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**Official Report
of Debates
(Hansard)**

Tuesday 13 August 2013

**Journal
des débats
(Hansard)**

Mardi 13 août 2013

**Standing Committee on
Justice Policy**

Members' privileges

**Comité permanent
de la justice**

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Hansard Reporting and Interpretation Services
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON JUSTICE POLICY

Tuesday 13 August 2013

COMITÉ PERMANENT DE LA JUSTICE

Mardi 13 août 2013

The committee met at 0901 in room 151.

MEMBERS' PRIVILEGES

The Chair (Mr. Shafiq Qadri): Chers collègues, j'appelle à l'ordre cette séance du comité de la justice.

I'd like to welcome our presenter. Before doing so—

Mr. Gilles Bisson: Point of order.

The Chair (Mr. Shafiq Qadri): Mr. Bisson, point of order: The floor is yours.

Mr. Gilles Bisson: I would like to pass on a motion that I'd like to move.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Bisson.

Mr. Gilles Bisson: For the record, I just want to read the following motion: I move that the members of the standing committee on justice—

The Chair (Mr. Shafiq Qadri): Mr. Bisson, we'd like to just have a look at it, if you don't mind.

You cannot move a motion on a point of order, but—
Interjection.

The Chair (Mr. Shafiq Qadri): Can he read it?

The Clerk of the Committee (Ms. Tamara Poman-ski): Yes, he can.

The Chair (Mr. Shafiq Qadri): Okay, please proceed.

Mr. Gilles Bisson: As I was saying, I move that the members of the standing committee on justice be allowed to ask questions related to any and all documents provided to this committee.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Bisson. I think we'll likely need to recess on that one.

Mr. Gilles Bisson: Well, just before you recess, just for your consideration: Under the order of the House, this committee was given the ability to request documents that look into the issue related to the gas plants—who made the decisions, how much it cost and all of those things related.

As a result of an order of the committee, documents were provided to this committee, and we want the ability to be able to ask all questions related to the documents that we receive. For example, we have a witness before us today who is cited in some emails in regard to discussions that he had with the Speaker. Those documents were sought and released as a result of the request of this committee. Therefore, under the authority of the House that we got in this committee, those documents were

received, so therefore we want to have the ability to ask questions related to all documents that this committee has received. Otherwise, essentially, the Premier—in my view—is not living up to her word of being transparent and allowing us to be able to do what we have to do in this committee.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Bisson. We've received your motion, and the powers that be, which include myself, would require a recess to consider it. So let's take about a 10-minute-or-so recess. Thank you.

The committee recessed from 0903 to 0905.

The Chair (Mr. Shafiq Qadri): Thank you, colleagues, for your patience and indulgence. Thank you, Monsieur Bisson, for the motion that you have presented before the committee. I officially rule that that motion is out of order. Why? Because the motion must apply to the mandate of the committee. For that reason, I would like to read a statement, which is so: I would like to take this opportunity to remind members of the mandate of this committee as outlined by the orders of the House, dated Wednesday, February 20, 2013, and Tuesday, March 5, 2013. This committee is tasked with determining if a prima facie case of privilege with respect to the production of documents by the Minister of Energy and the Ontario Power Authority to the estimates committee has occurred, and authorized to consider and report its observations and recommendations concerning the tendering, planning, commissioning, cancellation and relocation of the Mississauga and Oakville gas plants.

Perhaps in a more digestible form, I would simply once again alert committee members that we are to look at the products of that ruling and not the process by which it was reached.

Before I offer the floor to you, Mr. Bisson, I'd like to invite legal counsel, Mr. Sibenik, to also comment.

Mr. Peter Sibenik: I think it's important for the committee to be cognizant of the fact that the committee must stay within its mandate. There were two orders of reference, as the Chair indicated.

There are other procedural opportunities for the line of questioning sought to be done to be effected, and that would be in the House. There is standing order 21, in which members provide notice to the Speaker and pursue a line of inquiry dealing with a matter of privilege—that's one way; oral questions; there are motions that could be tabled. These would still have to be in order, of

course, but there are other procedural opportunities for members to pursue the matter of the involvement of the Speaker or who approached the Speaker.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Sibenik. The floor is now open for comments. Monsieur Bisson.

Mr. Gilles Bisson: I've got two points. First of all, the terms of reference of this committee were pretty clear. It was given a very wide mandate. In the words of Mr. Milloy, if you go back and look at the order and you take a look at what was discussed in the House, this committee would have the authority to—

The Chair (Mr. Shafiq Qaadri): Monsieur Bisson, I appreciate what you're saying. I'll just re-inform you that the matter has now been ruled upon, so the discussion is essentially concluded. If you do need to pursue this, there are other forums for which to do so.

Mr. Gilles Bisson: And I'm choosing not to exercise that other forum at this time, to be very clear.

The Chair (Mr. Shafiq Qaadri): The floor is yours, Mr. Bisson.

Mr. Gilles Bisson: Just for the record, I want to say that it was fairly clear these documents were received. Why? Because this committee requested them. It only stands to reason that documents requested by this committee—we should be allowed to ask questions to those particular documents. The terms of reference that were given to this committee were given a very wide mandate to look into all matters related to—and I think that this particular issue and this particular episode with Mr. Guy, Ms. Miller and Mr. Gene is to that point.

The other thing I just want to conclude on: The Premier was quite categorical. When I listened to her on the by-election night, she said she would not have done things the way that Mr. McGuinty had done. She wanted to be open, transparent and allow the committee to ask all the questions to shed the light on what happened here. It seems to me you'd be well advised, as a government, to lead by the example that your Premier has given and allow these questions to be asked about documents that this particular committee requested.

The Chair (Mr. Shafiq Qaadri): Thank you, Monsieur Bisson. We shall all aspire to that goal.

Are there any further comments? Mr. Delaney, and then to the PC side.

Mr. Bob Delaney: Chair, I take exception to the comments of my colleague Mr. Bisson. This is not about the Premier; this is about a ruling by the Chair and our ability as a committee to stay within our mandate given to us by the House. I would ask that the Chair, in administering this committee, be firm, consistent and fair in enforcing the ruling that the Chair has just read.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Delaney. Further comments? Monsieur Yakabuski and then Mr. Fedeli.

Mr. John Yakabuski: Thank you very much, Mr. Chair. I appreciate your ruling. I heard you very clearly saying that we must focus on the products, not the process. Yet I've been sitting on this committee for months

at this point. We were given the broadest possible mandate, as Mr. Bisson has indicated, not only by the House leader, Mr. Milloy, but the Premier, in her words, as well, because she continually at least said, "We're going to do everything we can" to get to the truth, the whole truth and nothing but the truth.

0910

If this is the mandate, all of a sudden we've narrowed the mandate of this committee because of a specific revelation of actions of unelected political operatives. The unelected political operatives took some actions that, quite frankly, I think the people of Ontario will find reprehensible and possibly illegal. And all of a sudden the mandate of this committee has shifted because, time after time, witnesses before this committee have been asked innocuous, ridiculous questions by the government side that have absolutely nothing to do with the cancellation of the gas plants, absolutely nothing to do with any email trail or records that have been destroyed or deleted, nothing to do with anything but furthering the political goal of the government. I'm talking about, specifically, opposition MPPs, the leader of the opposition—questions that had absolutely nothing to do with the mandate, and this committee allowed every one of them to be asked.

So if the committee is going to change its mandate midstream, we need a better explanation than simply all of a sudden that line of questioning is out of order. The people of Ontario want the truth. The Premier's words are worthy: Let's get to the truth. The people of Ontario want the truth. They do not want this committee to be handcuffed to the point where our mandate becomes so narrow that we cannot ask the questions of people like Mr. Guy who attempted to interfere with the highest officer in this Legislature.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Yakabuski. Mr. Fedeli?

