



**Legislative Assembly  
of Ontario**

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

**Assemblée législative  
de l'Ontario**

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

**Official Report  
of Debates  
(Hansard)**

**Thursday 23 May 2013**

**Journal  
des débats  
(Hansard)**

**Jeudi 23 mai 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

Thursday 23 May 2013

Jeudi 23 mai 2013

*The committee met at 0901 in room 151.*

### MEMBERS' PRIVILEGES

HON. CHARLES SOUSA

**The Chair (Mr. Shafiq Qadri):** Colleagues, I welcome you to the Standing Committee on Justice Policy. As you know, we're here to consider energy infrastructure. I commend you on serving on the committee on the off-week of Parliament.

I have the privilege now of inviting our first guest to participate, the Honourable Charles Sousa, the Minister of Finance.

Mr. Sousa, I invite you to please be sworn in by the Clerk.

**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?

**Hon. Charles Sousa:** I do.

**The Chair (Mr. Shafiq Qadri):** Thank you. Minister Sousa, you have five minutes, as you know, to make your opening address. I invite you to begin now.

**Hon. Charles Sousa:** Thank you, Mr. Chair. I am pleased to have this opportunity to speak about my efforts on behalf of the people of my riding and to share my perspective on power plants in the surrounding communities.

Since before I was first elected to represent the people of Mississauga South in 2007, I've been clear and consistent on this topic. I have always opposed the location of the Mississauga plant and believed it was poorly sited. I opposed it before running for office. I opposed it as a candidate in 2007, and I opposed it as an MPP. I opposed it as a minister, and I opposed it when running for re-election in 2011. Since being re-elected, I have stood by my record, which is why I recused myself from any discussions of the negotiations at cabinet and treasury board, in order to avoid the appearance of a conflict of interest.

Even though the proposed plant was at a neighbouring riding, the people of my community did not want any new emitters constructed. My first responsibility is to the people who sent me here, and I was proud to stand with them consistently to protect our air.

After being elected in 2007, I sat on the Clarkson airshed advisory committee and the Petro-Canada Public

Liaison Committee. In 2009, our government acted on local input and formed the Southwest GTA Air Quality Task Force, under the leadership of Dr. Balsillie. The task force produced a report for the Minister of the Environment in 2010.

So after years of effort, with science on their side and the recommendations of experts in hand, the people of Mississauga and Oakville worked hard to protect air quality in the entire GTA, and they made great progress. It was truly a community effort. They called their politicians and requested meetings. Thousands more wrote letters and signed petitions. The community was united. City council was united. And I was proud to stand with them. In fact, I've made sure that information about my activities on these issues was, and is, available on my website for all to see.

Yet electricity planners were saying that local demand for power was growing, citing the blackouts that had occurred years earlier. The previous Conservative government knew this all too well. They had done little to secure the integrity of the grid. But our government was always looking to ensure sufficient generation capacity, especially when we also wanted to stop burning dirty coal. We celebrated the permanent closure of Lakeview power plant, the worst polluter in the GTA at the time.

After years of PC neglect of our electricity system, there was indeed a lot of work to do to keep the lights on. So the OPA awarded the Oakville facility. But in October 2010, the government determined that the project would not proceed. There was clear evidence that it no longer required a facility in the southwest GTA to meet those energy needs.

However, in April 2005, before I was elected, Greenfield South Power Corp. still held a contract to develop and operate a gas plant in Mississauga at a stone's throw away from people's homes.

Then came the 2011 election campaign. Suddenly, construction began and concerns were mounting. People were asking where the candidates stood on the issue. As their local candidate, my position was unchanged. I continued to oppose any new emitters being built in our stressed airshed. In fact, I had stood in the House to speak against increased emissions at Lakeview, Clarkson, Oakville and Sherway.

The community felt so strongly about the issue that they held numerous public rallies, and on September 15, 2011, they asked all local candidates to attend. As the

incumbent MPP, as a candidate and as a resident, it was my duty to attend. I was pleased that my colleagues from Etobicoke attended as well. There I said what I had been saying all along: that I opposed any new emitters being built in our sensitive airshed. I was concerned about the effect it would have on future generations, irrespective of election cycles.

On September 24, 2011, on behalf of the Ontario Liberal Party, I announced that, if re-elected, the government would relocate the Mississauga facility. That commitment was then echoed by the PCs and the NDP. Shortly after being re-elected, our government announced the relocation of the Mississauga facility, as promised by all three parties.

In conclusion, I'm pleased that the committee is exploring this issue even further. As our Premier noted during her appearance before this committee, it is in everyone's interest that this issue be addressed. We need proper siting with effective setbacks and a cumulative emissions impact study, as I recommended in October 2010 by way of a resolution in the House, so that we get it done correctly from the start.

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

To the PC side: Mr. Fedeli, 20 minutes.

**Mr. Victor Fedeli:** Thank you very much, Chair. Good morning, Mr. Sousa.

**Hon. Charles Sousa:** Good morning.

**Mr. Victor Fedeli:** You mentioned, in your opening statement, that power was no longer required in the southwest GTA, and that was the reason why the Oakville plant was cancelled. So why are you building another plant down in southeastern Ontario at a far greater expense and planning to pay additional money to transmit that power into Oakville if you didn't need a facility any longer?

**Hon. Charles Sousa:** As I cited, and as I indicated, it was also in regard to the stressed airshed. The Clarkson airshed study came out; it noted that there were high levels of particulate matter in the area. It also noted that the degree of energy requirements were not as necessary. We also found that we had a willing host outside of the area prepared to take it on, and it enabled us to make the transfer and the relocation.

**Mr. Victor Fedeli:** Well, actually, you said it was no longer required, a facility—that you didn't need the power in the southwest GTA.

**Hon. Charles Sousa:** That's what the OPA said.

**Mr. Victor Fedeli:** Oh, that's—

**Hon. Charles Sousa:** That's what I understand.

**Mr. Victor Fedeli:** Oh, that's quite different than what your Premier said today. She said, under oath, it was cancelled for political reasons. She swore an oath and said it was cancelled for political reasons. Do you not agree—

**Hon. Charles Sousa:** The members of the community, as well as those who had been reviewing the demands of the community and the energy needs, said that it wasn't necessary.

**Mr. Victor Fedeli:** Oh, but you're spending maybe \$800 million or \$900 million to build one to get that power there now.

**Hon. Charles Sousa:** Actually, I think we're building around—we've built about 17 plants.

**Mr. Victor Fedeli:** I'm talking about the one to replace the one that's needed in Oakville. So you do need the power now?

**Hon. Charles Sousa:** I believe the OPA will be best to respond to what the needs are for the area.

**Mr. Victor Fedeli:** Yes, they have responded. So did your Premier. She said it was cancelled for political reasons. She swore an oath and said that under testimony here. Do you not agree with her?

**Hon. Charles Sousa:** I've been consistent for the last five or six years, opposing the siting of the power plants because they were poorly sited and needed proper setbacks, and we had to take into effect the cumulative impact of further emissions in the community. That was my drive and my motivation for doing what I did.

**Mr. Victor Fedeli:** So when she swore an oath that it was cancelled for political reasons, then you don't agree with her. You say—

**Hon. Charles Sousa:** I believe the Premier said that it was politicians who made the decision to relocate it, from all sides of the House. All members and all three parties made that decision.

**Mr. Victor Fedeli:** No, that's not what she said. That's not what she said.

I want you to go to your documents now, document 1. You will find, on the first page, it says, "Attached is the Project Vapour update deck for tomorrow's briefing." This is circulated through the Ministry of Finance. Page 6—it's numbered page 6—of this confidential and commercially sensitive document says they're estimating a value of the TransCanada settlement. It's called settlement value—out-of-pocket expenses, \$37 million; the cost of turbines for the project, \$210 million, if they cannot be redeployed; estimated financial value of OGS—now, I know that some of your documents for OGS, we didn't get at first, but OGS is Oakville generating station—initially positioned as a net present value of \$503 million and subsequently positioned as \$385 million, using a higher discount rate.

This is a document from January 16, 2012. Have you ever seen this document before?

**0910**

**Hon. Charles Sousa:** No, I have not.

**Mr. Victor Fedeli:** Why not?

**Hon. Charles Sousa:** Because I haven't seen it. This was obviously something, from what I can gather, that was an estimate. The minister at the time and the ministry were doing, presumably, risk analysis as to what was necessary to end—as a result of the renegotiations, all of this was for naught. I mean, they—

**Mr. Victor Fedeli:** Well, it wasn't for naught. It did turn out to be \$40 million. The turbines did come out to \$210 million. We now know that the other value, according to the vice-president of OPA and the energy expert,

could be as high as \$910 million. So we do know that it's not for naught, that it is actually money that has been pledged or spent.

This is a Ministry of Finance document from 2012. Would this imply, then, that people within the ministry would have understood that there were more than \$40 million in costs?

**Hon. Charles Sousa:** This would imply that the people in the ministry took the precautions to do a risk assessment as to what could have been a worst-case scenario in this respect. They took the precautions necessary—renegotiations—now that we have the Auditor General doing his work, recognizing the impact as to what will be assessed over the next 20 years.

**Mr. Victor Fedeli:** So you would acknowledge, then, that this is indeed, if you go back to the first page—the email, Ministry of Finance to Ministry of Finance; this is interdepartmental. It also includes Serge Imbrogno when he was at OFINA. What is OFINA, for the people?

**Hon. Charles Sousa:** I'm not sure what the acronym stands for.

**Mr. Victor Fedeli:** Okay. You are the current finance minister.

**Hon. Charles Sousa:** I am.

**Mr. Victor Fedeli:** Okay, thank you. I want you to go to document 2. You'll see that somewhere down through there. They call it an electricity dashboard, a document briefing for the Minister of Finance. Do you see that cover page? It's a couple of more pages in there.

**Hon. Charles Sousa:** Okay.

**Mr. Victor Fedeli:** Okay? Go in to the next page. It's a chart. Do you see that chart on the next page?

**Hon. Charles Sousa:** Okay.

**Mr. Victor Fedeli:** Okay. Down in the bottom right-hand corner it says, "Managing Gas Plant Terminations." Could you read the second bullet point there, please?

**Hon. Charles Sousa:** "Potential exposure of \$300 million to \$500 million on Oakville and \$300 million to \$400 million for Mississauga."

**Mr. Victor Fedeli:** Okay. This is a document from January 29, 2012. It is a document briefing for the Minister of Finance. Would you suggest, then, that either the ministry or the Minister of Finance would have known that, as you just read, there was a potential exposure of \$300 million to \$500 million for Oakville and \$300 million to \$400 million for Mississauga? Is that—

**Hon. Charles Sousa:** Yes, and I believe the operative word is "potential." I mean, they would have assessed, presumably, the potential that may exist if the things were not renegotiated or if they couldn't get conclusion to the matter.

**Mr. Victor Fedeli:** Being a man of numbers, you would also acknowledge that \$300 million to \$500 million is greater than \$40 million?

