to respond to things like severe weather events and that power can be rerouted if and when necessary.

**Mr. Peter Tabuns:** Has a document been produced, as recommended by Climate Ready, outlining a strategy for dealing with all of this?

**Hon. Christopher Bentley:** The answer is no. My recollection is that we had until the end of the year on their recommendation to come forward with a document—after your question, getting advised of some of the work, we're going to be working on that approach and that strategy.

**Mr. Peter Tabuns:** Have, at this point, any preliminary budgets been determined?

**Hon. Christopher Bentley:** No.

**Mr. Peter Tabuns:** None? Okay.

**Hon. Christopher Bentley:** Not specifically as a result of me, as the minister, taking a look at the issue. Michael spoke about different agencies and the work that they're otherwise doing, and I have no doubt that their work is resulting in either investment or cost or something like that, as a result of pursuing that work, but not as a result of me taking a look at this. As I said, we're determined to make sure that we achieve the goal that was set for us by the end of the year.

**Mr. Peter Tabuns:** I believe they had asked for a complete report within a two-year period. I gather that OPG has done some studies. Hydro One hadn't published anything when the Environmental Commissioner did his assessment and commentary. You're saying to me that Hydro One is going forward with its study and will have a report on how we're supposed to adapt to climate change by the end of this year. Is that correct?

**Hon. Christopher Bentley:** No. We'll have more to report by the end of the year, me as the minister and as the ministry make a more complete outline as a result of what's going on in different agencies and where we think we need to get to—we'll have more to say about that.

**Mr. Peter Tabuns:** And will financial planning be part of that report?

**Hon. Christopher Bentley:** I can't speak to you about that at the moment, because I don't know what form it's going to take. But I think part of your questioning was about making sure that it was on the radar, and it is.

**Mr. Peter Tabuns:** Good. Now that it's on the radar, maybe we can move the craft a bit further along.

**Hon. Christopher Bentley:** No, fair enough. I give credit where credit's due.

**Mr. Peter Tabuns:** Okay. Have we been looking at the experience in the United States this year as to what a

changing climate will mean in terms of the resources that will be needed to keep the grid going?

Minister, for instance, it was clear with the recent windstorm or derecho that the level of staff on standby to keep the system going was higher than was expected. In some parts of the United States, authorities are talking about burying their power lines because they're at much greater risk with them above ground. We're talking substantial expenses there to make sure that people have continuous power. Have you got a group that is assessing the American experience at this point?

**Hon. Christopher Bentley:** Well, I would expect that all of the agencies are assessing not only our own but the American experience. As you know, Tom Mitchell is constantly travelling the world, responsible for the generation capacity that he has, and constantly assessing new requirements that are put up, in part as a result of weather and as a result of other experience.

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Hydro One, I know, even before our last series of questions on this several weeks ago—Laura Formosa had been telling me about—it was just before, when I had spoken to her about a similar issue—

*Interjection.*

**Hon. Christopher Bentley:** —a solar flare issue—and how they had one a few years ago, and now they were more aware and prepared and they were watching for it. So this has clearly been on the radar of these agencies. They're taking steps.

I think your good counsel would be that we make sure that we learn from what has happened in the States over the past four weeks. I think it would be my expectation, and I think they're doing it, that they are learning constantly—not only of the States but elsewhere. This is very much part of the consideration.

**Mr. Peter Tabuns:** Well, I'll look forward to asking you more questions about climate adaptation the next time we have estimates.

**Hon. Christopher Bentley:** Thank you very much. I know I look forward to that.

**Mr. Peter Tabuns:** I'm sure you do.

With regard to generation and nuclear investment, you are proceeding with proposals by SNC-Lavalin and Westinghouse for new build at Darlington. You're asking them to do an assessment. Are you, in both cases, ensuring that whatever specifications they're putting forward reflect the lessons we've learned so far from the Fukushima experience?

**Hon. Christopher Bentley:** Let me just, if you don't mind, recast very briefly what we're doing. OPG has asked Westinghouse and SNC to work up, effectively, the outline of the proposal. It does not mean we've committed to new build. It does not mean we've said that we have to have the new generation. What we've said as part of the various issues is that we want them to work it up. OPG will be in a position to assess what they've worked up and will obviously be taking a look at what they've worked up, and the detail, against what they have been able to learn through not only their own experience, the

Point Lepreau experience, but the experience around the world. I think you can take it that they will be.

