



ISSN 1710-9442

**Legislative Assembly
of Ontario**

Second Session, 40th Parliament

**Assemblée législative
de l'Ontario**

Deuxième session, 40^e législature

**Official Report
of Debates
(Hansard)**

Tuesday 26 March 2013

**Journal
des débats
(Hansard)**

Mardi 26 mars 2013

**Standing Committee on
Justice Policy**

Members' privileges

**Comité permanent
de la justice**

Privilèges des députés

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON JUSTICE POLICY

COMITÉ PERMANENT DE LA JUSTICE

Tuesday 26 March 2013

Mardi 26 mars 2013

The committee met at 0831 in room 151.

MEMBERS' PRIVILEGES

Le Président (M. Shafiq Qaadri): Chers collègues, bonjour et bienvenue à tous, particulièrement mes collègues. Mesdames et messieurs, j'appelle à l'ordre cette séance du Comité permanent de la justice.

As you know, we're continuing our hearings with reference to the agenda regarding the gas plants.

MS. TIFFANY TURNBULL

The Chair (Mr. Shafiq Qaadri): If there's no business before the committee, I'd invite our first witness, Ms. Tiffany Turnbull, to please come forward.

As you've no doubt seen, you'll be invited to be affirmed, kind of our swearing-in version, and I'd invite the Clerk to administer that now.

The Clerk of the Committee (Ms. Tamara Poman-ski): Do you solemnly affirm that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth?

Ms. Tiffany Turnbull: I do.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Turnbull. You have five minutes in which to make opening remarks and then rotation by the various parties. I'd invite you, please, to begin now.

If you might just aim that microphone a bit more, yes. Thank you. Please begin.

Ms. Tiffany Turnbull: Good morning. My name is Tiffany Turnbull. I'm currently the manager of evaluation and renewal at the Workplace Safety and Insurance Board, a position I assumed on July 23, 2012. Prior to that, I was the executive assistant to Giles Gherson, Deputy Minister of Policy and Delivery in Cabinet Office. I assume it was in this capacity that I've been called to appear before the committee.

Although I'm happy to co-operate with the committee to the best of my ability, I wish to confirm in advance that I was not directly involved in any of the issues being considered by this committee and have no substantive knowledge or recollection of those issues. As a courtesy to the committee, I did advise the Clerk of my lack of involvement or knowledge in these issues when I was contacted to appear.

As the executive assistant to Giles Gherson, my primary role was to support him as the Deputy Minister of Policy and Delivery in Cabinet Office. Although I would often be involved in, or have knowledge of, certain matters being managed by or reported to the deputy minister, there were other files where we worked fairly independently. This was the case with the Oakville and Mississauga transactions, and I was not involved in any substantive aspects of those files.

Although I was aware that Deputy Gherson was involved in those transactions, to the best of my recollection, his primary interactions were with a small number of deputy ministers and members of the Premier's office. I did not attend any meetings or sit in on any teleconferences on these transactions, nor did the deputy discuss any matters connected to these transaction with me.

I do recall occasions when I was copied or sent emails related to these files, but I have no specific recollection of their contents. These emails would have been among a high volume of daily emails on any number of items each day. To the best of my recollection, I would have been copied on those files simply to ensure that that information was brought to the attention of the deputy.

Finally, I wish to confirm that I had no knowledge of the Ministry of Energy document disclosure issues being considered by the committee. I am of course aware of those issues through various media reports, but because those issues would not have come to the attention of the policy area of Cabinet Office, I had no reason or occasion to be directly involved in those matters.

With that, I would be pleased to answer your questions.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Turnbull. We'll begin with the PC side, Mr. Fedeli. Twenty minutes.

Mr. Victor Fedeli: Thank you very much. I was trying to make a couple of notes during your opening remarks. How long were you in the Cabinet Office?

Ms. Tiffany Turnbull: Approximately five years total, and three of those years would have been within the deputy minister's office.

Mr. Victor Fedeli: And how often would you have dealt with energy ministry items?

Ms. Tiffany Turnbull: Relatively rarely. In my role, it was largely to assist with the flow of information that was making its way through cabinet committees towards

cabinet decision-making. So we would see items as they would have come through in a full cabinet submission format, generally.

Mr. Victor Fedeli: I have a hard time hearing you. Could you repeat that? I'm sorry.

Ms. Tiffany Turnbull: Yes. I would have had rare interaction with those, other than items that may have tracked officially through the cabinet decision-making process, which would have involved potentially coming to committee and then to cabinet for a decision.

Mr. Victor Fedeli: So you said—I started to write down your first answer—"the flow of information into the Cabinet Office." What did you do with the flow? You controlled the flow? You handled the flow? I just missed that part.

Ms. Tiffany Turnbull: My role as the executive assistant would be to assist with coordination of items that would be coming through for decision-making. Of course, we have staff whose jobs are full-time to assist ministries, and an executive council office who would be responsible for the machinery of government elements of that. But my role would be essentially to assist where the deputy needed to be involved in something or scheduling meetings to assist with items that needed some kind of resolution as they were moving forward. It was really just to support him and any coordination that was required.

Mr. Victor Fedeli: Okay. So who in the Cabinet Office would you have worked with when anything to do with the Oakville or Mississauga gas plant cancellations came up?

Ms. Tiffany Turnbull: In my role, I had very little interaction with those files at all. Our deputy was very peripherally, if at all, involved, until, to the best of my recollection, following the election, when the Mississauga commitment was beginning its implementation. At that time, the extent of my role was really to assist with organizing meetings on his behalf.

Mr. Victor Fedeli: And you worked directly for Mr. Gherson?

Ms. Tiffany Turnbull: That's correct.

Mr. Victor Fedeli: And his title, again, at that time?

Ms. Tiffany Turnbull: He was the Deputy Minister of Policy and Delivery in Cabinet Office.

Mr. Victor Fedeli: Who in the cabinet or in the Premier's office would you have had any contact with, other than Mr. Gherson, with respect to the gas plant cancellation?

Ms. Tiffany Turnbull: Personally, I didn't have any. There were a number of semi-regular meetings that would have involved a small number of deputies and, on occasion, Chris Morley.

Mr. Victor Fedeli: Other than Chris Morley, at these semi-regular meetings that involved those people, who would those people have been?

Ms. Tiffany Turnbull: Who would the deputies have been that were involved? To the best of my recollection, David Lindsay, at that time, when he was Deputy Minister of Energy; likely Peter Wallace in his then role as Deputy Minister of Finance; and there may have been

occasions where the then secretary of cabinet had been involved in those meetings. But I don't think that would have been a regular occurrence.

Mr. Victor Fedeli: When did you first hear—hear or see, actually—the words "Project Vapour"?

Ms. Tiffany Turnbull: I can't recall an actual date. I had awareness of that project in relation to Oakville and that term being used in relation to it. But that initial project, we had essentially no involvement in at all.

Mr. Victor Fedeli: You were familiar with the words "Project Vapour" before the media launch or the media announcement of several months ago?

Ms. Tiffany Turnbull: Yes.

Mr. Victor Fedeli: How long ago do you figure? Just a rough idea. I'm not going to hold you to any date here.

Ms. Tiffany Turnbull: It could have been spring/summer 2011.

Mr. Victor Fedeli: Sometime in 2011, though.

Ms. Tiffany Turnbull: Yes.

Mr. Victor Fedeli: What do you recall about Project Vapour?

Ms. Tiffany Turnbull: Prior to reading the secretary of cabinet's transcript from his appearance here last week, I knew very little, other than it was a public service supporting government decision-making, which is sort of our normal role. So it would have been to provide advice around implementation and to assist, where required, with negotiations.

0840

Mr. Victor Fedeli: But you knew Project Vapour was Oakville?

Ms. Tiffany Turnbull: At the time, it wasn't apparent to me. I think that's sort of later. After the Mississauga issue came up, it became more clear. As I say, I had essentially no involvement at that time.

Mr. Victor Fedeli: There's a document from November 21, 2011. I could share that document, Chair. It's from you to Colin Andersen. It says, "PO is asking us to get a copy of the paper (agreement) from the Vapour file" as soon as possible.

Who would PO have been? The document is there in front of you.

Ms. Tiffany Turnbull: Sorry; just give me one moment.

Mr. Victor Fedeli: Yes. It's on the last page. Your name is here; there are one, two, three—four different emails with your name. This is directly to you. The "to" line is directly to you, not a copy to you. This is you with this document.

Ms. Tiffany Turnbull: Yes, I do recall this email. If I recall correctly, it would have been that the deputy was engaged in some other meeting and asked me to request this on his behalf.

Mr. Victor Fedeli: So who would PO have been?

Ms. Tiffany Turnbull: I don't know, actually. They would have asked Giles for it and he would have asked me to procure the document.

Mr. Victor Fedeli: So is this the first time you heard the word "Vapour"?

Ms. Tiffany Turnbull: No, I think I would have heard it earlier in the year. As you said, this was from November.

Mr. Victor Fedeli: That's right. You mentioned you might have heard it in the spring.

So if this document here on Vapour is not the first time you heard it, and you think you heard it in the spring, what was the context, do you think? Was it at a meeting? Was it at a cabinet session? Was it something you were corresponding about? Could you recall the first time that you heard the word "Vapour"?

Ms. Tiffany Turnbull: It wouldn't have been in any meetings because I didn't attend any related to this, and it wouldn't have been in relation to cabinet because I don't attend cabinet. It likely would have been just someone mentioning it to the deputy in his office or possibly an email. There are a number of offices in our pod; there could have been a conversation going on. It wasn't in any official capacity that I was necessarily asked to do anything other than something along these lines, where I would have simply been coordinating on behalf of the deputy.

Mr. Victor Fedeli: Did you know that Vapour was Oakville the first time you heard it?

Ms. Tiffany Turnbull: No.

Mr. Victor Fedeli: To the best of your recollection—I'm just trying to figure it out—how did you tie that bow? How did you figure out that Oakville was referring to Vapour?

Ms. Tiffany Turnbull: It would have been probably later, after the election, when we began work on Mississauga, that the deputy had slightly more involvement. I may have been given a slight bit of information then just to assist him with setting up meetings.

Mr. Victor Fedeli: But you had first heard it back in the spring of 2011.

Ms. Tiffany Turnbull: Yes. It was likely in informal conversation or, you know, just in passing. But I had no role, so there was no need for me to be explained anything about what the item was.

Mr. Victor Fedeli: The first time you heard the expression "Project Vapour-lock": When was that?

Ms. Tiffany Turnbull: I suspect it would have been after the election because the commitment had been made just shortly before October 6 and we had been asked to assist with coordinating meetings out of Cabinet Office to facilitate the implementation of this government commitment.

Mr. Victor Fedeli: Who would have asked you to do that?

Ms. Tiffany Turnbull: The deputy.

Mr. Victor Fedeli: The name, I'm sorry?

Ms. Tiffany Turnbull: Giles Gherson.

Mr. Victor Fedeli: So, your boss?

Ms. Tiffany Turnbull: Yes.

Mr. Victor Fedeli: When did you first acknowledge in your mind that Vapour-lock was the Mississauga gas plant?

Ms. Tiffany Turnbull: It would have been sometime that fall, while we were supporting these meetings.

Mr. Victor Fedeli: And how would that have come up? In what context would Vapour-lock have come up?

Ms. Tiffany Turnbull: Likely the deputy would have told me that that's what those meetings were for and that it was in relation to Mississauga. It would have been probably very straightforward.

Mr. Victor Fedeli: So you think that you first heard "Vapour-lock" sometime in the fall of 2011?

Ms. Tiffany Turnbull: That sounds correct, yes.

Mr. Victor Fedeli: And when is the—actually, I want to go back to that. You were asked to facilitate—your office was asked to facilitate—the implementation of Project Vapour-lock. Is that what it was?

Ms. Tiffany Turnbull: Not the actual implementation, but facilitate meetings that were aimed at beginning the implementation discussions.

Mr. Victor Fedeli: Would you know the names of any people at those meetings that you would have been asked to facilitate?

Ms. Tiffany Turnbull: Yes. Deputy Gherson would have been generally chairing those, or at least doing sort of the pulling together of the meetings. My understanding is that David Lindsay would have attended those meetings as deputy of energy. It's possible that Peter Wallace would have been in attendance. I would suspect that there were other ministries involved, but I honestly can't recall which ones.

Mr. Victor Fedeli: So we'll move on to Project Apple. What was the first time, the first date, that you heard of Project Apple?

Ms. Tiffany Turnbull: Actually, just this very minute.

Mr. Victor Fedeli: That's fair. And what about Project Banana?

Ms. Tiffany Turnbull: No, I haven't heard that. Sorry.

Mr. Victor Fedeli: Project Fruit Salad?

Mr. Rob Leone: We're not making this up.

Mr. Victor Fedeli: I'm not making this up.

Ms. Tiffany Turnbull: No, I'm not aware of any of those.

Mr. Victor Fedeli: Okay. But you are aware of Project Vapour and Project Vapour-lock?

Ms. Tiffany Turnbull: Yes.

Mr. Victor Fedeli: Okay. Did you work on any cabinet documents—did you prepare any cabinet documents on Project Vapour?

Ms. Tiffany Turnbull: No. And that's normal. My role wasn't related to production of documents.

Mr. Victor Fedeli: Okay. Again, I want to go back to that email that I just handed you. What do you think "PO"—you're asking this, by the way. It's not somebody asking.

Ms. Tiffany Turnbull: No, I know. Yes.

Mr. Victor Fedeli: This is from you to Colin Andersen: "PO is asking us to get a copy.... Is it possible

someone could send to me?" So when you got it, what would you have done with that document then?

Ms. Tiffany Turnbull: I would have provided it to the deputy, and he would have then provided it to whoever had requested it.

Mr. Victor Fedeli: Do you recall getting the document?

Ms. Tiffany Turnbull: I don't, actually.

Mr. Victor Fedeli: Okay.

Ms. Tiffany Turnbull: I suspect that we did, but I can't say for certain.

Mr. Victor Fedeli: Can you find out? Is there any method in determining whether you received that file and did something with it? Is there any way?

Ms. Tiffany Turnbull: My understanding is that there would have to be a motion of the committee. I no longer work for the Ontario public service, so I don't have access to any records.

Mr. Victor Fedeli: Okay; it's a fair answer. It's fair enough.

There's another document. I'm going to hand it out as well, to the Clerk. We're going to give one to each of our guys and one to Ms. Turnbull. This is from Jason Collins at energy. Do you know who Jason Collins at energy is or was?

Ms. Tiffany Turnbull: I don't know what his role would have been, no.

Mr. Victor Fedeli: Again, this is to you. This isn't a copy to you; this is directed to you. It says, "Hi Tiffany," and there's someone else named here from the cabinet: Steen Hume.

Ms. Tiffany Turnbull: Yes.

Mr. Victor Fedeli: Do you know who he is?

Ms. Tiffany Turnbull: Yes, I do.

Mr. Victor Fedeli: And who is he?

Ms. Tiffany Turnbull: He's the executive assistant to the secretary of cabinet.

Mr. Victor Fedeli: Okay. So it says, "Hi Tiffany and Steen—please find attached Proceedings Against the Crown Act notice, received by MAG yesterday. MAG, including CLOC, the ADAG's office and MOF legal are fully looped in." These are all acronyms for other ministries and such.

0850

"There isn't much we can do at this stage," etc.

Can you recall why he sent this document specifically to you? This would be just a couple of days before Christmas, the 23rd of December, 2011.

Ms. Tiffany Turnbull: No, I can't recall if it was something that we requested or something that they were simply sharing. It wouldn't be unusual for someone in the deputy's office—it says that Jason's acting for Joseph Silva, who at the time would have been the deputy's EA. So we would have had regular contact on other items—

Mr. Victor Fedeli: That I can see. You're named in a considerable amount of regular documents here. Sometimes you're copied, but sometimes you are either the initiator of them or they are directed specifically to you. You don't recall this particular one?

Ms. Tiffany Turnbull: I vaguely recall receiving this email, but I would have simply provided it to the deputy.

Mr. Victor Fedeli: In the many emails that you're named in in the 56,000 documents, there are many chains of emails as well. Mr. Andersen tells you that you can get an agreement from—and I don't know how I'm going to pronounce her name right, but I'll try—Halyna Perun. Do you know who that person is? It's H-A-L-Y-N-A P-E-R-U-N.

Ms. Tiffany Turnbull: I do recall the name. I believe she was a legal counsel that was assisting with some of these files. So it may have been that if Colin was engaged otherwise, he may have directed me to herd or request materials.

Mr. Victor Fedeli: The email chain shows that you've spoken with the Deputy Minister of Energy office regarding details of that unsigned agreement. Do you call who you spoke with at that ministry office?

Ms. Tiffany Turnbull: My usual contact would have been the deputy's EA. That's sort of normal process.

Mr. Victor Fedeli: Do you know the name?

Ms. Tiffany Turnbull: At the time, it would have been Joseph Silva.

Mr. Victor Fedeli: Did you liaise with anyone else on the power plant file?

Ms. Tiffany Turnbull: Not that I can recall.

Mr. Victor Fedeli: You're also copied on an email on October 27 regarding a Mississauga News article on the power plant cancellation. Do you know why it was important that you particularly be copied on that email?

Ms. Tiffany Turnbull: That was likely just to ensure that Deputy Gherson was aware of the coverage.

Mr. Victor Fedeli: Okay. There's a ministry spokesperson quoted in the article, Andrew Block: Do you know who that person is?

Ms. Tiffany Turnbull: No.

Mr. Victor Fedeli: You never had any contact? Do you have emails with Andrew Block?

Ms. Tiffany Turnbull: Not that I recall. He likely would have been a communications staffer, so we would have not normally had a need to interact.

The Chair (Mr. Shafiq Qadri): One minute.

Mr. Victor Fedeli: Who's Petra Fisher? That's another name that shows up on the emails often.

Ms. Tiffany Turnbull: It sounds vaguely familiar, but I can't recall what position Petra would have had.

Mr. Victor Fedeli: Another email chain, a lengthy one on November 9, deals with messaging on Oakville. Again, why would you have been copied into that correspondence?

Ms. Tiffany Turnbull: It would be the same reason: just to ensure that the deputy was aware.

Mr. Victor Fedeli: Okay. When we come back, Chair, I'll get into a slide deck then.

The Chair (Mr. Shafiq Qadri): Thank you, then, Mr. Fedeli.

To the NDP side and Mr. Tabuns. Twenty minutes.

Mr. Peter Tabuns: Thank you, Mr. Chair.

Good morning. Thank you for being here today.

Ms. Tiffany Turnbull: Good morning.

Mr. Peter Tabuns: Do you have any knowledge of why the Premier's office was taking a specific interest in these files, Oakville and Mississauga South?

Ms. Tiffany Turnbull: I can't speak to whether there was a specific interest. It would be normal procedure for staff from the Premier's office to be involved in policy decision-making.

Mr. Peter Tabuns: Was it normal, in your experience, for them to be involved with other power plants that had been contracted by the Ontario Power Authority?

Ms. Tiffany Turnbull: I have no knowledge of that.

Mr. Peter Tabuns: I'll put the question another way. You didn't see files about other power plants coming across your desk or through your computer?

Ms. Tiffany Turnbull: No.

Mr. Peter Tabuns: Fine. Can you describe the committee that dealt with this matter in the Premier's office, in the cabinet? You noted earlier a semi-regular meeting. Can you tell us who chaired the meeting and, again, the participants?

Ms. Tiffany Turnbull: So, yes. This would have been only in relation to the Mississauga file following the election, when our office was asked simply to coordinate meetings to facilitate these discussions. So to the best of my knowledge, given that our office was coordinating, it was likely that my deputy would have taken a chair role in those meetings, despite our ministry's lack of a substantive role. It would have included, certainly, the Ministry of Energy and likely the Ministry of Finance. It could have been that there were other ministries attending, but I honestly can't recall. I believe they were relatively small meetings, and they may have, on occasion, included staff from the Premier's office, but the only person I know of specifically would have been Chris Morley.

Mr. Peter Tabuns: So it would have been Chris Morley from the Premier's office, and from energy it would have been?

