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August 5, 2010

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Toronto

Montréal

**BY ELECTRONIC MAIL & COURIER**

Ottawa

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

New York

Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

**Re: EB-2009-0242 – York Energy Centre LP – Electricity Generation License**

We write on behalf of our client, York Energy Centre LP (“York”) and in respect of Condition 2 to the above-captioned Order and Decision of the Board.

On July 29, 2010 Ontario Regulation 305/10 made under the *Planning Act* came into effect, a copy of which is attached. This Regulation now expressly exempts the York Energy Centre project from the *Planning Act* approval requirements once project environmental assessment approvals or exemptions have been obtained. Given this, York submits that Condition 2 to the Board’s Order EB-2009-0242 should no longer have force or effect as Site Plan approvals under the *Planning Act* are no longer required for the Project.

In light of these changes in circumstances, York respectfully requests Order EB-2009-0242 be amended such that Condition 2 is deleted.

Yours very truly,



for: Gordon M. Nettleton  
GMN:kjt

c: Ms. Suzanne Morrison



ServiceOntario

e-Laws

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**ONTARIO REGULATION 305/10**

made under the

**PLANNING ACT**

Made: July 28, 2010

Filed: July 29, 2010

Published on e-Laws: July 30, 2010

Printed in *The Ontario Gazette*: August 14, 2010**ENERGY UNDERTAKINGS: EXEMPT UNDERTAKINGS****York Energy Centre project**

1. (1) The York Energy Centre project is prescribed for the purposes of clause 62.0.1 (1) (b) of the Act as an undertaking that is not subject to the Act if one of the conditions set out in clause 62.0.1 (1) (a) of the Act is also satisfied.

(2) For the purposes of this section,

“York Energy Centre project” means the undertaking that is the natural gas-fired simple cycle peaking electrical generation facility proposed to be located on those lands legally described as being in the Township of King, York Region being Part of Lot 9 in Concession 2 Old Survey King more particularly described as:

Firstly: Parts 1, 4, 5, 6, and 7 on Reference Plan 65R-23427, further identified as Property Identifier Number 03414-0241 (LT), filed in the Land Registry Office for the Land Titles Division of York Region (No. 65), and

Secondly: Parts 4, 5, 6, 7, and 8 on Reference Plan 65R-867, save and except Parts 1, 3, 4, 5, 6, and 7 on Reference Plan 65R-23427, further identified as Property Identifier Number 03414-0243 (LT), filed in the Land Registry Office for the Land Titles Division of York Region (No. 65).

**Commencement**

2. **This Regulation comes into force on the day it is filed.**

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