There'll be lots of questions as we get more into any decision around that, just as we're asking lots of questions with respect to the refurbishment approach that should be taken at Darlington and the reason that we've taken a fundamentally different approach to this one than fohas been taken in the past around the world. In fact, this is a first of its kind, as I understand.

**Mr. Peter Tabuns:** Can you tell us which lessons from Fukushima are being looked at most closely and reflected in any design documents?

**Hon. Christopher Bentley:** As you know, Tom Mitchell, the CEO of OPG, led the international review of Fukushima. He was in charge of it. There were 13 recommendations that came back. Obviously, those recommendations are being considered by the nuclear regulator, CNSC, which is a federal responsibility, but obviously Tom Mitchell has those recommendations. The task force had made 13 recommendations, which I can broadly divide into two categories: the technical and operational recommendations relating to the design and operational enhancements, and regulatory recommendations which require commission approval to amend the CNSC regulatory framework, which I assume have gone to them. He, in real time, not only reviewed the issue with the team, helped develop the recommendations, but now obviously would be implementing the recommendations.

**The Chair (Mr. Michael Prue):** I'm going to stop you right there.

**Mr. Rob Leone:** Mr. Chair?

**The Chair (Mr. Michael Prue):** Okay, a question. I just had a statement. It may be on the same point. The clerk has reminded me that since we started with the Conservatives in the first round, they would not get the last full 13 minutes. It will be divided so that each party will have exactly the same amount. It will be four minutes per party, when we get there. Was that the question?

**Mr. Rob Leone:** Actually, no.

**The Chair (Mr. Michael Prue):** Okay.

**Mr. Rob Leone:** But that was very informative.

Chair, my question is with respect to what I believe to be—I think the minister stated that we're going to receive the documents and the correspondence and the emails and such for the Mississauga gas plant, the issue that we've been talking about today.

My question is whether it is possible to at least have some time to review that before further, or going into our last—even though it's four minutes, I'm wondering if it's possible to just have a chance to view those documents and then maybe ask some questions at a later time of the minister. Is that possible?

**The Chair (Mr. Michael Prue):** It would be up to the committee, if the committee wishes that. I don't know how much time you would need and I don't know how voluminous these documents are. It might take hours to review them to do four minutes of questioning. I'm in your hands, but I'm not sure whether the propriety of that is a good one. I'm sorry, this is—just the length of time

for four minutes' worth of questions, that's literally one question each and one answer each.

**Mr. Rob Leone:** Well it depends on how long the response is, I suppose. Minister Bentley is known for elongating some of these answers. We might be able to get two questions—

**Hon. Christopher Bentley:** I thought they were much shorter today.

**Mr. Rob Leone:** Actually, you have been a little short today.

**The Chair (Mr. Michael Prue):** In any event, I'm in the committee's hands. Does the committee want to do that?

**Mrs. Donna H. Cansfield:** No.

**Mr. Reza Moridi:** Mr. Chair, may I make a comment?

**The Chair (Mr. Michael Prue):** Surely. Okay, we're cutting into your last four minutes, as well, so go ahead.

**Mr. Reza Moridi:** Mr. Chair, we have been here since early May, and I think it's time we let the minister go. He has lots of work to do as a minister. We have dealt with almost all questions in this committee. I think it's time just to wrap up the committee today and let the minister go and deal with his very many issues as minister.

**The Chair (Mr. Michael Prue):** Thank you. There does not appear to be consensus so I'm going to go straight to the government. You have 20 minutes and then we're going to divide the remaining 11 minutes, so it's a little bit less than four minutes each.

**Mr. Reza Moridi:** Thank you, Mr. Chair, and thank you again, Minister, for appearing before this committee.

Minister, I understand that you have a program in your ministry called the industrial electricity incentive program. Could you elaborate on that program, please, and tell us how this program helps businesses?

**Hon. Christopher Bentley:** Oh, good. The deputy is going to take this one.

**Mr. Serge Imbrogno:** The industrial electricity incentive program was announced on June 12, 2012. It really is intended to make it easier for large industrial companies in Ontario to expand their operations and to create jobs.