Ms. Tiffany Turnbull: Likely the deputy; it would have been David Lindsay. It's possible that there would have been ministers' office staff there, but I don't know.

Mr. Peter Tabuns: And you didn't have further information on that.

Ms. Tiffany Turnbull: No.

Mr. Peter Tabuns: And from finance?

Ms. Tiffany Turnbull: It likely would have been the deputy, who would have been Peter Wallace at the time.

Mr. Peter Tabuns: I'm sorry; repeat that name.

Ms. Tiffany Turnbull: Sorry. It likely would have been Peter Wallace at that time. He was the deputy at finance at that time.

Mr. Peter Tabuns: Other than Chris Morley, can you tell us who else in the Premier's office was working on these files?

Ms. Tiffany Turnbull: He's the only person I'm directly aware of.

Mr. Peter Tabuns: Were you ever given any directions on how to communicate around these files—for instance, that people were to get verbal briefings rather than written briefings?

Ms. Tiffany Turnbull: My understanding is that there may have been some guidance provided by Cabinet Office communications. That would be standard procedure. If there were documents of that nature, I would have simply provided them to the deputy.

Mr. Peter Tabuns: Do you have any recollection of the details in these documents setting out how to communicate?

Ms. Tiffany Turnbull: No, because my role wouldn't have involved any communication with the public or media, so I wouldn't have had any need to review them.

Mr. Peter Tabuns: I'm not talking so much about communications with the media or public; I'm talking about protocols for internal communication. Were there restrictions on what you were supposed to put in emails or not put in emails?

Ms. Tiffany Turnbull: It's possible, but I don't recall receiving any of those types of direction.

Mr. Peter Tabuns: Okay. You handled communications. You facilitated the flow of paper into Mr. Gherson's hands. Did you see a number of documents that had reference to Project Vapour?

Ms. Tiffany Turnbull: It seemed to me, in preparing for this, as I was thinking about it, a relatively small number. I suspect that there wouldn't have been a lot of documents necessarily emailed. My impression is, there were largely discussions in meetings and teleconferences but not necessarily a lot of paper to support it.

Mr. Peter Tabuns: And did anyone keep records of those meetings and those teleconferences? Were there any minutes prepared?

Ms. Tiffany Turnbull: There are no minutes that I'm aware of, no. There would have been records of the meetings themselves occurring, in terms of scheduling, but I wouldn't have access to any of those records now.

Mr. Peter Tabuns: And a typical scheduling record would list what—participants, date, time?

Ms. Tiffany Turnbull: Yes, it would be an Outlook invitation that would be in people's calendars.

Mr. Peter Tabuns: Did you see many Vapour-lock emails or communications?

Ms. Tiffany Turnbull: There would have been some. I often would receive upwards of 500 emails a day on between 50 and 100 different items, given that my role was largely just sort of an air traffic controller. So yes, there would have been some, but in terms of absolute numbers, it's really not possible for me to say.

0900

Mr. Peter Tabuns: When the NDP put in a freedom-of-information request to ask for emails that touched on Vapour and Vapour-lock, we were told none existed. Based on what you've said, apparently documents did exist. You saw documents that had those titles?

Ms. Tiffany Turnbull: There would have been emails, yes.

Mr. Peter Tabuns: Emails is fine. I consider it a document.

We found that kind of mysterious, because in the released documents that have been given to us, we saw documents coming out of the Premier's office, Cabinet Office, that referenced Vapour and Vapour-lock, and yet, when we asked, we were told no such documents existed. But you did in fact see documents?

Ms. Tiffany Turnbull: Well, there are emails that you presented to me today on this topic, so yes. In terms of the FOI process, I had no involvement in that, so I'm sorry; I can't speak to the production of those.

Mr. Peter Tabuns: I understand you had no involvement. It's just that we're trying to corroborate that in fact such documents existed and that when we would ask for them, it would not be unreasonable to expect that they continue to exist.

The only working group on Project Vapour is the one you've referenced that Giles Gherson would attend, along with Chris Morley and deputy ministers from energy and from finance.

Ms. Tiffany Turnbull: That's the only one I'm aware of.

Mr. Peter Tabuns: That's fine. I appreciate the clarification.

You earlier said that your boss was peripheral until after the election of 2011 on the Oakville generating station.

Ms. Tiffany Turnbull: Yeah. My understanding is that he had a relatively minor role until we were asked to begin facilitating these types of meetings, which to the best of my recollection was following the election in relation to Mississauga, but my dates could be slightly wrong.

Mr. Peter Tabuns: Would you repeat those last few words? I'm sorry, the mikes aren't picking you up very well.

Ms. Tiffany Turnbull: Sorry. To the best of my recollection, yes, it would have been in relation to the Mississauga issue.

Mr. Peter Tabuns: Okay. After the election of 2011?

Ms. Tiffany Turnbull: I believe so, yes.

Mr. Peter Tabuns: So did the amount of traffic coming in to Mr. Gherson at that point go up substantially?

Ms. Tiffany Turnbull: It likely would have, yes.

Mr. Peter Tabuns: When you say "likely would have," did you notice it going up?

Ms. Tiffany Turnbull: No, I wouldn't have noticed necessarily an increase.

Mr. Peter Tabuns: Then this was the group that he assembled: Chris Morley, Deputy Minister of Energy, and Deputy Minister of Finance?

Ms. Tiffany Turnbull: Yes.

Mr. Peter Tabuns: So, in fact, he became far more involved under Vapour-lock and, if I understand it correctly, had much less involvement with Project Vapour, the Oakville plant?

Ms. Tiffany Turnbull: Yes, I'd say that's true.

Mr. Peter Tabuns: All right. I note that you said you tracked items through cabinet committees and then going to cabinet.

Ms. Tiffany Turnbull: Mm-hmm.

Mr. Peter Tabuns: Were there documents going to cabinet on the Oakville generating station and the Mississauga generating station?

Ms. Tiffany Turnbull: Not that I can recall specifically. It's possible that if an item would have tracked through some other central agency such as treasury board, I wouldn't necessarily have any knowledge of that.

Mr. Peter Tabuns: Okay. So they didn't go through your hands?

Ms. Tiffany Turnbull: No.

Mr. Peter Tabuns: And were you ever aware of documents or discussions related to the cost of cancellation?

Ms. Tiffany Turnbull: Certainly I knew that there was a consideration in the discussions, but I was never a part of those meetings or teleconferences where any of that would have been discussed.

Mr. Peter Tabuns: Do you have a recollection of taking any documents prepared by the Ontario Power Authority or the Ministry of Energy and transferring them to Mr. Gherson?

Ms. Tiffany Turnbull: It's possible. That was my job to do on a number of files, but usually, given the level of those—the number of them—I wouldn't be reading them necessarily. So I don't have any specific knowledge.

Mr. Peter Tabuns: Okay. I don't have any other questions at the moment.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Tabuns. To the government side: Madame Albanese.

Mrs. Laura Albanese: Thank you, Chair. Thank you for being here, Ms. Turnbull. I and my colleagues really appreciate the way you illustrated your role as an executive assistant, and elaborating also on how these deputy working groups worked.

I wanted to know: During the five years as an executive assistant, did you come across any other informal project names? Was that common?

Ms. Tiffany Turnbull: In my role, specifically, within the policy realm it wasn't that common, principally because the documents at the point we see them are tracking towards a committee of cabinet or cabinet itself, and it would be unlikely to use such a name at that time.

Mrs. Laura Albanese: I see. Is there any other thing that is important that you would like to add or you would like to say this morning, that you think would be useful to the committee?

Ms. Tiffany Turnbull: There's nothing—I mean, my role was just so peripheral and really in support of coordinating the deputy's office, that this was one of so many files. So I'm happy to provide whatever assistance I can, but I have no substantive information to offer.

Mrs. Laura Albanese: So you were almost surprised when you were called to the committee?

Ms. Tiffany Turnbull: Yes.

Ms. Laura Albanese: Okay. Mr. Chair, we have no further questions at this time. Thank you very much.

The Chair (Mr. Shafiq Qaadri): Thank you, Madame Albanese.

Back to the PC side, to Mr. Fedeli; 10 minutes this time.

Mr. Victor Fedeli: I just have to write the time down here so I can—thank you very much. I want to go back to the Vapour-lock documents, the emails that you talked about.

Ms. Tiffany Turnbull: Okay.

Mr. Victor Fedeli: Would they have ever been copied to the OPA or the Ministry of Energy, the Vapour-lock documents? Would you have recalled if any of them came from them?

Ms. Tiffany Turnbull: It's possible, yes.

Mr. Victor Fedeli: You also talked about teleconferences just a moment ago. How often were those teleconferences held?

Ms. Tiffany Turnbull: I couldn't say for sure. It's common to use a teleconference in place of a regular meeting if folks are not available or close by.

Mr. Victor Fedeli: Who all would have been involved in those teleconferences?

Ms. Tiffany Turnbull: Sorry; as far as I know, it would have been the same folks who would have been involved in that deputy minister's group.

Mr. Victor Fedeli: The Morley-Wallace-Lindsay group?

Ms. Tiffany Turnbull: Yes.

Mr. Victor Fedeli: Were those teleconferences ever recorded?

Ms. Tiffany Turnbull: Not that I'm aware of, no.

Mr. Victor Fedeli: Back to the Vapour-lock documents again; I'm just a bit hung up on those. How many emails do you think there would be with "Vapour-lock" on it? What's your rough guess? The level of discussion of that.

Ms. Tiffany Turnbull: I couldn't say. You mean in terms of ones that I would have seen personally?

Mr. Victor Fedeli: Yes.

Ms. Tiffany Turnbull: I think it would have been a relatively small number compared to my overall number of emails.

Mr. Victor Fedeli: But what does that kind of a number mean?

Ms. Tiffany Turnbull: Given that I might have seen up to 500 a day?

Mr. Victor Fedeli: Yes.

Ms. Tiffany Turnbull: It's possible that maybe there was one a week. It could have been more than that.

Mr. Victor Fedeli: One email a week on Vapour-lock?

Ms. Tiffany Turnbull: Possibly; it might have been more. They would have been predominately sent to the deputy.

Mr. Victor Fedeli: The deputy?

Ms. Tiffany Turnbull: Giles Gherson.

Mr. Victor Fedeli: From who?

Ms. Tiffany Turnbull: It could've been anyone who's involved, frankly. I think probably the largest number of them would have been from the deputy of energy, given his primary role in this file.

0910

Mr. Victor Fedeli: You do realize we have no Vapour-lock documents, period. We have none.

Ms. Tiffany Turnbull: It's possible.

Mr. Victor Fedeli: No emails in the document dump of 20,000. The first document dump of 36,000; the last document dump of 600. Out of almost 57,000 documents, there's not one document that says "Vapour-lock" on it, yet you're telling us here this morning that there are Ministry of Energy documents, emails to your boss—perhaps one a week or more—regarding Vapour-lock, yet we don't have any in our exchange.

Ms. Tiffany Turnbull: No, I said it was likely that there could have been some, yes, but—

Mr. Victor Fedeli: You said a little bit more than that, if we go back and look at the testimony.

So was Mr. Gherson doing any prep work on the power plants prior to October 2011?

Ms. Tiffany Turnbull: Not that I recall.

Mr. Victor Fedeli: Any of the files that we spoke about earlier: Would any of those have gone to cabinet or the cabinet committee or the Premier's office?

Ms. Tiffany Turnbull: I don't recall them tracking through the cabinet committee, but it's possible. Documents could have been shared with the Premier's office that I was not privy to.

Mr. Victor Fedeli: So we do actually have Vapour documents that are cabinet briefing documents?

Ms. Tiffany Turnbull: I don't know. I wouldn't have seen them personally.

The Chair (Mr. Shafiq Qaadri): Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much, Ms. Turnbull. I wanted to go back to your testimony from a little earlier, when you were asked about the email that you sent to Colin Andersen at the OPA. It reads: "Giles asked me to get in touch as he is having some bb problems. PO is asking us to get a copy of the paper (agreement) from the Vapour file asap."

"Is it possible someone could send to me?"

In your earlier answer to Mr. Fedeli, you said that you didn't know what PO stood for, whether it was a person or a thing. Now, I think it's generally understood that if someone uses un-full wording, whether it's an acronym or otherwise, not only do they understand it, but they're quite aware that the person they're sending the email to understands what it is as well.

You testified that you were five years—part of it in the Cabinet Office and part otherwise. And you're telling us—you wrote the email—that you have no idea whether PO stands for a person or an entity. We've only heard two things in this testimony, either from witnesses, yourself or questionings. We've only seen or heard the words beginning with "P" and "O" put together in one way. Are you implying that you do not know what PO stands for?

Ms. Tiffany Turnbull: No, that's not what I meant in my response. I meant that I wasn't sure who the person specifically within the Premier's office was that would have made the request to the deputy, and I wouldn't necessarily have had a need to know that.

Mr. John Yakabuski: Okay. So PO: You clearly understand it to be what?

Ms. Tiffany Turnbull: It stands for the Premier's office.

Mr. John Yakabuski: Okay. Thank you very much, because your earlier testimony was quite evasive.

Ms. Tiffany Turnbull: I'm sorry; I didn't mean to be unclear.

Mr. John Yakabuski: Okay, very good. Thank you very much.

The Chair (Mr. Shafiq Qaadri): Thank you. Just four minutes or so left. Mr. Leone.

Mr. Rob Leone: Ms. Turnbull, I'm curious: I heard you state earlier in testimony that you had read Peter Wallace's testimony before you came to committee. Can you tell us what else you did in preparation for today's testimony?

Ms. Tiffany Turnbull: Yes, certainly. It would be normal procedure to receive some direction from the secretary's office or counsel on just sort of familiarizing with the process: the fact that I would need to affirm, that I had a right to an opening statement, and those sorts of things. I did have conversations to help prep me, from that perspective.

Mr. Rob Leone: So what did those conversations include? What kind of direction did you receive from legal counsel?

Ms. Tiffany Turnbull: Really, just that I had the five minutes to provide an opening statement, and what to sort of expect in terms of the set-up of the room, etc. There was no discussion about content, per se.

Mr. Rob Leone: Did you pass on your opening statement for someone to review?

Ms. Tiffany Turnbull: I'm sorry; I can't hear you.

Mr. Rob Leone: Did you pass on your opening statement to anybody to review whether it was okay?

Ms. Tiffany Turnbull: Yes.

Mr. Rob Leone: Who would you have—

Ms. Tiffany Turnbull: It was William Bromm within the secretary of cabinet's office.

Mr. Rob Leone: And what does he do?

Ms. Tiffany Turnbull: He's counsel to the secretary.

Mr. Rob Leone: Okay. Did they advise you of things not to say in committee?

Ms. Tiffany Turnbull: No.

Mr. Rob Leone: Not at all?

Ms. Tiffany Turnbull: No.

Mr. Rob Leone: All right. Did they advise you of things that you could say in committee?

Ms. Tiffany Turnbull: They advised me of process-type things that I could be asked to speculate or guess on things and that kind of thing.

Mr. Rob Leone: All right. In your role as the executive assistant to the deputy, can you maybe run us

through some of the tasks you would have been tasked with as the executive assistant? We talk a lot about document management, and you said "500 emails a day," but what else you would have done for the deputy?

Ms. Tiffany Turnbull: Certainly. Unlike many other deputies' offices, I was the sole staff for Deputy Gherson, other than our scheduler. So my role would run the gamut from helping her resolve scheduling conflicts to sitting in on briefings for the deputy in preparation of cabinet. I would have brought things to his attention that needed signatures, etc. I would have assisted our admin—

The Chair (Mr. Shafiq Qaadri): One minute.

Ms. Tiffany Turnbull: I would have assisted our HR folks, etc. in corporate activities that were required.

Mr. Rob Leone: So, how would you sort the 500 emails? Would you read them and then say, "Hey, Deputy, please read these ones. You need signatures on these ones," and so on and so forth?

Ms. Tiffany Turnbull: Yes. Depending on the item or who it was from and what was sort of happening that day, I can fairly quickly skim through them. If there are ones that I know that would be something he was working on as opposed to myself—it was common for us to work independently on files.

Mr. Rob Leone: In our world—in my world, at least—my EA sometimes actually knows more about what's going on than the person she's working for. In your knowledge of your role as EA, would you have the same sort of more in-depth understanding than the deputy?

Ms. Tiffany Turnbull: It was possible on certain files, just because of the way we split our workloads up—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Leone. To Mr. Tabuns, 10 minutes.

Mr. Peter Tabuns: Thank you, Mr. Chair. Perhaps you could just finish responding to Mr. Leone's question, and then I have a few for you.

Ms. Tiffany Turnbull: Sure. Chair, is that okay?

The Chair (Mr. Shafiq Qaadri): Yes, it is.

Ms. Tiffany Turnbull: Because of the way that we worked independently, it would be common for me to spend my time on things he didn't know about, but unfortunately they were the more boring items, such as working on budgeting, HR issues, enterprise-wide activities, such as employee engagement, things that need to be cascaded down to our management team for their staff purposes, such as performance plan schedules. The more mundane administrative tasks: I would say that would often make up a large part of my job. I might, in some cases, know more about some of the agenda management and tracking of items to policy and cabinet committees, but we would bring those to his attention.

Mr. Peter Tabuns: Thank you. Would you have, on behalf of Mr. Gherson, sent emails to Mr. Morley or to the deputies in finance and energy to pull people together for the meetings that were scheduled?

Ms. Tiffany Turnbull: The normal process for scheduling would have been that our office's scheduler

would have dealt with their office's schedulers. So I would have possibly been involved if there was, for example, a conflict and there was some guidance required in terms of other things that could be removed or cancelled.

Mr. Peter Tabuns: So, can you say that you didn't actually send emails about setting up these meetings with Mr. Gherson?

Ms. Tiffany Turnbull: It would have been uncommon.

Mr. Peter Tabuns: Can you tell me whether BlackBerry Messenger and BlackBerry PIN messages were used on a regular basis to communicate about matters?

Ms. Tiffany Turnbull: My experience is that they wouldn't have been—not between Giles and myself, anyway.

Mr. Peter Tabuns: Okay. The protocol for preservation and destruction of documents: Did you keep records of emails coming in and out of your office? Sorry; would it have been expected that emails coming in and out of your office would be preserved?

Ms. Tiffany Turnbull: They would have been maintained within my Outlook account for a period of time. My understanding is that they would be auto-archived after that by our IT processes.

Mr. Peter Tabuns: So, in fact, the five years of work that you did in Cabinet Office—emails that weren't current would have been auto-archived? That was your understanding of what happened; is that correct?

Ms. Tiffany Turnbull: Yes, that's my understanding, although it would be common to delete transitory emails. Things related to scheduling, setting up phone calls, may or may not be maintained because they're not required to be under the records management process.

Mr. Peter Tabuns: And paper documents—letters, paper reports—how were they managed?

Ms. Tiffany Turnbull: Generally, those would be maintained within paper files.

Mr. Peter Tabuns: And was there a protocol for destruction of those documents in any set period?

Ms. Tiffany Turnbull: Yes. Every ministry has a records maintenance schedule. Normally they would hold onto documents for a certain period of years before they would be sent to archives.

Mr. Peter Tabuns: Let me be clear on that, then. How many years normally would documents be held before they would be sent to archives?

Ms. Tiffany Turnbull: I actually don't know because it wasn't within my ambit of responsibility, but each ministry would have its own records schedule.

Mr. Peter Tabuns: And Cabinet Office and your office: What was your records schedule?

Ms. Tiffany Turnbull: During the period that I was there, we archived some historical documents that had been in the office for many years. I don't believe that any documents that were created during my time would have yet been archived.

Mr. Peter Tabuns: And there was no protocol for destruction of documents then?

Ms. Tiffany Turnbull: There is a protocol. They would fall under the Archives of Ontario's responsibility to determine destruction. I believe it's 10 years or something.

Mr. Peter Tabuns: Okay. So when they leave your hands, they go to the Archives of Ontario. Is that correct?

Ms. Tiffany Turnbull: Yes.