**Hon. Charles Sousa:** Well, of course it is.

**Mr. Victor Fedeli:** Okay. It is. I agree with you; of course it is.

Go in two more pages, then. You're now on page 2 of 6, down on the bottom right-hand side. The second bullet

point, "The southwest greater Toronto"—do you see that?

**Hon. Charles Sousa:** Sorry, you're going to have to tell me where you are.

**Mr. Victor Fedeli:** It's two pages in. It's numbered. It says on the bottom right-hand side, "Page 2 of 6."

**Hon. Charles Sousa:** All right.

**Mr. Victor Fedeli:** Okay. You're now at number 1: "Treasury board approval for any directives with potential fiscal impact." Do you see that? It's point number 1, the third sentence from the top. "1. Treasury board approval..." It's underlined and it has the number 1. Do you see that?

**Hon. Charles Sousa:** Yes.

**Mr. Victor Fedeli:** Okay. There are two black bullet points and two white bullet points. Do you see those?

**Hon. Charles Sousa:** Yes.

**Mr. Victor Fedeli:** Could you read the last white bullet point, please?

**Hon. Charles Sousa:** Underlined?

**Mr. Victor Fedeli:** Yes, it is underlined.

**Hon. Charles Sousa:** Yes. "The southwest greater Toronto area supply directive may ultimately have an impact of hundreds of millions of dollars due to the subsequent cancellation of the Oakville generating station project and potential settlement costs."

**Mr. Victor Fedeli:** Thank you for the extra inflection. It's always appreciated. The radio voice is appreciated.

**Hon. Charles Sousa:** Well, I want to make clear that this was all undetermined.

**Mr. Victor Fedeli:** It's very clear—

**Hon. Charles Sousa:** This was an undetermined amount and they were taking precautions.

**Mr. Victor Fedeli:** I realize that. Two more pages in, then, please. Now we're at page 4 of 6: "The Ontario Financing Authority (OFA) currently provides a \$975-million revolving line of credit to the OPA..."

Would you acknowledge that that is accurate, even today? Would you know, as finance minister, whether that is still in line?

**Hon. Charles Sousa:** I'll have to check back on that.

**Mr. Victor Fedeli:** Okay. I'll appreciate it if you will undertake to do that for us.

**Hon. Charles Sousa:** Absolutely.

**Mr. Victor Fedeli:** The line of credit, do you know how that works? Does that mean they advance money to the OPA? Or do they give money to the OPA as required, like a bank's line of credit? You have an established line of credit and you can go and draw on it.

**Hon. Charles Sousa:** Yes. Obviously there's a note and credit facility to the IESO, as stipulated right here.

**Mr. Victor Fedeli:** When the OPA drew down in July \$245 million—we've had sworn testimony from Colin Andersen of OPA that early in July they drew \$245 million. This is while the government was telling us one thing, the OPA was paying the actual bill for Mississauga. We're on Mississauga now.

Would you then know whether the Ontario Financing Authority would know that that money was drawn down?

**Hon. Charles Sousa:** Yes. I don't know the particulars of the transaction.

**Mr. Victor Fedeli:** Okay. That's fair. That's fair enough.

If you go, then, several pages in now, we're going to look for doc 4. It's about three more pages in. "Doc 4" is written in the top right-hand corner. This is a very complicated series of pages now. It's the electricity sector outlook. This is the budget revenue; this is their expenses. I want you to follow with me: not the first page, not the second page, not the third, not the fourth, not the fifth, not the sixth, not the seventh, but the eighth. It looks like this. It's a short chart; it's the last one. Are you on that page?

**Hon. Charles Sousa:** I am.

**Mr. Victor Fedeli:** Right at the bottom of the chart, it says, "Settlement for cancellation..." Can you see that?

**Hon. Charles Sousa:** I do.

**Mr. Victor Fedeli:** It says, "Further risks: Settlement for cancellation of Oakville and Mississauga gas plants." And over a little further, in 2012 and 2013, it has \$900 million. Do you see that there?

**Hon. Charles Sousa:** Yes.

**Mr. Victor Fedeli:** Would you acknowledge, then, that—somebody is telling you that the "further risk," you have a risk of \$900 million for the cancellation of Oakville and Mississauga gas plants. Would you acknowledge that, at this point in time, this is somebody's risk?

**Hon. Charles Sousa:** I would acknowledge that they took the precaution of assessing potential risks and took a worst-case scenario to ensure that they accounted for it by way of a discretionary amount.

**Mr. Victor Fedeli:** Do you see that line that says, "Settlement for cancellation of Oakville and Mississauga gas plants"? There's a little 6 there. What does that mean?

**Hon. Charles Sousa:** I would presume it refers to note 6.

**Mr. Victor Fedeli:** Can you go down the notes and read me note 6?

**Hon. Charles Sousa:** I can't.

**Mr. Victor Fedeli:** Why?

**Hon. Charles Sousa:** I don't see it.

**Mr. Victor Fedeli:** You don't see note 6 there?

**Hon. Charles Sousa:** I do not.

**Mr. Victor Fedeli:** There's no note 6 on the copy. Can you explain why there would be no note 6?

**Hon. Charles Sousa:** I cannot.

**Mr. Victor Fedeli:** Would you have any idea why there's no note 6?

**Hon. Charles Sousa:** I don't know.

**Mr. Victor Fedeli:** But you acknowledge that note 6 is not printed here.

**Hon. Charles Sousa:** That's obvious.

**Mr. Victor Fedeli:** It's very obvious.

Go to the next page, then, document 5. This, again, is Ministry of Finance documents. Can you read the first sentence in the email there, please?

**Hon. Charles Sousa:** What? "They are using \$900 million for the gas plants"?

**Mr. Victor Fedeli:** Yes. Do you have any idea what they're talking about there?

**Hon. Charles Sousa:** I would presume it refers—but I don't know—to what you've just shown me in the previous section.

0920

**Mr. Victor Fedeli:** To the Clerk: I have another document to hand out.

I'm handing out another document. You're going to find it hard to read. Perhaps I'll have to read it for you. We now have an unredacted document that does list what note 6 is. You acknowledged on the document that we received from the ministry that note 6—in fact, notes 5 and 6 are nowhere to be seen there. They are missing; they have been, I'll say, redacted. There's nothing on that document. You acknowledge that the document that you had in front of you has no note 5 or no note 6?

**Hon. Charles Sousa:** That's what it said.

**Mr. Victor Fedeli:** Would you have any idea why we were given an incomplete document that's been redacted?

**Hon. Charles Sousa:** I do not.

**Mr. Victor Fedeli:** Considering we keep hearing from your government that—

**Hon. Charles Sousa:** Hold on just a moment. I just want to get my glasses.

**Mr. Victor Fedeli:** Yes.

Considering we keep hearing from the government, Chair, that there are no redacted documents, I do object to that statement continually being used, when here we very clearly have a document that's redacted. Let me tell you why it's been redacted, Chair. And I'll read that, because it's going to be very hard, Mr. Sousa, for you to read. I can appreciate that because it's a copy.

Let me read number 6, what was redacted in the original copy that we received: "Government is currently in negotiations to settle the cancellation of these plants with the developers, with an exposure identified up to \$900 million, depending on the outcome and mechanism of the settlement (maybe electricity sector exposure if delivered through OPG)."

Do you have any idea what that means?

**Hon. Charles Sousa:** Yes. It means that someone has taken precautions, that it's still under negotiations and that it makes reference to the fact that it's dependent upon those negotiations. Obviously, those negotiations took and, from what I understand, it didn't come to the \$900 million.

**Mr. Victor Fedeli:** Well, we haven't found that out yet. But let me tell you, I would agree with you that you're right in the first sentence. Someone has taken precautions. Someone has taken precautions to make sure we never see that sentence.

**Hon. Charles Sousa:** Obviously the sentence is there and—

**Mr. Victor Fedeli:** It's there in a further document.

**Hon. Charles Sousa:** —precautions probably were taken as a result of ongoing negotiations.

**Mr. Victor Fedeli:** It's been redacted. It has been redacted. We continue to hear from your government that we have everything unredacted. Clearly, absolutely and definitively, this is proof that we have been receiving less than what we deserve to have received. Someone has gone out of their way—that doesn't just fall off of a document. That has been removed by somebody. Would you acknowledge that?

**Hon. Charles Sousa:** I acknowledge what I'm reading and that is, it was under negotiations and it has—

**Mr. Victor Fedeli:** No, no, no. Read it on the first document—

**Hon. Charles Sousa:** —it'll be subject to the outcome of those negotiations.

**Mr. Victor Fedeli:** Go back to document 4—

**The Chair (Mr. Shafiq Qaadri):** Gentlemen, if you might not shout at each other, at least—

**Mr. Victor Fedeli:** Go back to document 4 and read it off there. You can't because somebody has removed it from document 4, hoping we never see that sentence. Thankfully, we had enough time to go through the extra thousands of copies that were put on us and we found one copy that does indeed have it.

**Hon. Charles Sousa:** So it was delivered. It was delivered. Okay, that's fine.

**Mr. Victor Fedeli:** You're not going to get away that easy. That was purposely removed by somebody. I want to know who removed that.

**Mr. Bob Delaney:** Chair, on a point of order—

**Mr. Victor Fedeli:** I want to know who removed that.

**Mr. Bob Delaney:** On a point of order, Chair—

**Mr. Victor Fedeli:** I want to know who removed that.

**Mr. Bob Delaney:** The member is violating the standing orders by trying to impute motive to a member and is asking for speculation.

**Mr. Rob Leone:** No, he's not.

**Mr. Victor Fedeli:** It's pretty damned clear.

*Interjection.*

**Mr. Victor Fedeli:** Somebody removed it. That's impugning the motive of this committee. Somebody removed a document.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Fedeli. I would invite you to take a deep breath, Lincoln-style, and continue.

**Mr. Victor Fedeli:** Well, I'm just sick and tired—Chair, I appreciate that. I'm just sick and tired of having people here who have hidden documents from us. This just proves beyond a shadow of a doubt the concerted effort of the Liberal government to hide the facts from us. Somebody obviously did not get through all the documents to cover them all up, but there are documents that have been clearly covered up in here. I'm just bloody sick and tired of it.

**Mr. Bob Delaney:** Chair, if Mr. Fedeli is finished—

**Mr. Victor Fedeli:** I'll go on to my document 7.

*Interjection.*

**Mr. Victor Fedeli:** I didn't hear a point of order. I'm going on to document 7.

**Mr. Bob Delaney:** Chair, I am—

**The Chair (Mr. Shafiq Qaadri):** Mr. Delaney on a point of order.

**Mr. Bob Delaney:** On a point of order, Chair: If Mr. Fedeli had actually read all of the documents, he would have found exactly that document in the same release of documents.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Delaney. Mr. Fedeli, please continue.

