

FEEHELY, GASTALDI

Barristers and Solicitors

JAMES J. FEEHELY
PAUL F. GASTALDI
JERRY W. SWITZER
COLLEEN E. BUTLER

5 Mill Street East, P.O. Box 370
Tottenham, Ontario L0G 1W0
Telephone: (905) 936-4262
Fax: (905) 936-5102
E-Mail: jfeehely@feehelygastaldi.com

September 23, 2009

VIA FAX #416-440-7656 &
E-MAIL: Boardsec@oeb.gov.on.ca

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
27th Floor, Box 2319
Toronto, Ontario
M4P 1E4

Dear Ms. Walli:

***Re: Township of King;
York Energy Centre LP Application
For an Electricity Generation License;
Board File No. EB-2009-0242
Our File No. 6956JF06***

I am the solicitor for the Township of King in relation to the above matter. Pursuant to my instructions, I am writing this letter on behalf of the Township as its written submission on the Application by York Energy Centre LP for an Electricity General License.

There has been a long and as yet incomplete process in relation to the Application by YEC. Throughout that process, the Township has unfailingly indicated its position as an unwilling host for this Project. In spite of the history of the Application to date, it is clear that there continues to be a number of fundamental matters that need to be addressed with the result that it is the position of the Township that the Application by YEC is premature. The basis of the Township's position of prematurity is as follows:

1. The Application is subject to Municipal Site Plan Approval. This Application has the potential for significant site impacts and, as of this date, the Council of the Township of King has not considered the Site Plan Application. Given the agency comments received and the potential impact of this Application, there is a concern as to whether the Applicant can meet the Township's Site Plan requirements. It is the position of the Township that it would be

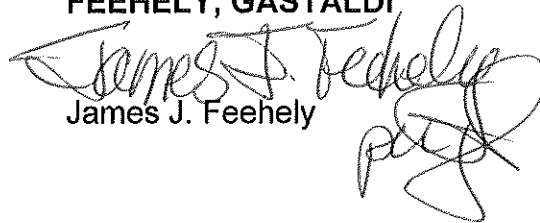
premature to issue a License for a Project that has yet to demonstrate its site feasibility.

2. The site for this Application is also located on lands within the Lake Simcoe Region Conservation Authority jurisdiction and there appear to be significant Conservation Authority issues associated with the Application. Again, it is the position of the Township that the granting of a License is premature until the position of the Conservation Authority is formally determined.
3. The ability of the Applicant to connect the site to the hydro grid has not yet been determined. The preferred route crosses a right-of-way over lands owned by the Cawthra Mulock Nature Reserve which has, to date, refused the use of the right-of-way to permit a connection. There does not appear to be any other alternative route and to the extent such alternative route would involve the use of the Municipality's roadways, the Township reiterates its position of being an unwilling host.
4. Similarly, there is a requirement for a high pressure gas pipeline which will require approval. That approval has not moved forward at this stage and will be subject to a separate environmental assessment. Again, the Township maintains its position as an unwilling host.
5. In addition to the above, the site is located within the Greenbelt Plan and is subject to the Greenbelt Plan Policies as well as the Provincial Policy Statements. The Township is not yet satisfied that the Applicant can adequately demonstrate compliance with these Policies.

In conclusion, the Township respectfully submits that the Application for a License be denied on the basis that it is currently premature taking into account the significant and considerable matters that the Application fails to address. I would be pleased to address any further issues or concerns that the Board may have.

I look forward to your response.

Yours truly,
FEEHELY, GASTALDI



James J. Feehely

JJF/jl

cc: Mr. Scott Somerville
Chief Administrative Officer
Township of King