Mr. Peter Tabuns: All right.

The meetings that Mr. Gherson had after the 2011 election about the Mississauga gas plant: How long did those meetings go—sorry. Not the individual meetings—did they last 10 minutes or two hours: From what period to what period were those meetings held?

Ms. Tiffany Turnbull: I'm not sure I could say with accuracy. Initially they would have been on a weekly basis for the first number of months. It seems to me that they trickled off to quite less regular after probably—maybe into 2012.

Mr. Peter Tabuns: Okay. And the record of the existence of those meetings would be an Outlook schedule posting? Is that it?

Ms. Tiffany Turnbull: That's the most likely place where you'd find the details, yes.

Mr. Peter Tabuns: Okay. I just wanted to say to the Chair that I would request a record of those meetings that were held in 2001 and 2012 so we have a sense of who participated.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Tabuns. We'll make that request.

Mr. Peter Tabuns: Okay. I have no further—thank you for your assistance today.

Ms. Tiffany Turnbull: Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Tabuns. The government side? Ms. Albanese, 10 minutes.

Mrs. Laura Albanese: Thank you, Mr. Chair. Ms. Turnbull, I want to thank you again for being here today, for being so open, for being really forthcoming. Thank you for your time and for being so thorough.

Ms. Tiffany Turnbull: Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Albanese. If there are no further questions, I'd thank you, Ms. Turnbull, on behalf of the committee.

Seeing that there's no further business, we will be recessed until later.

Yes, Mr. Tabuns?

Mr. Peter Tabuns: Just to be clear, Mr. Chair, you will be requesting those schedule documents from the Premier's office?

The Chair (Mr. Shafiq Qaadri): As with duly established protocol, we shall certainly execute said correspondence.

Recessed till 3 p.m. today.

The committee recessed from 0924 to 1501.

MR. JAMISON STEEVE

The Chair (Mr. Shafiq Qaadri): Thank you, colleagues, ladies and gentlemen. I reconvene the Standing

Committee on Justice Policy. As you know, we are continuing to hear witnesses. I would now invite Mr. Jamison Steeve to please come forward and be sworn in.

The Clerk of the Committee (Ms. Tamara Poman-ski): Do you solemnly swear that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. Jamison Steeve: I do.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Steeve. I'm sure some of these procedures may be familiar to you in your previous capacity. You have five minutes in which to make your opening address, and then 20-minute rotations. I invite you to begin now, please.

Mr. Jamison Steeve: Thank you, Chair.

My name is Jamison Steeve. I am currently the executive director of the Martin Prosperity Institute and the Institute for Competitiveness and Prosperity. I have served in that capacity since September 2012.

Prior to that, I was the principal secretary to Premier Dalton McGuinty from the end of June 2008 until the end of June 2012. In that role, I had a variety of responsibilities, but they focused on three main areas: to advise the government on overall policy development and legislative agenda; I was involved in strategic communications like the budget, the throne speech and the fall economic statement; and finally, I engaged in key stakeholder engagement and issues management.

It is my understanding that the mandate of this committee, amongst other things, is to consider and report its observations and recommendations concerning the tendering, planning, commissioning, cancellation and relocation of the Mississauga and Oakville gas plants.

I was involved in the Oakville gas plant file from June 2010 until the spring of 2011. I met with TransCanada, the proponent in Oakville, I believe at their behest, in early June of 2010. Between June of 2010 and October 2010, I met with TransCanada, I believe, five times. All of these meetings were conducted without prejudice and along with my colleague the Premier's policy adviser on energy, Sean Mullin.

I was tasked with exploring options to see how the government could resolve an increasingly intractable situation in Oakville. TransCanada had already met with other people associated with the government, including Mr. Mullin and the Minister of Energy. My discussions with TransCanada were exploratory in nature as I did the due diligence necessary to help the government determine how to proceed.

In the final two meetings with TransCanada that took place in October 2010, I was asked to communicate three points: (1) that the government would be issuing a minister's directive to the OPA that the government would not be proceeding with the gas plant in Oakville, and (2) request that TransCanada consider not proceeding with litigation at that time so that (3) TransCanada and the OPA could enter into productive negotiations.

I had minimal involvement in the Oakville gas plant file after my meetings with TransCanada in October. My

involvement with settlement negotiations was limited, as those conversations were, I believe, between the OPA, TransCanada and, I believe, the Ministry of Energy.

As the committee was informed by the secretary of cabinet, Peter Wallace, I was screened from the Oakville gas plant file in the spring of 2011. As a result, I had no further involvement with the file from that time onwards. I was told by then-secretary of cabinet Shelly Jamieson that I was being screened because TransCanada had threatened litigation and I was a potential witness in that litigation and would possibly be called upon to give evidence.

Shortly thereafter, I met with government lawyers, provided them with my notes from meetings and answered their questions regarding my discussions with TransCanada. I had no further involvement with the Oakville gas plant file, including settlement, relocation or document production, after the spring of 2011.

My involvement with the Mississauga gas plant file was minimal. I had very limited involvement with the issue during the campaign. My primary interaction with the file was for a two- or three-week period at the end of October and early November 2011, when the government was trying to give life to its campaign commitment with respect to the Mississauga gas plant. At that time, I was both acting chief of staff and principal secretary, and my role was to work with Shelly Jamieson and Giles Gherson from Cabinet Office to get the public service's best advice on how to fulfill the government commitment. My involvement in the Mississauga gas plant file ended upon the return of the chief of staff, Chris Morley. I was not involved in any discussions related to settlement or relocation with respect to Mississauga, nor was I involved in document production related to requests from this committee.

Thank you. I look forward to your questions today.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Steeve. We'll begin with the NDP. Mr. Tabuns, 20 minutes.

Mr. Peter Tabuns: Thank you, Chair, and thank you, Mr. Steeve. I appreciate your presence here.

Mr. Jamison Steeve: Sorry, sir, just before we begin, I'm unfamiliar with the procedure. The last time I was here, it was seven-minute increments for each party. This is obviously—

The Chair (Mr. Shafiq Qaadri): Twenty, 20, then 10, 10, 10. And it's Mr. Stee-vee.

Mr. Peter Tabuns: I'm sorry?

The Chair (Mr. Shafiq Qaadri): Mr. Stee-vee.

Mr. Peter Tabuns: I thought I said that.

Interjection: Yeah, you did say that.

Mr. John Yakabuski: I'll stand by you, Peter.

Mr. Peter Tabuns: Yak, I appreciate it.

You first got involved with the cancellation of the Oakville gas plant in June of 2010.

Mr. Jamison Steeve: That's my recollection; yes, sir.

Mr. Peter Tabuns: Who directed you to get involved?

Mr. Jamison Steeve: The initial contact—as I say in my opening statement, I believe TransCanada made the initial outreach to meet with me. I had had conversations with my chief of staff as well as the Premier in advance of meeting with TransCanada to begin those discussions.

Mr. Peter Tabuns: So TransCanada connected directly to you.

Mr. Jamison Steeve: That’s my recollection, sir. If I recall correctly, it was Chris Breen from TransCanada, who I believe was their government relations person. I apologize; obviously, recollections are sometimes tough, but I believe he had contacted me by email and we set up a meeting. I believe the first meeting was with Chris Breen and Sean Mullin and myself. As I said, TransCanada had had conversations with other people associated with the government previously. They had met with Sean prior to June 2010, and I believe also with then-Minister of Energy Brad Duguid in advance of that meeting as well.

Mr. Peter Tabuns: Okay. Can you tell us when it was decided to cancel the Oakville gas plant?

Mr. Jamison Steeve: Early October, 2010.

Mr. Peter Tabuns: And who made that decision?

Mr. Jamison Steeve: That decision was made by the Premier and the Minister of Energy.

Mr. Peter Tabuns: Were you familiar with the project prior to June of 2010?

Mr. Jamison Steeve: I think more accurate language for me, sir, would be that I was familiar with the issue, making a distinction in that I was aware that there were some concerns coming out of Oakville with respect to the building of the plant. But to claim that I had extensive knowledge of some of the other issues that are before the committee by way of procurement tendering and the project—that was beyond my scope.

Mr. Peter Tabuns: Can you tell us what those issues were that you were aware of, the problems that were being faced with the construction of the plant?

Mr. Jamison Steeve: Again, I wouldn’t necessarily articulate them as problems with construction of the plant, but my understanding of the issues that were arising around Oakville were multiple.

First of all, you had a local ratepayer group that was deeply concerned about the location of the plant. Secondly, we had a local MPP who was expressing those concerns in the media, within caucus and to political staff. You also had the opposition parties both raising issues in the House with respect to the location. So the public issue would be number one.

Number two would be that the city of Oakville had passed, I believe, two bylaws. The first bylaw—my recollection was that they were trying to prevent anything over 10 megawatts, I believe was the language. I can’t recall exactly. The second was, I believe, related to the airshed.

Number three was that Mr. Flynn had introduced a private member’s bill that was gaining some substantial traction in the House by the time June rolled around and had given all of us some reason for pause from a

regulatory environment perspective. The Green Energy Act had introduced a setback on wind turbines to the tune of, I believe, 550 metres. This gas plant was located under 400 metres from both residential and schools. I think Mr. Flynn did what any great backbencher is supposed to do. He had raised the issue repeatedly since the awarding of the contract, and, when his community was still raising extensive concerns, brought forward a private member’s bill that I think was gaining all-party support. So that put it on our radar screen as well.

Finally, I would say that there were some concerns being raised by TransCanada in earlier meetings with other folks that the proceeding of the construction might be impeded slightly by the bylaw that was there from the city of Oakville.

1510

Mr. Peter Tabuns: And why was the plant cancelled?

Mr. Jamison Steeve: The plant was cancelled for four reasons, I suppose: Number one, to give life to the concerns of a local MPP, a local community, and the consensus that it had built with opposition and the rest; number two, to give some sensibility to the fact that these bylaws ultimately were going to have to be legislated over by the province if we were to move ahead with the plant. TransCanada had raised the issue in several of the meetings that I had with them about the concept of force majeure, that they might not be able to complete the contract if the bylaws were allowed to stand. So the province would have to legislate over them, which would have put us in a position of introducing a piece of legislation in the House, where Mr. Flynn would have had to either vote with the government or vote against his home community, and that felt like a difficult thing to do at the time.

As well, there was the issue of the regulatory environment, as I said. We were alive to that concern and trying to find ways to articulate our view that maybe that isn’t acceptable in the current context.

Lastly, in September and into October, through the creation of the long-term energy plan—as the Premier’s office, namely Sean Mullin, along with the Minister of Energy’s office and the OPA and the Ministry of Energy were putting the long-term energy plan together, it came to light that we no longer required the power in Oakville at either the rate or the speed at which it was originally contracted for. That was one of the key elements for moving forward, and that was what was communicated to TransCanada at the time, in October.

Mr. Peter Tabuns: Okay. The team that was going to manage the cancellation and was going to work through things with TransCanada Enterprises: Who put that team together?

Mr. Jamison Steeve: I don’t understand the question.

Mr. Peter Tabuns: You met with TransCanada in the company of Sean Mullin. I assume you were talking with other people in the Premier’s office. We’ve had testimony that there were committees struck at various levels. I’m assuming that you didn’t operate on your own.

Mr. Jamison Steeve: I apologize. Yes. With respect to managing the cancellation of the plant, it wasn’t a

team constructed to manage the cancellation of the plant. Sean and I were tasked, following conversations with at least two other colleagues of mine within the Premier's office—Dave Gene and Chris Morley, and in conversations, as I said, previously with the Premier—to sit down with TransCanada to explore what options might be available.

Just for clarity, sir, upon the first meeting with TransCanada and even into the second and third meetings, the cancellation of Oakville was just one of the options. Moving forward with legislation rather than cancellation was an option that was put on the table and one that was explored by the government at that time.

The individuals were Sean Mullin and I meeting with TransCanada, and had conversations with other members of senior staff.

Mr. Peter Tabuns: In conversations, the Premier and Chris Morley had said to you, "Please take carriage of this task"?

Mr. Jamison Steeve: Yes.

Mr. Peter Tabuns: Okay. One of the things that continually comes up in these documents is the idea that TransCanada Enterprises has to be made whole, that they should suffer no losses from the situation before you. When was that decision taken and why was it taken in that form?

Mr. Jamison Steeve: I can't speak to that, sir. The only time that "whole" or "close-to-whole" was used was that TransCanada articulated that position to me when I met with them in October. But as far as a decision on the government's bargaining position, as I say, it's difficult for me to answer as a result of the fact that I was taken off the file as of April. I believe settlement negotiations concluded sometime this fall—sorry; the fall of 2012.

Mr. Peter Tabuns: I've got—I don't know if he has been given that document?

Mr. Jamison Steeve: I have received no documents in advance of today.

Mr. Peter Tabuns: I'll give you one.

What you have are notes to file between Michael Barrack and John Finnigan, representing TransCanada Enterprises; legal staff from a variety of departments—Halyna Perun, John Kelly, Carolyn Calwell and Malliha Wilson. These come from a meeting in 2011 where TransCanada Enterprises is trying to summarize its experience with the government and goes through their experience and discussions with you, and I'd like to get clarity on a number of these things.

I think I put a mark on yours midway through the first section there: "JS recognized the responsibility of Ontario." Do you see that line?

Mr. Jamison Steeve: Yes, sir.

Mr. Peter Tabuns: If they recorded that accurately, what did you mean?

Mr. Jamison Steeve: Just so I'm clear, sir, these are notes of legal counsel from the Ministry of Energy?

Mr. Peter Tabuns: They are Ministry of Energy notes from a meeting with TransCanada Enterprises legal counsel Michael Barrack and John Finnigan.

Mr. Jamison Steeve: So, do we know, sir, who is saying, "JS recognized the responsibility of Ontario"?

Mr. Peter Tabuns: This is how TransCanada Enterprises related their discussion with you.

Mr. Jamison Steeve: Okay. I'll do my best to recall. I believe that in my initial conversation with TransCanada I did recognize that there had been a contract awarded by the OPA to TransCanada. There was an ongoing contract, and that contract was what they were proceeding under.

Mr. Peter Tabuns: Okay. It was noted here, "Cost not separate from politics."

Mr. Jamison Steeve: Certainly. As I said, the initial conversation was looking at basically two possible courses of action and trying to discuss what the pros and cons of those were. One of those would be to proceed with the plant in Oakville by way of legislation dealing with the bylaw from the city of Oakville, and the second would be to consider whether another option was available for a different site. The cost of that is not immaterial from the perspective of the public appetite for moving such a plant.

Mr. Peter Tabuns: The political cost was not separate from that?

Mr. Jamison Steeve: No, sir, the cost of moving the plant. It's not the political cost; it's the fiscal cost. The note says, "Cost not separate from politics." So it's not the political cost; it is not knowing how much it would cost to move Oakville, trying to get some sense from TransCanada as to their sense of what that cost might be, rather than a political cost.

Mr. Peter Tabuns: And what was your political consideration on this?

Mr. Jamison Steeve: Multiple. So, obviously one of the political considerations was—I think we need to step back and understand what the word "political" means. I guess when I use it, "political" means that it is necessarily involving the decisions of elected officials and their staff.

For me, the way I carried myself and did my business through my nine years here is that politics necessarily involves both a public policy bent as well as what the impact is for any local member back in their community. So, in this case, you definitely had a member who was feeling some pressure on the local front and was trying to give life to the public interest as he saw fit within his community.

Mr. Peter Tabuns: The next point was, "Need one month to feed information." Do you have any insight on what that means?

Mr. Jamison Steeve: I don't know who said that, sir, so it's difficult for me to say.

Mr. Peter Tabuns: Okay. "Decision to be made by July 29." Was that a decision that you and the Premier's office were going to make by July 29?

Mr. Jamison Steeve: If I recall correctly, sir, TransCanada was having a board meeting on or about the 29th, and they were asking for a decision on or by that date.

Mr. Peter Tabuns: The next line is, "Five people; no public servants will make the decision."

Mr. Jamison Steeve: I'm not sure who or when that was said, but in my mind this was a decision that was ultimately made by at least two; namely, the Premier and the minister. So it's possible that I said that, but I'm not sure if I can recall that.

Mr. Peter Tabuns: Mr. Steeve, do you still have your notes from these meetings?

Mr. Jamison Steeve: I do not. As I said in my opening statement, I provided them to counsel when I was screened off the file—provided them with those notes. I have no files from my time.

Mr. Peter Tabuns: And that counsel was your personal counsel or—

Mr. Jamison Steeve: Oh, no, sir; that was counsel for the government.

Mr. Peter Tabuns: So it should be reasonable for us to assume that counsel for the government has retained those notes?

1520

Mr. Jamison Steeve: I can't speak to that, sir, but reasonableness and counsel are sometimes difficult.

Mr. Peter Tabuns: I'll drop down to the next meeting, July 15. We had them quoting you, "JS says my boss says: yeses good, noes not bad, maybes will kill us."

Mr. Jamison Steeve: Yes, I believe what we are talking about at this point—if you can just give me a moment to take a look at the note. If I can recall correctly, sir, this was July 15.

Mr. Peter Tabuns: Yes.

Mr. Jamison Steeve: Again, TransCanada came in presenting a series of options as far as what other locations might be amenable or possible. Secondly, I believe they also raised the issue of again, force majeure and moving forward with legislation. Increasingly, the file felt like it was in a place of uncertainty; you weren't sure if the plant was going to be able to go forward one way or the other. The Premier at the point, both in public speeches and privately, was fond of saying, "Uncertainty is a challenge, so let's get files to a place where we're either moving forward or not moving forward. But it's the uncertainty that's a real problem."

Mr. Peter Tabuns: In the next item—sorry, two points down—"Ford not going to happen (reference location of SWGTA plant)."

As I read this, you are telling TransCanada enterprises on July 15 that the Ford location is simply not going to happen.

Mr. Jamison Steeve: No, sir. First of all, I can't confirm that I said that. It doesn't indicate in the notes that JS said it.

Mr. Peter Tabuns: No, that's correct.

Mr. Jamison Steeve: Number two, if I can recall correctly, I increasingly felt like Ford was going to be a challenge, but if you see the line below, "Will give you a decision ... next week," and also the bottom line, "We hear" from "(30,000?) people before we make a decision."

I made it clear constantly to TransCanada that I didn't have the ability to execute this decision and that I was

going to have to go back and confirm any direction. Unfortunately, at least in this instance, I wasn't able to get a decision in a timely way, one way or the other, by the end of July.

Mr. Peter Tabuns: So when previously it was said, "Decision to be made by July 29," by July 15 you were still thinking that it was doable fairly soon.

Mr. Jamison Steeve: We were having a discussion with TransCanada. They had made a request. I was trying to live up to that request, but I was unable to corral a decision in time because the government had yet to make a decision by the end of July.

Mr. Peter Tabuns: On the next page—October 1, 2010, Chris Breen's notes, meeting with you, Alex Pourbaix, Sean Mullin—we've got: "Rationale—all about supply and demand; power plan provides options."

Mr. Jamison Steeve: I'm sorry, sir, where are you?

Mr. Peter Tabuns: If you look down the page to October 1, 2010, Chris Breen's notes. Go down five lines. "Rationale—all about supply and demand; power plan provides options."

Mr. Jamison Steeve: Yes, sir.

Mr. Peter Tabuns: What did you mean?

Mr. Jamison Steeve: It goes back to what I had stated in respect to your earlier question about why the government made the decision. As we were going through the long-term energy plan, it came to light that we no longer needed the power that had been contracted for in that particular location in that particular time frame. That is what I communicated to TransCanada at that time—

The Chair (Mr. Shafiq Qaadri): One minute.

Mr. Jamison Steeve: —and that was the primary rationale for the decision that was communicated to them on the 1st.

Mr. Peter Tabuns: I'll continue with this when my 10 minutes comes back. If we didn't need the plant, why are we building it?

Mr. Jamison Steeve: I believe, sir, what I'm saying is that we didn't necessarily need the plant in the time and the location that it was. At least that's what it was as it came through the long-term energy plan, and I wasn't privy to the negotiations. So as far as why they're building it, I can't speak to that post-April.