**Mr. Bob Delaney:** Okay?

**Mr. Victor Fedeli:** Thank you, Chair.

So somebody has gone to great pains to remove—it doesn't just fall off of a document. Somebody messed up and didn't cover them all up; that's the problem. They got caught again. They got caught again, and we're going to hear from them again, with lots of excuses. You can't excuse your way out of a document that has it missing. It's missing; it's not here—

**Mr. Rob Leone:** It should have been there.

**Mr. Victor Fedeli:** —and it should have been there all along.

**Mr. Bob Delaney:** You cherry-picked the documents.

**Mr. Victor Fedeli:** I didn't cherry-pick; that's the document.

**The Chair (Mr. Shafiq Qaadri):** All right, gentlemen, you actually have a witness. You're welcome to attack each other later.

**Mr. Victor Fedeli:** Well, there's no attacking. It's plain and simple here. This government has covered up another document, hoping we don't get to the \$900-million number.

On document 7, Mr. Sousa—this is a quote from you out of Hansard around the 24th or 25th of September. This is you standing in the Legislature:

“The Ministry of Energy and the Ontario Power Authority released 36,000 records requested by the estimates committee. The government put each and every document on a USB key. The request of the committee for these documents has been satisfied.

“The minister has complied with the committee's request and the ruling of the Speaker. He has personally attested to the documents being complete, and as parliamentarians, we are bound to respect that.”

Two weeks later, we found out that that indeed was not true, that there were 20,000 more documents, and then thousands have come since then. How did you come to stand in the Legislature that day and tell us that we had all the documents?

**Hon. Charles Sousa:** To the best of my knowledge, that is what the OPA delivered to the Ministry of Energy, that's what was released and that was what was advised.

**Mr. Victor Fedeli:** So it's OPA's fault?

**Hon. Charles Sousa:** No, I'm just telling you what I was told.

**Mr. Victor Fedeli:** By whom?

**Hon. Charles Sousa:** By the Ministry of Energy. That's what they received from the OPA, and those were the amounts that were released at the time.

**Mr. Victor Fedeli:** The Ministry of Energy told you to say “36,000”?

**Hon. Charles Sousa:** We were all advised that that was the amount of documents released, that was what was produced and that was, to the best of my knowledge, what I understood—

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

To the NDP side: Mr. Tabuns.

**Mr. Peter Tabuns:** Thank you very much, Chair. Minister, thank you for being here this morning.

**Hon. Charles Sousa:** Thank you.

**Mr. Peter Tabuns:** When you sign documents, do you read them—cabinet documents?

**Hon. Charles Sousa:** I sign documents and I read them, sure.

**Mr. Peter Tabuns:** Do you ask about the financial implications of the documents that you sign off on?

**Hon. Charles Sousa:** Absolutely.

**Mr. Peter Tabuns:** When were you told about the Mississauga cancellation?

**Hon. Charles Sousa:** When?

**Mr. Peter Tabuns:** When. In the fall of 2011—

**Hon. Charles Sousa:** You're talking about the Lakeview or the Sherway?

**Mr. Peter Tabuns:** About the Sherway.

**Hon. Charles Sousa:** Sherway. As I said, I had been advocating since 2007. It came to be in September—I think I wrote in my opening statement the date on which I actually did the announcement.

**Mr. Peter Tabuns:** No, I know when you did the announcement. When were you told it was going to be cancelled?

**Hon. Charles Sousa:** Oh. Days prior.

**Mr. Peter Tabuns:** And who told you?

**Hon. Charles Sousa:** I was called by two individuals: Dave Gene and Don Guy.

**Mr. Peter Tabuns:** Sorry, Don Guy and—

**Hon. Charles Sousa:** Dave Gene.

**Mr. Peter Tabuns:** Dave Gene. And what did they tell you?

**Hon. Charles Sousa:** They asked me to prepare a press conference for that coming weekend to announce that we would relocate the Mississauga Sherway power plant.

**Mr. Peter Tabuns:** And what were you told about costs?

**Hon. Charles Sousa:** We were told that relocating would minimize the potential costs. This was in keeping with what the community had been advocating for throughout those years. As I mentioned, construction had started to continue. We wanted to make certain that we were able to announce the relocation so that it would minimize the costs.

**Mr. Peter Tabuns:** I understand all that. What did they say the dollar risk was?

**Hon. Charles Sousa:** They didn't.

**Mr. Peter Tabuns:** They didn't. And did you ask them?

**Hon. Charles Sousa:** I was trying to determine—I wasn't privy to the numbers in terms of how much had

been constructed, but it was understood that most of that would have been able to be recovered and moved to a separate location.

**Mr. Peter Tabuns:** Most of that would be recovered and moved—so you were told that this wouldn't cost anything at all?

**Hon. Charles Sousa:** I was advised and dealt with the same information as the Progressive Conservatives were dealt, as were the NDP. Everybody agreed that this was something that we agreed we would do.

**Mr. Peter Tabuns:** No, but that's not the question. You didn't ask what it would cost, and apparently they didn't tell you. So you were quite willing to just spend that money.

**0930**

**Hon. Charles Sousa:** As were the PCs and the NDP.

**Mr. Peter Tabuns:** We'll get on to that, Mr. Sousa, but it's pretty clear that you were called by senior people on the campaign team; they were making a campaign decision. You went along with that decision. You didn't ask about the costs. Did they tell you to announce late on a Saturday night, when—

**Hon. Charles Sousa:** It wasn't on a Saturday night. It was done during the day on Saturday—in the morning, I believe. It was done with community members—and opposition members, for that matter—in attendance as well.

**Mr. Peter Tabuns:** Okay. When you were sworn in as finance minister, were you briefed on the costs of this?

**Hon. Charles Sousa:** I was made aware of the costs the same way that we've all been made aware. I was pleased that the Premier had asked the Auditor General to investigate the totality, to be fully transparent and to determine exactly what the costs would be.

**Mr. Peter Tabuns:** No, that's not my question. Were you briefed on the costs as finance minister?

**Hon. Charles Sousa:** I was told what the costs were that were included in the previous budgets and in public accounts. Going forward, the Auditor General was asked to do a full audit in terms of where we were going to be.

**Mr. Peter Tabuns:** So did you request any more of a briefing on costs than that?

**Hon. Charles Sousa:** It was being done.

**Mr. Peter Tabuns:** As finance minister, do you think it's a good idea to make decisions without knowing what the cost of something is going to be?

**Hon. Charles Sousa:** It appears that I just finished testimony indicating the precautions that were taken to determine the worst-case scenarios. Negotiations proceeded thereafter to provide for resolution at reduced amounts. It was indicated—

**Mr. Peter Tabuns:** So what were you told were the worst-case scenarios?

**Hon. Charles Sousa:** I was waiting, when I arrived, to determine what the full costs would be by the Auditor General. The costs that were attributed were the \$40 million plus the other \$190 million.

**Mr. Peter Tabuns:** No. Let's go back. You said you were told what the worst-case scenarios would be—

**Hon. Charles Sousa:** No. What I just read were precautions made by the ministry officials around that time.

**Mr. Peter Tabuns:** I'm not asking you about that.

**Hon. Charles Sousa:** I just read it. I just went through that deliberation.

**Mr. Peter Tabuns:** Yes, but I'm not asking you that question. Were you told what the worst-case scenario would be?

**Hon. Charles Sousa:** No, I was not.

**Mr. Peter Tabuns:** And you didn't ask?

**Hon. Charles Sousa:** I have just responded. The Auditor General was doing a full accounting of what was taking place, and we accounted—

**Mr. Peter Tabuns:** The Auditor General wasn't doing a full accounting in the fall of 2011.

**Hon. Charles Sousa:** But we accounted for, in public accounts, the amounts that were attributed. I knew.

**Mr. Peter Tabuns:** You knew after the estimates committee and the public accounts committee dealt with it. You didn't know at the time that this cancellation was relayed to you—

**Hon. Charles Sousa:** You just asked me what I knew as finance minister. I just told you.

**Mr. Peter Tabuns:** And I'm going back to: When you were a candidate, you were not told what the risk was—the scale of risk that you were taking on?

**Hon. Charles Sousa:** No, I was not aware of the full impact of the financial implications of the relocation. I did know, though, contrary to what the Conservatives were proposing—which was a full cancellation; that would have been an expensive alternative—that this was a relocation to another site to continue with the proponent's contract.

**Mr. Peter Tabuns:** So you had no idea. You didn't know what the risk was. It could have been \$50 million; it could have been \$1 billion—who knows?

**Hon. Charles Sousa:** It would have been—in terms of what I understood it to be was the amount of sunk costs that were in the system, because they were still going to be the proponent and they were still going to have a contract, and it was just being moved to a new location.

**Mr. Peter Tabuns:** And how much was that?

**Hon. Charles Sousa:** I wasn't aware of the full amount of the sunk costs.

**Mr. Peter Tabuns:** In a moment I'm going to turn it over to my colleague, but I have one question that arises from the documents that Mr. Fedeli presented: PC doc 1, the Project Vapour update from the corporate and electricity finance division, page 3, second-last bullet:

TransCanada Enterprises—I'm sure you'll be there shortly—"was already in force majeure under the OPA contracts by October 2010, as it had not obtained the necessary municipal permits, and the contract would have allowed the OPA to terminate on its own by the end of 2011, without penalty."

The OPA had previously informed the Liberal government that it could cancel this plant with little losses if it went slowly, or it could incur major losses if it went quickly. Apparently the Ministry of Finance concurred that there was a way to do this without damage to the

people of Ontario, but that isn't the choice that your government made.

Do you think that it's responsible to take an option that presents such high risk and cost to the people of Ontario?

**Hon. Charles Sousa:** Now you're referring to the Oakville site.

**Mr. Peter Tabuns:** I am indeed.

**Hon. Charles Sousa:** Okay. I was not involved in that decision.

**Mr. Peter Tabuns:** I'm asking, do you think it was responsible for your government to take an option that has proven to be so expensive when they were given advice by the Ontario Power Authority that they could wait it out and have much lower costs? Frankly, the Ministry of Finance recognized that there was an option before the government that would not have involved us in spending half a billion dollars or more in damages to TransCanada.

**Hon. Charles Sousa:** I think it was responsible for the government to make a decision to protect the interests of the community. Recognizing that a Clarkson airshed advisory report had come out citing the levels of stressed air—that was available and that was affecting the community and the decision to relocate the facility. Better setbacks, I think, were the right decision. I've been advocating for that all along.

**Mr. Peter Tabuns:** That's pretty breathtaking for a Minister of Finance facing multi-billion dollar deficits. When your government had the option of acting to cancel this contract, it had the option of doing it in a way that did not put Ontario at the risk it was put at. The only thing that was being protected was the Liberal Party in the run-up to the 2011 election.

**Hon. Charles Sousa:** No; you're referencing a paragraph that was made as a recommendation, but there are obviously more discussions and negotiations that likely would have occurred through that process, so I don't know the full extent at which that was involved.

**Mr. Peter Tabuns:** I've read those other documents, where the Ontario Power Authority said, "You can do it quickly, and it will be very expensive, or you can do it slowly and you can minimize your costs." The Ministry of Finance shared the same opinion. With force majeure, with city bylaws, this plant in Oakville was in deep trouble. The Liberal government could have protected the people of Ontario, but it chose not to; it chose to protect itself. As a Minister of Finance facing significant financial problems in this province, do you see this action as irresponsible?