Mr. Victor Fedeli: Thank you very much, Chair. I'll only add that, when we began looking into this gas plant cancellation scandal—I have said this many times in this room—the cover-up of the scandal has gotten bigger than the original sin, if you will. This is another example of how deep this cover-up has gone.

For us not to be able to question witnesses last week, this week and going forward about their role in the intimidation of the Speaker, which was just one more method—a large method, albeit—to cover up the hearings that we're having, I think is absolutely egregious, that you rule that way. I think it's unparliamentary that we cannot ask questions of a witness. We have their emails. We know what they said. We know what their intent was. It's not, "I wonder if they did it." They did it. They talk about it back and forth with each other. We now have those emails that prove to us the depths that they would go to cover up this crime.

I believe that we have every right today to ask questions of the witness who's sitting right here.

The Chair (Mr. Shafiq Qaadri): I appreciate the sentiments expressed by all members. I once again call their attention to the actual mandate in writing, which I

hope is before each and every one of you. The ruling continues to stand—

Mr. Rob Leone: Chair? I'd like to comment.

The Chair (Mr. Shafiq Qaadri): Yes, Mr. Leone?

Mr. Rob Leone: Chair, we asked in the estimates committee on May 16, 2012, how much these cancellations cost, where in the budget they are located, and we sought to move for the release of documents. That's where this all started. And subsequent to that, because we couldn't get those answers in estimates committee, we had to bring those questions back to the House. A point of privilege was raised by myself, a motion was tabled by myself, and things were set in motion.

But the reality, Chair, is this: We were prevented from analyzing and discussing these documents simply because of the process involved throughout what we've uncovered with these emails. The decision was made; a motion was tabled; documents were released. Legal action was threatened to members of the opposition. The Speaker was threatened, again, by what was desired. Prorogation ensued. This prevented us from actually exposing and talking about the very documents that we sought to look at in the estimates committee.

So at the end of the day, it's very much in line with what we are doing in this committee: talking about the documents that should have been disclosed. The reality is, the failure to produce those documents, the failure to answer the simple question of how much these cancellations cost and where in the budgets they are found, is why we started to expand the investigation. We weren't getting the answers that we wanted. That's why we're here. They prorogued, and we had to come back in February to do the same thing over again.

I would suggest that this is in line with what we started in the estimates committee. We're looking at the release of documents, the documents that we didn't get and the answers we still don't have in terms of what these costs are. This is totally in line with what has happened—why we're still here today, in August 2013, trying to find answers to questions we asked in May 2012. For that purpose, Chair, I think this motion is totally in order and that we should be able to ask questions of this witness and other witnesses who come before us.

The Chair (Mr. Shafiq Qaadri): I appreciate your sentiments. The ruling continues to stand.

Mr. Tabuns?

Mr. Peter Tabuns: Mr. Chair, many people have made very solid arguments on this. The interwoven nature of the decision and the documents is one that you cannot ignore.

This whole inquiry is about decisions that were made and information that had to be provided to the Legislature through this committee. Apparently, an attempt was made to limit that information by going to the Speaker to have him change his ruling. That is entirely within our purview to consider. If we had the Information and Privacy Commissioner here talking about the deletion of emails because, in fact, records weren't available, is it not just as relevant that someone who tried to ensure that

no records at all came forward—is their testimony not equally relevant?

I don't think you can allow, for instance, the Leader of the Opposition to be questioned by the Liberals—someone who had nothing to do with the decision to cancel the gas plant—and then say in another case that it's out of order because it's not in the terms of reference. Frankly, it is within our terms of reference if—and we believe that this is the case—there was an attempt made to cover up the realities of these decisions. Then, this is all of one piece, and you need to allow us to consider those questions and put those questions to witnesses that arise from the documents we've been provided with.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Tabuns.

Mr. Arnott?

Mr. Ted Arnott: Thank you, Mr. Chair. I don't wish to challenge your ruling, and I respect your role as Chair in terms of making your ruling, but I think that if this process is to come to a meaningful conclusion, we need to be able to ask questions in this committee.

In the explanation of the ruling, it was indicated that standing order 21 allows for other opportunities for members of the Legislature to raise issues in the Legislature. Of course, as we know, the Legislature is not currently in session and is not currently scheduled to sit until September 9, so those opportunities don't exist for at least almost another month.

You indicated in your previous ruling last week, and in the follow-up today, that it's the process leading to the decision by the Speaker that is not supposed to be subject to questions, but we certainly have questions with respect to what happened after the Speaker made his prima facie finding of privilege with respect to the objections that were raised by the member for Cambridge. Certainly, I would suggest and respectfully submit that those questions should be allowed. We do have a witness today who can shed light on that, and we should be given that opportunity to raise those issues with him.

The Chair (Mr. Shafiq Qaadri): Mr. Bisson?

Mr. Gilles Bisson: The very last point that I want to make is: What this committee is all about is determining who refused to release the documents to the estimates committee when it was asked. We all know—just for people just watching for the first time—that a committee has a right to ask for papers, people or things to appear before a committee. We have that right, and as per the Speaker's ruling, it's an unfettered right of the committee.

It seems to me that the Speaker had already made his decision by the time these emails were sent. The emails that were sent by Ms. Miller, Mr. Guy and Mr. Gene—the exchange between them—happened after the decision. It's clear to me that the decision had been made. He had found a prima facie case of contempt, and the matter at hand was, "How are we going to release these documents?" After the government got caught with its hand in the cookie jar by not allowing those documents to be released and being found in a prima facie case of con-

tempt, the government continued to try to stymie the release of the papers.

Those are the questions that I want to ask Mr. Guy. I don't want to ask about the ruling on the prima facie case of contempt. I want to ask because I believe that the purpose of the meetings was to figure out a way to slow down and to not allow certain documents to be released to the committee. Certainly that's what they were trying to do, from what I can see from within the emails and what had happened.

0920

It's a case of: The government got caught the first time. They were found in a prima facie case of contempt, and then they continued to try to find a way not to release the documents. Because if you remember, what the Speaker had said was, "I find that there's a prima facie case of contempt. I ask the House leaders at this point to figure out how we're going to release those documents and in which way." That was the only matter left at hand. There was an exchange of emails between these three individuals after the decision of a prima facie case. The only thing they could have been trying to influence him on—because he had already made a decision of the prima facie case of contempt; he wasn't about to change his mind on that—was: How would those documents be released? That's why I think we have the right to ask these questions.

The central crux of this committee is: Why did the government refuse to release the documents to the estimates committee? That's what this committee is all about at the crux of the whole thing, as per Mr. Leone's motion.

What I want to find out: Why were these individuals in the Premier's office and individuals within the Liberal Party trying to influence the Speaker on the release of the documents, not on the decision on the prima facie case of contempt?

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Bisson.

Mr. Gilles Bisson: For that reason, we should be allowed to ask those questions.

The Chair (Mr. Shafiq Qaadri): Thank you.

Mr. Gilles Bisson: If not, this flies in the face of what the Premier had said on election night about being transparent.

The Chair (Mr. Shafiq Qaadri): Thank you. So, to conclude—

Mr. Steven Del Duca: Chair?

The Chair (Mr. Shafiq Qaadri): Yes, Mr. Del Duca.

Mr. Steven Del Duca: Thanks, Mr. Chair. I just want to make sure that I say a couple of things really quickly, having listened to all six members on the other side make their comments over the last couple of minutes. I think that it's unfortunate that, in some cases, the comments that we heard so far this morning seem to call into question your role, your authority, suggesting that somehow that what you've done so far and the statement that you made last week, and also the statement that you made this morning and the comments that we heard from the legal

clerk, are part of some sort of larger game that's being orchestrated. I think it's a really unfortunate attempt on the part of the opposition to try and muddy the waters that way, and I'd prefer it if you would clarify again for us exactly where this comes from.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Del Duca.