The Chair (Mr. Shafiq Qaadri): To the government side: Mr. Delaney, 20 minutes.

Mr. Bob Delaney: Jamison, good to see you back in Queen's Park.

Mr. Jamison Steeve: You too, sir.

Mr. Bob Delaney: We know that you were the principal secretary to the Premier of Ontario, so for the benefit of the committee, would you just give us a little outline about the role of the principal secretary to the Premier of Ontario?

Mr. Jamison Steeve: The role, as I stated in my opening statement, involves a multitude of tasks, but the primary tasks would be threefold: number one, working with the public service, the ministers' offices and the ministries to develop good public policy, and then, secondly, to help construct the legislative agenda for any

particular session in the sitting of the House. Obviously, I was a political staffer, so working on the political class side but working with the OPS on developing those; and then, secondarily, while my primary function wasn't around communications but far more around public policy, from time to time I was pulled into the process that is the budget, the throne speech and the fall economic statement; and lastly, from time to time, meeting with key stakeholders as well as certain issues management over time. I had the pleasure of having worked at Queen's Park, off and on, for close to nine years in my last stretch, and had worked in opposition as far back as when I was 20, so on occasion—I was the oldest guy in the room, so on occasion they would ask me to step up on issues management from time to time.

Mr. Bob Delaney: You had more hair when you were in opposition.

Mr. Jamison Steeve: I worked for George for a while, sir.

Mr. Bob Delaney: I think very little more on that needs to be said.

Just on that role, I know in my case, sometimes as a colloquialism with my people, I say, the member has one body and one set of eyes and ears, but taken together as a team, we have five sets of eyes and ears and five minds. In the Office of the Premier, I would imagine that an important part of your job was to ensure that some of the needs and concerns of communities across the province would be reflected in government decisions and some of the government's things that it needed to know often came through your eyes and ears. Do you want to elaborate on that a bit more?

Mr. Jamison Steeve: Certainly. My political training was provided to me mostly by two men: Sean Conway and Jim Bradley. So at the end of the day, the voice of the local MPP was drilled into me rather vociferously, that at the end of the day I am just staff and I am here to serve the needs of the MPPs. So certainly from both our caucus and others, issues would arise, capital requests, issues of local concern, issues of provincial concern. I can look at all three of you anyway and think of issues that were brought to light over time that had both a local flavour as well as a provincial impact: long-term-care homes, hospital capital, the rest, so certainly those would come to me, but also I had a staff of anywhere between six to eight policy advisers who worked with, depending on the time, up to 27 to 30 ministries. It is a rare experience to get an opportunity to work in the positions that I had, an experience that I enjoyed immensely, but I also enjoy my new role.

Mr. Bob Delaney: Certainly the three of us would be very different taskmasters than were Jim Bradley and George.

Mr. Jamison Steeve: I thank them both for their education.

Mr. Bob Delaney: You would have been aware, probably through MPP Flynn, of the local opposition against the Oakville power plant?

Mr. Jamison Steeve: Yes, and also on a daily basis, like any good staffer, I would read my clippings, so those would come to light, as well as I think the Premier had—I think there were at least one or two experiences where he had events in Oakville and protests—he had been engaged by folks who had concerns, so through him as well.

Mr. Bob Delaney: So whether the principal secretary to the Premier was named Jamison Steeve or somebody else, that role—it would have been sensible for that role to have been instrumental in going to figure out, what is this all about? What impact does this have on the government in general, on the Ministry of Energy in particular, and what should we be doing about it?

Mr. Jamison Steeve: I think at the point that I became engaged, yes. It's not as if every issue that the government faces on a day-to-day basis necessarily ends up on the desk of the chief of staff or the principal secretary. I think for some time there was an attempt to deal with the issue; I think TransCanada had made attempts, as well as the OPA, by way of community consultations to address some of those concerns, but as I said both in my opening statement and in answer to Mr. Tabuns, there were a series of factors that had arisen by the point that I became involved.

1530

The issue was elevated, and so, on my day-to-day basis—some of you would recall, my to-do list would be rather long. For something to come up to me to try to manage or deal with, it would have to be a significant issue. We have an issues management staff, policy staff and great ministers; they can all deal with these things, generally. This was one of several that came to my desk.

Mr. Bob Delaney: Following up on that: As the principal secretary to the Premier, it's probably fair to say that when you showed up for work, there was a multitude of active files that you had going at any one given time?

Mr. Jamison Steeve: That's what made the job enjoyable, yes.

Mr. Bob Delaney: At any given time, what general range of significant issues would you have going? Would it be just a few? Would it be half a dozen to a dozen? Would it be more than a dozen? In other words, how thinly spread were you?

Mr. Jamison Steeve: I felt in control the whole time, sir.

That being said, I guess the issue of the language "significant issue"—all issues are significant that are raised by members and that happen within this House. At any given time, definitely upwards of a dozen that you're dealing with, and legislation coming to the House. When my son was born, I took three days off because we had a budget to write and a throne speech to write. In retrospect, that was a poor decision. I was spread thin in other areas, but perhaps my commitment to the issues of the day here was greater than it probably needed to be at the time.

Interjection.

Mr. Bob Delaney: Donna says you're lucky you're still married.

Mr. Jamison Steeve: Yes, I am.

Mr. Bob Delaney: Is it normal in the course of the duties of the principal secretary to receive various stakeholders here at Queen's Park in your office, and to go into the field to meet with them?

Mr. Jamison Steeve: Absolutely, be it university leaders, union leaders, hospital or city representatives—absolutely. I think I was, in part, much like any staff member is, an extension of the member or the office that you work for. When you work for the Premier, there are a number of people who would like his time as well, and if I had a couple of things on my plate, he had more. Part of your role sometimes is to take those meetings and make sure you move a file forward, address it or listen to the concerns that are raised.

Mr. Bob Delaney: So, to encapsulate it: People like you, whether it's that title or whether it's another role, would normally be connected with members of caucus, with various people in the public service, with some of the agencies within the government and with private stakeholders on a variety of different files.

Mr. Jamison Steeve: Absolutely. I think it's always hard to describe the role of a political staffer, but at the end of the day, you are an extension of the office for which you work, and your job is to provide the best advice to the person that you work for. Sometimes you are extending the hours that that person has available by making your hours available. Certainly, meeting with stakeholders was a part of that, as was meeting with ministers and meeting with members; the scope is fairly broad.

Mr. Bob Delaney: Right. And that's not the scope as you interpreted it; no matter who would fill that role, that's the scope of the role, right?

Mr. Jamison Steeve: Not only my role, but other political staffers' as well—but yes.

Mr. Bob Delaney: All right. Did you ever have any interaction with current Premier Kathleen Wynne on this Oakville file? Did you ever brief her about it?

Mr. Jamison Steeve: No.

Mr. Bob Delaney: To the best of your knowledge, did Kathleen Wynne take part in any of the campaign decision-making on either power plant?

Mr. Jamison Steeve: Well, first of all, there were no campaign decisions on Oakville. Oakville was in October 2010, and the campaign didn't start until sometime after. I'm sure that's a point of contention—when it started, but September was when I believe the writ dropped.

As far as the Mississauga gas plant, the commitment—during the decision—I can't speak to that. I have no knowledge that she was involved.

Mr. Bob Delaney: On the subject of campaigns in general, I understand you've been involved in a number of them?

Mr. Jamison Steeve: Yes. From a central campaign perspective, I was involved in the central campaigns in 2011 and 2007. My first campaign was 1985.

Mr. Bob Delaney: You're starting to let your vintage show.

Mr. Jamison Steeve: I was 12. Jim finds you early.

Mr. Bob Delaney: That's good. My father had me out at seven.

Mr. Jamison Steeve: You win.

Mr. Bob Delaney: I'm not sure about that.

In election platform and policy development, have you ever been involved on behalf of the Ontario Liberal Party?

Mr. Jamison Steeve: Yes. In 2007, I helped write the health portion of the Liberal platform, and in 2011, I was the overall architect of trying to put the 2011 platform together.

Mr. Bob Delaney: Walk us through what happens to some of the commitments that parties make during campaigns. Once elected, what does a government do with the promises that they've made during the campaign?

Mr. Jamison Steeve: Well, at least in the experience that I've had, I suppose both in 2007 and then 2011, the early days will involve sitting down with members of cabinet, and then also Cabinet Office, and looking at giving life to those campaign commitments.

If I were to give an example from 2011, we made a commitment for the Healthy Homes Renovation Tax Credit. That would involve the Ministry of Finance and Cabinet Office and trying to determine whether legislative tools were required—do you put that in a budget?—basically, trying to give life to that.

Our policy shop prided itself a little bit on having some of these ideas more articulated than not, when we came back to office, but you're always going to require the helping hand of the OPS to give life to those things.

Mr. Bob Delaney: So, to use your analogy on the Healthy Homes Renovation Tax Credit, it would be perfectly acceptable and common and accepted practice for campaign commitments—which, during the campaign, there's no doubt they're political commitments—to then be implemented as government policy, should the party making the commitment be elected.

Mr. Jamison Steeve: Yes, sir.

Mr. Bob Delaney: That seems to be the nature of the game.

As a Liberal staffer, I assume you paid close attention to the policies and commitments of the PC and the NDP parties?

Mr. Jamison Steeve: I did.

Mr. Bob Delaney: Okay. So you'd be fully aware that all three parties promised to cancel and/or relocate both of the Mississauga and Oakville power plants. Would that be correct?

Mr. Jamison Steeve: Yes, but again making the distinction for the other two parties as well: They didn't make a campaign commitment on Oakville. They had taken a position in advance of the decision on Oakville. All three parties did make a commitment on Mississauga, as far as I understood.

Mr. Bob Delaney: Okay, thank you for clarifying that.

During his testimony last week, Oakville mayor Rob Burton told the committee—and I'll use his words—that he “won promises from all parties to stop the proposed power plant.” With the Mississauga power plant, our mayor, Hazel McCallion, confirmed—and I'm going to use her words—“I think all parties would have cancelled it.” So we have transcripts and campaign literature and robocall scripts that highlight the commitment made by the opposition to move the plants.

Comment a little bit on whether or not it surprises you that the other two parties appear to be trying to wash their hands of this issue and vilify the government for following through on the commitments of all three parties.

Mr. Jamison Steeve: To be honest, sir, I haven't been paying as much attention to the comments and the concerns about the vilification. I think I'd feel uncomfortable commenting on that. My understanding was that all three parties made a commitment.

I saw, I believe, Mayor Burton's comment in the media of, “How would you have brought this commitment to life if you had won?”, which was, I think, a question he put back to the committee. I think everyone would have had their own way of handling the situation, should they have won office.

1540

Mr. Bob Delaney: Okay. So I think everybody on this committee is going to agree that the proposed Mississauga and Oakville gas plants didn't belong in these three communities. I know, as a Mississauga member, that MPPs and candidates from all three parties were against the plants and that they would have been either cancelled or relocated, regardless of which of the three parties formed government. In recent weeks, Premier Wynne has expanded on this committee's mandate to learn from these experiences so that the future placement of energy infrastructure is done correctly from the very outset.

In the last few minutes of this, our job is to report back to the House with some concrete recommendations on energy siting policy. Given this and given your experience and your insight, having been the principal secretary to the Premier, would you have any recommendations that would be useful to the committee on how future power generation sites might be selected?

Mr. Jamison Steeve: Certainly. I respect the work that the OPA has to do. The OPA is given a mandate to move forward with the planning of our energy system, and they necessarily went through the procurement process. I'm not fully aware of all the levels of community consultation that they do in advance of selecting either a proponent or a physical site, but clearly, in this instance, the opposition in Oakville was strong and vociferous from day one. And it seems that the same happened in Mississauga.

I don't claim to be an energy expert like some of the folks at the OPA would be, but it seems to me that at least involving some of the larger community in that process would be essential. I think also, if I may further expand on the committee's mandate, when you look at—I think governance issues around energy are something

that the committee could probably offer a lot of insight on.

The reason the political class got involved was because ultimately the mandate to the people is that of the elected representatives. The OPA is charged with planning the energy system. The reason that I was sitting down with TransCanada was because that public interest and that public voice had no other place to go but to its local member and, then, through its local member, to the government. Where does the political accountability and the public interest begin and the role of the agency end? I thought Ms. Butler raised some valid questions about that, but, again, I think we acted appropriately as political staff and political class to make a decision for the minister's directive.

Mr. Bob Delaney: Okay. Did the experience teach you anything or lead you to any conclusions on how any government can better engage local leaders and local organizations in decisions regarding the siting of electricity infrastructure?

Mr. Jamison Steeve: By the time I was involved in the file, sir, the local interaction was not going well, so my learnings were more probably on the back end rather than the front end, so I think I'm ill-equipped to answer the question.

Mr. Bob Delaney: Anything else you wanted to add in the last few minutes?

Mr. Jamison Steeve: No. Again, I think that my process was to provide the government with best advice on how to move forward, at least, as I said, on the Oakville situation, and I tried to do so.

Mr. Bob Delaney: Chair, I think we're done.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Delaney.

To the PC side: Mr. Fedeli. Twenty minutes.

Mr. Victor Fedeli: Thank you very much, Chair. Thank you very much, Mr. Morley, for—

The Chair (Mr. Shafiq Qaadri): Steeve.

Mr. Victor Fedeli: Mr. Steeve, sorry. That time, I did have the wrong name—for being here; appreciate it.

Mr. Jamison Steeve: Thank you.

Mr. Victor Fedeli: So a couple of quicker questions at the beginning here. Did you talk to anybody in the Premier's office or in the government about your testimony today?

Mr. Jamison Steeve: No, I did not.

Mr. Victor Fedeli: Have you had any discussion with anyone in the government—political staff, ministry, cabinet—about the power plants since your departure from the government?

Mr. Jamison Steeve: Sorry, that are active in government?

Mr. Victor Fedeli: Either way.

Mr. Jamison Steeve: The only thing—I'm trying to recall. About the power plants, no.

Mr. Victor Fedeli: Have you spoken about the power plant issue with Premier Wynne or anybody in her transition team?

Mr. Jamison Steeve: No, I have not.

Mr. Victor Fedeli: Very quickly—I think you’ve answered it already, but I just need to hear: As principal secretary, what were your primary duties? There’s a line in here that says, “My boss says: yeses are good; noes are bad.” Who’s your boss?

Mr. Jamison Steeve: Oh, sure. Well, at the end of the day, my employer was 13.5 million people but my boss was the Premier of Ontario. So I worked for the Premier but my primary responsibilities, as I said, were to work with developing the policy agenda and the legislative agenda for the government, giving advice on that, number one—

Mr. Victor Fedeli: So when it says “My boss says,” you’re referring to the Premier, in that sentence?

Mr. Jamison Steeve: Yes. I believe I addressed that earlier in the question from Mr. Tabuns.

Mr. Victor Fedeli: Okay. Well, sometimes I don’t hear him down at this end.

Mr. Jamison Steeve: I apologize.

Mr. Victor Fedeli: I want to go back to the handout that we gave. I think we’re working, Peter, from the same handout. In the first couple of sentences there, it says: “They see four constituencies in play: OPA, civil servants, political staff and politicians.” Where would the public constituency be in all of that?

Mr. Jamison Steeve: Significant, sir. The reason that I was involved, in large part, was because Mr. Flynn had obviously raised the concern repeatedly, both with staff and, I would assume, the Minister of Energy. As well, he had introduced his private member’s bill, which gave greater life to the issue, particularly in the House. I think both parties were in line to support the private member’s bill to recognize that this particular plant was within the boundary that was, I think, created by the Green Energy Act: 550 metres.

Mr. Victor Fedeli: Down about a third, where it says, “Cost not separate from politics,” would you know what the cost was at this point? Do you have a calculation of the cost?

Mr. Jamison Steeve: No, sir.

Mr. Victor Fedeli: So when it was cancelled, there was no understanding of what the cost was to cancel the plant.

Mr. Jamison Steeve: Two separate points, sir. Number one, the note to which you’re referring, from what I understand—and again, these aren’t my notes and I’m seeing them for the first time—as I understand it, it’s language from the lawyers for TransCanada to lawyers from the government. But that wasn’t the date upon which the cancellation happened. In June—

Mr. Victor Fedeli: So let’s just jump to the question then.

Mr. Jamison Steeve: Sorry, if I could just answer your question—

Mr. Victor Fedeli: My question is, when you were first dealing with this cancellation, when the announcement was made, what was the cost of the cancellation at that point?

Mr. Jamison Steeve: Certainly, sir. In early October 2010, there remained uncertainty about the cost of the cancellation, largely because that was going to be a subject of negotiation between the OPA and TransCanada.

Mr. Victor Fedeli: Okay, that’s fair. That’s the answer. So where it says, “Five people, no public servants, will make the decision,” who were those five people?

Mr. Jamison Steeve: Again, sir, as I said earlier in conjunction with Mr. Tabuns’s question, I’m not certain who said that based on the way that the note is written. But as I said, in my mind this was a decision that was ultimately made by at least two, namely the Premier and the Minister of Energy.

Mr. Victor Fedeli: Okay. That segues into the next one. You’re saying that the decision was made by the Premier and the Minister of Energy. That’s the decision to cancel.

Mr. Jamison Steeve: The decision to issue the minister’s directive to not proceed with Oakville. I believe the directive goes from the minister to the OPA.

Mr. Victor Fedeli: On the third page in this—

Mr. Jamison Steeve: Sorry, page 3?

Mr. Victor Fedeli: Yes, right at the top. We’re talking about the second meeting with Brad Duguid, Sean Mullin, David Lindsay, etc.

Mr. Jamison Steeve: Yes.

Mr. Victor Fedeli: And it talks about how TransCanada “blew a gasket.” They’re suggesting that, “We already have a deal.” They’re talking to the minister: “We already have a deal—go talk to your bosses.” So if the minister didn’t know about the deal, who was making these decisions then?

Mr. Jamison Steeve: I was not at this meeting, nor was I a part of these notes, so I can’t speak to that issue. But I was working under the understanding that both the minister and the Premier were taking this direction. I can’t speak to the note.

Mr. Victor Fedeli: So are you surprised, then, that TransCanada felt, when they “blew a gasket,” that they already had a deal and suggested to the minister that he go talk to his boss? You’re surprised at that revelation?

Mr. Jamison Steeve: I’m neither surprised nor otherwise, sir, because it’s a note from TransCanada. I don’t know actually what happened in the meeting. So it’s difficult for me to say whether I’m surprised or not.

Mr. Victor Fedeli: So who did make the deal, then, with TransCanada?

Mr. Jamison Steeve: First of all, there was no deal with TransCanada. There was a communication to TransCanada that we would not be proceeding with the Oakville gas plant. As I stated earlier, I had communicated that to them in a meeting on October 1.

Mr. Victor Fedeli: On October 1 you told them that. On October 5 there was the meeting where they say, “Go talk to your bosses.” Are you suggesting, then, that it was you who gave them the—when they say, “We already have a deal,” is that the deal?

1550

Mr. Jamison Steeve: You'd have to ask someone from TransCanada, sir. I'm not aware of what—I was answering your previous question as far as my communications with TransCanada, what deal they were referring to or the blowing of a gasket. I wasn't at the meeting, and these aren't my notes.

Mr. Victor Fedeli: Okay. When you met with TransCanada, where did that or those meetings take place?

Mr. Jamison Steeve: I believe all of those meetings took place in my office here at the Legislature.

Mr. Victor Fedeli: What room number is that?

Mr. Jamison Steeve: Oh, 272.

Mr. Victor Fedeli: Did any of those meetings take place in 281?

Mr. Jamison Steeve: I'm sorry, sir, 281 being the Premier's boardroom?

Mr. Victor Fedeli: The Premier's office.

Mr. Jamison Steeve: No.

Mr. Victor Fedeli: None of the meetings between you and TransCanada took place in the Premier's boardroom, room 281?

Mr. Jamison Steeve: Not to my recollection, sir. I believe they all took place in my room, and I apologize if I'm getting the room number wrong. It's either 272 or 273.

Mr. Victor Fedeli: But not in the Premier's boardroom?