**Hon. Charles Sousa:** You're making assumptions as to what the Ministry of Finance agreed to or not. All I understand is that \$40 million was attributed to this particular site, and that was accounted for in our public accounts, in the budget.

**Mr. Peter Tabuns:** Well, you clearly need a briefing.

I'm going to turn this over to my colleague.

**Mr. Gilles Bisson:** Listen, it's astounding—following up on the questions of Mr. Tabuns—that you're the guy in charge of a \$120-some-odd-billion budget and you

think it was financially prudent for the government to take a position that costs us an extra half a billion dollars. I'm a little bit speechless on that comment, and I'd just say that if that's where you're coming from, I think we're in deep trouble.

Let me just get to this document and say the following. The Premier stood before this committee and swore under oath that the only number that she knew at the time was that it was going to cost \$40 million to shut down the Oakville power plant. She said that under oath, but that flies against what is actually in the documents that were provided to cabinet and what was available when the decisions were being made. It's pretty clear by these documents. If you go and take a look at the document, it says that in the case of Mississauga, it's anywhere from \$300 million to \$400 million to cancel, and in the case of Oakville, it's between \$300 million and \$500 million.

How can the Premier and other members of your government come to this committee and say that you didn't know up until recently that this thing was more than \$40 million, when the documents that you had at cabinet, the documents that you had at the Ministry of Energy and the documents that you had at the Ministry of Finance clearly state that the cost was far in excess of \$40 million? What does that mean about the testimony that we've been given up to now? Are they telling the truth?

**Hon. Charles Sousa:** I'm under oath; I am telling the truth, and I always have, so I take exception to that comment.

This is what I can tell you: \$40 million dollars was attributed to the Oakville power facility as a sunk cost. We have asked for further information as to what it will be. We've obviously done 17—

**Mr. Gilles Bisson:** But this information—

**Hon. Charles Sousa:** I'll finish.

**Mr. Gilles Bisson:** My point is, the information—

**Hon. Charles Sousa:** I'll tell you: 17 other plants have been built—

**The Chair (Mr. Shafiq Qadri):** Mr. Bisson, please let him finish.

**Hon. Charles Sousa:**—and in incurring the relocation and the construction and the new facility, over a period of 20 years, there are going to be costs incurred with that construction. Now they are attributing a proportionate amount by way of transmission, as I understand it, and that's being built into the ratepayer base, as are the other power plants that are being built.

0940

So that is where those funds are being attributed until such time as they're determined. It's still undetermined as to what those costs are, and you're making presumptions at the high end and at the low end. We don't know; that's why we've asked for clarity.

**Mr. Gilles Bisson:** There are no presumptions. The point is, Minister—

**Hon. Charles Sousa:** The point is, it's under the ratepayer base and—

**Mr. Gilles Bisson:** Okay, you can stop skating and I'll take my time back. The point is that your government, the Ministry of Finance, the deputy ministers across the

government, the Minister of Energy and the Premier's office had documents and had been briefed that in fact the numbers were far in excess of \$40 million.

We've had the Premier come to this committee, we've had the former Premier come to this committee, we've had various ministers and past ministers come to this committee and swear up and down that they didn't cost more than \$40 million and they were not aware of any figure above that until after the auditor reported his findings. It's clear by these documents that you guys knew it was over \$40 million, and what you were doing was essentially trying to keep the numbers low in order to save your political hides. So were you guys telling the truth when you came before this committee?

**Hon. Charles Sousa:** I have always told the truth, and I'm finding that the line of questioning is about the ratepayers' additional costs that are going to be incurred with the construction of a new facility in a new location.

**Mr. Gilles Bisson:** Are you aware that not telling the truth at this committee could perjure you and others who were before this committee?

**Hon. Charles Sousa:** Mr. Bisson, I—

**The Chair (Mr. Shafiq Qadri):** Mr. Bisson, I think we're all aware of that. Thank you.

**Mr. Gilles Bisson:** It's a perfectly okay question. I asked the question; could you answer?

**Hon. Charles Sousa:** Well, let me answer the questions then. You've cited the potential, the undetermined amount, the precautionary measures taken to assess what would be the construction of a new facility elsewhere. That will be applied to the ratepayer group, as are all the other power plants that are being built. The sunk costs that were determined at the time by the OPA—

**Mr. Gilles Bisson:** How much time do I have, Chair?

**The Chair (Mr. Shafiq Qadri):** Five minutes.

**Hon. Charles Sousa:**—were \$40 million for Oakville, and that was accounted for under the taxpayer base.

**Mr. Gilles Bisson:** So these numbers provided in the documents that were given to cabinet, given to the Ministry of Energy, given to the Ministry of Finance, given to the deputy ministers—they just made up numbers and pretended they didn't exist, and really it was \$40 million, but they just put these numbers in for fun?

**Hon. Charles Sousa:** Mr. Bisson, you've just admitted how complex the numbers are and how they keep changing, and that's the issue we're trying to determine. That's why we're being open and transparent. We want clarity.

**Mr. Gilles Bisson:** I think what you're admitting is that you guys tried to fudge the numbers for political reasons. These documents are clear.

**Hon. Charles Sousa:** Again, that's inappropriate.

**The Chair (Mr. Shafiq Qadri):** Mr. Bisson, I'm not sure of the quality of the word "fudge" in parliamentary practice.

**Mr. Gilles Bisson:** I like fudge, especially chocolate fudge. I have some if you want some. I'll bring some over next week.

The point is, these numbers, the numbers in this document and other documents, clearly briefed the cabinet

and briefed the decision-makers within your government that in fact the numbers were above \$40 million. That's what these documents show. Yes or no?

**Hon. Charles Sousa:** No. These documents are indicating that they were taken—potential risks were being assessed.

**Mr. Gilles Bisson:** Okay, well let me ask you this question: Why didn't the Premier and other members of your government say, "Potentially, it could be between \$300 million to \$500 million, but we believe it's \$40 million." You chose to sit on the \$40-million number and decided not to divulge that in fact, there were estimates that were showing that it was far in excess of that. Clearly, you were trying to—

**Hon. Charles Sousa:** Mr. Bisson, I was not a part of this decision. I wasn't privy to these numbers. I can tell you that what I was advised and what I was told, as were all of us, was that \$40 million was what the OPA determined to be the sunk costs for these events. I believe it's on the website in terms of all the other opportunities that were there to be disclosed.

**Mr. Gilles Bisson:** When cabinet, the Premier's office and deputy ministers are given numbers, nobody reads the documents and nobody believes anything that's in them because they're probably all wrong? Is that what you're telling me?

**Hon. Charles Sousa:** These are assessments and recommendations that were put forward.

**Mr. Gilles Bisson:** Why, then, would they give you assessments of those numbers that were far in excess of \$40 million if the numbers were not generally in the right direction—the numbers given in Project Vapour and others?

**Hon. Charles Sousa:** We've just read how it's prudent to make assessments and to take risk analysis to ensure that worst-case scenarios are accounted for.

**Mr. Gilles Bisson:** Would you agree that the numbers that the auditor reported were far in excess of \$40 million?

**Hon. Charles Sousa:** We've asked the Auditor General for that clarity. We want to ensure that we understand the full scope and we want to know what it will be in terms of the costs of the ratepayer group. That's what is being determined.

**Mr. Gilles Bisson:** Do you agree that the auditor's numbers, as reported, are far in excess of what the government was trying to say they were?

**Hon. Charles Sousa:** The auditor report is assessing a 20-year impact of the additional costs that would be incurred with the transmission facility—

**Mr. Gilles Bisson:** So, yes.

**Hon. Charles Sousa:** —as will the additional other plants that are being built as well.

**Mr. Gilles Bisson:** How much time, Chair?

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

**Hon. Charles Sousa:** We know that all these constructions will cost more money, and it will be applied to the ratepayer base.

**Mr. Gilles Bisson:** Okay, I'll just finish on this point: It's pretty clear that the documents provided to this com-

mittee indicate that the government was in full knowledge that the estimates were far in excess of what the government was reporting.

Members of the government have come before this committee and have given sworn testimony that they believed and they were told and they knew that it was not more than \$40 million where in fact they had been told quite the opposite. That's pretty clear.

The other thing that I just want to turn your attention to is the comment that you make in your opening statement in regard to what the positions of the various political parties were on the gas plants. Let's be clear: Andrea Horwath, in the last provincial election, when asked by the media, was very clear on this. She says she would not rip up a contract, sight unseen, because we didn't know what it was going to cost, both for this particular fiasco that you've created with Mississauga but also for Samsung, because we believed at the time that it was irresponsible to say, "We're going to rip up a contract"—

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

**Mr. Gilles Bisson:** —without knowing what we were going to expose the public to when it came to cost. So when you stand there and say, as you quoted here, that the commitment was echoed by the PCs and the NDP, I agree with you that the Conservatives did say that they would scrap this particular contract. I'm clear that the Liberals did say that they wanted to scrap this particular contract. But for the record, and to be quite clear, New Democrats in the last election, as stated by Andrea Horwath—the leader of the NDP said that despite what anybody else might have said, the position of the party was that we would not scrap contracts sight unseen, and we would never have built these things there in the first place.

**Hon. Charles Sousa:** If I may clarify, Chair: I was at those very meetings, and the NDP candidate very clearly stated that she supported the relocation of the power facility and that she would stand by this decision.

**Mr. Gilles Bisson:** The individual candidate might have said that, but the position of the party—

**Hon. Charles Sousa:** And she was representing the NDP. If that doesn't account for—

**Mr. Gilles Bisson:** To be quite clear, whatever a candidate says on the stage is one thing. What really works at the end, and what really matters, is what the leader says and what position the party takes.

**Le Président (M. Shafiq Qadri):** Merci, monsieur Bisson. Votre temps est expiré. Je passe la parole à M. Delaney—20 minutes.

**Mr. Bob Delaney:** Thank you very much, Chair. First, Chair, I think there are a few comments that the government needs to get on the record here.

I would like the Clerk to kindly circulate a document from the same batch of documents referred to by Mr. Fedeli. The date of this document is February 7, 2012. Frankly, Chair, Mr. Fedeli's redaction rant is ridiculous. There are no numbers missing in this document—

**Interjection:** Point of order, Chair.

**The Chair (Mr. Shafiq Qadri):** Point of order.

**Mr. Victor Fedeli:** Chair, the numbers are clearly missing—

**The Chair (Mr. Shafiq Qaadri):** This is a point of fact that you can deal with—

**Mr. Bob Delaney:** The point of this, Chair—

**Mr. Rob Leone:** Even if there is one document that removes those notes—

**Mr. Bob Delaney:** Just pipe down. It's my time now.

**Mr. Rob Leone:** —they were redacted.

**The Chair (Mr. Shafiq Qaadri):** Mr. Leone, thank you.

Please continue, Mr. Delaney.