To conclude, the motion received from Mr. Bisson has been ruled out of order. Statements with reference to both the mandate as well as the reasoning behind it, such as it is, have been provided to you. I think we're on quite firm ground with reference to parliamentary procedure. As Mr. Fedeli spoke, the legal counsel has ruled on it, and I will attempt to assure you both in a personal and parliamentary capacity that the ruling that I am offering to you—despite its characterization either here at the committee or elsewhere—is not arbitrary and it's not from other motives.

The discussion now is closed on this particular issue. I would also like to say that, again, following parliamentary procedure, should there be any other objection or hesitations etc., then I would invite you, respectfully, to please communicate to the Speaker directly in writing with reference to this ruling and any procedures going forward.

Mr. Gilles Bisson: Chair?

The Chair (Mr. Shafiq Qaadri): Is it, Mr. Bisson, truly a different issue?

Mr. Gilles Bisson: As per the rules require, I'm just putting you on notice that we will be, at one point, dealing with this matter before you and the Speaker. I'm telling you now, because that is not on. This committee has the right to ask questions about this particular issue, and as I said, it has nothing to do with the prima facie case of contempt; it has everything to do with about the release of documents. I'm putting you on notice.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Bisson. We accept your notification.

If there are no further issues, I would now invite our next presenter.

MR. DON GUY

The Chair (Mr. Shafiq Qaadri): Mr. Guy, welcome. We look forward to your presentation. I would invite you to please be sworn in by our able Clerk.

The Clerk of the Committee (Ms. Tamara Poman-ski): Do you solemnly swear that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. Don Guy: I do.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Guy. You have five minutes, as you know very well, to make your opening remarks. Please begin now.

Mr. Don Guy: Mr. Chair, before I start, is the point of order that Mr. Bisson read going to be on the record and in Hansard?

The Chair (Mr. Shafiq Qaadri): Yes, Mr. Guy, although it's not really your role to be asking questions at this time—

Mr. Don Guy: The reason I raise it is, he made a false allegation about me. He said I had conversations with the Speaker. That's not accurate; I had no conversations or communication with the Speaker.

The Chair (Mr. Shafiq Qaadri): Your time is running, Mr. Guy. Please go ahead.

Mr. Don Guy: Thank you for inviting me here today and for your patience while I was working—

Mr. Gilles Bisson: For the record, Chair. What I said was, you were part of a group of people—

Mr. Don Guy: No, Mr. Bisson, you made a false allegation about me.

Mr. Gilles Bisson: —that tried to influence the Speaker. Like usual, you're trying to be the bully, sir, and I'm not going to accept that.

Mr. Don Guy: You made a false allegation about me—

The Chair (Mr. Shafiq Qaadri): Gentlemen, may I respectfully—

Mr. Gilles Bisson: Once a bully, always a bully.

The Chair (Mr. Shafiq Qaadri): —invite you to please allow the witness to proceed.

Mr. Gilles Bisson: What a bully, wow. He tries to bully the committee.

Mr. Don Guy: Oh, well, great.

Mr. Gilles Bisson: Jesus.

Mr. Don Guy: Thank you for inviting me here today and for your patience while I was working out west in the spring when the initial invitations were sent. Based on what I've heard today, I will disagree respectfully with much of what the opposition has to say. That's okay; democracy is about many things, including the conflict and collision of partisans and ideas. In this instance, partisans were in conflict over pretty much the same idea: that the independent, arm's-length Ontario Power Authority's choices in Oakville and Mississauga were wrong and needed to be corrected.

In my view, democracy's main principle is government acting with the consent of the public, an engaged public making its voice heard in holding elected officials to account for their decisions and for their plans for the future with their vote. For me, and I hope for all of you in this room, the public is always right. In this case, concerning two southwestern GTA natural-gas-fired electricity plants, the public in the affected areas made its voice heard loud and clear. Premier Dalton McGuinty listened and acted, and he was right to do so in a democracy. The government he led chose a different policy than that recommended by the arm's-length, independent Ontario Power Authority, relocating a plant procured and sited in Oakville to a willing host community in eastern Ontario.

During the last election campaign, it led the Ontario Liberal Party, under Premier McGuinty's leadership, to choose to commit to a different policy than the OPA again, relocating a plant slated for Mississauga, following on the heels of the other parties, who had already listened

to their constituents and committed to outright cancellation.

The Premier deliberated on this course with his advisers but ultimately chose the relocation policy because it offered better value for ratepayers and moved the plants away from high-density areas and local health concerns. That is completely consistent with the style of leadership that Premier McGuinty brought to his job over nine years as Premier: listening and, if necessary, expending political capital to do the right thing, trusting that when the facts were known, the voters would come around, whether it was bringing in the health premium to avoid the massive hospital closures and layoffs that would have been occasioned by the hidden deficit left behind by the PCs in our first term; bringing badly needed tax reform, including the HST, that kept the Ontario economy treading water when most others were sinking in the global recession; or, more recently, the pursuit of wage restraint in the broader public sector.

I'm pleased to have been able to support his leadership and his agenda as a campaign consultant and director in four consecutive elections and as chief of staff between 2003 and 2006, an agenda that gave Ontario the best education system in the English-speaking world, the best health care system in Canada, and the best-educated and most innovative workforce in the world.

Now I'd be almost as pleased to take your questions.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Guy, for your opening remarks. The floor is now to the PC side. Mr. Fedeli.

Mr. Victor Fedeli: Mr. Guy, you mentioned democracy an awful lot in your opening statement. Do you think it's in the best democratic interest to write an email that needs the Speaker to change his mind?

The Chair (Mr. Shafiq Qaadri): Mr. Fedeli, that question is beyond the scope and out of order. The witness is directed not to answer. The floor is yours, Mr. Fedeli.

Mr. Victor Fedeli: Is it in the democratic interest to have a discussion that somebody is putting the member from Brant, the Speaker, on notice that "we need better here"? Is that in the democratic interest?

The Chair (Mr. Shafiq Qaadri): With respect, Mr. Fedeli: same comment.

Mr. Victor Fedeli: I see that you weren't confident coming out of DG's meeting with Speaker Levac. Is that in the democratic interest of Ontarians, to have an email that discusses the intimidation of the Speaker?

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Fedeli. Same comment.

Mr. Victor Fedeli: If I can't ask these questions, I guess we can talk more directly about your deep role in the cancellation of the Mississauga gas plant. What was your role in the campaign of 2011?

Mr. Don Guy: I was campaign director.

Mr. Victor Fedeli: And who were the campaign chairs?

Mr. Don Guy: Greg Sorbara, Kathleen Wynne and—was there another one? No, it was Greg and Kathleen in this campaign. Sorry. I get the four of them mixed.

Mr. Victor Fedeli: Current Premier Kathleen Wynne was one of the co-chairs?

Mr. Don Guy: She was vice-chair.

Mr. Victor Fedeli: Vice-chair. Okay. When did you and the campaign chairs decide to cancel the Mississauga gas plant?

Mr. Don Guy: The Premier made that decision in consultation with his local-area caucus and candidates, who were reflecting the views of their constituents and making their voices heard loud and clear. As I said, in a democracy, I think that's the way it's supposed to work.

0930

Mr. Victor Fedeli: So you're suggesting that the caucus was aware of the decision?

Mr. Don Guy: The local-area members were aware of the decision. They're the ones who were pressing for it.

Mr. Victor Fedeli: You earlier had said "candidates and caucus." Can you be more specific?

Mr. Don Guy: The southwestern GTA Liberal team.

Mr. Victor Fedeli: When this political decision, as Premier Kathleen Wynne calls it a "political decision," was made, we had then-Finance Minister Dwight Duncan come to estimates. He said there was no cabinet discussion prior to the election, formal or informal, about relocation; that it was political. His answer to the committee: "Duncan Admits Liberals Cancelled Mississauga Gas Plant When Behind in Polls." Would you agree with that?