Mr. Jamison Steeve: No, not to my recollection.

Mr. Victor Fedeli: So you were negotiating with TransCanada or brought news to TransCanada. Who asked you to engage in those conversations with TransCanada?

Mr. Jamison Steeve: First of all, sir, just for a point of clarity, as I said both in my opening statement and in answers to questions, I was never negotiating with TransCanada. I was having discussions with them about what options might be possible—

Mr. Victor Fedeli: Okay. So who—

Mr. Jamison Steeve: —and as I said earlier to the question, my initial conversations were with other members of senior staff; namely Sean Mullin, Chris Morley, Dave Gene and myself, as well as the Premier, who was aware that I was going into discussions with TransCanada to explore what options might be possible.

Mr. Victor Fedeli: So my original question, then, if I can mildly reword it is, who ordered you to engage in conversations with TransCanada?

Mr. Jamison Steeve: A consensus, sir, between both the senior staff and the Premier.

Mr. Victor Fedeli: I'm sorry?

Mr. Jamison Steeve: Between senior staff and the Premier.

Mr. Victor Fedeli: And the Premier. Okay. There was a \$712-million offer made to TransCanada. Are you familiar with that?

Mr. Jamison Steeve: I am not.

Mr. Victor Fedeli: When did you leave the negotiations again?

Mr. Jamison Steeve: My primary role ended as of early October, and then, as I said, I had some minor involvement in the settlement discussions. I had, I believe, one further meeting with TransCanada, along with other members of senior staff. At that point the negotiation was turned over primarily to, I believe, the OPA and, as I said, I believe the Ministry of Energy.

Mr. Victor Fedeli: Can you just tell me the dates again? Earlier, you said you'd first got involved in June. Was it 2010?

Mr. Jamison Steeve: Correct.

Mr. Victor Fedeli: Till when?

Mr. Jamison Steeve: The meetings took place between June 2010 and October 2010, and I believe, sir, I was screened off in the spring of 2011. My best recollection is, in and around April 2011.

Mr. Victor Fedeli: Okay. So in and around April also was the time there was the \$712-million offer to TransCanada. You're saying you've never seen that offer?

Mr. Jamison Steeve: I have never seen that offer.

Mr. Victor Fedeli: Okay. Do you know anything about the costs? When you were having consultations with TransCanada, did you know anything about the costs to cancel then?

Mr. Jamison Steeve: In our conversations with TransCanada, they raised issues of costs around transmission that might be required, but costs associated with the contract were beyond my purview since the contract was between the OPA and TransCanada.

Mr. Victor Fedeli: Who was your main point of contact in the Minister of Energy's office?

Mr. Jamison Steeve: The main point of contact would have been from Sean Mullin to Craig MacLennan, who was the chief of staff.

Mr. Victor Fedeli: From Sean Mullin to Craig—

Mr. Jamison Steeve: MacLennan.

Mr. Victor Fedeli: MacLennan. So you had no communication with the Premier about any costs of cancelling TransCanada?

Mr. Jamison Steeve: No, sir. In the final meeting before I met with TransCanada on October 1, I did meet with the Premier, and I believe it was in and around that date—so the last week of September, first week of October—wherein the Premier directed me to go forward and advise TransCanada that we would be issuing the minister's directive. At that point, he asked if we had any certainty as to the cost of not moving forward with Oakville, and I was unable to provide him with certainty on that. As I said before, there was uncertainty as it related to costs. It was not to be unexpected, since it was going to be the subject of ongoing negotiation and mitigation by both parties.

Mr. Victor Fedeli: I guess, then, a comment that I would make—this is a \$1.2-billion deal to cancel without knowing what it was going to cost you to cancel. This is what you're telling us. You had gone ahead and given them the word that the contract would be cancelled, but we had no idea at that point what it was going to cost.

Mr. Jamison Steeve: No, sir. I challenge the articulation of it in this way. Number one, as I said, there were at least three or four factors that were at play for us. In large part, the alternative was that we had the possibility of a force majeure for a contract that would never be completed, by one bylaw. If you got over that bylaw, I believe the second bylaw was that you could never turn the plant on. So one of the alternatives would be to build a \$1.2-billion plant or a \$1.2-billion contract that couldn't be completed.

I think at the end of the day, what we thought was that there were two very motivated parties that would be able to minimize the costs. On the one hand, you had the government that did not want to get into protracted litigation with a significant energy supplier, as well as trying to minimize costs on behalf of Ontario taxpayers. On the other side, you had TransCanada, which had expressed, throughout my discussions with them, no desire to go to litigation, number one.

Number two, I think the issue of gas plants for TransCanada—they had raised it with us. The issue of safety was one that was starting to hurt the issue of gas. We are getting to the point in this province where there is no acceptable form of energy in the public debate. I think we wanted to make sure that gas plants were something that we could move forward with in the future.

Thirdly, TransCanada had a number of issues around the world. They didn't want to create another one here in Ontario.

Lastly, they had a long-standing relationship with Ontario. So all signs pointed to, while there was uncertainty around costs, that both the OPA and TransCanada would be able to get to a good place.

Mr. Victor Fedeli: In the discussion with TransCanada, who was the ultimate messenger to TransCanada, telling them that the power plant was cancelled?

Mr. Jamison Steeve: No one said the power plant was cancelled. As I said, sir, it was me on October 1 giving them the word that, as a result of our looking at the long-term energy plan—

Mr. Victor Fedeli: But there was a minister's directive to cancel the plant.

Mr. Jamison Steeve: A minister's directive to not move forward with Oakville, yes.

Mr. Victor Fedeli: So were you the messenger to TransCanada that there was a minister's directive not to move forward with TransCanada?

Mr. Jamison Steeve: That's correct.

Mr. Victor Fedeli: It's another way of cancelling the plant.

Mr. Jamison Steeve: Correct.

Mr. Victor Fedeli: When you spoke with the Premier—how often would you have spoken with the Premier about the cancellation of Oakville?

Mr. Jamison Steeve: My recollection is that I had four conversations with the Premier about the gas plant between June and October, as I said previously, first in advance of my initial meeting with TransCanada so that

he was aware and gave the go-ahead so that I could have those conversations.

Secondly, I believe I followed up with him. My recollection, sir, is after that July 15 meeting, obviously one of the necessary check-backs in order to try to deliver a decision to TransCanada in advance of July was whether the Premier was comfortable with one or both of the options. At that time, the Premier was a little more comfortable with actually trying to move forward with Oakville because of the energy need. At that point, we still had advice coming from the energy plan that said we needed the plant in Oakville, so to continue to explore those options. I believe after that point I asked Sean Mullin to look even further into what legislative or order-in-council options we might have in addressing the bylaw.

My third meeting, I believe, was in September with the Premier, and at that point he had increasing sympathy for the argument that was being put forward by MPP Flynn around the regulatory environment. It was getting harder and harder to explain a 550-metre setback in the Green Energy Act for wind turbines in the face of—I'm sorry; I'm looking at Mr. Tabuns because he made the very argument in the House, and it's one that I think the Premier started to feel. Either it was difficult to explain locally, or from a legislation perspective it starts to threaten the sanctity of a signature bill.

Mr. Victor Fedeli: So when you informed TransCanada of the minister's directive not to proceed, where did you do that?

Mr. Jamison Steeve: I did it in my office.

Mr. Victor Fedeli: In your office. Okay.

Mr. Jamison Steeve: If I can, sir, because I haven't really—I'm answering direct questions. Prior to my meeting with TransCanada, I met with both Craig MacLennan and Deputy Minister Lindsay—going back to the question of, "Who have you communicated with?" Obviously, senior staff was on side, as well as the Premier, telling me that I should go forward.

I met with Deputy Minister Lindsay and Craig MacLennan, and we discussed what points I needed to make sure I made clear to them and, I believe as I said in my opening statement, a couple of things: (1) that we weren't proceeding, that we were issuing a minister's directive to not proceed with Oakville, and (2) that they consider not pursuing litigation at this time so that (3) they could enter into proper negotiations, since ours were without-prejudice discussions, around the contract and the settlement thereof with the OPA.

Mr. Victor Fedeli: Again, the date that TransCanada received that news from you?

Mr. Jamison Steeve: I'm referring, I guess, to the note that has been provided to me. I believe it is October 1, 2010.

Mr. Victor Fedeli: When did your office or the government's office let the OPA know that the Oakville plant was going to be cancelled?

Mr. Jamison Steeve: I did not have that direct communication with the OPA. I believe it was either one

or both of Sean Mullin and Craig MacLennan, but I can't speak to the date, as I—

Mr. Victor Fedeli: You can't speak at all to the date within the month?

Mr. Jamison Steeve: No, sir, I can't, as far as when that was made.

Mr. Victor Fedeli: Was there political staff other than the people that you mentioned involved, other than Sean Mullin and Craig MacLennan? Are there any other political staff that were involved or at these meetings?

Mr. Jamison Steeve: There were no other political staff at the meetings with TransCanada, no. I'm trying to be helpful and answer your question fully; what do you mean by "involved," sir?

Mr. Victor Fedeli: At the meetings; in attendance.

Mr. Jamison Steeve: No, it was just Sean Mullin and I at those meetings with TransCanada from June 2010 to October 2010.

Mr. Victor Fedeli: Alex Pourbaix: He's with TransCanada?

Mr. Jamison Steeve: I believe he's the CEO of TransCanada.

Mr. Victor Fedeli: Girling?

Mr. Jamison Steeve: I believe Mr. Girling is—

The Chair (Mr. Shafiq Qaadri): One minute.

Mr. Jamison Steeve: If I call correctly, he was the gentlemen who came to the final meeting, and I believe he is—he might be the international CEO, and Alex Pourbaix is the national CEO. The final meeting, sir, I believe Mr. Girling was in town. It was more of a stop-in/shaking of hands rather than a formal meeting, if I recall correctly.

Mr. Victor Fedeli: We hear a little bit about Project Vapour. Do you know what that refers to?

Mr. Jamison Steeve: I don't recall, sir. No.

Mr. Victor Fedeli: Thank you, Chair.

The Chair (Mr. Shafiq Qaadri): To the NDP side: 10 minutes, Mr. Tabuns.

Mr. Peter Tabuns: I'm going to start by moving a motion. I move that all documents pertaining to meetings between Mr. Jamison Steeve and TransCanada which are now in the possession of the legal counsel of the government be tabled immediately to the Standing Committee on Justice Policy. I hope we could pass that expeditiously.

The Chair (Mr. Shafiq Qaadri): We need copies of that. We'll need to take a five-minute recess to deliberate on this.

The committee recessed from 1603 to 1609.

The Chair (Mr. Shafiq Qaadri): Thank you, colleagues. The motion is duly in order once the couple of words are added. Yes, Ms. Cansfield?

Mrs. Donna H. Cansfield: Chair, can I just ask two questions? One is, to whom is this request being made? "I move that all documents"—to whom is that being made? Secondly, remember the time frame. We talked about this before. What's the time frame that you're looking at? October to October?

The Chair (Mr. Shafiq Qaadri): Once again, the motion is in order. The floor is now open for discussion. This is the discussion. Go ahead, Mr. Tabuns.

Mr. Peter Tabuns: Mr. Steeve has said that he had five meetings with TransCanada Enterprises. I'm relying on notes that are a summary of statements by TCE, rather than his notes. He kept notes at the time. During his testimony, I indicated an interest in those notes. I'm asking that those notes, which he turned over to legal counsel and are no longer in his possession, be turned over to this committee.

Mrs. Donna H. Cansfield: That's fine. That just clarifies it for me, Peter, that that's the time frame you're looking at, those five meetings. That's terrific. It's really the ministry legal department, whoever it is, and Cabinet Office—

Mr. Peter Tabuns: Because it wasn't clear, and the witness couldn't be clear, and I understand you're not certain which department the legal counsel is serving, we'll leave it general. I think the Premier's office will be able to sort this out.

The Chair (Mr. Shafiq Qaadri): First of all, the request can go forward, and we'll await the response.

Is there any further discussion on this before we vote on this motion? Mr. Delaney.

Mr. Bob Delaney: Chair, just a clarification on the word "immediately." Perhaps Mr. Tabuns would like to be a little bit more specific. In other words, they're not forthcoming in the next 30 seconds after the motion, should it be passed in its present form as adopted. "Immediately"—what is acceptable in terms of "immediately," so that whoever has to go and search for them—

Mr. Peter Tabuns: Mr. Delaney?

Mr. Bob Delaney: Yes?

Mr. Peter Tabuns: As soon as possible.

Mr. Bob Delaney: That's fine. That's all we needed.

The Chair (Mr. Shafiq Qaadri): All right, thank you. Are there any further comments?

If not, we'll proceed to the vote. Those in favour of the motion as read and debated? Those opposed? Motion duly carried.

We'll now return to your questioning. Mr. Tabuns, you have, I think, 7.5 minutes left. Please proceed.

Mr. Peter Tabuns: TransCanada Enterprises came to you in June 2010. Why did you not simply refer them back to the Ontario Power Authority, given that the OPA had jurisdiction?

Mr. Jamison Steeve: A two-part answer to your question: Number one, the OPA has jurisdiction over the contract between TransCanada and the OPA, but the government retains jurisdiction over the ministerial directive.

When TransCanada came to me, there were at least two options on the table for the government at that point. Number one is legislation, which would be beyond the scope of the OPA, legislation being we had the bylaw that was causing some concern and possibly preventing them from completing the contract. That would be a government decision, and therefore it was properly

within my purview as principal secretary and that of the government, the decisions of both the Premier and the minister.

Secondly, the ministerial directive, which I understood is a power that the minister has to direct the OPA not to proceed, would also be within the proper authority of the minister and the government.

Mr. Peter Tabuns: So if it was a ministerial directive, why you, and why not the minister?

Mr. Jamison Steeve: Because at that point, we were also going back and having the conversations with the minister's office, so the minister's office and the minister were apprised of the conversations.

There are times when I will take meetings with—I had taken meetings with stakeholders and/or other people in an effort to resolve a situation where, at that point, the minister's office hadn't been able to move things forward.

Mr. Peter Tabuns: Mr. Steeve, I'm having difficulty with some of your testimony. You've been telling us—and maybe I misunderstood, so clarity would be useful—that TransCanada was faced with a problem of force majeure. They could not deliver a plant, and possibly they couldn't operate a plant, given the bylaws and the interim control bylaw brought forward by Oakville.

Mr. Jamison Steeve: That was my understanding. That was raised by TransCanada in their meetings with me, yes.

Mr. Peter Tabuns: So any private company building a power plant is taking a risk. That's why they get paid big bucks. They are coming to you to bail them out. They couldn't build this plant; you had a political problem with the plant. Kevin Flynn—God forbid—would have to vote against the government on a bill. Why did you bail them out? Why are we spending \$600 million-plus for a plant that couldn't be built?

Mr. Jamison Steeve: I can't speak to the cost, sir, of the plant, but I think it was not just an issue of bailing out TransCanada. That wasn't actually any part of the matrix that I articulated earlier about why we weren't proceeding with building in Oakville.

As I say, it was at least four factors. Number one was the fact that we had significant local concern, and a consensus had built with opposition parties, the local MPP and the local community.

Number two: No doubt, the issue of the bylaws was a part of this. I'm assuming that part of the reason that TransCanada came forward is that they were trying to get both the OPA and the government to do everything within their power to allow them to continue and perform the contract.

Number three: As I have previously stated, another factor was the regulatory environment that had been created by both the Green Energy Act and this.

And then lastly, in the formulation of the long-term energy plan, the power was no longer required in the timeline and in the location that was put forward.

To your question, number one, I can't speak to the cost, at the end of the day, of what the decision ultimately

cost to the government. But number two is, at no point was there a decision made to bail out TransCanada.

Mr. Peter Tabuns: But in fact, if they couldn't build the plant and they came to you—not to the contract holder but to the government, to say, “We need a political solution here because we can't go forward,” and what you come back with is, “Well, we're not willing to go through this fight with the population. Mr. Flynn is going to have a problem here. Force majeure is force majeure. You can't proceed. You've encountered a legislative problem that blocks you. That's the risk you take in business.”

I don't understand why we are on the hook—the public, the people of Ontario—for a company that took a risk and found that the regulatory environment was not there to proceed.

Mr. Jamison Steeve: Two aspects: Number one, I don't know if they ever raised the issue with the OPA, to your point about whether they took that to those folks with whom they had the contract.

Mr. Peter Tabuns: I intend to find out.

Mr. Jamison Steeve: I can't speak to that issue. Secondly, with respect to coming to us, I never got the instinct that they were looking for a “political solution.” One of the options they put forward was a legislative solution, not that that's—I'm making a distinction that they were looking for legislation over the bylaw. Obviously, that would require a political decision.

Mr. Peter Tabuns: Yes, they are intertwined.

Mr. Jamison Steeve: Absolutely. I suppose, sir, as I have left this place, I have noticed from time to time the term “political” being used in a variety of ways, so I'm just trying to—for example, even in Mr. Delaney's questions there was the notion of Oakville being a campaign decision. It has become part of the popular lore when it was made some 12 months in advance.

Mr. Peter Tabuns: The realities of local opposition, of the Green Energy Act having been passed with a 550-metre setback for windmills: All those things were known to the OPA and the government before a contract was signed.

Mr. Jamison Steeve: I can't speak to that, sir. I believe the original—I can't remember the timing, to be honest, of the original contract between the OPA—

The Chair (Mr. Shafiq Qadri): About a minute.

Mr. Jamison Steeve: —and TransCanada, but if I recall, the Green Energy Act was introduced in spring of 2009. I'm not sure when the contract was, and the legislation didn't pass, I would imagine, until early 2010.

Mr. Peter Tabuns: I'll check further on that.

Mr. Jamison Steeve: I would have imagined, actually, that the contract came before the passage of the Green Energy Act. That would be my estimate.

Mr. Peter Tabuns: I'll check further on that, then.

The suggestion that the minister was part of the decision-making—TransCanada Enterprises represented to Ministry of Energy lawyers that, in fact, the decision was made with the minister not in the loop. Can you

confirm that, the decision to proceed and not have a plant here?

Mr. Jamison Steeve: As I said, I would point to two things, sir. Number one, I believe Minister Duguid has made public comments that he made the decision.

Mr. Peter Tabuns: Yes.

Mr. Jamison Steeve: I believe that's the case. And secondly, I met with both his chief of staff and his deputy minister—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Tabuns. We'll move to the government side. Ten minutes, Ms. Cansfield.

Mrs. Donna H. Cansfield: Thank you. Hi, Jamison. It's nice to see you. I want to say thank you for your many hours of wise counsel as principal secretary.

Mr. Jamison Steeve: Thank you.

Mrs. Donna H. Cansfield: Certainly you have helped many of us come to some good decisions.

I just wanted to do a couple of things. One, just to put it sort of clear in my mind because there's been some discussion around the force majeure, my understanding is that the contract was signed and then Oakville passed their bylaws. So that's how it forced that particular issue, where they couldn't build. They had purchased the land with the understanding that they could. It's not all that dissimilar from Mississauga inasmuch as the official plan had zoned the land as industrial, commercial and electrical—that had been purchased. The OMB upheld that because you can't change your mind after the fact, and it forced the same sort of thing.

I think that sort of helps to clarify, but it also brings a real issue around the siting.

1620

Part of our responsibility or the responsibility of the committee is to really learn how we could do this better. The fact of the matter is, we are going to need power plants in the future, and hopefully they're going to be more distributed energy, not the great, large 900 megawatts. But even still, even small ones, you always get into the situation where people just don't want it in their backyard, and that's understandable. So there have to be provisions that are put in place that speak to setbacks, official plans, municipalities being involved, consultation. I mean, how many times have we been out to consult with people and we just get it dead wrong? We're not really, in this great age of communication, the best consultation people in the world, and I say that of all governments, having been around for about 25 years in this field.

So Jamison, you've been around too. What have you learned? How do you think we could move forward better, knowing we're going to have to have power plants and wind turbines and solar and whatever? What are the things you think we could learn from that?