**Mr. Bob Delaney:** There are two versions of the same document in the same batch—

**Mr. Victor Fedeli:** Point of order, Chair.

**The Chair (Mr. Shafiq Qaadri):** Point of order.

**Mr. Victor Fedeli:** He's proving my point that somebody—

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

Please continue, Mr. Delaney.

**Mr. Bob Delaney:** —and the motion asked, Chair, for all documents, regardless of the version. What Mr. Fedeli did is cherry-pick this version without the footnote, even though he knew that he had the full version with the footnote.

**Mr. Victor Fedeli:** Point of order, Chair—

**Mr. Bob Delaney:** We've caught you—

**The Chair (Mr. Shafiq Qaadri):** Mr. Fedeli, point of order.

**Mr. Victor Fedeli:** Thank you for acknowledging me, Chair.

**Mr. Bob Delaney:** We caught you fair and square. You didn't do this properly. You made an allegation without any basis at all.

**The Chair (Mr. Shafiq Qaadri):** Gentlemen. Mr. Fedeli.

*Interjection.*

**The Chair (Mr. Shafiq Qaadri):** Mr. Leone, your own colleague has the floor.

**Mr. Bob Delaney:** And it was. You've got both versions, mister. You've got both—

**The Chair (Mr. Shafiq Qaadri):** Gentlemen—

*Interjections.*

**Mr. Victor Fedeli:** Thank you for acknowledging me, Chair. I'm very sorry that we found the document that was redacted.

**The Chair (Mr. Shafiq Qaadri):** Sorrow is not a point of order, Mr. Fedeli. Thank you.

Mr. Delaney.

**Mr. Victor Fedeli:** Sorry we caught you—

**Mr. Bob Delaney:** The documents, as noted, were written well before the settlement was reached in 2012. I also noted that the NDP has asked the minister to speculate on the Auditor General's report on Oakville, which has not been released.

So, just to make sure that we get that on the record, the Toronto Star reported that Etobicoke-Lakeshore candidate Dionne Coley also pledged to fight the plant. The

National Post, on September 29, 2011, reported that the local NDP candidate, Anju Sikka, also "issued statements concurring with the new Liberal cancellation." That's a direct quote.

Mr. Sousa, it's nice to see you. Thank you for taking the time to be here today. I know it's constituency week, so we definitely appreciate you being here. Was this your first invitation to appear before the committee?

**Hon. Charles Sousa:** Yes, it was.

**Mr. Bob Delaney:** Thank you for showing up the first time we asked you. I think it's an important point to make, that it's your first invitation, because it's a contrast from your former opponent in the 2011 election campaign, Geoff Janoscik. We've invited Mr. Janoscik to appear numerous times before this committee, and he has not shown. We'll speak more about that in a moment.

You obviously became aware during the campaign that your PC opponent, Mr. Janoscik, had committed to the relocation of the Mississauga plant.

**0950**

**Hon. Charles Sousa:** Absolutely he did. He sent out robocalls. There were leaflets. There was material. Even the leader of the Conservatives came out and did press conferences. They had pink elephants out by the site. They did a number of interviews reaffirming and stating that they would cancel the power plant—not relocate it—and that they would, furthermore, do it because you can't trust any other party to come through on that promise.

**Mr. Bob Delaney:** Does it surprise you that they try to rewrite history and that your former opponent refuses to appear before this committee?

**Hon. Charles Sousa:** That's unfortunate. Certainly, my opponent and I participated in a number of debates whereupon he was voicing his dissatisfaction and displeasure with the construction potential of the Sherway power plant. Only after we made the commitment to relocate it did he then state, together with the Leader of the Opposition, the leader of the Conservative Party—that's when they only came out stating that they would cancel the power facility.

**Mr. Bob Delaney:** You explained, I think, very clearly why you were opposed to the siting of the Mississauga plant in that original location. I know that you attended all of the public meetings. You worked with the ratepayers. You worked with city council. Is there anything else you want to tell us about why you opposed the plant?

**Hon. Charles Sousa:** Well, in this particular instance—and let me be clear: This power facility, this power plant, was not in my riding. It was actually in the neighbouring riding. But the effects of the cumulative impact of further emissions in that area and the point of impingement would have actually been affecting not just Mississauga but certainly Oakville and Toronto and the surrounding areas. It was literally a stone's throw away from people's homes in that riding. It was close to the hospital and close to a number of establishments but a lot of residential. It was also on a creek bed, and it was close to a park and a play area.

My motivation was to work alongside the community, recognizing the degree of high levels of particulate matter in the community, to ensure that we protected the health and safety of the community. It was in keeping with my effort to ensure that we would protect the Lakeview power facility lands as well, noting that the level of smog days dramatically reduced as a result of the cancellation of that dirty coal plant. Furthermore, less amounts of asthma and respiratory emergency care occurred. So the community benefited greatly from the efforts taken to protect the airshed, protect also the surrounding waterfront communities, and more importantly, it enabled us to protect the surrounding areas in the GTA.

**Mr. Bob Delaney:** How often did you meet with the local residents and the community groups, and what was the nature of that?

**Hon. Charles Sousa:** There were about 14 to 16 town hall facilities. I actually have here with me my website, which tabulates a chronological order of all of the activities I did, all the reports and statements I made, resolutions that I put before the House, things I did in regard to dealing with city council and my ongoing deliberations in the House, around petitions as well, to ensure that not only did we protect the community through the Lakeview power facility that was demolished; we also permanently protected the area from future development—and with the southwest GTA procurement process to again reaffirm that we needed to do proper sitings, appropriate setbacks and take into account cumulative studies so that those communities would be protected, and it would apply to all communities around Ontario.

These are some of the efforts that we were trying to propose and engage in; community engagement is essential on any such things going forward. We listened to the community. We listened to them when we were dealing with Lakeview, we listened to them in regard to the Oakville facility, and we listened to them with Sherway. As I stated, all parties agreed to do the same after we made our decision to relocate.

**Mr. Bob Delaney:** And our local politicians in Mississauga—what type of engagement did you have with city council?

**Hon. Charles Sousa:** We had full support from city council, from the mayor to all the ward councillors. A number of resolutions were put before council so that we could protect the area, to ensure that power facilities, emissions, any new emitters, wouldn't come forward. Changes to the certificates of approval for further emissions were brought to council as well.

We also had great dealings with community advocates, like Dr. Boyd Upper, Julie Desjardins, even Dorothy Tomiuk, from Miranet. We had members from CHIP: Steve Thompson and Tony Jones. We had various active individuals like Irene Gabon, Mike Douglas from the other side of the community, everyone working hard—Sue Shanly was another—all trying to ensure that the community was understood and heard because of the proximity at which these power facilities were being built. There was great engagement by everyone.

In fact, I recall that even the opposition was invited to participate in some of these discussions.

**Mr. Bob Delaney:** Did they ever show up?

**Hon. Charles Sousa:** During the town hall facilities, certainly during the election, none of the PC or NDP candidates actually showed up to any of the rallies. They weren't there. They chose instead not to show and cited some reason. Only after we made the relocation announcement did they then become active by doing robocalls, newsletters and statements.

**Mr. Bob Delaney:** You had the standing of being the sitting member at the time. Your PC candidate, Geoff Janoscik, had he ever approached you, as his local MPP, to talk about the plant or to express his opposition?

**Hon. Charles Sousa:** Never—only after the decision that we took.

**Mr. Bob Delaney:** Right. Yet you were involved long before the 2011 election?

**Hon. Charles Sousa:** I have been consistent since 2007 and prior to 2007; even as a candidate, I advocated for the protection of the Lakeview power facility lands and for the relocation of the Sherway plant. I was consistent prior to being elected in 2007, and when I was elected as MPP, I continued to oppose those facilities. Even when I became minister that term, I continued to oppose those facilities. When I sought re-election, I again reaffirmed the necessity to protect the community. By that point, we already had protected Lakeview; we already had protected Clarkson and Oakville. The Sherway facility was still the one that needed resolution, and as I said, I've been advocating for relocation of that facility since 2007, prior to even being elected. I remained consistent and clear throughout.

**Mr. Bob Delaney:** Well, that certainly lines up with the testimony this committee has heard. For example, Steve Thompson, whom you mentioned, from the Coalition of Homeowners for Intelligent Power, or CHIP, reiterated that point and said:

“Obviously, the Conservatives didn't have a problem, through the meetings that we had with Mr. Yakabuski—he didn't see a problem with the plant. He didn't see a problem with the location of the plant.

“So there's sort of a contradiction going on here....

“Then, all of a sudden, because there's an election, we get Mr. Hudak actually coming to the table and saying, ‘Oh, we're going to help you.’”

When the PCs argue that they opposed the plant from the start, does it seem like they're rewriting history?

**Hon. Charles Sousa:** Actually, if I recall, it was the Conservative government that approved the siting of the Sithe Global over in Clarkson. There was a proponent there. That never came to fruition.

But even during my petitions, and when I was requesting support from both sides of the House to read those petitions, that didn't occur. Only when the Oakville site was chosen did Mr. Ted Chudleigh appear before the House and say that he and the Conservatives opposed the Oakville plant and the siting of that plant. That was only after the Oakville site was chosen.

**Mr. Bob Delaney:** You mentioned earlier that your opponents made it completely clear that a PC government would cancel the plant, rip up the contract, not look to relocate it.

1000

**Hon. Charles Sousa:** They never indicated that they would relocate the facility. They just made it clear that they would be the ones who would cancel the facility in Mississauga.

**Mr. Bob Delaney:** Looking back on that commitment and allowing for the robocalls that were made repeatedly in your riding, do you think a PC government could have relocated that plan any more cheaply?

**Hon. Charles Sousa:** If it was their intent to simply cancel the power plant, it would have been extremely expensive. If they had to relocate and if they agreed, as they said they would, to have it moved outside of Mississauga, then they would have incurred the same costs that are being incurred now.

**Mr. Bob Delaney:** When PC leader Tim Hudak testified here, he was asked 28 different times directly about his commitment to cancel the plant, and just evaded it. Have you gotten any feedback from your residents about the political games being played by the opposition?

**Hon. Charles Sousa:** It's obvious that Mr. Hudak made the commitment in Mississauga. I was a witness to it. He stated very clearly that he would cancel the facility. The materials sent by the Conservative Party from various candidates reaffirmed that they would cancel the facility. Through their tweets and their number of robocalls repeatedly, they said it was they who would be able to do it and not the Liberal Party. They really churned up the rhetoric after we made the commitment to relocate those facilities if we got re-elected.

**Mr. Bob Delaney:** Okay, Chair, that will wrap it up for our first round.

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

To you, Mr. Fedeli: 10 minutes.