Mr. Don Guy: I haven't seen the headlines. The decision was made by Premier McGuinty in his capacity as leader of the Ontario Liberal Party in the midst of an election campaign, in the same way that your party's commitment to cancel the plant was made by your leader in his capacity as leader of the Ontario PC Party.

Mr. Victor Fedeli: Would you consider Charles Sousa one of those candidates and caucus members from that area?

Mr. Don Guy: He was from the affected area.

Mr. Victor Fedeli: How would he have heard about the cancellation of the gas plant?

Mr. Don Guy: Pardon me?

Mr. Victor Fedeli: How would Charles Sousa have heard about the cancellation of the gas plant in Mississauga?

Mr. Don Guy: I think he was at the announcement.

Mr. Victor Fedeli: Did you give him any pre-notice, any information in advance? Would he have had any information from anybody in advance?

Mr. Don Guy: Well, he's the one who made the announcement with the area candidates and caucus members. I think Mayor McCallion was there too.

Mr. Victor Fedeli: He was here at the justice committee on the 23rd of May. He says you told him.

Mr. Don Guy: Pardon me?

Mr. Victor Fedeli: Charles Sousa said you told him.

Mr. Don Guy: That I told him what?

Mr. Victor Fedeli: We asked him, "Did you know about the announcement? Were you told it was going to be cancelled? Who told you?" He said, "Two individuals: Dave Gene and Don Guy" called him.

Mr. Don Guy: We called him to arrange the announcement, yes.

Mr. Victor Fedeli: We asked him, "What did they tell you?" He said, "To prepare a press conference for that coming weekend to announce that we would relocate the Mississauga Sherway power plant." So you were one of the people to call.

Mr. Don Guy: We were the ones who arranged the announcement, consistent with the Premier's decision.

Mr. Victor Fedeli: That's your whole role: You were the announcement arranger?

Mr. Don Guy: Pardon me? I didn't hear your question.

Mr. Victor Fedeli: That was your whole role: You were the announcement arranger?

Mr. Don Guy: Announcement arranger? I suppose that's right. I'll give you the exact context, which is that in that campaign we made a number of regional announcements, one with respect to quarries—

Mr. Victor Fedeli: You weren't involved in the decision of it? You were only the guy who arranged for the announcement?

Mr. Don Guy: Was I involved in the decision?

Mr. Victor Fedeli: Yes.

Mr. Don Guy: Can you be more specific?

Mr. Victor Fedeli: Were you involved with the Premier of Ontario in the decision to cancel the Mississauga gas plant?

Mr. Don Guy: As I indicated in my opening statement, the Premier deliberated, and once he had made the decision to do something about the plant, which he had had misgivings about—and I think he has indicated in front of this committee on a couple of occasions that he'd had misgivings for some time. He had been in Mississauga and Etobicoke and Oakville a couple of times, I think, prior to making his decision. He heard from the area candidates, heard from local constituents and made his decision. At that point, he engaged his advisers in a discussion about the character of the decision: Would it be an outright cancellation like the NDP, PCs were advocating, or was there a better way that would deliver better value for taxpayers? Ultimately, he chose that better value for taxpayers, which was relocation.

Mr. Victor Fedeli: Yes, we've seen the better value. It's between—

Mr. John Yakabuski: You seem to think you know what the Premier's thinking.

Mr. Victor Fedeli: Well, he does seem to know what the Premier's thinking. I think there's a lot more to it than that. We'll get to that, though, John.

So Charles Sousa was informed by you and Dave Gene that you had decided to cancel the Mississauga gas plant—

Mr. Don Guy: No, sir, that's not correct. He was not informed by Dave Gene and I that we had decided. He

was informed that the Premier had made a campaign commitment, in his capacity as leader of the Ontario Liberal Party.

I don't know how it works in your party, but in our party, unelected people don't make those decisions.

Mr. Victor Fedeli: When did cabinet become aware of the decision to cancel the Mississauga gas plant?

Mr. Don Guy: I believe cabinet didn't meet until after the campaign. It was an Ontario Liberal Party commitment in the midst of an election campaign. It was not a government commitment. The party committed—

Mr. Victor Fedeli: So it was not a government commitment.

Mr. Don Guy: The party committed that, if re-elected—

Mr. Victor Fedeli: You acknowledge it was not a government commitment to cancel the Mississauga gas plant.

Mr. Don Guy: I think I've been pretty clear. The Premier made his commitment, in his capacity as leader of the Ontario Liberal Party, in an election campaign, in the same way that your leader made his commitment.

Mr. Victor Fedeli: The only reason I raise my eyes at that one, Mr. Guy, is because we have so many emails from people such as Laura Miller, who tried to insist that this was a government commitment; that they wanted to revisit history and make sure the cabinet members stopped saying it was a campaign decision and that it's a government commitment. Is she incorrect in suggesting that?

Mr. Don Guy: Mr. Fedeli, I don't have access to the emails you're referencing. Would you like to share them?

Mr. Victor Fedeli: We'll get around to that.

Mr. Don Guy: I think you need to elaborate on the nature of your question, because it sounds to me like you're doing a bit of a drive-by.

Mr. Victor Fedeli: No, no, I don't think it's a drive-by. I think it's pretty clear that you're saying it was not a government commitment. I think that might be the first time anybody has actually sat there and said that. That's deeply appreciated.

Mr. Don Guy: Well, you are aware, because there has been testimony in this committee, that cabinet did meet after the election campaign. I believe there has got to be some record of a cabinet decision to go forward with the election commitment, in the same way that there was a cabinet decision to go forward with the home renovation tax credit and a bunch of other platform commitments that were in the campaign.

Mr. Victor Fedeli: In the fall of 2012, you and senior staff in the Premier's office were exchanging emails on an assortment of topics—gas plants, prorogation, calling press gallery members offensive names, things such as that. Why wasn't the Premier's chief of staff, David Livingston, included in any of those emails?

Mr. Don Guy: Sorry, I don't understand the question.

Mr. Victor Fedeli: These are pretty deep topics—the gas plant, one of the biggest expenditures we were going to see this year, a major decision; prorogation—but the

Premier's own chief of staff wasn't in on any of these emails. Is it you who's calling the shots in the government, Mr. Guy?

Mr. Don Guy: No, Mr. Fedeli. Nothing could be further than the truth. Again—

Mr. Victor Fedeli: Well, it appears as if you're calling the shots.

Mr. Don Guy: Are you referencing emails from me?

Mr. Victor Fedeli: We have repeated email piles here—I'll get to handing some of them out shortly—where Laura Miller, for instance, is seeking your approval on strategic decisions. It appears as though—

Mr. Don Guy: No, I'm sorry. That's completely inaccurate.

Mr. Victor Fedeli: It appears as though she answered directly to you. Is that accurate?

Mr. Don Guy: Pardon me?

Mr. Victor Fedeli: I said, it appears as though you were calling the shots. We have repeated emails whereby Laura Miller seeks your approval on strategic decisions.

Mr. Don Guy: Of what nature?

Mr. Victor Fedeli: Gas plant communications.

Mr. Don Guy: Can you quote those emails, please?

Mr. Victor Fedeli: Do you have the package of emails? We'll start by handing a couple of these emails out, then.

It appears as though she answered directly to you, Mr. Guy. Mr. Livingston appears to be merely a figurehead here. Was he or were you calling the shots?

Mr. Don Guy: No, I'm sorry, Mr. Fedeli, that's completely incorrect.

Mr. Victor Fedeli: I was curious, because he's not involved in any of these emails.

Mr. Don Guy: So this is about the exchange of emails that took place—okay. I'll tell you exactly what the context was. The Premier and campaign chair had put our campaign team on an election readiness footing. We anticipated the possibility of a confidence vote in the House early in the fall, and as a result—

Mr. Victor Fedeli: So this is after the election now, the October election where you were the director. This is over, and now we're into the Legislature sitting—that period of time?