Mr. Jamison Steeve: Well, two things. First of all, you have far more knowledge of force majeure and how that kind of came about. As I say, my knowledge of that issue was just when TransCanada raised it with me.

As far as what could be learned from it, it's always difficult for the former staffer to say, but one would imagine that a great issue for a minority Parliament to try to resolve would actually be what type of community consultation needs to be completed in advance of the siting of a gas plant. You could even extend that. If I recall correctly, there were multiple commitments made by parties around gravel pits during the last campaign. The siting of these issues—be it natural resources, gas plants, nuclear plants, wind turbines—are of significance. I don't claim to have any great wisdom or knowledge, and I would rather go to those—I'll just try to go back to my roots—MPPs who could come up with how you move this forward.

Again, I had a chance to read some of the articles and a little bit of the transcript, as much as possible, from Ms. Butler's testimony. At the heart of some of Mr. Tabuns's questions, I think there is a legitimate question to be asked from a public policy perspective: When you are tasked as the OPA to properly go forward and contract and plan energy, sometimes that comes up against real people, and how you mesh those two things together, along with a political responsibility, is a real challenge. So involving the OPA and those communities in that, I think, is necessary.

On the other side of it, if you drive—sorry, Ms. Cansfield, I'm trying not to give a speech, but if you drive around the city right now, there are a number of signs up about what people don't want.

Mrs. Donna H. Cansfield: That's right.

Mr. Jamison Steeve: No casino, no diesel train, save public health care, which I didn't know was actually currently being challenged. There are a number of things that people don't want to see happen in their communities. But we also need power, so how do you get to a place where you can mix both the energy needs of the province along with the local concerns of the community?

I'm sorry, that's not a great answer for you, but I think it's something that I would encourage. There are certain things that actually might be better solved by a minority Parliament, and this is an issue that I think both the Progressive Conservatives and the NDP have taken some strong stances on. Particularly in the Green Energy Act, the conversation was around the municipal override, and that was something that some folks—particularly, I believe, within the Progressive Conservative caucus—had concerns with. So maybe it's something that all three parties could get together and determine what the best way forward for siting would be.

Mrs. Donna H. Cansfield: It certainly could be part of the responsibility of this committee because it's not restricted to a particular power plant. I mean, it's right across Ontario. Whether it's transmission or it's power generation of any description, you're going to have to have it somewhere in order to keep the lights on. What lessons can we learn from the two power plants in particular that we could draw from the conversations we did ultimately have with the community? At the end of

the day, all three parties said they'd cancel it. You read the clippings; I read the clippings. I was there during those campaigns when even my opponent was cancelling everything. Fair enough.

But at the same time, we're all going to end up in a situation, regardless of who was successful in government, and still deal with the same issue: How do we move forward and make sure that we do, as you say, our fiduciary responsibility of keeping the lights on, at the same time dealing with public scrutiny, public understanding?

I do think there are lessons to be learned from this that we can hopefully draw out of the conversations we're having with all the witnesses and be able to put forward into some pretty solid recommendations coming and going forward that are meaningful, make a difference and hopefully can communicate.

Mr. Jamison Steeve: And if I may, one of the issues that was raised to me before, I think by both of the other parties, is about why I got involved. There were extensive efforts, I believe both by TransCanada and the OPA, from the date of the awarding of the contract—which, as Mr. Tabuns and I said—not quite sure when that was—until my involvement that were ultimately unsuccessful. If anything, the community opposition was rising. At the same time, if I remember correctly, there were other communities clamouring to get the energy moved to their location as well. So maybe there's an ability to find willing host communities, but that comes with a cost as well, and transmission.

I think it's larger than just a not-in-my-backward issue. I think there are broader concerns, and obviously energy policy is an issue that all three parties, when they were in government, wrestled with, shall we say. I think everyone kind of dealt with similar challenges. It is a file where both social and economic energy needs all hit and it causes concerns, whether it's an attempt to privatize or it's an attempt to put a plant in a particular location.

Mrs. Donna H. Cansfield: You're absolutely right, because this file started in 1999. Thank you.

The Chair (Mr. Shafiq Qadri): Thanks to the government side. Mr. Leone: final 10 minutes.

Mr. Rob Leone: Thank you, Mr. Steeve, for your testimony to this point. Can you remind me again when you were employed as the principal secretary?

Mr. Jamison Steeve: Sure. I was employed, I believe, in the final week of June. That is when I moved over to the principal secretary, and I was there—sorry; of 2008—until the end of June 2012.

Mr. Rob Leone: End of June 2012?

Mr. Jamison Steeve: Correct.

Mr. Rob Leone: All right. So you were involved when we first started asking for documents in the estimates committee. You were principal secretary at that time?

Mr. Jamison Steeve: I was employed, yes.

Mr. Rob Leone: My understanding of your position is that you were partially responsible for issues management; is that true?

Mr. Jamison Steeve: I'm not responsible, sir.

Mr. Rob Leone: But you were involved?

Mr. Jamison Steeve: On occasion I was called in to address certain aspects of issues management, but the issues—just so I'm clear—to your question, the issues management team did not report to me.

Mr. Rob Leone: Right, but you were involved in sort of the crafting of—or understanding the issues, at least, that cropped up from day to day?

Mr. Jamison Steeve: No. I was responsible for managing particular issues as they arose rather than crafting the issue on any particular day. As I said in my opening statement, my communications responsibilities were more focused on strategic communications, which would have been some of the larger pieces like throne speeches and budgets and whatnot.

Mr. Rob Leone: Can I share with you a frustration that I'm having on this committee? We have a lot of witnesses who are coming forward who will say things like “I don't recall” or “I can't answer questions” or “I wasn't directly involved” to a number of questions that we're raising on this issue, and it seems like everyone comes before us and says that. So the looming question that I have is, who can answer these questions directly? Do you have any insight on whom we could ask directly who could answer some of these questions that we've seen to date?

Mr. Jamison Steeve: I'm sorry, sir. First of all, I hope I've answered every question put to me as directly as possible.

Mr. Rob Leone: I believe you have, but you have made, on a number of occasions, comments of “I don't recall” or “I can't answer questions” or things of that nature.

Mr. Jamison Steeve: Certainly, sir. I can't answer questions on a file from which I was screened as of the spring of 2011, and there are moments where I can't recall or I can't answer a question about a note in a meeting that I didn't attend.

As far as who is responsible for those items, it depends on the nature of the question. I'm here to help, so I'm happy to answer any question that you have.

Mr. Rob Leone: So we are here, and it's the end of March 2013. You left in June 2012, and we're still talking about gas plants. Do you consider this an issues management failure?

Mr. Jamison Steeve: I would consider it an opposition success.

Mr. Rob Leone: I don't know if that was a political answer or not.

Mr. Jamison Steeve: No. I think, from an issues management perspective, at the end of the day the plant was moved, as I understand, to a different location. Litigation was avoided and, to the best of my knowledge, a settlement was reached. So, at least in this instance, I'd say to both the people of Oakville and Mississauga, they were pleased with the resolution of at least those two issues.

1630

From an issues management perspective, I'm sure the government, as well as the opposition members, would

rather be talking about how they're going to craft the budget and move forward on pieces of legislation, but I'll leave that to others to judge whether it has been an issues management failure.

Mr. Rob Leone: Sure. We often hear from the government that every party would have been involved in the cancellation of these gas plants, but that's not really the reason why we're here asking the questions that we're asking. The reason why we're here asking questions is because we don't have—still, I think—a final answer on how much these cancellations cost, and that came from a very direct question that we asked in the estimates committee.

We're also here because of the obstruction. We feel that there has been obstruction in terms of the release of documents to this committee.

Now, given that those are the two pressing questions, when you left in June 2012, did you have an idea of how much this would cost?

Mr. Jamison Steeve: A two-part answer: Number one was with respect to Oakville. I had been screened off the file in, as I said, spring, and I believe it was April 2011. So I hadn't had any interactions on that file, so I did not know how negotiations were going or what the cost might be.

As far as Mississauga, as I stated in my opening statement, ultimately that file turned back over to Chris Morley upon his return, when I was no longer acting chief of staff.

As far as documents at that time, if I recall correctly, the original request for documents was from the Ministry of Energy, the Minister of Energy's office and the OPA. I left in June, and as always, in my time in office, any time documents were requested of me, I produced them.

Mr. Rob Leone: So we have an estimate that—well, we still don't have the costs. Had you been involved in, and still been in power—I know that the Premier announced his intention to resign on October 15, 2012. But there has been a line of logic or a line of thinking that would have suggested that had the government come clean with their numbers last fall, and had they released all the documents, neither the Premier would have had to resign nor the former energy minister. What do you think about that line of thought?

Mr. Jamison Steeve: I can't speak to the rationale as to why either the Minister of Energy or the Premier resigned. And to your question, I've never been in power; I worked with a government in power. So I think it's speculation, and I think both men had reasons for why they've chosen to move on from political life.

Mr. Rob Leone: But do you think, had the government and those in charge of making these decisions come clean in October, would that have given them sufficient amount of leeway to leave this issue behind? Do you think that would have been a better course of action?

Mr. Jamison Steeve: Monday morning quarterbacking has never been my style with my fellow staff. I'd go back to my original comment that I think both opposition parties are very effective in what they do on a

day-to-day basis, so I don't think the release of documents would have necessarily ended the pursuit of either the Premier or the minister.

Mr. Rob Leone: But at the end of the day—again, I'll restate: The reason why we're here is because there has been a failure to disclose. I think it's a colossal failure to disclose. I've not heard anybody in the government or who has been involved in government—and you were involved in a pretty important role, as a political staffer—apologize, first of all, for not disclosing information appropriately, not coming clean with the exact, precise cost. We don't need 56,000 pages of documents to basically sum up in a couple of pages, or a couple of lines on a spreadsheet, how much these cancellations cost.

And we don't know, again, who orchestrated, in our view, the cover-up of the documents or the cover-up. And the fact that we still don't have that information, the fact that there's still the impression that the government is trying to hide something, means that we're here in March 2013 still asking questions about this file.

It seems to me that, if the government just came clean, I think we could all move on to other things, but the fact is that they still haven't done that. I have to ask, what is being hidden from us, essentially? Why are we still dealing with allegations of obstruction and cover-up?

Mr. Jamison Steeve: I'll go back to my opening statement, I suppose, sir. That is, at the time that I left the office, I believe the debate as to the document production was still under way. I don't know if anyone from the government or a staffer has provided an apology, whether that be the minister of the day or Minister Chiarelli now, so you have me at a loss there.

The Chair (Mr. Shafiq Qadri): One minute.

Mr. Jamison Steeve: I'm under oath, so it's difficult for me to answer a hypothetical question and provide an apology for something that I wasn't involved with. I know you're frustrated by that process.

Mr. Rob Leone: I'm not asking for you to give an apology. I'm saying, would you advise the government to do that?

Mr. Jamison Steeve: Well, the basis of your question is that they misled and obstructed documents, and I don't know that to be true. Unless I knew that to be true, I couldn't provide them with that advice.

Mr. Rob Leone: Mr. Fedeli.

Mr. Victor Fedeli: Thank you. So if TransCanada was in trouble on the site, and you determined during that process that Ontario didn't need the power, yet the government sole-sourced a contract and not an RFP, I would go back to Ms. Cansfield's comment about all three parties suggesting a cancellation, but I would ask you about a fiscally correct way and a fiscally incorrect way to cancel. Would you agree, then, that having a replacement site hundreds of miles away, with a requirement for natural gas being shipped so far and transmission—

The Chair (Mr. Shafiq Qadri): I'm sorry, Mr. Fedeli, that question will have to remain rhetorical.

I'd like to thank you, Mr. Steeve, for your presence to this committee and for your undertaking that we'll be

sending communication by letter to you, I guess referring to some of your documents.

Once again, on behalf of the committee, I'd like to thank you not only for your presence but also for your service to the people of Ontario. Thank you. You are officially dismissed.

Mr. Jamison Steeve: Thank you for your time.

Mr. Bob Delaney: Chair?

The Chair (Mr. Shafiq Qaadri): Mr. Delaney.

Mr. Bob Delaney: A five-minute recess.

The Chair (Mr. Shafiq Qaadri): Is a five-minute recess agreeable?

Mr. Victor Fedeli: Could we take a little longer? Is 10 minutes okay?

The Chair (Mr. Shafiq Qaadri): A 10-minute recess; fine.

The committee recessed from 1637 to 1651.

MR. GREG ROHN

The Chair (Mr. Shafiq Qaadri): Colleagues, I call the Standing Committee on Justice Policy back into session. I would now invite our last witness of the day, Mr. Greg Rohn, to please come forward. Please be seated. Mr. Rohn, you are going to be affirmed, and I would invite you to do that right now.

The Clerk of the Committee (Ms. Tamara Poman-ski): Do you solemnly affirm that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth?

Mr. Greg Rohn: I do.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Rohn. You have five minutes for an introductory address, and then you'll have a rotation, as you've seen the protocol. I invite you to begin now.

Mr. Greg Rohn: Okay, thank you. I'd like to thank the committee for having me here today to tell a story that has largely been ignored by the media of what happened in Mississauga—the history of the plant.

I hope you don't mind; I made some notes. I spent a lot of hours looking through all my old files and correspondence and newspaper articles over the last couple of weeks to refresh my memory on this whole affair. One thing it did do was reinforce in my mind that sometimes it's best to avert your eyes and put your hand down when people ask for volunteers. This was a long process.

My name is Greg Rohn; I'm a lifelong resident of Etobicoke. I'm married with two kids and a small business man. I've been politically active and community-involved since I was a teenager. I'm one of those people who, when they see something wrong or something they disagree with, gets involved.

One thing I've learned over the years is that the government, in my opinion, relies on the apathy of the people. A lot of people will bitch and complain—sorry for my language—about things, but that's about as far as they'll take it. Most people are way too busy. When a group like ours in Etobicoke-Mississauga gets together,

gets organized, is persistent, the government and the politicians don't really know what to do with us.

CHIP, the Coalition of Homeowners for Intelligent Power, was formed around 2004 or 2005 by a number of like-minded individuals like myself who saw, at the time when these gas plants were being proposed, a very terrible wrong being foisted on our community.

I'd like to stress right here that the key individuals who were with CHIP from the beginning and through all the years until the cancellation and are still involved today do not live in the immediate vicinity of this plant. We were not right downwind of the plant. In fact, most of us were miles away. I live upwind in Etobicoke several miles away from the plant. This issue was brought to my attention, and it just screamed that it was the wrong thing, and I got involved.

I think what I'd like to do today, and what I hope you'll allow me to, is address the oft-used term "NIMBY" and how that basically negates any valid argument that a community may have. I'd like to address the oft-repeated but never proven assertion that this was a seat-saving cancellation. I'd like to refer back to the energy expert whom you had a week or so ago who said several times in his testimony that the OPA's siting process should not be dismissed. If Loreland Avenue in Mississauga is the result of the government's and the OPA's and the energy sector's siting process, then I cannot tell you how vehemently I disagree with that statement and how much that siting process needs to be improved.

My view on energy—I have no background in energy other than what I've learned over the last 10 or 11 years now—is that the government announced the closing of the coal plants and did not have a proper plan in place to replace them. A state of panic ensued. There was last-minute scrambling. The green energy plan was rushed. The OPA was given very broad powers, and everything they did hinged on transmission lines. What they forgot in this whole process was the human element that was involved, and that's where this desperation led to: community questioning and community opposition.

I just thought I'd close my introduction by saying that at the time when this plant was announced, we contacted all of our local politicians—MPPs, MPs, councillors from the cities of Mississauga and Etobicoke—and not one of them had heard of this plant going in before the announcement. That, to me, is indicative of a terrible process, and it really gave us the fuel to start our long battle.

Anyway, I'd be happy to take your questions.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Rohn. We'll now pass it to the government side. Twenty minutes, Ms. Albanese.

Mrs. Laura Albanese: Welcome and thank you for being with us this afternoon and for waiting so kindly.

Based on what you were just saying in your testimony, the organization that you belonged to was strongly opposed. I know that you mentioned the reasons why, but could you just summarize for the committee the reason why the organization CHIP was so strongly opposed?

Mr. Greg Rohn: Sure. Well, the organization really was a collection of individuals—a number of ratepayer groups in Mississauga and Etobicoke—that of course organized rallies and got a lot of citizen support. When we originally asked for a bump-up to a full environmental assessment, we had 42 points that we were concerned about with regard to this location and this plant. I could summarize all 42, but quite frankly, it was a natural gas power plant on the banks of a sensitive creek watershed and meters from a railway line—we all know that trains don't derail in Mississauga—500 metres upwind of a major hospital and a hospice and 150 metres from the closest home. I mean, we had a picture on our website of a backyard swing with the plant looming in the background. It was absolutely the wrong location from day one. How it ever came into being is something that hopefully this committee, the OPA and whoever is involved can fix in the future.

Mrs. Laura Albanese: We have been talking about costs this afternoon, about what the cost of relocating this plant is to the taxpayers of Ontario. In your mind, what would the costs have been to your community if this plant would have moved forward?

Mr. Greg Rohn: Well, I'm no expert, again, on health costs and health care issues, but we did have a lot of experts that talked about adding more pollution into the environment. It's probably the most heavily polluted area in the country. What we were faced with all along was the developers' reasoning that this is better than the coal plant at Lakeview. Well, the fact of the matter is that in the immediate area and for the people where this plant was going to be located it would be much worse.

The stacks were a lot shorter than Lakeview. The emissions would blow down on the local neighbourhood, whereas with Lakeview they were tall stacks, and it blew out over the lake. For the citizens of south Etobicoke—and that's another thing that has not been explained properly in the papers. It was really the citizens of Etobicoke that were the main victims of this plant if it went ahead, because the wind blows from Mississauga into Etobicoke.

1700

The problem with natural gas plants—and I know that this has been spoken of before—is that the emissions from these plants are of the smallest particulate matter that gets deep in your lungs: 2.5 microns or lower. All you have to do is look at the gas plant up along the 401 and check the smokestacks out. They've got a lot of yellow gunk on them. That's what would have dropped on our community.

Mrs. Laura Albanese: So you represented a large group of residents not only from Mississauga but, as you mentioned, also from Etobicoke. Could you try to put a number on the size of the opposition? Did it start small and then grow—

Mr. Greg Rohn: It started small in that we were a bunch of citizens that found out about this plant almost by mistake. Secrecy and the withholding of information and not being forthright with the public were a factor all

the way along in this whole fight. In the beginning, it was small, but then we brought in representatives. We approached all of the local ratepayers' and homeowners' associations in Etobicoke and Mississauga. Our number, when we had our group together, was at least 10,000 homes.

I know in my neighbourhood alone, there were 1,200 homes. When we ran our sign campaign running up to the election, there were way more "Stop the Power Plant" signs than there were election signs.

Mrs. Laura Albanese: So you would say that the majority of residents in Mississauga and Etobicoke were opposed to this plant.

Mr. Greg Rohn: The ones who knew about it. I didn't have anyone come up to me and say, "This is a great idea"—not one single person in 10 years.

Mrs. Laura Albanese: So what was the residents' reaction when the government announced that the plant had been relocated?

Mr. Greg Rohn: Elation, tempered by the fact that it was only an election promise.

We then tried to secure the commitment of the opposition as well. All the way along in this battle, we tried to get the opposition to help us out, and it was to no avail. We were ignored by most politicians for years. As we approached the election, we tried to hand the opposition a golden egg of an election issue. We were desperately trying to get them to realize that this was a major issue in those four ridings, and we were rebuffed.

I went up to Tim Hudak at a campaign stop. I introduced myself and I explained that this was major in Etobicoke and Mississauga, in the riding that you're in right now. He brushed me aside and said, "Talk to my handlers." His candidate wouldn't even look me in the eye.

This is the type of reaction we got from the politicians until it was too late. Then they tried to rewrite history with brochures saying they'd been campaigning against it for years and were against it, and it's just not true.

Mrs. Laura Albanese: Speaking about the 2011 election promises that you're just mentioning now, it seems that all three parties were then on board with trying to satisfy, let's say, the concerns of the community.