While Ontario has, I think, almost fully recovered from the economic downturn, there is a need to increase electricity demand. It's well below its pre-recession level, so there is room to grow. The program itself will help us better manage the energy supply that we have by allowing companies to access the excess power that we have in the system right now. So rather than exporting it, we can allow the industrials to take advantage of it. That's kind of the basis of the program.

It really is intended to encourage new industries to come into Ontario, or existing industries to expand. Eligible companies that expand are expected to create jobs—that will be a key determinant of whether you get into the program—and to maintain those jobs to keep the benefit of the lower rate going forward.

We think it will stimulate investment in Ontario. It will stimulate businesses to expand because they will have a rate that's more competitive with other jurisdic-

tions that they're competing against, industry in those other jurisdictions. It's broadly consistent in terms of pricing with where other jurisdictions are, which at this point have a competitive advantage over Ontario because they have access to different sources of energy, like Quebec with access to low-priced hydro.

For business itself, I think the program works. We'll be consulting with business, but a couple of things: It provides for a longer-term contract, which allows them to make an investment decision over a longer term. It also will provide a competitive rate so they can compete with investment in other parts of the provinces—or other parts of the country or competing US jurisdictions.

That's kind of a high-level summary of the program itself.

**Mr. Reza Moridi:** Thank you, Deputy. Speaking of the eligible businesses, could you elaborate on that? Which businesses or which types of businesses or industries are eligible to benefit from this interesting program?  
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**Mr. Serge Imbrogno:** Yes. The businesses, the large industrials—it's across all of Ontario. It's not tied to any particular region, so any large industrial across Ontario could put forward a proposal to get into the program.

Initially, we're setting aside five terawatt hours of electricity, which basically equates to the industrial load that has dropped since 2007. We're trying to get that load back up to pre-recession levels.

Companies can take advantage in two ways. There are two streams to the program. Stream 1 is really for companies that want to make major, transformative investments in Ontario. If you're in stream 1, we would offer a longer-term contract—it could be up to 20 years—at a competitive rate. The company would be expected to make an investment of at least \$250 million, so it is a substantial investment in the province. They would also be required to maintain jobs throughout that term of the contract, to maintain that guaranteed price of electricity that would be inflated over time. Those companies would put in proposals, and there would be an assessment of which one contributed most to the economy through job creation. That would be stream 1: big, large, transformative investments.

Stream 2 is really intended to provide companies that are already in Ontario with an incentive to expand. Stream 2 is really intended to provide anyone who wants to expand beyond a certain point that they would get a low rate, and they would basically get the wholesale electricity price plus an uplift if they consume during peak hours. We would build in an incentive for these large industrials to still consume during off-peak hours. These large industrials in stream 2 would be expected to expand their load, and we would have a measurement of where they are today versus where their expansion is, so there would always be a measurement of incremental investment. It would also be linked to jobs as well. Again, there would be an application process, and we would sort who's in the program by when they come in and how much, in terms of the benefit, job creation.

Those are the two major streams of the program.

**Mr. Reza Moridi:** Speaking of the size of industries, as you mentioned, Deputy, do you have a specific definition of which types of industries you consider as large industries to be eligible for this program?

**Mr. Serge Imbrogno:** Yes. We set up the general framework for the program. We are in the process now of consulting with industrials. It would be sector-based manufacturing, so we'd have a sector definition. The size would really be related to the investment they make into Ontario and into their operations.

We are consulting now, and we'll be in the process of consulting with industry and other industry associations to firm up on the exact details of eligibility. We have a general framework. Over the next few months, we'll firm that up and then we plan to launch the program beginning in January 2013.

**Mr. Reza Moridi:** So the program will be available on January—

**Mr. Serge Imbrogno:** January 1—

**Mr. Reza Moridi:** January 1, 2013?

**Mr. Serge Imbrogno:** That's what we're targeting.

**Mr. Reza Moridi:** Within about five months from now.

**Mr. Serge Imbrogno:** That's correct. After consultation with industry, then we'll firm up the details of the program and then we'll be prepared to launch.

**Mr. Reza Moridi:** It seems, Deputy, that this program is going to save quite a significant amount of money for industries and that will boost our economy and will help create more jobs in the province. Could you please elaborate a bit more on the economic impact on the province of this program when it's implemented?

