

RECEIVED

AUG 14 2009

concerned citizens of king township inc.

ONTARIO ENERGY BOARD

P.O. Box 875, King City, Ontario L7B 1A9

www.kingtoday.ca

August 13, 2009

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

Fax: 416-440-7656

Email: Boardsec@oeb.gov.on.ca

Dear Ms. Walli:

RE: York Energy Centre LP Application for an Electricity Generation License
File No. EB-2009-0242

I am writing on behalf of Concerned Citizens of King Township ("CCKT") in relation to the above-captioned matter. Please accept these comments as CCKT's written submission on the York Energy Centre LP's ("YEC") Application for an Electricity Generation Licence ("Application").

Prematurity

1. As set out in the reasons below, we believe that the YEC's Application ought to be turned down because it is premature.

- CCKT wrote to the Honourable Mr. John Gerretsen, Minister of the Environment (the "Minister") on April 29, 2009 requesting that the YEC be required to prepare an individual Environmental Assessment for its proposed natural gas generation facility at 18781 Dufferin Street in King Township, Ontario. The *Environmental Assessment Act* ("Act") provides at section 5 that no person shall proceed with an undertaking unless the Minister gives his or her approval to proceed under section 9 of the Act. A copy of CCKT's letter to the Minister is enclosed.

- The Application requires that the YEC list all regulatory approvals required and the status of each approval. It is noted in Attachment "A" to the Application that the Minister is currently considering 12 appeals for an individual environmental assessment and that the expected date of issue of the Statement of Completion is July 2009. To date, we have no evidence that the Minister has issued a Statement of Completion for the YEC project approving the undertaking.
- Further, the YEC has indicated that it submitted a Stage 2 Archaeological Assessment to the Ontario Ministry of Culture ("MOC") in June 2009 and that a clearance letter was expected in July, 2009. To date, we have no evidence that the YEC has obtained a clearance letter from the MOC. We also have no information regarding whether the YEC has submitted applications for its Certificate of Approval for Industrial Sewage Works and Certificate of Approval for Air and Noise to the Ministry of the Environment ("MOE"). These applications were anticipated to be submitted in July, 2009.
- The YEC has noted on Schedule A that it has only listed major approvals required for its project, and has not listed minor permits, licences and approvals. The YEC should be required to provide a comprehensive list of all required permits, licences and approvals, and their status, before a generation licence is granted.
- Further, the YEC has not yet confirmed how it will connect to the power grid. The route proposed by the YEC assumes use of a right-of-way that crosses the Cawthra Mulock Nature Reserve ("CMNR"). The CMNR has refused YEC's use of the right-of-way across its property and an alternative route has not been established.
- In relation to the high pressure gas pipeline proposed for the YEC, Enbridge has just filed its Environmental Report. The Report has not yet been reviewed nor have public hearings been held in relation to the proposed pipeline. The proposed pipeline requires a separate environmental assessment from that of the YEC project and is still at an early stage.
- It is unknown at this time whether the YEC has completed the outstanding environmental studies requested by the Lake Simcoe Region Conservation Authority ("LSRCA") on April 7, 2009. A copy of LSRCA's letter is enclosed. YEC did prepare a response to the LSRCA's letter dated July 29, 2009 but it has yet to be reviewed by LSRCA staff for completeness.
- The Application also indicates at page 9, Item 12, that the Applicant has not secured financing for the YEC project. This raises serious questions regarding the viability of this project and the need to apply for a generation licence at this time.

Given the incomplete status of most of the required approvals and other unknown or unconfirmed details regarding the project, we believe that the Application is premature because each of the approvals could change the size, location, and operation of the proposal. At the present time, key aspects of the proposal are uncertain so it is impossible to know what a generation licence is being granted for. Because many of the documents are in the early stages of review, the applicant cannot know what conditions will be attached to the project nor the final form of the development. At this time there is no reasonable certainty of the proposed licensed activity and this Application therefore serves to impede regulatory efficiency.¹

Request for Proposal

2. Furthermore, I would argue that the Ontario Energy Board ("OEB") should not issue an electricity generation license to the YEC until the Ontario Power Authority ("OPA") and YEC explain how the generator meets the objectives laid out in the Request For Proposal (RFP). It should be noted that the OPA changed the RFP in July 2008 after the draft was issued in June 2008 to award extra points to bidders who could meet the new "islanding" requirement.

Islanding was intended to "twin" the generator with the Armitage transformer station so that in an N-2 scenario, Armitage would receive power in short order. A N-2 scenario is basically a disaster situation - both B82 and B83 circuits are out of commission, i.e. the Claireville line is "down". The latter could be caused by an ice storm or a tornado. The ice storm in eastern Ontario and the tornado that came through the YEC site in 1982 show that the concern is not hypothetical but real, especially with our changing weather patterns.

YEC, by virtue of its location, does not protect Armitage in a disaster and in fact may make the likelihood or extent of the disaster worse. This statement is based on two assumptions:

- i) the greater the length of transmission lines connecting the generator to the transformer, the greater the risk that the disaster cause will affect the generator's connection.
- ii) the new transmission towers and lines that must cross the Claireville line (over or under) to achieve the "islanding" connection on the Armitage tap line create a confluence of above ground structures that could create a domino effect, i.e., one tower or line taking out another tower or line.

Planning matters

At the present time we have no confirmation that the proposal is in fact permitted at its proposed location. There are serious questions outstanding concerning the project's compliance with key provincial policies including the Provincial Policy Statement and Greenbelt Plan as well as compliance with the Regional Official Plan, Official Plan and

¹ Application for an Electricity Generation Licence, Page 1, Section 2

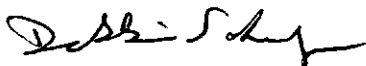
zoning by-law.² Further, the proposed location of the project is adjacent to the environmentally and agriculturally significant Holland Marsh. Again, the Ministry of the Environment has not yet approved the project to proceed.

Conclusion

3. In conclusion, the OEB must deny the application. As outlined above, the Application is premature given the incomplete status of a number of approvals. Further, given that northern York Region is only served by one transmission line (Claireville) and given that the OPA and the OEB have no plans to add a backup line, the YEC is at best, a partial solution to the disaster scenario. "Islanding" becomes a critical part of the design. However based on the generator connection proposed by Pristine in the Application, the proposed connection will put northern York Region at greater risk, not less risk. There is also an absence of confirmation that the project complies with local planning provisions.

I would be happy discuss any of the above comments.

Yours very truly,



Debbie Schaefer
P.O. Box 875,
King City, ON
L7B 1A9

Email: cckt@kingtoday.ca

cc: Arie D. Van Driel
York Energy Centre LP
Suite 2250
350-7th Avenue S.W.
Calgary, AB T2P 3N9

Fax No. 403-444-6784
Email: dvandriel@pristinepower.ca

² See CCKT's letter to Minister Gerretsen, dated April 29, 2009, enclosed.