**Mr. Victor Fedeli:** Thank you, Chair. Minister, we're here to talk about the costs the Liberal government paid to save your seat and who ordered the subsequent cover-up. So far, we've clearly proved, once we got into the unredacted version of the document, that there's a \$900-million number floating around. I asked and my caucus member Lisa MacLeod asked the Premier a combination of 32 times when she knew the number was greater than \$40 million. So far, we've asked the Premier in the Legislature and in this committee 130 times when she knew the number was greater than \$40 million, yet we haven't heard an answer. Can you tell me when you first heard that the number to settle Oakville would be greater than \$40 million?

**Hon. Charles Sousa:** I understand that \$40 million was the amount that was attributed. It was applied to the public accounts and to our books. As I see here and I'm reading this, note 6 does talk about that it was under current negotiations and that it would be dependent on

the outcome of those negotiations. They were obviously putting forward a discretionary amount as a risk to offset if it occurred.

**Mr. Victor Fedeli:** So \$900 million is a number bigger than \$40 million. When is the first time you ever heard that a number greater than \$40 million may be what it costs the taxpayer and ratepayer to settle the—

**Hon. Charles Sousa:** I'm still awaiting the final report from the Auditor General to determine exactly what it's going to cost the ratepayers over the next 20 years. That's what I'm waiting for.

**Mr. Victor Fedeli:** I appreciate that. What I'm asking is: When is the first time you heard that it may be more than \$40 million?

**Hon. Charles Sousa:** I'm told that \$40 million were the sunk costs, and I now understand what you have been apprised of—

**Mr. Victor Fedeli:** No, we understood the \$900 million long before this document, believe me. When is the first time you heard that it may be more than \$40 million to the taxpayer and ratepayer?

**Hon. Charles Sousa:** Let me be clear: I have not been privy to any of these numbers other than what I have been reading and seeing from the work done by this committee. I recognize that the Auditor General has been requested to provide a full assessment of what it will be over the next 20 years. That's what I know.

**Mr. Victor Fedeli:** When you were answering Mr. Tabuns's question, you said that you were briefed on the costs of the gas plant cancellations, but only insofar as past budgets. What do you mean by that, then?

**Hon. Charles Sousa:** I didn't say that at all. I said that \$40 million was applied to the public accounts for the Oakville gas plant, and \$190 million, once it was assessed, was applied as well, to the taxpayer base.

**Mr. Victor Fedeli:** I'll ask you just one more time, then. We've heard from former Minister Bentley that the total cost is \$40 million, period. When did you first hear that it would be more than \$40 million?

**Hon. Charles Sousa:** I don't think it has been determined what the costs will be. Still, these are, as I understand it, very complex, so they haven't finalized what those costs are.

**Mr. Victor Fedeli:** I think it's pretty clear that for months upon months—I can tell you that for months upon months, we've known it's more than \$40 million. You're a member of cabinet. You're the current finance minister. You were on treasury board. You're going to sit there and tell us that you believe it's \$40 million?

**Hon. Charles Sousa:** Well, let me be clear. I've made it clear that I recused myself from treasury board and cabinet during those discussions.

**Mr. Victor Fedeli:** We'll get to that in a minute. You've never heard any other number it may be, other than \$40 million? You're sticking to the \$40 million? You've never heard another number.

**Hon. Charles Sousa:** No, I'm saying that I'm awaiting the Auditor General to come out with their final report.

**Mr. Victor Fedeli:** That's not what I'm asking you.

**Hon. Charles Sousa:** That's what I'm waiting for.

**Mr. Victor Fedeli:** But I'm asking you, when did you hear the number may be more than \$40 million?

**Hon. Charles Sousa:** I don't know what the number is. I know the number of \$40 million. I don't know what any other number is at this point.

**Mr. Victor Fedeli:** So you don't want to answer that. I can see why you don't want to answer that. I can understand—

**Mr. Bob Delaney:** Point of order.

**The Chair (Mr. Shafiq Qaadri):** Mr. Delaney, point of order.

**Mr. Bob Delaney:** The member is asking a cabinet minister to speculate on—

**Mr. Victor Fedeli:** No, I'm not. I'm asking a date. I'm not asking him to speculate; I'm asking him a date—

**The Chair (Mr. Shafiq Qaadri):** Mr. Fedeli—

**Mr. Victor Fedeli:** He can't give us a date. God help our credit rating in this province. We've clearly proved it's over \$900 million—it could be \$900 million. You're not going to answer any questions about that. Let's get back to the cover-up, then.

Go to document 8 in the first pile that I gave you. It's quite deep into the pile; it's the last document, but it's about 10 pages long. It's right after document 7, where you said that we had all the records. Do you see that there? The top right-hand corner, it's document 8. Do you have that?

**Hon. Charles Sousa:** Yes.

**Mr. Victor Fedeli:** Down in the middle, there's a blacked-out area where you can read the text. What does that redacted text say?

**Hon. Charles Sousa:** You're talking about—

**Mr. Victor Fedeli:** Document 8. It's the first page—

**Hon. Charles Sousa:** The first page?

**Mr. Victor Fedeli:** Yes. Page 2 is called 2 of 9, 3 of 9, but the first page doesn't have a page number. It's just document 8.

**Hon. Charles Sousa:** What are you asking for?

**Mr. Victor Fedeli:** I'm asking you to read what it says in the blacked-out portion.

**Hon. Charles Sousa:** I'm having difficulty reading it, but I think it says "unrelated content."

**Mr. Victor Fedeli:** It does say "unrelated content"; you're absolutely right. The next page, then: Again, would you acknowledge it says "unrelated content," and it's blacked out?

**Hon. Charles Sousa:** Okay.

**Mr. Victor Fedeli:** The next page, a whole bunch blacked out, "unrelated content." The next page, 4 of 9, the whole page is redacted. Do you have that one?

**Hon. Charles Sousa:** Yes.

**Mr. Victor Fedeli:** The entire page is redacted.

Earlier when you were asked a question by Mr. Tabuns, your answer started, "Are we talking about Lakeview or Sherway?" Do you remember saying that to Mr. Tabuns?

**Hon. Charles Sousa:** I do.

**Mr. Victor Fedeli:** Okay. Go down another couple of pages. Now you're going to find an unredacted version that we just received. That first version is an old version that we were given in the 56,000 documents, where it was redacted. Now do you see what used to be redacted? It now says "Lakeview."

**Hon. Charles Sousa:** Okay.

**Mr. Victor Fedeli:** The next page: "Lakeview site." The next page is Lakeview. That whole page that was covered up on the first one is now exposed here for us to read, and it's all about Lakeview.

**Hon. Charles Sousa:** Okay.

**Mr. Victor Fedeli:** Can you tell me, in your opinion, why someone would have done this to an entire page discussing something to do with the power plant closures?

**Hon. Charles Sousa:** I can't speculate. I don't know.

**Mr. Victor Fedeli:** But you do acknowledge that this page 3 is completely redacted, and on page 3 of the one that we just received, it is all here? Would you acknowledge that?

**Hon. Charles Sousa:** Yes. I'm not sure of the timing or the dates on which this occurred, though. I don't know if there was sensitivity to negotiations prior or not—

**Mr. Victor Fedeli:** No, no, no, no—

**Hon. Charles Sousa:** You're asking me to—I don't know the answer. I don't know.

**Mr. Victor Fedeli:** No, no, there's no sensitivity in these. These documents are the documents we received where we were told they were unredacted where it's clearly redacted. Now in the latest document dump, we can see what was unredacted. It's clearly important information to us. It talks about a meeting between Minister Bentley and Mayor Hazel McCallion, talking about the Lakeview site.

**Hon. Charles Sousa:** Okay.

**Mr. Victor Fedeli:** Why do you think they would have covered that up?

**Hon. Charles Sousa:** I don't know. I don't know why you received—maybe it was because the request initially was regarding the Greenfield South power plant facility. I presume that's what you asked for; that's probably what they gave you.

**1010**

**Mr. Victor Fedeli:** In the talking points—you've just kind of opened up a little door here about the talking points. We have sworn testimony that documents have been pulled out that clearly say SWGTA, southwest GTA. Are you aware that your Ministry of Energy had asked the Ontario Power Authority to remove documents?

**Hon. Charles Sousa:** I'm not aware.

**Mr. Victor Fedeli:** Okay. I'm going to turn the questioning over to Rob Leone.

**The Chair (Mr. Shafiq Qaadri):** Mr. Leone, one and a half minutes.

**Mr. Rob Leone:** Okay. Minister, what budget year are these costs found in?

**Hon. Charles Sousa:** Say again?

**Mr. Rob Leone:** For the cancellation costs of the Oakville and Mississauga plants, what budget year are they found in?

**Hon. Charles Sousa:** If I recall, the ones for the \$190 million is in 2013, and the \$40 million was in 2012. I don't recall the specific dates, but they were already accounted for.

**Mr. Rob Leone:** So part of it was covered in this budget cycle, and part of it was covered in the last budget cycle. Is that—

**Hon. Charles Sousa:** It was already incorporated in the previous public accounts.

**Mr. Rob Leone:** Was it written in the budget? Do you recall?

**Hon. Charles Sousa:** It was already written off. It was already applied to the costs.

**Mr. Rob Leone:** We asked Minister Bentley, in estimates committee, where are the estimates for the cancellations of the Oakville and Mississauga gas plants, and he couldn't answer that question. It's why, basically, we are here today.

**Hon. Charles Sousa:** Okay.

**Mr. Rob Leone:** So where in the estimates are they?

**Hon. Charles Sousa:** Well, I understand that those are being determined and they'd be applied to the ratepayer.

**Mr. Rob Leone:** But we have this document here that suggests that your upward number is \$900 million. That's the estimate.

**Hon. Charles Sousa:** Okay.

**Mr. Rob Leone:** So why wouldn't that be included in the budget?

**Hon. Charles Sousa:** Well, because it has already been negotiated and resolved and it was applied to the budget, so resolution was had.

**Mr. Rob Leone:** So where did the money come from? What envelope did it come from in order to pay—

**Hon. Charles Sousa:** Oh, it probably came through our contingency funds, then it was applied.

**Mr. Rob Leone:** How much are contingency funds? What's the value of the contingency fund?

**Hon. Charles Sousa:** Oh, there's—

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

Mr. Tabuns.

**Mr. Peter Tabuns:** Thank you, Chair. Minister, in the fall of 2011, Forum Research was noting your seat as one of the ones that was at risk. How relieved were you when Don Guy and Dave Gene got in touch with you and said, "Hey, we're finally going to cancel this plant"?

**Hon. Charles Sousa:** Let me be clear: I was doing my own internal polling and, recognizing where I stood, my plurality was even greater in my second term than it was in the first. People in the community recognized that I had stood by them and I was doing my utmost to protect their interests. I didn't feel that I was in a tight race at all.

**Mr. Peter Tabuns:** So Don Guy and Dave Gene, when they phoned you, you thought these were just technical people telling you that, "Gee, finally we realized we

don't need this plant"? It had nothing to do with your election?

**Hon. Charles Sousa:** Mr. Tabuns, this was about something that I had been advocating for since 2007. I had been standing by the community, looking to relocate a power facility that wasn't even in my riding. This was not in my riding. I was there to protect the interests of the communities and the surrounding communities as well. That's what motivated me. This was not an election cycle decision on my part.