**Mr. Serge Imbrogno:** Part of the rationale for the program is we think there's a lot of idle capacity right now in many industries: pulp and paper, and autos as well. Part of the stream 2 type of investments would be for these companies. If they can get a competitive rate on their marginal investments on incremental use of electricity, we think it would allow them to quite easily bring back an additional line, bring back a line that has been idle. We also think it would allow a number of companies that have to compete, maybe, with even their own head office for investments, whether they invest in Quebec, Ontario or the US—this would allow them to go forward with a plan that says, "We can bring forward this project, and here's how the economics work." We think it will allow industry to make those investments in Ontario.

The stream 2-type projects—if they can reduce their costs by about 25%, we think it will lower their overall costs of electricity by about 16%. It could be a substantial benefit to the large industrials that are willing to make those investments in Ontario.

**Mr. Reza Moridi:** How is this program going to affect our baseload production, particularly the surplus baseload—and also on the export of electricity, as we do export electricity? Is there going to be an impact of this program on the surplus overload and also on our export of electricity to our neighbours?



**Mr. Serge Imbrogno:** Right now, we do have excess power. Our consumption internally is about 140 terawatt hours. We produce about 150 terawatt hours. Right now, those additional terawatt hours are usually exported, and we get the marginal cost of that production. What this program does is it doesn't incur additional—we don't have to build any new capacity; we have the capacity and the capacity that has been contracted going forward. But what it allows us to do is instead of exporting that excess power, we can use that excess power to invest in Ontario industry and allow Ontario industry to take advantage of that excess power at that marginal cost.

The program is designed not to have any cost impact on the existing rate base, and it's intended to make use of that excess power that we currently export to other jurisdictions. The bottom line is that we're not incurring additional costs for existing ratepayers.

**Mr. Reza Moridi:** Deputy, this is going to have quite an impact on the economic growth of the province. Just to put it in perspective, how would you compare the impact of this program on the economic growth of the province to other similar programs we have in the government, other initiatives which boost our economy and create jobs? Can you give us some perspective, in your view, in terms of comparison with other government programs?

**Mr. Serge Imbrogno:** As we roll out the program, we'll have a better sense as we consult with industry. We've had some initial indications from AMPCO, for example, that they believe a lot of the industrials that are part of their association would take advantage of this program. We think because we tied it to job creation and maintaining job creation, it's more of a competitive process, where those companies that come in that have the best prospects for creating jobs would be chosen. We think it would create a lot of jobs.

In terms of costs, because we already have this excess power, we're not really incurring additional costs. For us, it's a fairly low- to no-cost program that generates benefits. But we haven't got all the information available to say how many jobs we expect. It will be based on how much investment we get through the program.

**Mr. Reza Moridi:** We have a similar program, as you know, for ordinary Ontarians which is called the Ontario clean energy benefit. Could you talk a little bit about this program as well, and who is eligible to benefit from the Ontario clean energy benefit program?

**Mr. Serge Imbrogno:** I could probably talk to it, but I know Michael Reid is keen on talking about the Ontario clean energy benefit.

**Mr. Michael Reid:** Thanks for the question. I'm going to give you a little overview of the intent of the program and outline some of the eligibility criteria for you.

The Ontario clean energy benefit was announced in the 2010 Ontario economic outlook and fiscal review, or the 2010 fall economic statement. It took effect on January 1, 2011, and will run for five years until December 31, 2015.

The intent of the Ontario clean energy benefit is to help families, farms and small businesses manage rising electricity prices as the province invests in its transition towards a clean, modern and reliable electricity system. We've talked a lot about those investments today.

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Specifically, the Ontario clean energy benefit helps mitigate these price increases by providing a 10% benefit on the total cost of eligible consumers' electricity bills. In terms of the customers who are eligible for this Ontario clean energy benefit, it's offered to all customers who are eligible for the regulated price plan, which is administered by the Ontario Energy Board. This includes farms, residential consumers, small businesses and other small consumers who use less than 250,000 kilowatt hours per year of electricity or who have a demand of 50 kilowatts or less. This amounts to about four million residential consumers and over 400,000 farm and small business consumers.

