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September 30, 2009

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Our Matter Number: 1114387

**BY ELECTRONIC MAIL & COURIER**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street  
Suite 2700  
Toronto, ON M4P 1E4

Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

**Re: EB-2009-0242 – York Energy Centre LP (“York”) – Electricity Generation License Application (“Application”) – Response to Submissions of Interested Parties**

We write on behalf of York pursuant to Procedural Order No. 1 and to respond to the written submissions filed with the Board in respect of its Application. For convenience, these submissions are summarized below, with the omission of instances where the submissions refer to one another and/or are duplicative:

- Ontario Nature notes that York has not yet secured access to the transmission grid and has further submitted that it will take steps to block York’s use of the existing Hydro One Networks Inc. (“Hydro One”) easements, poles and lines that presently cross the land it holds in trust for the Province of Ontario. Ontario Nature also submits that the use of these easements is necessary to permit “islanding” in the transmission system and that islanding is critical to the YEC proceeding as applied-for, in effect suggesting that Ontario Nature’s rejection of the YEC would ultimately make York’s Application moot.
- The Concerned Citizens of King Township (“CCKT”) submit that a comprehensive list of, and reports upon, regulatory permits and approvals ought to be provided to all parties for review, and notes that some of these approvals remain outstanding. The CCKT also note that the Lake Simcoe Region Conservation Authority (“LSRCA”) has recommended that the Township of King deny York’s Site Plan Development Application because it is located in a “floodway” and that if nonetheless approved it must satisfy certain conditions. Finally, the CCKT suggest that the location of the YEC will endanger the reliability of the transmission system.
- The Township of King notes that it has not yet issued a Site Plan Approval, the Enbridge Gas Distribution Inc. gas pipeline has not yet received Board approval, and there are unspecified concerns about the project’s compliance with the Greenbelt Plan and Provincial Policy Statements.

- Mr. Clayton De Vries submits that the Ontario Power Authority (“OPA”) erred in approving the location of the YEC both for reasons of transmission system reliability and because the YEC will be located “in a flood plain.”

However, in the Board’s Decision and Procedural Order No. 1, the Board’s delegate ruled as follows:

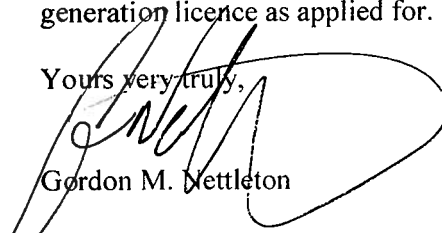
The Board agrees with York Energy’s assessment that the issues raised by Harten and CCKT in support of an oral hearing are out of scope for this proceeding. Other agencies have the mandate to oversee the environmental and regulatory approvals related to the actual generation facilities. In the exercise of its licensing function, the Board’s practice is to review a licence application based on the applicant’s ability to own and/or operate a generation facility and to participate reliably in Ontario’s energy market.

York submits that all of the foregoing concerns remain outside the scope of this proceeding. As noted by the Board’s delegate, the Board does not have the oversight mandate in a generator licence application to second-guess other decision makers such as the OPA and the Ministry of the Environment. Rather, again as noted by the Board’s delegate, the proper test is to review whether the generation licence applicant has provided sufficient information to demonstrate that it is capable of appropriately operating a generation facility in the Ontario market. No party has submitted any evidence to suggest that this is not the case or challenged York’s evidence in this regard.

York has committed to, and reaffirms, its commitment to work diligently with the Township of King and other regulatory decision-makers and is confident that it will ultimately obtain both a Site Plan Development permit and all other required approvals. Because these are necessary steps for the YEC to break ground, much less commence operation, there is no need for the Board to predicate consideration of a generation licence on prior receipt of approvals outside the Board’s mandate.

York accordingly submits that its Application is complete and no legitimate issue has been raised in relation to it by any Interested Party. York therefore requests that the Board issue the generation licence as applied for.

Yours very truly,

  
Gordon M. Nettleton

GMN:njm

- c. Ms. Suzanne Morrison, Vice-President Corporate & Commercial, Pristine Power Inc.
- c. Interested Parties