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Mr. Don Guy: We're now a year later, in the fall of 2012. I was re-engaged in my campaign duties to determine the possibility of an election campaign and to get the party on an election readiness footing. To do that, I needed to have information that indicated when—

Mr. John Yakabuski: You're making this up.

Mr. Don Guy: —that indicated when and how an election might transpire because, in a minority Parliament, that's a possibility at any time.

Mr. John Yakabuski: You're under oath.

Mr. Steven Del Duca: Chair, the member is heckling the witness while he's trying to ask a question asked by one of his caucus colleagues. That's ridiculous.

Mr. Bob Delaney: It's not even acceptable in the House.

The Chair (Mr. Shafiq Qadri): Thank you, gentlemen.

Proceed.

Mr. Victor Fedeli: Are you finished?

Mr. Don Guy: Yes.

Mr. Victor Fedeli: You were obviously heavily involved in the day-to-day operations of the government.

Mr. Don Guy: No, I was not.

Mr. Victor Fedeli: These emails here tell—you're involved in very minor decisions; you're involved in major decisions. You're involved in trying to misdirect the media, getting them into believing the Premier is going to run for the federal leadership on one day and suggesting that we throw a poll out there and then change—"Don't put it out there." You're looking for parallel news stories. You're the guy in control of all this. You're the guy, it appears, who is trying to control what people are either thinking about the Premier—you did it today in your opening statement. You were trying to justify the Premier saying there are no new taxes and then bringing in a health tax. You're trying to justify; you're trying to recreate the legacy. But here, while it's unfolding, you're trying to pre-position—you have a senior role in the government of Ontario, yet you're unelected—

Mr. Don Guy: No, sir, I have no role in the government of Ontario. I'm not involved in day-to-day, week-to-week or month-to-month operations of the government of Ontario.

Mr. Victor Fedeli: Quite frankly, that's not very credible. There are emails here that you're directing the traffic, if you can use that language. You're talking about the gas plant; you're talking about how to sequence out a full week's events. You misdirect people from focusing on the gas plant scandal. You're looking at where to send the Speaker—

Mr. Don Guy: No, I—

Mr. Victor Fedeli: This is all you—you and Brendan McGuinty. I presume that's the Premier's brother.

Mr. Don Guy: No. In fact, those emails do not indicate anything along the lines of what you just said. What the emails do indicate was a desire on the part of the campaign team to start getting our message out, which we were considering in a variety of capacities. You and your colleagues were—

Mr. Victor Fedeli: Look, that's not even credible. There are emails here that talk about you trying to direct the traffic. This is you. You're the guy at the centre of all of this. You're the guy. You're the guy.

Mr. John Yakabuski: Don's the guy.

Mr. Don Guy: "Direct the traffic": No, sir, I'm afraid that's not the case. In my capacity as campaign director—

Mr. Victor Fedeli: You knew the gas plant was going to be cancelled. You were involved in the decision. You knew the gas plant was going to be cancelled, yet government elected officials—cabinet ministers—had absolutely no idea. I asked Minister Bentley here, in this committee, "When did you hear about the gas plant cancellation?"

He told us he read it in the paper. This is a cabinet minister. I asked—

Mr. Don Guy: I think he was the Attorney General at the time.

Mr. Victor Fedeli:—"When did you become aware of that decision?"

"Me, personally? When I read about it in the paper."

Let's go to the energy minister. He heard about it from Sean Mullin. I'm not sure he was still there at the time. Brad Duguid said, "Well, he may have been on the campaign, right? Okay. Yes, it was somebody from the campaign. It wasn't from Queen's Park."

You know about the cancellation of the gas plant but the energy minister, the Attorney General and others—the list goes on and on. Nobody knew about this thing in advance. Jim Hinds—

Mr. Don Guy: I did know about it in the context of a campaign commitment by the leader of the Ontario Liberal Party because I was the campaign director in daily contact with the leader on the bus and with other folks in the campaign.

Mr. Victor Fedeli: You're in this. You're the guy. You've got other people like Jim Hinds, who didn't know about it either. He heard about it from Chris Morley.

Mr. Don Guy: Sorry, who is Jim Hinds?

Mr. John Yakabuski: The chair of the OPA.

Mr. Victor Fedeli: The Ontario Power Authority—Jim Hinds.

Mr. Don Guy: No, I'm sorry.

Mr. Victor Fedeli: You don't even know him.

Mr. Don Guy: No.

Mr. Victor Fedeli: By the way, your government is blaming him for most of the cancellations.

Mr. Don Guy: I didn't know he was the chair of the OPA.

Mr. Victor Fedeli: That's a good one.

Mr. Don Guy: I guess—

Mr. Victor Fedeli: You didn't get the speaking notes this morning, I can tell, on that particular one.

Mr. Don Guy: No, I did not. I guess the—

Mr. Victor Fedeli: Normally, he does write them. This is a little miscommunication between the Liberal Party.

Mr. Don Guy: Mr. Fedeli, with the greatest of respect, I appreciate what you're—I guess I understand what you're trying to do.

Mr. Victor Fedeli: It's not what I'm trying to do. This is what the documents say. We've had many people here before you who all tell us they didn't know anything about the gas plant cancellation, but you knew. You're pulling the strings here for the government of Ontario.

Mr. Don Guy: No.

Mr. Victor Fedeli: You, Brendan McGuinty and a couple of others: David Gene—

Mr. Don Guy: I'm afraid you can—

Interjections.

Mr. Don Guy: The challenge—

Interjections.

The Chair (Mr. Shafiq Qaadri): Is this a point of order?

Mr. Bob Delaney: It is a point of order. Is Mr. Fedeli asking questions or offering testimony?

The Chair (Mr. Shafiq Qaadri): It's not a point of order, Mr. Delaney, but I thank you for your sentiments. Mr. Fedeli.

Mr. John Yakabuski: Mr. Guy can start by telling the truth.

Mr. Don Guy: I am telling the truth.

Mr. John Yakabuski: That would be a good start.

Mr. Don Guy: I'd like to remind you, sir, that I'm under oath and obligated and compelled to tell the truth, and I'm doing so. I guess the truth, though, is inconvenient for the case that you are trying to make.

Mr. Victor Fedeli: So you're trying to tell us that you were the director of the campaign, and all of these elected officials, these cabinet ministers, including the Minister of Energy, were all kept in the dark until the day of the announcement. Then who is calling the shots, if not you?

Mr. Don Guy: The Premier calls the shots.

Mr. Victor Fedeli: Because it certainly appears that you're calling the shots.

Mr. Don Guy: In our party, Mr. Fedeli, the Premier calls the shots. I don't know how it works in your party, but that's who calls the shots in the government and in the party.

Mr. Victor Fedeli: When did your cabinet first understand the costs associated with both the Oakville and the Mississauga cancellations?

Mr. Don Guy: Sorry, when did the government—

Mr. Victor Fedeli: Yes, when did the government—

Mr. Don Guy: I have no idea.

Mr. Victor Fedeli: So you went ahead with an announcement to cancel something. You had no regard for the price of it, no regard for the taxpayers, this better value for the taxpayer?

Mr. Don Guy: I didn't go ahead with anything.

Mr. Victor Fedeli: But you suggested there's better value for the taxpayer.

Mr. Don Guy: You asked, when did the government know? I don't know when the government—I'm not in the government.

Mr. Victor Fedeli: You suggested these were cancelled to give better value for the taxpayer, yet you don't know how much the gas plants costs are. How can that be better value for the taxpayer, if you don't even know how much it cost back then, and we don't know today?

Mr. Don Guy: I realize that the truth is inconvenient for the fictitious narrative that you're trying to—

Mr. Victor Fedeli: Well, there's nothing fictitious. We don't know how much it cost to cancel the Oakville gas plant. We still don't know. We've been at this for a year and a half and we haven't got a clue how much it cost to cancel it.