**Mr. Peter Tabuns:** Well, I have to say, if Don Guy and Dave Gene call you about a decision in the middle—sorry, in the dying days of an election, when Forum Research is saying your seat is at risk, I think everyone in this province thinks that it's a question of making an election decision, because your government had a lot of opportunities to cancel this plant. As you know, this plant became economically non-viable a few years prior to 2011. They have to renegotiate the contract. It would have been very cheap to just say, "Hey, we're just going to let this lapse. We're going to let it go." You didn't do that. You had an opportunity before they got financing or started construction to stop the plant. You didn't do that. The report on power needs in the southwest GTA had come forward, showing, according to what we've been told, you didn't need power in this area anymore.

You wait until the dying days of an election campaign to cancel something. That says to everyone in this room and in this province that it was a partisan decision to save your seat and possibly a few others. How can you say otherwise?

**Hon. Charles Sousa:** Well, I can say otherwise because of my track record and the fact that I've been fighting for the community and the cancellation and the removal of this power facility since 2007. I've been consistent throughout, and I've been doing so with the surrounding communities.

You have just reaffirmed that it was the appropriate decision to make, though, because there were issues and concerns as to why that power facility should not be built. That decision was made, and it was the appropriate decision to make.

**Mr. Peter Tabuns:** Well, we've had the former Premier and the current Premier apologize for all this. I don't see how you can say credibly that this was not a campaign decision. I mean, it's interesting—

**Hon. Charles Sousa:** Excuse me, I've been at it since 2007. I had been advocating for the closure of the power facility long before I was even a member of this House, and I did so consistently when I became an MPP, when I became a minister and when I became a candidate again. I will continue to fight for the communities, as I will right throughout Ontario on this very issue.

**Mr. Peter Tabuns:** Your campaign team decided this was needed. They even set it up so that you would do a media availability on Saturday without the provincial media, just with the local Oakville and Mississauga and Etobicoke media. Why were you not trying to put this on a larger stage? We were talking about a lot of money.

This wasn't a minor announcement; this was a major announcement.

**Hon. Charles Sousa:** The announcement was made on a Saturday. A lot of people attended. It was a celebrated announcement. The Conservatives and the NDP also supported that call, and they all agreed that this was something that was the appropriate decision to make.

**Mr. Peter Tabuns:** What did Don Guy and Dave Gene tell you was the message you were going to convey?

**Hon. Charles Sousa:** It was a relocation of the power facility if we got re-elected. That was the idea.

**Mr. Peter Tabuns:** That was all they had to say to you?

**Hon. Charles Sousa:** The government had acknowledged that more had to be done. I had been fighting, throughout the course of those years, to find ways to have that facility moved to a more appropriate location, and the commitment was made by all three parties that that was the appropriate thing to do, and any one of them would have—I would hope—fulfilled that promise.

**Mr. Peter Tabuns:** I'm going to turn the questioning over to my colleague. He has some points he'd like to raise.

**The Chair (Mr. Shafiq Qaadri):** Mr. Bisson.

**Mr. Gilles Bisson:** I can't believe what you're saying. Last year, we had the former Minister of Finance, at estimates, say this was a political decision. We had the former Premier appear before this committee and publicly say this was a politically motivated decision. We've got the current Premier, Ms. Wynne, saying it was a politically motivated decision. And you're saying no, it was altruistic, it was just great policy? Do you talk to the Premier? Are you connected in some way to what she—

**Hon. Charles Sousa:** I think the Premier and even the previous Premier have said this: that it was a decision made by politicians from all parties.

I had been advocating for the relocation all along, and it was the right decision to make, and it would have—these are decisions that I have been saying should have been made earlier.

**Mr. Gilles Bisson:** Are you now in concurrence with the Premier, the former Premier and the former finance minister that this was a political decision?

**Hon. Charles Sousa:** They've all said that this was the right decision to make.

**Mr. Gilles Bisson:** Are you in concurrence that—

**Hon. Charles Sousa:** They said it was a decision that was appropriate to protect the interests of the community, and they agreed that that was what should be done.

**Mr. Gilles Bisson:** Listen, I'll leave it to the Premier to deal with you about what you say at this committee, but you're off-step with what she and others have said, because everybody who has appeared before this committee has admitted this was a politically motivated decision in order to save a number of seats in your area. You tend to have a very different view of what that is, and I'll leave it up to the Premier to decide how she deals with you.

I'm going to go back to the questions that I had previously. It is clear by the documents that have been submitted to this committee that this government tried to withhold, and it took a motion of the House for you guys to finally release the documents. It's clear that the cabinet, that the ministers responsible, that the deputy ministers responsible in those ministries had numbers that indicated that it was going to cost far in excess of \$40 million to cancel this particular gas plant. Then you've got the Premier and others who are saying that it was only \$40 million. It seems to me that there is a gap in credibility, because it's clear that the cabinet had the numbers that said it was more than \$40 million, and here we are now, with you guys sticking to your line, saying, "Oh no, that's all the information they would have."

Would you agree that the cabinet had this information—and wasn't it responsible for them to at least let the taxpayers know what the actual estimates were, rather than trying to put the numbers at a lower number to make themselves look better?

**Hon. Charles Sousa:** I can comment on what my motivation was. You made reference to that. I was very clear, consistently, since 2007, what should be done. I even put resolutions before the House to provide better siting and to ensure that we have—

**Mr. Gilles Bisson:** Minister, we all know—

**Hon. Charles Sousa:** In regard to the numbers and the determination of the costs, we're awaiting those costs, and we've recognized that we need to—

**Mr. Gilles Bisson:** Let me put it this way: As Minister of Finance, if your officials came to you and said, "I estimate that the cost of something is going to be \$200 million," would you go out and say, "I think the costs are going to be \$50 million"? Would that be responsible?

**Hon. Charles Sousa:** I don't believe that's what it says. I believe—

**Mr. Gilles Bisson:** No, no, I'm asking you a hypothetical.

**Hon. Charles Sousa:** But I'm reading it.

**Mr. Gilles Bisson:** I'm asking you a hypothetical: If the ministry staff—

**Hon. Charles Sousa:** I'm not going to answer a hypothetical; I'm going to answer—

**Mr. Gilles Bisson:** I'm asking you a hypothetical, Minister—

**Hon. Charles Sousa:** I'll respond to what I'm reading.

**Mr. Gilles Bisson:** Let me put the question; then, you can answer.

**Hon. Charles Sousa:** Okay.

1020

**Mr. Gilles Bisson:** The question is: If your officials came to you and said that the cost on something that you're about to do is going to be—

**The Chair (Mr. Shafiq Qaadri):** Mr. Bisson, we don't have to answer hypotheticals in this committee.

**Mr. Gilles Bisson:** I can put whatever question I want, Speaker, and if he chooses to respond, that's him. It's my time.

If the ministry officials were to come into your office and say, “I estimate the cost for the following initiative is,” let’s say, “\$200 million to \$300 million,” would you reveal that information or would you try to lowball the information? If you did, what the heck would that all be about?

**Hon. Charles Sousa:** What I can do is comment on what I’m reading. I’m reading here that precautions were taken to assess possible risks given potential negotiations to determine what the proper outcome would be.

**Mr. Gilles Bisson:** So then—

**Hon. Charles Sousa:** Prudent efforts were made, negotiations were had, and resolutions were made—

**Mr. Gilles Bisson:** So you’re saying it’s prudent—

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

**Mr. Gilles Bisson:** Okay.

**Hon. Charles Sousa:** —and the amounts that were assessed for that were \$40 million to the one and \$190 million to the other one.

**Mr. Gilles Bisson:** So, you’re saying that it’s prudent on the part of government not to release the actual numbers that they were given as being estimated for the costs of cancellation?

**Hon. Charles Sousa:** Mr. Chair, I’m not going to speculate on hypothetical responses.

**Mr. Gilles Bisson:** You’re the one who’s saying that it’s prudent.

**Hon. Charles Sousa:** Do you want to ask me about what I know? I’ll answer that.

**Mr. Gilles Bisson:** Is it prudent for a government not to release the actual estimates as reported to them when they were given? Is it prudent to estimate a number that is substantially lower?

**Hon. Charles Sousa:** Chair, what I’m reading here is what was assessed and what was determined. In the negotiations, they came out with the appropriate numbers. Those were applied to public accounts and to our books.

**Mr. Gilles Bisson:** I would argue—

**Hon. Charles Sousa:** Going forward, we’re taking the necessary measures to be open and transparent, to get the Auditor General to declare exactly what the numbers should be.

**Mr. Gilles Bisson:** Your definition of “prudent” leaves a lot to be desired, I must say.

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

To the government side: Mr. Delaney.

**Mr. Bob Delaney:** Thank you, Chair. Mr. Sousa, what was your margin of victory in 2007? Do you remember?

**Hon. Charles Sousa:** Around 4,000, I believe.

**Mr. Bob Delaney:** And two years ago, in 2011?

**Hon. Charles Sousa:** Over 6,000, or thereabouts.

**Mr. Bob Delaney:** Over 6,000? That wasn’t a close election, then.

**Hon. Charles Sousa:** Neither one, no.

**Mr. Bob Delaney:** Did your seat need saving?

**Hon. Charles Sousa:** Let’s be clear—

**Mr. Rob Leone:** That’s a hypothetical question.

**The Chair (Mr. Shafiq Qaadri):** No, it’s not.

**Hon. Charles Sousa:** —I am motivated by a desire to work for the community, and I’m just doing my best as their representative.

**Mr. Bob Delaney:** The reason I asked that question is that Mr. Tabuns pointed out that Forum Research data suggested that maybe your seat needed saving. Are you aware that Forum Research also predicted that Rocco Rossi would be the mayor of Toronto and that Wildrose would be the government of Alberta?

**Hon. Charles Sousa:** There you go. My plurality—my percentage—actually was well above most.

**Mr. Bob Delaney:** What cabinet portfolio did you hold at the end of the 39th Parliament in 2011?

**Hon. Charles Sousa:** I was Minister of Labour.

**Mr. Bob Delaney:** And that means that you were not the Minister of Energy or the Minister of Finance, obviously.

**Hon. Charles Sousa:** That is correct.

**Mr. Bob Delaney:** Okay. Mr. Fedeli went on at some length about a redacted document, of which an unredacted version contained references to the Lakeview Generating Station. When was the Lakeview Generating Station closed?

**Hon. Charles Sousa:** I believe the Lakeview Generating Station was demolished in 2007 or thereabouts, prior to the election.

**Mr. Bob Delaney:** So in other words, it was closed before you were ever elected.

**Hon. Charles Sousa:** That’s correct.

**Mr. Bob Delaney:** Okay. Earlier, on April 8, cabinet chair Peter Wallace said, in part, “I wish to confirm for the committee my continued belief that good-faith efforts were made to provide the information responsive to the committee’s order and that the redactions removed only information that appeared to be unrelated to that order.”

