

**Ontario Energy
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**Commission de l'énergie
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BY EMAIL ONLY

May 24, 2007

Mr. Stephen Vieira, P. Eng
FSM Management Inc.
P.O. Box 88
5600 Silver Dart Drive
Lester B. Pearson International Airport
Mississauga ON L5P 1A2

Dear Mr. Vieira,

**Re: Pearson International Fuel Facilities Corporation (PIFFC)
Additional Storage and Supply Project
Application for Leave to Construct
Board File No.: EB-2007-0009**

This will acknowledge receipt of the letter from Mr. Garry Doyle of Marshall Macklin Monaghan ("MMM") dated May 10, 2007 in response to an e-mail request from Board staff dated May 1, 2007.

The Board has reviewed the information provided in the May 10, 2007 letter as well as the other evidence in this proceeding and requires some additional information.

Please provide the following information on or before June 2, 2007.

(A) Corporate Information Regarding PIFFC

- (i) Please provide the names of the directors and officers of PIFFC.
- (ii) Please provide a brief narrative describing PIFFC's history, its line of business and its experience with projects similar to the subject proposal.
- (iii) Please find attached as Appendix A to this letter, the form of an affidavit to be sworn by an authorized representative of PIFFC regarding the evidence provided in support of the Application.

(B) Status of Other Required Approvals

- (i) As previously requested, please advise how PIFFC plans to address TSSA's comment regarding the pipeline integrity management program. Also, please provide verification that PIFFC's proposal is acceptable to TSSA.

- (ii) Please provide details of any outstanding issues with respect to obtaining a licence/agreement with the City of Mississauga to place the pipeline within city property. Why will it take at least 6 months to finalize the licence/agreement?
- (iii) Please provide an update on the negotiations with Peel Region regarding the approval required for the Derry Road crossing. Are there any outstanding issues?

The May 10, 2007 letter from Mr. Garry Doyle of MMM indicates that the GTAA has approved the proposed pipeline route along the west limit of the GTAA lands north of Derry Road. No mention is made of the remainder of the pipeline route within GTAA lands. Please provide the status of negotiations with respect to approval for this remaining pipeline route. Also please explain the GTAA's authority to grant approval for access onto its lands, and for the route of the pipeline within them.

In addition, the Board is obliged to enquire as to the consultations, if any, that the Applicant has engaged in with Aboriginal Peoples. Specifically:

- Has the PIFFC made inquiries to determine if there are Aboriginal communities who may be affected by the proposed project?
- If there are Aboriginal communities who are affected by the proposed project, has PIFFC consulted with them? If so, have those communities identified any specific issues or concerns in respect of the project? How have those issues or concerns been mitigated or accommodated?
- Has PIFFC determined if any Aboriginal communities have any filed and outstanding claims or litigation concerning their treaty rights or treaty land entitlement or aboriginal title or rights, which may potentially be affected by the project? If so, what is the status of those claims or litigation?
- If PIFFC has not made inquiries to determine if there are Aboriginal communities who may be affected by the proposed project, please advise if the PIFFC intends to do so.
- Provide details of any known Crown involvement in consultations with Aboriginal groups in respect of the applied-for project.

Yours truly,


Peter H. O'Dell
Assistant Board Secretary

- c. Mr. George Vegh, McCarthy Tetrault
Mr. Garry Doyle, Marshall Macklin Monaghan Limited

APPENDIX A

Form of Affidavit

Affidavit to be sworn by an authorized representative of the company who has authority to bind the corporation—for purposes of illustration, the position of Chief Executive Officer has been used.

I, *****, of the City of **** in the Regional Municipality of ***** make oath and say:

I am the CEO of Pearson International Fuel Facilities Corporation (“PIFFC” or the “Company”). I have taken the steps necessary to inform myself of the matters that are the subject of this affidavit. I am authorized to make this Affidavit on behalf of the Company. Where my knowledge is based upon information and belief, I indicate so.

On January 3, 2007 PIFFC filed an application, pursuant to section 90 of the *Ontario Energy Board Act, 1998*, for an order of the Ontario Energy Board (the “Board”) granting leave to construct approximately 5.6 kilometres of 16 inch diameter jet fuel pipeline in the City of Mississauga. That application was given file number EB-2007-0009.

Prior to swearing this affidavit I reviewed the application; the materials filed in support of the application, (collectively the “filed materials”), and the representations made by officials of the Company and its agents to the Board; and all correspondence related to this application including electronic messages between PIFFC’s experts and the Board.

I understand that the Board intends to rely upon the information, statements and representations made in the application, the filed materials, and the correspondence when deciding whether to issue an order granting PIFFC leave to construct the jet fuel pipeline.

To the best of my knowledge, information and belief, the information, statements and representations made in the application, the filed materials, and the correspondence are true, accurate and current as of the date of the swearing of this affidavit.

Sworn before me, etc.,