A few other things to note in terms of the eligibility criteria: It includes customers who are directly metered by their local distribution companies. It also includes customers who are sub-metered in multi-residential buildings, so that would be condominiums, for example. It also includes tenants who directly receive an electricity bill from their landlords, as well as customers who will sign or have signed retail contracts with electricity retailers.

**Mr. Reza Moridi:** What you've mentioned to me about this 10% discount, basically, or reduction in the costs—what costs are included in that 10%? Is it the total cost or part of the cost of electricity included in that 10% discount?

**Mr. Michael Reid:** There are a number of elements to consumers' bills. To give you a sense of the elements that the clean energy benefit applies to, I can outline them and then maybe talk briefly about a couple of them.

Specifically, the elements that the clean energy benefit applies to are the commodity price of electricity, all delivery charges, regulatory charges, the global adjustment, the debt retirement charge, as well as any harmonized sales tax that's payable in respect of any of those elements I just outlined. In addition, for customers who are sub-metered, the benefit also applies to any fees that they may be charged by their sub-metering providers. It's probably also important to note that there are a couple of things that aren't covered by the benefit that include any amounts on bills that are carried forward from previous invoices, any penalties and interests, as well as charges that don't relate to electricity—for example, some consumers will receive a bill that has both their electricity as well as, say, water and sewage on it; obviously, it only applies to the electricity portion—and any other sort of one-time charges that appear on the bill.

**Mr. Reza Moridi:** So, basically, this discount applies to the bottom line, the total cost that the person pays to the hydro company?

**Mr. Michael Reid:** Yes.

**Mr. Reza Moridi:** In the 2012 budget, which the government introduced, there have been, I believe, some changes to the Ontario clean energy benefit. Could you elaborate a bit on that, if there have been any changes?

**Mr. Michael Reid:** Yes, definitely. There were indeed changes that were announced to the Ontario clean energy benefit in the 2012 Ontario budget. The specific change that was announced was that the Ontario clean energy benefit would basically limit financial assistance to eligible consumers to the first 3,000 kilowatt hours of electricity that they consumed each month. Consumers who use more than 3,000 kilowatt hours per month will continue to receive the benefit up to the maximum of this 3,000-kilowatt-hour consumption, but any consumption over and above that would no longer be eligible for the benefit.

It's important to note that in putting this cap on the financial assistance of the program, the eligibility criteria themselves did not change at all, so all residential consumers, farms and small businesses that meet the eligibility requirements will continue to qualify for the Ontario clean energy benefit.

As well, under this change, the Ontario clean energy benefit will continue to provide a full 10% benefit to almost all residential consumers. Just to give you a sense, a typical household of four would consume, on average, about 800 to maybe 1,000 kilowatts per month, so that's well below the 3,000-kilowatt cap. Just to give you a sense of what the benefit would be, if you take a typical household that uses 800 kilowatt hours a month, the credit is about \$160 per year.

**Mr. Reza Moridi:** So basically, what you're saying is that this cap, which the government introduced—3,000 kilowatt hours per month consumption—doesn't affect any residential or small businesses? For them, this reduction would be as usual, as they had in the past? They will continue to benefit from this 10% reduction, practically speaking?

**Mr. Michael Reid:** Yes. Most residential as well as small retail businesses will not be affected by the cap. Larger users will be affected by the cap. In that instance, I think it's important to note that there are conservation programs that are in place to help some of the larger users as they transition away from the Ontario clean energy benefit.

As well, it's probably also important to note that the cap was implemented basically as a responsible way to balance both the needs of electricity consumers on the one hand as well as the fiscal implications of providing electricity price relief in the current fiscal situation.

**Mr. Reza Moridi:** I wonder, Mr. Reid, how this Ontario clean energy benefit affects people who are living in condominiums, apartment buildings or condo townhouses? How does this affect them? Because they pay their electricity bill as a part of their condo fees or apartment fees, how does this affect them, particularly with the cap that you have now introduced, the 3,000 kilowatt hours per month?

**Mr. Michael Reid:** Yes, that's an interesting question. Recently a regulation has been put in place that does detail the way in which the cap will be calculated in a variety of circumstances, including multi-residential units like apartments or condominiums. Specifically, the way the cap will apply in these multi-residential instances depends on how the building is metered. So there are two different ways in which buildings are metered: They're either bulk-metered, which is a single meter for a building, or they can have individual meters for individual units.