He further said, “It is my belief that the redactions made to the documents I reviewed were the result of that interpretation and that at no time was there any attempt or decision to redact or withhold information that was otherwise responsive to the order of the committee.”

He also said, “I have decided it would be in the public interest to provide an electronic copy of the two sets of records reviewed by my office. Each set of records contains the redacted documents as provided to the Legislature, immediately followed by the same unredacted document.”

The documents that Mr. Fedeli was carrying on about referred to the closure of a power plant that took place before any of the controversy erupted around either the Oakville or Mississauga gas-fired generating plants, and the closure of a plant that was complete before you were elected. Correct?

**Hon. Charles Sousa:** That’s correct.

**Mr. Bob Delaney:** Thank you.

**Mr. Victor Fedeli:** Point of order. A point of order, Chair.

**The Chair (Mr. Shafiq Qaadri):** Mr. Fedeli on a point of order.

**Mr. Victor Fedeli:** Thank you, Chair. Thank you for acknowledging my point of order, Chair. In the unredacted version, it clearly states—

**The Chair (Mr. Shafiq Qadri):** Mr. Fedeli, that is not a point of order.

Mr. Delaney.

**Mr. Victor Fedeli:**—there was an expectation that a new natural gas plant would—

**The Chair (Mr. Shafiq Qadri):** I would invite all of you to actually review what points of order are.

**Mr. Bob Delaney:** Earlier, both the NDP and the Conservatives have talked about the testimony given by Premier Wynne, who testified before this committee and spoke about the siting of the Mississauga and Oakville plants. She testified that energy experts were responsible for siting the plants, but the role of the elected officials was to listen to the communities and make sure these local voices were being heard. Her words were: “There was advice that was given, there was siting expertise, but ... the consideration of the impact on community and the voices of community were not taken into account. So politicians in the end made the decision to relocate the gas plants.”

With regard to some of the comments made about the Premier and the comments that you’ve made, would you agree with the Premier’s characterization, and does that describe the role that you took through the process?

**Hon. Charles Sousa:** Yes. The Premier and the members of the community were listened to, and they recognized that more community engagement should have been had. That engagement occurred. Other initiatives came forward to reaffirm the improper siting of that facility, given the information that was provided, and we listened. And as I said, all parties agreed to that decision as well, to have it moved.

**Mr. Bob Delaney:** The former energy minister, Chris Bentley, was here to testify before the committee, and he spoke about the very difficult situation that he was put in, in terms of disclosing documents as opposed to protecting the public interest during ongoing negotiations.

I was wondering if perhaps you could share with the committee your views on the allegations made by the opposition that Mr. Bentley may have acted in any manner other than in the public interest.

**Hon. Charles Sousa:** Mr. Chris Bentley is a very upstanding individual who I know worked his utmost for the benefit of the public. He operated with great integrity at all times. To the best of his knowledge, he provided what he could. If he stated that there were some sensitive negotiations under way that precluded certain things from being released at that very moment, it was proper for—and presumably, it was him trying to protect the interests of the taxpayer and the public.

I have a lot of confidence in Chris Bentley, and I appreciate the hard work. I’m disappointed by the attacks that he has had to undergo by the opposition, given that he only did what he needed to do, to protect the people of Ontario.

**Mr. Bob Delaney:** Two questions of clarification: Mr. Leone earlier was asking where the original sunk costs

appear on the books. Is it the case that the \$40 million for Oakville was reported in the 2012-13 public accounts?

**Hon. Charles Sousa:** That is correct.

**Mr. Bob Delaney:** And the \$190 million for the Mississauga plant in the 2011-12 public accounts?

**Hon. Charles Sousa:** That’s correct.

**Mr. Bob Delaney:** Okay. We just cleaned that one up.

I think that everybody here agrees that the Mississauga gas plant was not correctly sited. We’ve all talked about the fact that all three parties were committed to not building the plant, if elected. Part of this committee’s mandate is to report back to the House with some concrete recommendations related to the siting of these plants in the future.

You actually worked first-hand with the local residents over a considerable period of time and are one of the few people who have appeared before us who has had detailed interactions with the community. Given your expertise and your experience, would you have any recommendations to share with the committee on how future sites for energy infrastructure should be selected?

**Hon. Charles Sousa:** Well, I appreciate that we need to do a much better job of working alongside members of the community. As I mentioned, I sat on the Clarkson airshed advisory committee, that came forward with three reports citing the degree of particulate matter in the communities.

1030

I also worked closely with the Petro-Canada liaison committee, talking about emissions and the degree to which some of those industrial sites were having an impact on the region.

As I noted, we also had Dr. Balsillie come forward with the airshed advisory board, which provided a recommendation to the Minister of the Environment citing the ways we should proceed, going forward, to protect communities against any further emitters that would be suggested for the area.

The resolution that I put forward in the House also talked about a cumulative impact study prior to making such decisions, noting that we needed to assess the degree to which further emissions would impact on a community. I believe my colleague Kevin Flynn also put forward a setback recommendation so that further power plants wouldn’t be able to be in close proximity to homes. So all of these things are being taken into consideration for further legislation so that we protect communities right across the province of Ontario.

**Mr. Bob Delaney:** In the last minute, is there anything that you want to say that you hadn’t had a chance to get on the record?

**Hon. Charles Sousa:** Well, I just wanted to express my appreciation for the work being done by the individuals around this room, as well as the Auditor General. We want full disclosure. We want to have a full assessment of the impacts. More importantly, we want to make certain that, going forward and in the future, proper sitings of future facilities are made. We’ve done over 17. The previous Premier made note that these two were

done incorrectly. So we have to ensure that such things don't happen again.

I'm pleased that, over the course of the six years that I've been advocating alongside my community with very prominent advocates and community leaders, we listened. We listened to ensure that we protect the Lakeview lands from future—

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Delaney, and thanks to you, Mr. Sousa, for your presence and testimony. I respectfully and officially dismiss you.

Gentlemen and lady, we will have a couple of issues to deal with, committee business. The first is that I've directed the Clerk to prepare a 10-page document on what exactly points of order are. They will be distributed at our next meeting. None of those pages have been redacted; you'll be pleased to know.

We're also in receipt of 44 boxes of material in response to Mr. Fedeli's motion, previous material from the cabinet office, the Ministry of Finance and the Premier's office. You can determine the actual number of documents. My suggestion is one USB key per caucus, if that's suitable.

Some of those, by the way, I believe are confidential, protected, privileged etc., so I'd just invite you to peruse them, and before public release, maybe just consult the committee. Yes, Mr. Fedeli?

**Mr. Victor Fedeli:** Thank you, Chair.

*Interjection.*

**The Chair (Mr. Shafiq Qaadri):** Mr. Fedeli first.

**Mr. Victor Fedeli:** I acknowledge the one USB key, and I think that's fair. Is this something that we can share with our team, our staff—the confidential documents—or not at this point?

**The Clerk of the Committee (Ms. Tamara Poman-ski):** Most of the documents aren't confidential—

**Mr. Victor Fedeli:** They are?

**The Clerk of the Committee (Ms. Tamara Poman-ski):** They are not, but there are little bits and pieces from two of them. I can hang on to them, and then the committee can decide, in addition to the ones from last week. We can decide, but I can distribute the public ones for next week.

**Mr. Victor Fedeli:** What I'm going to suggest is, because we are going to eventually ask for all documents to be released, period, I'd like to propose that we get all of the documents with the confidential ones pulled out, just for the time being. Let's deal with the confidential documents, either now or later, but deal with them all together. We're going to ask for all documents to be released publicly, whether this is the place or not.

**The Chair (Mr. Shafiq Qaadri):** Okay, Mr. Tabuns or Mr. Bisson.

**Mr. Peter Tabuns:** Two points: The first is that if it's put on a USB key, we need the documents to be electronically searchable.

**The Clerk of the Committee (Ms. Tamara Poman-ski):** I think they were, actually. Your motions are saying "in a searchable electronic PDF," so I've gotten a hard

copy of 44 boxes, and I've also got a USB stick. I'm assuming they are searchable because that's what the motion had said and requested.

**Mr. Peter Tabuns:** Okay. We differ with the Conservatives on this point: We think all the documents should be in there.

**Mr. Victor Fedeli:** May I, Chair? Actually, I brought a motion forward asking about the release of confidential—was it only up to that point back, or for the future?

**The Clerk of the Committee (Ms. Tamara Poman-ski):** Yes, because that's what you had cleared in your motion.

**Mr. Victor Fedeli:** So do we want to take that motion and remove that for these documents, or do we want to look at them first?

**Mr. Peter Tabuns:** No, we want them all.

**Mr. Victor Fedeli:** That's my point. Do we want to take that motion and reissue that motion today about—

**The Chair (Mr. Shafiq Qaadri):** It doesn't have to be a motion. We could just agree. I take it it's all documents, period?

**Mr. Peter Tabuns:** Correct.

**Mr. Victor Fedeli:** We're going to want all documents—

**The Chair (Mr. Shafiq Qaadri):** But I mean now.

**Mr. Peter Tabuns:** Now.

**Mr. Victor Fedeli:** Does that include the one you're holding in that envelope?

**The Clerk of the Committee (Ms. Tamara Poman-ski):** This is just transmittal letters. Yes—

**Mr. Victor Fedeli:** No, no, no, not that envelope, the envelope—you're holding confidential documents in an envelope, yes?

**The Clerk of the Committee (Ms. Tamara Poman-ski):** Yes; in my office, yes.

**Mr. Victor Fedeli:** Do we want to include that pile?

**Interjection:** Yes.

**Mr. Victor Fedeli:** Without any discussion?

**Mr. Peter Tabuns:** Yes.

**Mr. Victor Fedeli:** Okay. I'm good with that. I'm good to have everything.

**The Clerk of the Committee (Ms. Tamara Poman-ski):** Perfect. I'll get them to you as soon as possible.

**The Chair (Mr. Shafiq Qaadri):** Fair enough. Any other issues?

**Mr. Victor Fedeli:** So do we declare them open?

**The Clerk of the Committee (Ms. Tamara Poman-ski):** It's agreed—agreement. If the majority of the committee has agreed, I will get them to you as soon as possible.

**Mr. Victor Fedeli:** Okay.

**The Chair (Mr. Shafiq Qaadri):** Fair enough.

Any further business? The committee is adjourned. Thank you.

*The committee adjourned at 1036.*







## CONTENTS

Thursday 23 May 2013

Members' privileges .....	JP-493
Hon. Charles Sousa .....	JP-493

### 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

Mr. Gilles Bisson (Timmins–James Bay / Timmins–Baie James ND)

Mr. Victor Fedeli (Nipissing PC)

Mr. Rod Jackson (Barrie PC)

Mr. Rob Leone (Cambridge PC)

Mr. Peter Tabuns (Toronto–Danforth ND)

Ms. Soo Wong (Scarborough–Agincourt L)

#### Clerk / Greffière

Ms. Tamara Pomanski

#### Staff / Personnel

Mr. Jeff Parker, research officer,  
Research Services