Mr. Don Guy: The policy that was adopted by the Ontario Liberal Party—

Mr. Victor Fedeli: But you said it's cancelled for better value.

Mr. Don Guy: —in the campaign was—

Le Président (M. Shafiq Qaadri): Merci, monsieur Fedeli, pour vos questions.

Mr. Don Guy: Mr. Chair, can I just finish that answer?

Le Président (M. Shafiq Qaadri): Je passe maintenant à M. Bisson.

Mr. Bisson, the floor is yours.

Mr. Don Guy: Mr. Chair, can I finish that answer, please?

The Chair (Mr. Shafiq Qaadri): No, Mr. Guy, you may not.

Mr. Tabuns.

Mr. Peter Tabuns: Mr. Chair, thank you.

Mr. Guy, thank you for being here this morning.

Mr. Don Guy: It's my pleasure.

Mr. Peter Tabuns: I listened to your opening remarks, and there were a few things that struck me in that. One was the strategic approach that you've taken, the Liberal Party has taken, putting the OPA as the bad guy making all these nasty decisions, corrected by a good guy—sorry, by a good person, the Premier. You know, in fact, that the Mississauga plant was commissioned by the Ministry of Energy back in 2004. The OPA didn't exist at that time, so the OPA couldn't have made that decision.

Secondly, you may well be aware that the OPA was instructed by a Liberal Minister of Energy to put a plant in the Oakville area. In fact, he wrote a direction that he concurred with—

Mr. Don Guy: Mr. Tabuns, you know, you've spent a lot of time thinking about these things. As you know, you were elected in a by-election opposing a large-scale urban-density gas plant, and I believe you've been on the record with respect to Oakville and Mississauga early on, so I respect you for that.

I think that the question is, and the Premier has said it on a couple of occasions, I think here at this committee—there were a couple of things that we as a party, and I guess he believes that the government he led, got wrong, and he sought to correct those, and the government that he led and the party that he led did so.

Mr. Peter Tabuns: We'll just set that aside. The OPA should not be the fall guy for all this. It was the Liberal Party, as the government, that decided to site these plants and cause this mess. When you were—

Mr. Don Guy: No. Sorry, I don't agree with that.

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Mr. Peter Tabuns: As campaign manager—and you were campaign manager from October 1998 to October 2011, and now we find out you were re-engaged in 2012—were you called in for decision-making on the cancellation of the Oakville plant?

Mr. Don Guy: No.

Mr. Peter Tabuns: Were you involved in discussions with the Premier on the Mississauga plant?

Mr. Don Guy: I was involved in discussions with the Premier on the Mississauga plant once he had—I guess once he had started making his decision in the election

campaign. So there were a couple of conversations that I recall.

Mr. Peter Tabuns: And can you tell us when those conversations took place?

Mr. Don Guy: They would have taken place in the days before the announcement was made.

Mr. Peter Tabuns: About a week before? Two weeks before?

Mr. Don Guy: I believe it would have been closer to that, because once he had made his decision, we wanted to move with alacrity to get it announced and get it out into the public domain.

He was, I will say, particularly—it was important to him not to leave it to the last minute, to get the announcement out there prior to the televised leaders' debate so that the province would have a chance in the televised leaders' debate to see what all three parties were considering on that matter. It was a matter that was discussed in the leaders' debate, as you'll recall. The whole province had a chance to cast a ballot based on the positions of the three parties with respect to those plants and other broader issues.

Mr. Peter Tabuns: You referred to “engaged his advisers on the matter” with regard to the cancellation of the Mississauga plant. Who were the advisers?

Mr. Don Guy: I'm trying to recall. These calls would typically take place with the bus, and they used a speakerphone on the bus. So whoever would have been on the bus with the Premier would have been privy to the conversation, which meant that Morley was there for sure. I believe Brendan was there. On our end, it would have been the policy folks who knew the file, the communication folks, who would have a responsibility for shaping an announcement, and, I believe, myself.

Mr. Peter Tabuns: From what I gather, the then Minister of Energy, Brad Duguid, was not consulted on this. He was told about it afterward.

Mr. Don Guy: I don't recall exactly how Mr. Duguid was kept in the loop or informed, but I know he knew about it prior to the announcement being made.

Mr. Peter Tabuns: He tells us he was given a phone call and told it was happening. So none of the advisers were, in fact, the people who were carrying this file in your cabinet.

Mr. Don Guy: Mr. Duguid didn't carry the file after the election, as you know.

Mr. Peter Tabuns: He had been carrying it up to the date of the election. He had some familiarity with it.

Mr. Don Guy: Yes.

Mr. Peter Tabuns: Not part of it. Morley, Brendan, the policy folks—who are we talking about there? Jim Hinds?

Mr. Don Guy: You know what? I could go back to see if I have notes on exactly—

Mr. Peter Tabuns: I would appreciate it if you would, and if the Chair would ask that it be noted as an undertaking that Mr. Guy will go back and check who the policy advisers were.

Mr. Don Guy: I'll see what I have.

Mr. Gilles Bisson: So you kept your notebooks, unlike Mr. Morley.

Mr. Don Guy: No.

Mr. Peter Tabuns: You and Dave Gene called Charles Sousa to tell him that you were cancelling the Mississauga plant.

Mr. Don Guy: Dave Gene and I called Mr. Sousa to indicate that the Premier had made a decision to relocate the plant. We asked him to help organize the announcement, which was what the Premier's direction was.

Mr. Peter Tabuns: What did you, as a group, have to say in that conversation?

Mr. Don Guy: Sorry?

Mr. Peter Tabuns: Can you tell us the elements of the conversation? Did you talk about the cost? You say here that you felt that this was the best value for taxpayers. Did you talk about the cost at that point?

Mr. Don Guy: What we talked about was the relative value of outright cancellation versus relocation.

Mr. Peter Tabuns: And did you have any numbers?

Mr. Don Guy: I don't recall that Dave and I would have had a conversation about numbers with Mr. Sousa, no.

Mr. Peter Tabuns: Because as far as we can tell from testimony and documents to date, no one knew what this was going to cost. You guys were taking a leap into the dark.

Mr. Don Guy: I think it was anticipated that there would be costs, but the policy of cancellation and paying out the value of the contract and getting no electricity was a worse choice than a decision to relocate. There would likely be some costs; that was part of the discussion at the announcement that Mr. Sousa and the candidates made with the media. So it was anticipated that there would be costs, but that, at the end of the day, some value would be captured through the delivery of electricity. That was better than getting nothing for it.

Mr. Peter Tabuns: So how did you know this was best value for taxpayers? You didn't know what the numbers were going to be. If you left it in place, it would be one cost; if you relocated, it would be another cost. Why was the relocation considered best value for taxpayers?

Mr. Don Guy: I think typically it would be the case that a vendor would seek to deliver on their contract and capture the value as much as possible. I have not been involved in any way, shape or form with any of the discussions or negotiations that have transpired since, but that does seem to be the case from what I've read from media.

Mr. Peter Tabuns: And no one around the table who had already gone through the Oakville mess, through the ongoing fighting, negotiating, lobbying, said to you guys, “You know, this is going to be a total disaster if we go forward. We're going to have a huge problem with this”? No one said there's something to learn from Oakville?

Mr. Don Guy: Well, I don't think the Oakville matter was resolved in any way, shape or form at that point—

Mr. Peter Tabuns: No, it wasn't.

Mr. Don Guy: —and I don't think there was a sense of how it would go, one way or the other. Ultimately, from what I understand—again, I haven't been involved—it sounds to me like the decision by the government and the negotiation to relocate the plant to a willing host community in eastern Ontario seems to be a win-win.