**The Chair (Mr. Michael Prue):** And I'm going to have to stop you there.

We have exactly nine minutes left, and I'm going to be brutal: three minutes apiece; Conservatives first.

**Mr. Rick Nicholls:** Thank you very much, Chair. Minister, I'm going to change the tone a little bit here. My staff and I have visited the families that suffer from the presence of industrial wind turbines on their property—this is all about health. Have you been up close to one of those turbines on a windy day?

**Hon. Christopher Bentley:** I have been.

**Mr. Rick Nicholls:** I'm sorry?

**Hon. Christopher Bentley:** Reasonably close.

**Mr. Rick Nicholls:** So, would you say, then, that you're aware of the fact that there is noise created by having a turbine, say, 550 metres from your property?

**Hon. Christopher Bentley:** Well, the approach that we've taken to wind turbines and their location has been based, first and foremost, on the advice that we've received from Ontario's medical officer of health and the studies and information out there. We'll continue to take a look at that and act in the best interest of Ontarians.

**Mr. Rick Nicholls:** Okay. Well, again, families in my riding, Minister, describe the noise that they hear from these turbines similar to the effect achieved by driving down the highway and opening up a passenger window—you know, that helicopterish kind of noise that's achieved by air displacement.

Now, Minister, your government has in fact commissioned a University of Waterloo study to examine the health effects of living near industrial wind turbines, but the development of wind turbines is still pushing ahead despite this study not being released. Just recently, yesterday, Health Minister Aglukkaq at the federal level also has made a comment and said that these health issues deserve deeper consideration.

Some of the effects, Minister—and I have in fact spoken to a number of people—include: insomnia, dizziness, little children saying, "Mommy, when are the bees going to stop buzzing in my ears?"—and that's a real thing for these children—nausea, increased blood pressure and so on. Of course, these wind turbines are getting bigger, and I dare suspect that, as a result, the ill effects from these wind turbines will also increase as time goes on.

My question to you, Minister, is a very simple question. I'm going to ask you this because health is a very serious thing. In light of what's going on with regard to

our health budgets etc., will you agree today on placing a moratorium on all currently agreed-upon and proposed industrial wind turbines until more conclusive studies on health effects on people are conducted? The health minister at the federal level stated that a study—until 2014. We can't wait that long. I'm asking you: Would you, in fact, place a moratorium today on all proposed and currently agreed-upon wind turbines in Ontario until—

**The Chair (Mr. Michael Prue):** I have to stop you without even the question; the three minutes are up. Mr. Tabuns.

1540

**Mr. Peter Tabuns:** Minister, are there any further refurbishments planned at the Bruce nuclear plant over the next decade?

**Hon. Christopher Bentley:** Well, we've got 1 and 2 under way, and then there are units 3 and 4 in A, right?

**Mr. Serge Imbrogno:** Yes. They're not being refurbished, though.

**Hon. Christopher Bentley:** They're ready? They're going. Then—

**Mr. Peter Tabuns:** So with the refurbishments that should be completed this year, there are no further refurbishments planned for Bruce. Is that correct?

**Mr. Serge Imbrogno:** So the Bruce B units—

**Mr. Peter Tabuns:** I'm sorry?

**Mr. Serge Imbrogno:** I think you're referring to the Bruce B units.

**Mr. Peter Tabuns:** Yes.

**Mr. Serge Imbrogno:** I'm not aware of any commitment to refurbish those units.

**Hon. Christopher Bentley:** We haven't made a commitment. Obviously, we're taking a look at that, and we'll determine what is the right thing to do with respect to those units.

**Mr. Peter Tabuns:** And with regard to the Darlington refurbishment, the mock-up that you're building, is that based on the initial drawings or the current state of the plant's physical configuration?

**Hon. Christopher Bentley:** What was that question again?

Just back to Bruce B, there are a number of proposals that Bruce has made, in fact, for the Bruce B units which could extend their lives for a number of years, and we're taking a look at those proposals.

Your question about Darlington was?

**Mr. Peter Tabuns:** Is the mock-up based on the initial drawings or the current physical state of the plant? Having been a property manager, things change over time from initial drawings.