Let's say another party had been elected. Would you have expected them to follow through with their promises?

Mr. Greg Rohn: I was 20 feet away from Tim Hudak when he had his meeting with the local candidates outside the site and he finally admitted that the plant was done, that he would cancel it. We couldn't get those exact words out of him for the longest time, so yes.

The NDP were against the plant, but I don't know that we ever got the firm commitment to cancel it.

Mrs. Laura Albanese: In the end, do you think the government made the right decision—late but right?

Mr. Greg Rohn: It was definitely late. That's a big part of this story: that it should never have been there in the first place. It was the right decision. I don't know that

you could find a worse place for a power plant than where they were going to locate that one. It made no sense at all, and that's what kept us going all those years.

Mrs. Laura Albanese: But in your mind, each party made that commitment and would have had the responsibility to follow through on the promise made during the campaign.

Mr. Greg Rohn: Correct.

Mrs. Laura Albanese: Correct. So it was a political decision, but all parties made that same political decision.

Mr. Greg Rohn: Yes, in the end.

Mrs. Laura Albanese: I read one press release in which—I don't recall the date, but I believe there was a big red elephant. You complained about the fact that you were disappointed with all the political games that were being played.

Mr. Greg Rohn: You know, I come here as a frustrated citizen. I tried for years to get people to help us, and we were, for the most part, largely ignored. We put together what—I obviously have a bias—was just a tremendous request to the Ministry of the Environment for a bump-up to a full environmental

If I can refer to my notes, because I just want to get this right—we had 42 issues we wanted addressed. The director at the Ministry of the Environment ignored 21 of the 42, failed to address 20 of the remaining 21 in any detail or with any supporting facts, and answered one by saying that the developer would have to make a community advisory committee, but he never gave a mandate.

I worked in Etobicoke Centre as we had our last rally, which we can talk about if you're interested. I worked with the PC candidate in Etobicoke Centre, with her campaign, and they didn't know anything about this power plant. So I said, "Here are the issues; here's what you'll want to say if you want to make points with the public, with the voters." I have those emails. Not one Conservative candidate showed up at the rally. The NDP and the Liberals were there. It was very disappointing.

Guys, I don't mean to rail against the Conservative Party here, but afterwards she was campaigning in my neighbourhood. A lot of people know me there. She was going door to door, telling people that I barred her from the meeting, that we didn't let them show up. And then they call me: "This is what she's saying at the door."

I'm frustrated; I'm cynical. I used to be very politically involved. I've worked on leadership campaigns; I've been a delegate at conventions; I've been on riding executives. I don't do any of that anymore. I'm a cynical person. But I still get involved with the community.

Mrs. Laura Albanese: You mentioned that you were politically involved since you were a teenager and that when you see an issue that you become passionate about, you still get involved.

I sympathize with you and with the concerns of the residents. I'm just trying to go back and trying to understand how upsetting, let's say, until you got a decision, this whole situation was. In other words, you believe that a right decision was made at the end. I understand that

you say you would have wished that the government would have listened sooner and the politicians would have listened sooner—

Mr. Greg Rohn: Right.

Mrs. Laura Albanese: —but at the same time, I'm just trying to understand how frustrating that—

Mr. Greg Rohn: It was extremely frustrating. Those of us who were there from the beginning spent hundreds and hundreds of hours of our own time. I have a business; I've got two young kids. I don't have time for this. But we did it. I was out of pocket several thousand dollars. This was a commitment we had. We were getting virtually no help.

Mrs. Laura Albanese: So in other words, in the end, although the decision was perhaps politically motivated, it was good for the community. It was a good decision.

Mr. Greg Rohn: It was absolutely the right decision; there's no question about it. It's a shame that it took that long. It's a shame that it got beyond the initial siting. Somebody should have looked at that site and said, "Wrong. Move on." We tried to convey that information to the government, to whoever would listen to us. Unfortunately, not enough people listened to us.

Mrs. Laura Albanese: You also mentioned that the plant was not properly sited from the beginning. Of course, your organization was strongly opposed.

One of the things that we need to do, with this committee in particular, is to come up with some concrete recommendations related to the siting of plants in the future. Do you have any recommendations in that regard?

Mr. Greg Rohn: There are certainly areas that are more industrial, that aren't 150 metres from the closest home. Now, I might be dreaming in Technicolor here when, as a citizen, I would love to have some forward-thinking politicians plan 30 or 40 years down the road. If it's all based on transmission lines, maybe we need long-term to put in new transmission lines so that we can put these plants in remote areas and bring the power in.

1710

As a citizen and as a taxpayer, if you explain that to me with a well-thought-out plan and say, "The money that we raise in your taxes is going to create a better energy for the future, for your kids," I'm all for that. Unfortunately, the public is so cynical now, because so much of our money goes right down the drain, and we don't believe that it's going to go to a specific issue like that. I look at transit in Toronto: If somebody had been forward-thinking 30 or 40 years ago and said, "Let's build a subway station every two years," we wouldn't be in a mess transit-wise.

This is what we need. We can't think only about the next election.

Mrs. Laura Albanese: Yes, I completely agree with you. I live in the riding where the Eglinton subway was going to be built 20 years ago and where the hole was filled. We're now re-digging again, and we're hoping that we will get an Eglinton crosstown in Toronto, among other transit projects.

As far as local decisions are concerned, what do you think the role of the community should be in decisions

such as this one, in the siting of a plant? What role can the community play in a process such as this one?

Mr. Greg Rohn: I think that if the community is brought in at the beginning—first of all, in a location like that, you’re not going to get a community supporting you, because it was the wrong location, but we were never against power plants. We were never against power plants in Mississauga or Etobicoke. We were never against any of that. It was strictly the location. It has got to be in the right location, and you’ve got to bring the community into it. It’s a big issue.

I’m not sure what the answer is as to how you gather the community together. We came together because of a mistake. I’m not sure you would have had as strong a group coming forward, willing to help the government figure out how to properly site. The people who were involved in Oakville and the people who were involved in our group are certainly people who know a lot about what went wrong and maybe have ideas of where to go forward, but I think there have to be better locations than where that was. I think you certainly cannot go about it the way that this one happened, where the community was left out until the decision was made and then, all the way along, it was like pulling teeth trying to get information.

To get copies of the environmental screening report that the developers did, they were available in two libraries—hundreds and hundreds of pages. You couldn’t take them out and they weren’t available online, so somebody would have had to go in there and spend hours and hours in a library. How is that involving the community? That’s just secretive, and it’s an attempt to frustrate and to stop the community from being involved.

Mrs. Laura Albanese: So what I’m reading here is: a more proactive approach, consulting the community early, letting the residents know—you’re saying that the residents didn’t know, so perhaps engaging the residents—

Mr. Greg Rohn: Well, before the site is chosen, I think there should be some consultation—

Mrs. Laura Albanese: Yes, before decisions are made.

Mr. Greg Rohn: And there were communities out there—as has been stated before by others—that did want these plants. There are complications with some of them, but I think most people are reasonable and, if it’s properly presented to them, they will agree that energy is important, that power is important, that we need it and that we’re going to have to improve it. All of our infrastructure, like water pipes, everything—these aren’t sexy investments, but they’re required. It requires tax money, and I think that if we can get away from throwing it down the drain, as I said earlier, and actually have it improving our infrastructure, then people will be all for that.

Mrs. Laura Albanese: Thank you. Mr. Chair—

The Chair (Mr. Shafiq Qadri): Two minutes.

Mrs. Laura Albanese: I wanted to ask if we could ask Mr. Greg Rohn to follow up and give the committee

a copy of his email exchange with the PC candidate that he referenced earlier. Would that be possible?

The Chair (Mr. Shafiq Qadri): You can ask him.

Mr. Greg Rohn: Yes, I can do that.

Mrs. Laura Albanese: Would that be possible?

Mr. Greg Rohn: Sure.

Mrs. Laura Albanese: If you could write that down. Thank you.

Any other recommendations or anything else you would like to share with the committee on future sites and energy infrastructure in the province?

Mr. Greg Rohn: One thing I really want to get across here is the term “NIMBY,” because it’s just thrown out there, and it’s repeated in the media and the talking heads on talk radio. They just—charge the citizens of Mississauga with the cancellation costs. Well, I read, in part of my studying before this—

The Chair (Mr. Shafiq Qadri): About a minute.

Mr. Greg Rohn: One minute? I read a definition in a newspaper article that NIMBY is “a natural community response to an ill-conceived and poorly communicated plan.” I guess the flip side of that is if you have a well-conceived and well-communicated plan, you probably won’t have as much NIMBY action.

Using “NIMBY” and just dismissing the citizens of Mississauga and Etobicoke really says they had no valid arguments against this. Anyone who mentioned property values in any of our meetings was told to be quiet or leave because we did not want that issue brought up. That wasn’t the reason we were doing this. It wasn’t about having—I mean, it was for the immediate neighbourhood about this ugly building in their backyard, but it wasn’t about property values. It was about the right thing. You’re doing the right thing.

Mrs. Laura Albanese: Thank you very much.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Rohn. To the PC side, to Mr. Yakabuski. Twenty minutes.

Mr. John Yakabuski: Thank you very much, Mr. Rohn, for joining us this afternoon. I sense a great deal of frustration, and I can understand why.

So just to recap, and you may have stated that directly in your initial statement, how long have you been involved with the CHIP organization?

Mr. Greg Rohn: I was involved since 2005. The initial group of people got together around 2004—late 2004—but I was a few months after that.

Mr. John Yakabuski: So pretty much from the get-go.

Mr. Greg Rohn: Yes.

Mr. John Yakabuski: The whole purpose of them getting together was to oppose the power plant in Mississauga.

Mr. Greg Rohn: That’s correct. Initially, there was a plant that was proposed for Applewood that would have been owned by EPCOR. This is before my time, before I knew about this. I do know from hearing from people that EPCOR was very professional in their dealings with the community, that they had a number of community

meetings. Then all of a sudden, the two contracts were awarded to the other proponent, and that came out of left field. So yes, that's about the time I came in.

Mr. John Yakabuski: And from the time that it was known where this plant was going to be located, your group was adamantly opposed to it, and clearly there was no—

Mr. Greg Rohn: Absolutely. I didn't run across one person in all those years who said, "This is a good idea."

Mr. John Yakabuski: So from roughly sometime in 2004 or 2005, or maybe a little later when this location was chosen—I think 2007 was when the building permit was actually issued.

Mr. Greg Rohn: I believe that's correct.

Mr. John Yakabuski: From that time on, we never had construction begin until 2011.

Mr. Greg Rohn: Yes, and we were actually told to lie low, that there were rumours that the developer didn't have the financing. We were told to just lie low. My understanding was that it was just going to go away.

Mr. John Yakabuski: But for at least a period of four years, and perhaps before even the 2007 election, your group had been indicating to the government, to the Premier's office and to the Ministry of Energy that you opposed this plant.

Mr. Greg Rohn: And the Ministry of Environment, yes.

Mr. John Yakabuski: And the Ministry of Environment. So your objections were quite clear and repeated.

Mr. Greg Rohn: We put together, as I said, an appeal to have it bumped up to a full environmental assessment. Tony Jones, who is one of my associates in CHIP, took the lead on crafting it. Again, I say I have a personal bias, but it was an excellent document. I don't know how it could have been so blatantly and utterly ignored by the Minister of Environment or the director. Subsequently, I was told that there has never been a bump-up to a full environment assessment ever issued. So we started calling it the ministry of pollution because it was a joke.

Mr. John Yakabuski: Basically all of your concerns were ignored.

Mr. Greg Rohn: Yes.

Mr. John Yakabuski: I've got a couple of—I may quote them directly, or I may paraphrase them. We had your mayor, Her Worship McCallion—

Mr. Greg Rohn: Actually, I'm an Etobicoke citizen.

1720

Mr. John Yakabuski: Oh, you're Etobicoke. Okay. Sorry.

Mr. Greg Rohn: But, you know, I wish she was my mayor.

Mr. John Yakabuski: There you go. I won't comment on that—

Mr. Greg Rohn: I'm not being political there. I like Hazel.

Mr. John Yakabuski: Well, I think most people do, by the sound of it.

Here are a couple of things that she said when she came for a hearing last week: "Opposition second to

none—citizens, city, hospital—all were opposed." Would you agree with that?

Mr. Greg Rohn: Yes, and more—yes.

Mr. John Yakabuski: How about this one: "The citizens of Mississauga, the staff, the council, the people were prepared to accept a plant in the right location."

Mr. Greg Rohn: Absolutely. As I stated earlier, we were never against power plants. Every one of us realizes we need power and that the infrastructure is crumbling and that we need plants. But you just cannot drop these things right into a residential neighbourhood. It makes no sense at all.

Mr. John Yakabuski: "Government knew about Mississauga's opposition from day one"—do you agree with that?

Mr. Greg Rohn: Maybe not day one but certainly right from the beginning, yes.

Mr. John Yakabuski: I don't know how directly this one might affect you because I don't know how many opportunities you would have had to speak to the minister's office, but, "George Smitherman was very difficult to work with."

Mr. Greg Rohn: I've heard.

Mr. John Yakabuski: "It should have been cancelled before a permit was issued."

Mr. Greg Rohn: A hundred per cent.

Mr. John Yakabuski: A hundred per cent.

Mr. Greg Rohn: I don't know how a permit got—I know that involves the OMB, and the city of Mississauga was hamstrung in that instance, but that was years after we first brought up a very valid reasoning as to why it shouldn't be there.

Mr. John Yakabuski: And I may be going outside what you feel is your field of expertise, but if not, so be it, but I think you know probably enough about what its cost—or at least the stated cost on the part of the government is.

Her Worship said, "The difference between the cost of cancelling the plant before a permit is issued versus when the plant is half up is huge." I don't think that requires expertise; it's probably rather obvious, I would suggest.

Mr. Greg Rohn: Right. As far as the plant construction, we had been hearing from and had talked to people in the construction industry, and they were putting up a shell. I think a lot of that construction, in my opinion, was for show and to scare the local residents, because it was concrete and steel. It wasn't complex—involved parts of a power plant. They went straight up. They wanted to have that thing looming over the neighbourhood. It was all part of their negotiations with the government to move it, in my opinion. I don't know exactly what the construction costs are but I was told at one point by someone that it looked like they put about \$30 million into the site. That's what I heard; I can't verify that. I know nothing about the cost of building a structure like they did, but from what I saw, and I was down at that site quite often, it was poured concrete and steel.

Mr. John Yakabuski: Has it been dismantled?

Mr. Greg Rohn: Not the last time I was there.

Mr. John Yakabuski: It has not yet been dismantled?

Mr. Greg Rohn: No.

Mr. John Yakabuski: Thank you very much. I appreciate your testimony today, and I have no further questions. I'll pass it on to the third party, Chair.

The Chair (Mr. Shafiq Qadri): PC yields its time, then? Fair enough.

Interjection.

Mr. John Yakabuski: Oh, sorry; I didn't know you wanted—my apologies.

Mr. Greg Rohn: No problem.

The Chair (Mr. Shafiq Qadri): You have 13 minutes.

Mr. Rob Leone: Just on this report that your group had prepared with respect to an environmental assessment that you claim—and I believe wholeheartedly—was rejected or ignored by the government: Was it rejected or ignored, or both?

Mr. Greg Rohn: Both. We got back a form letter that was sent to anyone else, including the city of Mississauga and the Peel region health officer. It was the same letter that everyone got. We had 42 specific points that should have been addressed, and for the most part they weren't even addressed in his response where he said it was not going to be bumped up to an environmental assessment. It was one of the worst responses I could have imagined to all the work we had done. It basically destroyed our faith in the integrity of the public service. To me, it was a sham—the whole thought that you could actually ask for an environmental assessment. That's all we ever really asked for, was a full environmental assessment: "Okay, let's take a look at this. You go through whatever that process involves and tell me afterwards that this is the right place for this plant." There's no way it would pass. Instead, the developer was allowed to do their own screening and, shockingly, it passed.

Mr. Rob Leone: So, in this form letter, none of the 42 points were addressed at all?

Mr. Greg Rohn: The only one that they addressed specifically was to set up a community advisory committee, but they did not include a mandate for that committee, and we were never approached after that to help form one.

Mr. Rob Leone: Do you know if it was created?

Mr. Greg Rohn: It didn't involve the community.

Mr. Rob Leone: Okay. Would it be possible to table that form letter to the committee for us to have some discussion on it?

Mr. Greg Rohn: Sure. Absolutely.

Mr. Rob Leone: I know Mr. Yakabuski mentioned about the cancellation costs before permit or after it's being built. Certainly, we would assume—I think all of us would assume—that a cancellation before a permit would be issued would lead to a lower cancellation cost, but the construction of the project continued well past the cancellation and the decision to cancel the gas plants. What did you make of that? What did you make of the fact that every time you drove past the site, the cranes were still hopping along, the dump trucks were still

coming in with the concrete, the steel and so on was being erected? How did that make you and your group feel?

Mr. Greg Rohn: The general thought was that—and it worked; it certainly created a lot of fear and anger in the community. I think, quite possibly, it put the government under more duress to come to some sort of a deal. As a businessman, I don't think, once I'm told that it's cancelled, that I'm going to continue pouring millions of dollars into something unless there's some reason or some benefit down the road.

Mr. Rob Leone: Did you think, in viewing the continued construction—did that raise fear in your mind that this was just an empty promise?

Mr. Greg Rohn: We were getting irate with the local MPPs. What do you tell the citizens who are corresponding with you? I got some really ugly emails: "Thanks a lot; you got this cancellation, but it means nothing. Look, they're still building." Any contact we had was just, "Don't worry about it; it's cancelled," but it's hard to balance the two things together when you're told that it's cancelled and it continues to build. Certainly, the people in the neighbourhood were getting pretty upset.

Mr. Rob Leone: I have no further questions at this point in time.

The Chair (Mr. Shafiq Qadri): Thank you. We'll move to the NDP. Monsieur Tabuns or Monsieur Natyshak?

Mr. Taras Natyshak: Merci, monsieur le Président.

Thank you, Mr. Rohn, for being here and presenting today. Can you give me again an overview of what the efforts were that CHIP embarked on? I come from the civic movement as well and understand that working, but I'm not familiar specifically with what you started with and what you ended up with in terms of a critical mass. Can you tell us? Give us a little timeline there.

Mr. Greg Rohn: We got together in a church basement, I believe, in 2005 and discussed the issue at hand. With relation to the NIMBY part of it, I have some notes from my first meeting, and basically in those notes I said that this group is not NIMBY. In fact, most of them don't live in the exact vicinity of this plant; they're more concerned about the health issues and the secrecy of the whole process. I did write a note at the time that if this plant goes ahead, CHIP's goal is to have it done as safely and as properly as possible. I have the exact note here somewhere.

1730

Then we attended the open house that the developer put on, which consisted of four easels with pictures on them and a questionnaire that had such thought-provoking questions as "Are you in favour of economic growth and jobs in Mississauga and the GTA?"

Mr. Taras Natyshak: Who hosted that event?

Mr. Greg Rohn: That was the developer. They were forced—not forced, but as part of the plan or the contract, I think they had to hold regular open houses. That was the only one until, I think, 2011.

It started right off the bat with a lot of secrecy. We tried to get answers. That's when we found out from all

the local politicians that they had known nothing about this plant until the contract was awarded. It got us in action, and we started contacting politicians, contacting opposition, contacting candidates in elections, and then—

Mr. Taras Natyshak: So political engagement was a part of the reaction.

Mr. Greg Rohn: Yes, and letting them know that this was not right and that we weren't going to sit back. There was a rally in June 2005 that I think about 1,000 people attended, where we allowed the developer to speak first. I think some of their remarks from their representatives at that meeting—one of them was that, "You'll get used to the noise, and you'll better appreciate the trip up to the cottage in Muskoka." It was dismissive of the community and it just got our backs up. That whole process started that year. In 2005, we made the request for the bump-up. In 2006, or four months later, it was denied. We appealed to Minister Broten, the Minister of the Environment at the time, and got no response once again.