Mr. Peter Tabuns: Well, I think it's certainly a win for the Liberal Party. I would say in terms of the cost, we're all waiting for the Auditor General to come forward. We're already looking at somewhere in the range of \$400 million, \$500 million, which is an awful lot of extra cost for the people of this province.

Mr. Don Guy: Is that the aggregate cost of the two plants?

Mr. Peter Tabuns: No.

Mr. Don Guy: That's the Oakville.

Mr. Peter Tabuns: That's a lot of money. That is a lot of money.

Mr. Don Guy: That's a lot of money, but the enterprise value of these contracts—we're delivering massive amounts of electricity over 20 years—is a lot more than that.

Mr. Peter Tabuns: Was Kathleen Wynne involved in the decision to cancel the Mississauga plant in her role as vice-chair of the campaign?

Mr. Don Guy: No, she was not.

Mr. Peter Tabuns: Never consulted?

Mr. Don Guy: No.

Mr. Peter Tabuns: So was her role as an adornment, or did she actually have a decision-making role?

Mr. Don Guy: Her role was—she had a variety of responsibilities that Mr. Sorbara had assigned her as his vice-chair. Energy policy was not one of them, so she was not consulted with in advance.

Mr. Peter Tabuns: On another matter, why were you so concerned with the story that Karen Howlett at the Globe and Mail was planning to write about the gas plant issue being key to Dalton McGuinty's leaving office and proroguing?

Mr. Don Guy: I'm glad to have that question. The context is this: I believe Ms. Howlett's inquiry came after the Premier had made his resignation announcement and done his media avail. We were back in his office. The question came from Ms. Howlett, indicating that she was pursuing, frankly, a wrong course of inquiry. She indicated that she had a source who claimed that they were part of the discussions around the decision to retire. The source was clearly misleading her. That upset me. It upset me because it was coming at an emotional time, as you can imagine, after the Premier had just retired. I wanted the record to reflect what was true, because I was part of those discussions around his decision to retire. I knew exactly what had transpired, and the rendition that she was indicating was not accurate. It came at an emotional time, and I used language I should not have. The language was inexcusable. I've since apologized to Ms. Howlett, publicly on Twitter and privately in an email, and she has been gracious enough to accept the apology.

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Mr. Peter Tabuns: You're probably well aware that Laura Miller, when she was here last week, in response to a similar series of questions, remarked that the discussion of prorogation ramped up dramatically after the gas plant documents started coming out.

In fact, it seems like the Globe and Mail had got a substantial part of the story right: that the gas plant scandal and its political impact did have a huge motivating impact on Mr. McGuinty, did move things forward.

Mr. Don Guy: No, I'm sorry, Mr. Tabuns; it's important to me that this actually be reflected accurately. The Premier and I had dinner in June, when he indicated that he was going to contemplate, over the summer, whether to retire. He did not want to retire prior to the by-election that took place that fall in Kitchener-Waterloo, because he thought it would be disruptive, but he came back from the summer, and once the by-election was out of the way, he began to inform his staff and asked us to organize. That was also part of why I became re-engaged: because that was something that was important to him.

In that discussion where he informed us—I guess on the Saturday—there was no discussion of gas plants or whatever the case may be. There was a discussion that was taking place—I guess in other places—about prorogation, whatever the case may be, but that was not part of the discussion around why he left.

Mr. Peter Tabuns: Thank you. I'll turn it over to Mr. Bisson.

The Chair (Mr. Shafiq Qaadri): Mr. Bisson?

Mr. Gilles Bisson: Back in September 2012, were you employed by the government of Ontario, the Premier's office or any entity of Liberal caucus services?

Mr. Don Guy: No.

Mr. Gilles Bisson: Earlier in your testimony, you were saying that you were not involved in any of the decision-making, but we have emails dating back to September 2012, and I just want to go through a couple of them.

An email from you on the 21st says, "We could make the contempt thing a confidence vote like Harper. And drive right by it with our own spin."

Laura Miller then responds—and this is what's interesting—on the 21st of October: "Great. When you figure it out"—meaning you, Mr. Guy—"we are happy to execute." Sounds to me like she's waiting for some sort of direction from one Mr. Don Guy.

Then, another email goes out from Laura Miller on the 21st—

Mr. Don Guy: Can I answer that?

Mr. Gilles Bisson: Let me finish. "I'm not sure if this is what you mean. But Neala is now apprised of the DH Hydro1 severance and the Tony Clement being lobbied by his wife. Could deploy this week if you want"—again, speaking about Mr. Don Guy.

Mr. Don Guy responds on the 20th: "This is good. I think we also leak tomorrow that the Premier has been taking calls this weekend and is discussing the leadership

with his family with an intention of making a decision early this week.”

It’s pretty clear from the emails that people who were employed by the Premier, in the Premier’s office, are seeking your advice and taking their direction from you.

So which is it: Were you giving direction or were you not giving direction?

Mr. Don Guy: No. Mr. Bisson, the interesting thing about this exchange of emails over the two days prior to the possibility of an election campaign commencing is that none of them have anything to do with the operations of government. All of them have to do with the—

Mr. Gilles Bisson: Hold it. Hold it. No, you don’t get away with that.

Mr. Don Guy: No, sir—

Mr. Gilles Bisson: This has everything to do with the government—

Mr. Don Guy: Can I answer the question?

Mr. Gilles Bisson: —because we’re talking about executing direction from the Premier’s office.

The Chair (Mr. Shafiq Qaadri): Gentlemen. Let him speak and answer.

Mr. Don Guy: No, they have nothing to do with that.

It would seem to me—and I imagine this takes place in each of your offices—there is some coordination of communication between the party and campaign side of the organization and the government side. I would want people on the government side to know what we were thinking about and what we were thinking about communicating from a campaign perspective. For example, with respect to the possibility of defeat in the Legislature on a contempt motion: If that were to be considered a confidence matter, then my advice to the Premier and the campaign leadership would have been to treat it as a vote of confidence on the economy, much like Mr. Harper did the previous spring, and start a campaign on the basis of an economic theme, and that is what is referenced by the notion of “driving right by it.”

Mr. Gilles Bisson: But it’s really clear by the emails that you’re giving—

Mr. Don Guy: Sir, that has nothing to do with—

Mr. Gilles Bisson: It is pretty clear by the emails that you are giving direction to the Premier’s office, so what I’m going to ask you again—

Mr. Don Guy: No, it’s not clear from that at all.

Mr. Gilles Bisson: Did you or did you not give direction to people in the Premier’s office in regard to this particular matter in and around September/October 2012?

Mr. Don Guy: No, it’s not clear from that at all. What—

Mr. Gilles Bisson: Okay. That’s all I wanted. Thank you.

Mr. Don Guy: It’s not clear.

Mr. Gilles Bisson: So back to the time—

Mr. Don Guy: And it didn’t actually happen.

Mr. Gilles Bisson: Well, the emails are there. These were not fictitious emails.

Mr. Don Guy: The emails do not indicate any direction or involvement with operations of government.

Mr. Gilles Bisson: “When you figure it out,” says Laura Miller, essentially. The emails are pretty clear.

Mr. Don Guy: When I figured out how to position a campaign, yes, I was going to let them know.

Mr. Gilles Bisson: Let me get back to the period of the campaign. You said yourself earlier in your testimony, in answers to Mr. Tabuns and, I think it was, Mr. Fedeli, that in fact you were not part of any decision when it came to the cancellation of the gas plants during the campaign. Is that true?

Mr. Don Guy: Sorry, can you repeat that question? It’s just a little fuzzy.

Mr. Gilles Bisson: You were saying, in answer to questions, that you had no role in making decisions around the cancellation of the gas plant during the campaign.

Mr. Don Guy: My role was as an implementer, not as someone who makes a decision. The prerogative to make a decision, a policy commitment in the course of an election campaign in the Ontario Liberal Party, is the leader’s.