**Hon. Christopher Bentley:** Yes. I think that's a good question. Do you know the answer to that question?

**Mr. Serge Imbrogno:** I don't know, but I would suggest that it would be on the most recent drawings. But we can get back to you on that.

**Mr. Peter Tabuns:** If you could get back, that would be appreciated.

**Hon. Christopher Bentley:** We'll get you the answer. We'll provide you the answer.

**Mr. Peter Tabuns:** Thank you.

**The Chair (Mr. Michael Prue):** Liberals, last three minutes.

**Mr. Reza Moridi:** Yes. I would like to just ask the minister to make the final statements and to wrap it up. Thank you.

**Mr. Michael Harris:** He could answer Rick's question. That's what he should do.

**Hon. Christopher Bentley:** I'm going to take the opportunity, at the front part of these three minutes, to go back to something that Mr. Nicholls was asking me because he didn't know that he was about to be—the three minutes go so quickly.

**Mr. Michael Harris:** Thank you, Minister.

**Hon. Christopher Bentley:** With respect to the approach that we've taken to siting green energy projects, generally, and wind projects, specifically, we've always acted, and we'll continue to act, on the basis of the best health interests of Ontarians and the best medical advice that's out there. The Chief Medical Officer of Health has given us advice. There are many studies—some Ontarian, some Canadian, some North American, some international—which outline the health considerations. The setbacks that we've taken are consistent with the direction from the medical officer of health from those studies. We have some of the most aggressive and significant setbacks anywhere in the world. We'll continue to take a look at information as it comes in, whether it's from Dr. Sivoththaman, from the Health Canada study, or any other study that comes in before either of them, to make sure that we're always acting in the best interest of Ontarians and on the most up-to-date and reliable health information.

You're right: We're investing in green energy because health is important. The health of Ontarians is why we made a determination in 2003 to get out of coal, because burning coal creates dirty air, and dirty air makes people sick. That's why we're getting out of coal. That's why we've looked at cleaner sources of power—whether it's wind, solar, bio, nuclear or hydro. We're looking at cleaner sources of power to make sure that we are cleaning up our generation of electricity in the sources and we're able to make sure we have the cleanest possible.

I just want to thank the members of the committee and the Chair. I want to thank my deputy minister, the staff, the ADMs: John Whitehead, Rick Jennings, Sue Lo, Michael—the others who have been here all the time, all of those people who are not here who have been able to participate and prepare.

Obviously, the members of the committee—all members of the committee who have been sitting on this—you won't mind if I give a special nod to my colleagues who are here today and have been here in the past; and all of the staff who happen to be present in the room, some of those visible, some up in booths and not quite visible; and all those who have had the benefit to assist not only me and my staff, but I suspect each and every one of us in the course of the number of minutes and hours that

we've been able to be here. So thank you very much, and that's the end of that.

**The Chair (Mr. Michael Prue):** Thank you very much, Mr. Minister, for being here all these days as well. Since you didn't thank yourself, you should.

We are now required to vote on the estimates of the Ministry of Energy. We must do so without debate.

I'm going to ask the following: Shall vote 2901 carry?

**Mr. Michael Harris:** Recorded vote.

**The Chair (Mr. Michael Prue):** I have a request for a recorded vote. Just so everyone is aware, if you want to follow along, page 183 sets out what these numbers actually mean. Vote 2901 is the ministry administration program.

On a recorded vote, shall 2901 carry?

#### Ayes

Cansfield, Craitor, Dhillon, Moridi.

#### Nays

Harris, Leone, Nicholls.

**The Chair (Mr. Michael Prue):** I declare that carried. Shall 2902 carry?

**Mr. Michael Harris:** Recorded vote, please, Chair.

#### Ayes

Cansfield, Craitor, Dhillon, Moridi.

#### Nays

Harris, Leone, Nicholls.

**The Chair (Mr. Michael Prue):** I declare that carried. Shall vote 2905 carry?

**Mr. Michael Harris:** Recorded vote.

#### Ayes

Cansfield, Craitor, Dhillon, Moridi.

#### Nays

Harris, Leone, Nicholls.

**The Chair (Mr. Michael Prue):** I declare that carried. Shall the 2012-13 estimates of the Ministry of Energy carry?

**Mr. Michael Harris:** Recorded vote.

#### Ayes

Cansfield, Craitor, Dhillon, Moridi.