Mr. Taras Natyshak: Thank you for the work that you have done. Again, having been involved in various capacities over my life, I know how hard it is to mount a campaign and to go against what is seemingly a goliath. I'm wondering if you ever felt as though the forces that you were opposing had mounted a coordinated—or orchestrated a campaign against you, and, other than the proponents, if you felt there were other forces around that assisted them in combatting your group.

Mr. Greg Rohn: In my opening statement, I made reference to this. I think that the government was desperate to build these plants because they needed to replace the coal plants. A cancellation at that time—my feeling is that that would have been a real black eye and a step back. Because of the lack of response and the lack of assistance, my feeling was that they were going to plow on until it was built if we didn't strongly oppose it.

Mr. Taras Natyshak: So you've learned a lot about the energy file, I would imagine, since beginning this.

Mr. Greg Rohn: More than I ever wanted to know.

Mr. Taras Natyshak: I've got a couple of questions that I'd love you to explain to me. I'm wondering what your understanding is of the siting process, as it is and as it was for Mississauga.

Mr. Greg Rohn: I believe that the proponent, at that point in time, got to choose their own site and that they had to have a site in place and the financing in place to fulfill their contract. The siting process now between Oakville and Mississauga—I don't know that anything has been decided by the government, but I believe that it's not going to be as secretive and a repeat of the process that was used in those two communities.

Mr. Taras Natyshak: We would hope. Have you studied the nature of private power deals as opposed to what historically the province has done in terms of public power generation, and potentially have you identified how the influences of private industry play a part in siting or cost or, in this instance, cancellation?

Mr. Greg Rohn: I have nothing against the proponent.

They're business people. Their motive is to make a profit, and all the more power to them. I think the fact that they got the contract, the fact that they got that site approved, the fact that they seemingly didn't have to work with the community—and that site was obviously chosen because it was on the grid. I know they had another site earlier, but this one would have been certainly less expensive, I believe, for them to run.

The flipside is that the government runs it. I'm not too certain, with all the examples we've had latterly, that they would do a good job as well. So it's a complex issue.

Mr. Taras Natyshak: Obviously, eventually you reached, I guess, a critical mass of support and pressure. Do you think your group and the efforts that your group embarked were one of the reasons that the plant was eventually cancelled?

Mr. Greg Rohn: I have no doubt. There's nothing that gets a politician's interest more than a room with 1,000 angry people. One of my neighbourhood associate friends mentioned to me that he thinks the whole thing turned on our sign campaign.

At a certain point, we started calling it the Sherway power plant because Greenfield South and Loreland Avenue meant nothing, especially to the people in Etobicoke. But from Sherway Gardens you could see this thing on the northwest corner of the West Mall and the Queensway looming over the whole area. So we started calling it the Sherway power plant. We went—out of our own pockets—and bought thousands of lawn signs that said in bright red, "Stop the Sherway Power Plant."

We had some great support in the last campaign running up to the election. A lot of younger people came in and set up websites and Twitter and Facebook and all that kind of stuff, and we really started getting the word out there. It was really something to see. I know in my own neighbourhood, I'd be driving to work in the morning, and I would see five times more "Stop the Sherway Power Plant" signs than election signs.

Mr. Taras Natyshak: So you were told, "The project's cancelled. You win. Congratulations. It's a victory for all in the community." Yet construction continued. Then you were told to lie low in that period, between the acknowledgement that the plant was cancelled till when we—

Mr. Greg Rohn: Yes, we—

Mr. Taras Natyshak: Who told you to lie low—

Mr. Greg Rohn: We weren't told to lie low at that time. We were told not to worry.

Mr. Taras Natyshak: My question is, who was conveying that sense?

Mr. Greg Rohn: I got that information from one of my associates in CHIP, Steve Thompson, who took our role as chief bulldog and—

Mr. Taras Natyshak: Who was he?

Mr. Greg Rohn: He's a resident of Mississauga. He has virtually every politician and bureaucrat's number on his phone. He was our main political advocate.

Mr. Taras Natyshak: Was he in discussion with anyone at either the OPA or the ministry's office, or was it secret—

Mr. Greg Rohn: I think it may have been through the local MPPs as well. We knew that there were intense negotiations going on behind the scenes. My speculation, as I said earlier, was the reason that construction continued was that it was all part of the negotiation.

Mr. Taras Natyshak: I come from Windsor, and we haven't had to deal with an issue similar to this. Although it was obviously an issue that I was aware of simply, I guess, as a taxpayer and, of course, as a partisan. I'm wondering, do you think that this committee and the work that it is doing and embarked on is worthwhile after the fact? Should we continue to find out how much money was spent or is still to be spent? Do you think that we should find out what led to, ultimately, your group having to fight so hard to prove what I think everyone knew? Do you think it's worthwhile for us to be putting this effort in as members?

Mr. Greg Rohn: A hundred per cent. As a taxpayer, I'm sick about the amount of money that gets wasted. I know that a lot of it is political and finding out who did what. As Mayor McCallion said, I don't know that that's the number one issue. In my opinion, let's avoid this in the future, and let's figure out how to properly site these plants. Let's figure out how to move forward, and let's have a long-term plan for energy in this province. That would be what I would hope would be the main thing that comes out of this committee.

1740

Mr. Taras Natyshak: Was there an acknowledgement on your part in terms of the group and the political savvy and the nature of the election at that time—was there an acknowledgement that the government was, I guess, so to speak, on the ropes and that they were facing potentially a minority situation or even losing? You were involved politically. My question is a hypothetical to you, but I'm wondering if you think that the cancellation of this plant would have happened had the government had a majority government. Do you think, if they weren't at risk of losing that seat—that feeling was so palpable—do you think they would have cancelled the plant?

Mr. Greg Rohn: That's a good question. Obviously, the reason we really ramped up the pressure with the lawn signs, with the second rally that we held in September 2011—we ramped it up because of the election. There were no ifs, ands or buts. This looked like it was going to be our last chance to stop this thing.

So we put pressure on all three parties, and we wanted a commitment from all three parties, and there's no doubt that it became a major issue. We organized campaigns to tie up the Premier's phone in his office—people calling in. We wanted to make sure this became an issue, and unfortunately, with a lot of the candidates, we could hit them over the head with it and they wouldn't admit it was an issue, especially the opposition candidates.

Mr. Taras Natyshak: So you were looking for a commitment, and I'm just wondering—you sensed you

got one from the Liberal candidates. At some point, you sensed that your group had at least secured—

Mr. Greg Rohn: By that point of the election campaign, the Liberals were strongly on side. The NDP came in and attended our rally. It boggles my mind and befuddles me what happened with the Conservatives, because we were so desperately trying to get them to make this an issue. We were handing them just the greatest election issue in Etobicoke and Mississauga, and they just absolutely rebuffed us and weren't interested, until it was too late.

That's why, when it's repeated in the media that this was a seat-saving thing, I'm not sure that Donna Cansfield, Laurel Broten and Charles Sousa would have been defeated regardless. I think you've got strong name recognition. I've lived in Etobicoke all my life. It's an older community in those two ridings. They vote for the same party all the time. It does change over, but I think, quite frankly, the Conservatives just absolutely blew it in those ridings. And I am a former card-carrying Conservative; it hurts me. They came at it too late, and by that point in time it was too late.

Charles Sousa is extremely well liked. He was an ally of ours. He was one of the only politicians that stood by us from the beginning, even before he was an MPP, and he's well liked in his riding. I'm not sure he could have been beaten.

My thought is that the Conservative candidates were hamstrung by the—up top somewhere was telling them not to comment on this issue, I think. My opinion is that they were trying to let the Liberals hang on their own noose, and quite frankly, they just blew it in that campaign. They absolutely blew it.

Mr. Taras Natyshak: Chair, I'll end on that note.

The Chair (Mr. Shafiq Qadri): Thank you. Next to the government side, to Mr. Delaney.

Mr. Bob Delaney: Thank you, Greg. I think we're into the home stretch now.

Mr. Greg Rohn: I can talk all night, so don't worry about me.

Mr. Bob Delaney: Okay. I have a few things that I just want to get on the record, and we'll discuss them then.

Mr. Greg Rohn: Okay.

Mr. Bob Delaney: I think we can agree that everyone wanted that Mississauga power plant cancelled, that the siting was inappropriate. Just before we get into a few questions, I just want to synopsise a few things around that power plant and also set the stage with showing you how difficult the whole process was from the vantage point of being in government.

Now, the site in question was zoned industrial and power plant in the city of Mississauga's official plan going back into the 1990s, certainly 1997, 2003 and 2005, and it specifically met OPA's regulation number 48. So in 2007, after the city of Mississauga brought the matter to the Ontario Municipal Board, the Ontario Municipal Board approved the proposed development by Greenfield South and Eastern Power after they ruled that

the site was indeed zoned for a power plant by the city of Mississauga. Now, the city of Mississauga did go back to the OMB, and they argued that that wasn't their intent, but the fact remained that the site was acceptable under the city's official plan, which made it very difficult for the city of Mississauga to get out of that site location.

Further complicating matters was that, by law, the city of Mississauga had to issue building permits to Greenfield beginning in May 2009. As a result of these permits, the company was able to begin construction activity, legally, in March 2011, which is when it did.

I just wanted to put this on the record, because while local organizations and residents were frustrated that it took so long to cancel the plant—in fact, we in government were frustrated too. I went to the meeting that Charles Sousa attended; I think it was at Iona secondary in—I don't remember whether it was 2010 or 2011. The reality was that the province's actions came about because of the results of the OMB hearing and, very importantly, because the city of Mississauga's official plan had zoned that particular piece of property as being suitable for a power plant. Despite the fact that there wasn't the need for electricity in Ontario's long-term energy plan, the fact was that when the OPA began the process and asked the proponents, "You've got to find a site that's zoned industrial or power plant," Eastern Power and Greenfield South correctly found a site that was zoned industrial or power plant. Whether we felt it was appropriate, inappropriate, right, wrong or otherwise, they did comply with the law and complied with the city of Mississauga's official power plan.

You talked, I think, very tellingly about the work that you did. I just have a couple of clarification questions.

Mr. Greg Rohn: Can I just comment on that?

Mr. Bob Delaney: Well, just—

Mr. Greg Rohn: Okay, go ahead.

Mr. Bob Delaney: In the 2010 municipal election, less than a year before the provincial election—were you active in the 2010 municipal election? Did you put up signs, or did you ask the positions of the candidates?

Mr. Greg Rohn: We were always asking the positions of candidates. The signs were only in the provincial election.

Mr. Bob Delaney: Do you recall the positions of the Mississauga city councillors in wards 1, 2 and 3 in 2010?

Mr. Greg Rohn: I'm not familiar with the Mississauga wards, but if you give me names, I might be able—

Mr. Bob Delaney: Pat Mullin—

Mr. Greg Rohn: Everybody was against the plant—

Mr. Bob Delaney: Chris Fonseca, Jim Tovey—

Mr. Greg Rohn: Chris was—they were all against the plant. Chris Fonseca wrote to the Minister of the Environment as well.

Mr. Bob Delaney: Okay.

Mr. Greg Rohn: There was nobody for that plant. My understanding is that, yes, it was zoned. The company went to the OMB or tried to rush it while the city of Mississauga was in the process of trying to rezone that site. There were all these technicalities, but the fact is

that all these technicalities mean nothing if you ignore the human side of this. Fine, maybe my next-door neighbour is zoned to put in a garbage-burning plant, but hopefully you're not going to do that. I know that the company or the proponent somehow got through to the point they did, but how do we stop that, is what we've got to figure out.

Mr. Bob Delaney: Hazel was here last week, and Mayor McCallion said—let's use her words exactly—"I think all parties would have cancelled" the plant. Would you agree with that?

Mr. Greg Rohn: I would hope so, yes. We did get commitment before, just in the last days of the election.

Mr. Bob Delaney: Okay. Was there anything else you wanted to say? You appeared to be eager to make a few more comments.

Mr. Greg Rohn: I don't know that we've said that the medical officer of the region of Peel, the medical director of the city of Toronto, the city of Mississauga—there were so many groups opposed to this, and it boggles my mind how seemingly everyone is against this, yet somehow this company can be allowed to build a plant in that location. There is definitely some work to be done on the whole process. There were serious health and safety concerns, yet that was seemingly ignored.

Other than that, I think it would nice if people didn't dismiss everything as NIMBY when there are so many valid reasons and not one good reason for something like this to go ahead. I guess that's my message.

1750

Mr. Bob Delaney: I don't think anyone in the room has—at least those who have been asking you questions—used the expression "NIMBY."

Mr. Greg Rohn: No. It's being used all the time. That's a personal pet peeve, I guess. In this world of online comments—and it's a whole new world out there. I try not to read them, but there's a lot of ignorance of the real story. That's what I was hoping I could get across today, that it wasn't just a 2011 uprising of citizens in Mississauga and Etobicoke. This was an eight-year battle that finally—

Mr. Bob Delaney: I think we all got that. For that, we thank you. I think Mr. Crack has a question.

Mr. Greg Rohn: Okay.

Le Président (M. Shafiq Qaadri): Monsieur Crack, je passe la parole à vous. Vous avez moins de trois minutes.

Mr. Grant Crack: Merci, monsieur le Président. Mr. Rohn, you'd indicated that you were frustrated that Mr. Hudak, the leader of the official opposition, wouldn't give you the time of day when you originally asked for support. Could you give us a time frame as to when that would have happened? Was that it in 2011?

Mr. Greg Rohn: In 2011 during the election campaign at a campaign stop in Geoff Janoscik's riding—his candidate. I was very nice. I didn't come railing against him. I just introduced myself and I said, "This is a major, local election issue." They hadn't made any statement on

it. The local candidate had not made any statement on it. It was right in his doorway, this plant.

I was trying to help them. That's how I looked at it all along. I was trying to convey that this is a major issue, and I guess they didn't believe that it was. He basically brushed me aside. I felt like maybe I was the homeless guy walking in off the street upsetting a party. I was, needless to say, a little pissed off.

Mr. Grant Crack: Thank you. We don't have much time, so I'll try to ask them quickly. Do you think that the official opposition at the time would not want to get involved because they were riding higher in the polls at that particular point? You had indicated that perhaps that we would hang ourselves or—I can't recall the exact word. But then, as desperation set in, Mr. Hudak came and indicated during the interview that this plant would be “done, done, done.” Do you think that that would have been a politically motivated reaction to what was happening toward the tail end of the campaign?

Mr. Greg Rohn: Yes. I had the feeling that the candidates weren't allowed to comment. To me, as a citizen, a voter, I just found it perplexing that such a strong local issue—and afterward, this was the type of thing that went out. All of a sudden, it was a major campaign issue in the last couple of weeks of the election.

Mr. Grant Crack: So do you think perhaps it would have been a politically motivated position for a seat-winner as opposed to a seat-saver?

Mr. Greg Rohn: I think, in this whole seat-saving scenario, the Conservatives are upset that they didn't clue in to it sooner—

Le Président (M. Shafiq Qaadri): Regrettablement, mon ami, votre temps est entièrement expiré. We have 10 minutes left to the PC side.

I'd also just like to direct Hansard that some of the more colourful language of Mr. Rohn, with his permission, can be substituted because the delicate ears of the government and the opposition and even perhaps more the—

Mr. Greg Rohn: I apologize.

Mr. Bob Delaney: Chair?

The Chair (Mr. Shafiq Qaadri): Yes, Mr. Delaney.

Mr. Bob Delaney: Just a small point of order. Would Mr. Rohn please table the flyer that he just held up?

The Chair (Mr. Shafiq Qaadri): You may ask him. It's not a point of order.

Mr. Greg Rohn: Is somebody going to give me a list of things I'm supposed to table at the end?

The Chair (Mr. Shafiq Qaadri): To the PC side: Mr. Fedeli. Ten minutes.

Mr. Victor Fedeli: Mr. Rohn, thank you again for being here. You spoke of the neighbourhood opposition—how it started small and grew. It got to a point where there were 10,000 homes involved. I just want to mention something, then, from Her Worship Hazel McCallion who was here. I might paraphrase a touch here. She said it took 22 public consultations, hundreds

and thousands of residents opposing this plant. My comment was that it also included outright condemnation from one of Canada's most distinguished mayors to try and stop this plant, for a course of eight years, yet the Liberals went ahead and built it anyway.

You just finished saying, “Nobody was for that plant,” right?

Mr. Greg Rohn: Right.

Mr. Victor Fedeli: Well, obviously, somebody was, would be my comment to you. The Liberal government did indeed order it to be built, so there was at least one willing party to have it built, so it's not so much that—

Mr. Greg Rohn: Fair comment. I know that the local MPP was against it. I don't know how all the inner workings work, but—I put blame on all the parties: the opposition for not helping us, the Liberals for putting it in that place in the first place.

Mr. Victor Fedeli: I don't know much about the inner workings either, except the fact that for eight years prominent mayors, citizens who volunteered their time—such as yourself—stood in opposition to this very vocally, and yet the Liberals were the ones who went ahead and built the plant. So there was indeed somebody who wanted the plant there; I would lay it at the feet of the Liberal party.

Chair, thank you very much. We're done our time.

The Chair (Mr. Shafiq Qaadri): Thank you to the PC side; to the NDP. Just before I pass it, I understand that it needs—for the colourful language to be substituted for placeholders, I need the will of the entire committee. May I seek that will? Thank you.

To the NDP, 10 minutes.

Mr. Peter Tabuns: Mr. Rohn, thank you for taking the time to be here today, and thank you for the work you did over the years, fighting for the environment in Mississauga and Etobicoke.

I have no questions. I think you present your case clearly today.

Mr. Greg Rohn: Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Tabuns, and thanks to you, Mr. Rohn, for not only your presence today but also for your stewardship at the community level. We thank you on behalf of the parliamentary committee.

I understand there's a motion coming forward? Mr. Leone?

Mr. Rob Leone: Mr. Chair, I move that this committee sit on April 4 from 9:30 a.m. to 11:15 a.m.

The Chair (Mr. Shafiq Qaadri): It's a motion before the floor. We'll have that in writing, I presume. If there's any discussion on this—if none, we'll proceed. Those in favour of said motion? Those opposed? The motion carries. The committee will sit at that specified date, April 4, 9:30 a.m. to 11:15 a.m.

The committee's adjourned until Thursday.

The committee adjourned at 1758.

CONTENTS

Tuesday 26 March 2013

Members' privileges	JP-109
Ms. Tiffany Turnbull.....	JP-109
Mr. Jamison Steeve	JP-117
Mr. Greg Rohn	JP-133

STANDING COMMITTEE ON JUSTICE POLICY

Chair / Président

Mr. Shafiq Qadri (Etobicoke North / Etobicoke-Nord L)

Vice-Chair / Vice-Présidente

Mrs. Laura Albanese (York South–Weston / York-Sud–Weston L)

Mrs. Laura Albanese (York South–Weston / York-Sud–Weston L)

Ms. Teresa Armstrong (London–Fanshawe ND)

Mr. Bob Delaney (Mississauga–Streetsville L)

Mr. Steven Del Duca (Vaughan L)

Mr. Frank Klees (Newmarket–Aurora PC)

Mr. Jack MacLaren (Carleton–Mississippi Mills PC)

Mr. Rob E. Milligan (Northumberland–Quinte West PC)

Mr. Shafiq Qadri (Etobicoke North / Etobicoke-Nord L)

Mr. Jonah Schein (Davenport ND)

Substitutions / Membres remplaçants

Mrs. Donna H. Cansfield (Etobicoke Centre / Etobicoke-Centre L)

Mr. Grant Crack (Glengarry–Prescott–Russell L)

Mr. Victor Fedeli (Nipissing PC)

Mr. Rob Leone (Cambridge PC)

Mr. Taras Natyshak (Essex ND)

Mr. Peter Tabuns (Toronto–Danforth ND)

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke PC)

Clerk / Greffière

Ms. Tamara Pomanski

Staff / Personnel

Ms. Elaine Campbell, research officer,
Legislative Research Service

Ms. Karen Hindle, research officer,
Legislative Research Service

Mr. Peter Sibenik, table research clerk,
Journals and Procedural Research Branch