#### Nays

Harris, Leone, Nicholls.

**The Chair (Mr. Michael Prue):** I declare that carried. Shall I report the 2012-13 estimates of the Ministry of Energy to the House? Is that carried? Carried.

That completes our consideration of the estimates of the Ministry of Energy.

Before we adjourn, I would ask, if those documents are forthcoming to the clerk, that the clerk make them available to members of the committee. I would assume that any member of the committee who wants them would come back to this room in fairly short order.

How long would it take to photocopy them? I have no idea.

*Interjection.*

**The Chair (Mr. Michael Prue):** We have no idea, but if you would make them available to any of the members of the committee who want to get them after today—

**Mr. Peter Tabuns:** Today.

**The Chair (Mr. Michael Prue):** —or today, or make arrangements to pick them up later—

*Interjection.*

**The Chair (Mr. Michael Prue):** Yes, they have not been received—so when they are received, to make them immediately available to those who request them.

**Mr. Rob Leone:** Mr. Chair?

**The Chair (Mr. Michael Prue):** Yes.

**Mr. Rob Leone:** Are we able to be notified of when these documents will be photocopied and perhaps congregate at the time available? Would that be today or tomorrow?

**Mr. Michael Harris:** Or sent to our offices.

**The Chair (Mr. Michael Prue):** Yes.

**The Clerk Pro Tem (Ms. Tonia Grannum):** Yes, probably tomorrow.

**The Chair (Mr. Michael Prue):** Yes, today or possibly tomorrow. We were hoping to get them today. That was the promise.

**Mr. Peter Tabuns:** Chair, let's wait a minute. We need them today.

**Mr. Rob Leone:** Agreed.

**The Clerk Pro Tem (Ms. Tonia Grannum):** I haven't received them in my office yet. I have been checking.

**Mr. Peter Tabuns:** Are we receiving them today?

*Interjections.*

**Mr. Peter Tabuns:** They should be there momentarily. And I understand, in rough volume, we're talking that many. Okay.

**The Chair (Mr. Michael Prue):** To make that many copies will take literally hours.

**Mr. Peter Tabuns:** Well, even if you made two copies and gave one to the Liberals, one to the Tories, one to the NDP—

**The Chair (Mr. Michael Prue):** That's three.

**Mr. Peter Tabuns:** No, give the original to the Liberals. They can hold on to it. I have great confidence.

**The Clerk Pro Tem (Ms. Tonia Grannum):** No, I need the originals.

**Mr. Peter Tabuns:** Do three, then. Go nuts.

*Interjection.*

**The Clerk Pro Tem (Ms. Tonia Grannum):** Yes. As soon as we can physically copy them and get them out, that's what we'll do.

**Mr. Peter Tabuns:** Tonia, we'll follow you.

**Mr. Rob Leone:** Do we camp out in front of your office? Is that generally what people do in these things? I'm obviously a new member of this House. Is that what people do? Do we camp out or—

**The Clerk Pro Tem (Ms. Tonia Grannum):** You can send your staff over to wait, but we have to wait till we actually receive them, too.

**The Chair (Mr. Michael Prue):** Till they're received and—

**Mr. Peter Tabuns:** You have cots; you have chairs. We're good.

**The Chair (Mr. Michael Prue):** All right.

**Mr. Rob Leone:** Shall I order pizza?

**The Chair (Mr. Michael Prue):** If you want. You can do whatever you want. The clerk is responsible, and I trust that she will do it as expeditiously as possible and make them available to those members who want to wait. To those who don't want to wait, I'm sure that they will be available tomorrow.

Having said that, we are adjourned until 8 a.m. on Thursday, July 19, 2012, to commence the estimates of the Ministry of Finance for seven and a half hours. Should we finish that, which I assume we will—I'm ever optimistic—then we will continue with the Ministry of Health and Long-Term Care for the remaining time on Thursday, July 19.

Having said that, we are adjourned for today.

*The committee adjourned at 1550.*

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Mr. Reza Moridi (Richmond Hill L)

Mr. Peter Tabuns (Toronto–Danforth ND)

#### Also taking part / Autres participants et participantes

Mr. Ted Arnott (Wellington–Halton Hills PC)

#### Clerk pro tem/ Greffière par intérim

Ms. Tonia Grannum

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