Mr. Gilles Bisson: So you’re saying, no, you had no role then. Why, then, did Mr. Duncan, the Minister of Finance, at estimates committee last year in, I believe, May or June 2012, under oath say, it was a “political decision;” it was not a government decision?

The Chair (Mr. Shafiq Qaadri): One minute.

Mr. Don Guy: Well, it was a political decision. It was a campaign decision made by the leader of the Ontario Liberal Party, not by his staff; by the leader of the Ontario Liberal Party who happened to be the Premier.

Mr. Gilles Bisson: So you never gave advice to the Premier of Ontario or the campaign team that the right thing to do for the Liberal Party at the time, in order to save those seats, was to cancel the gas plants. Yes or no?

Mr. Don Guy: He had arrived at that conclusion independently based on input from caucus and candidates and from constituents that he had encountered prior to the campaign. That ramped up during the course of the campaign when he was in the region.

Mr. Gilles Bisson: I ask you again: Did you play any role whatsoever when it came to making the decision of the cancellation of the gas plants during the election?

Mr. Don Guy: Did I play any role—

Mr. Gilles Bisson: Did you play a role in the decision to cancel? Yes or no?

Mr. Don Guy: Well, the decision to cancel the Mississauga gas plant—the policy for cancelling the Mississauga gas plant—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Bisson. Thank you, Mr. Guy.

I would now move to Mr. Del Duca. Just to remind committee members: The questions are not reducible to yes or no, and the witness will be allowed to please answer as he sees fit.

Please, Mr. Del Duca.

Mr. Steven Del Duca: Thank you, Mr. Chair. Good morning, Mr. Guy. Thank you very much for being with us here this morning.

Before I get to my actual questions, I just wanted to know if—at the end of the questioning from the PC caucus, I guess you were cut off a little bit. I'm not sure if you want to add anything to what you were trying to say. I know it was about 20 minutes ago and lots has transpired since then. I'm not sure if you wanted to add anything to what you were trying to say in response to Mr. Fedeli's last question.

Mr. Don Guy: I don't actually recall the question now.

Mr. Steven Del Duca: That's understandable.

Mr. Don Guy: Thank you for the opportunity.

Mr. Steven Del Duca: I want to start by asking you about your role as campaign director for the Ontario Liberal Party from 1998 until 2011. As I understand it, you also served as chief of staff to the Premier from 2003 to 2006. But after leaving government, you continued to volunteer with the Ontario Liberal Party.

I think it's pretty clear, and I think we all know around this table, that all political parties rely on outside volunteers and advisers during and between election campaigns. Can you please, for this committee, describe a little bit more about your role during this time period?

Mr. Don Guy: Well, again, I don't know how it's done in other parties. The role of campaign director, since I've been involved, has been essentially a temp job where someone is retained on a consulting basis to organize an election campaign anywhere from 12 to 18 months in advance. That was the case in 2003 and in 2007. I left the Premier's office to organize the next campaign, and in 2011, I re-engaged, yes, somewhere around September or October 2010, and then, I believe, had a contract from January 2011 through to October 7.

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In the most recent instance, with respect to the current session of the Legislature, it was really only when it was apprehended that a vote could be lost in the Legislature that I began to re-engage, on a sort of war footing, to organize an election campaign. That role basically ended when the Premier made his retirement announcement. I'm a free man.

Mr. Steven Del Duca: I would imagine that as an adviser, you would perhaps from time to time have suggestions or ideas for things like communication strategies, responses to specific issues, and I would assume that there were times when you might have floated an idea or an option that staff or elected officials chose not to pursue. Is that right?

Mr. Don Guy: Oh, fairly frequently. My ideas on what would constitute a political platform for a campaign would significantly differ from the people in government because they were in government and they were making decisions that were typically outpacing whatever concerns might arise with respect to a platform. In 2007 and in 2011, we principally ran on our record, as you know. As a result, there's a tremendous influence there.

If you want me to point to a policy that I thought was going to be politically problematic, the HST would be a doozy—

Mr. Gilles Bisson: We thought so too.

Mr. Don Guy: Of course, after fighting tooth and nail, both opposition parties ultimately accepted it, but that's politics.

Interjection.

Mr. Don Guy: I didn't hear it talked a lot about in that election campaign, but it could be that I wasn't paying attention.

Mr. Steven Del Duca: From your experience, who would you say makes the final decision on government policy or government responses to issues: staff, campaign volunteers or is it the elected members or Premier? Who makes the final decision, in your experience?

Mr. Don Guy: In the party, in an election context, in what goes into an election platform, it's the Premier in his capacity—well, it's the leader of the Ontario Liberal Party. So when we're in opposition, it's the leader of the party as leader of the party, or opposition, whatever the case may be. In government, it's the Premier in his capacity as leader of the party.

In government, my experience in 2003 and in 2007 was that ministers would bring proposals forward—some of them had circulated from caucus, some from the public service, some from external groups—for cabinet consideration. There'd be a discussion in cabinet, and ultimately the Premier would make the final call, taking a sense of the room.

Mr. Steven Del Duca: Thank you. With respect to the specific decision to relocate the Oakville and Mississauga gas plants, and specifically in terms of the Mississauga plant, this committee has heard that there was enormous community opposition to the plant, particularly in the summer and fall of 2011, when the proponents secured funding and construction started. Community leaders, including Mississauga Mayor Hazel McCallion, have testified here at this committee that there were serious health and environmental risks for the people of Mississauga and the people of Etobicoke. Were you aware of the opinions and concerns expressed by the community and local members about the siting of that plant?

Mr. Don Guy: Certainly. We were aware of it through media monitoring and through input from the local candidates through their regional organizers and through campaign manager calls and candidate calls and all those sorts of things.

Mr. Steven Del Duca: As the Ontario Liberal Party campaign director for the 2011 election campaign, I'm going to assume that you paid fairly close attention to what the other two parties were doing in terms of their policies, their proposals and their commitments—both the PCs and the NDP. I'm assuming that you would be fully aware that during the 2011 election campaign, both opposition parties pledged to cancel the Mississauga plant. Would I be right in making that assumption?

Mr. John Yakabuski: Point of order, Speaker.

The Chair (Mr. Shafiq Qaadri): Point of order, Mr. Yakabuski.

Mr. John Yakabuski: According to the mandate, those parties had nothing to do with the decision to either

locate, cancel and relocate the gas plants. If you're going to maintain your belief in your ruling on our motion this morning, I would ask that those questions be ruled out of order. The opposition parties—neither the New Democrats nor the PCs had anything to do with the tendering, planning, commissioning, cancellation and relocation of the Mississauga and Oakville gas plants.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Yakabuski. I appreciate your reminder to the committee on the scope of the mandate here. The questions are in order. I'd invite you to please proceed.

Mr. Victor Fedeli: How?

Mr. John Yakabuski: Speaker, how can you consider there to be consistency on the ruling you made today and then allow the questioning on this to continue?

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Yakabuski. If you allow me to deliberate, I will do so.

Mr. Yakabuski, I do appreciate that the entire issue now is getting into a level of abstruse theory. I would invite Mr. Sibenik, our legal counsel, to please weigh in on this as well.

Mr. John Yakabuski: Okay; that would be helpful.

Mr. Peter Sibenik: These kinds of questions had been asked in the past, and they were receivable at that particular time. There was no objection taken at that time. It seems to me that the kinds of questions that were being asked had to do with—had an impact on the decisions that were taken. It seemed like there were discussions with respect to previous witnesses dealing with the situation that the other political parties were aware of what the other party was trying to do. So that has a bearing and impact on the actual decision.

Mr. Victor Fedeli: You don't think intimidating the Speaker has impact?

Mr. Steven Del Duca: Mr. Chair, I hope the clock has been stopped—

The Chair (Mr. Shafiq Qaadri): Thank you—

Interjection.

Mr. John Yakabuski: No, excuse me. He has offered a legal opinion and I would like to question him on his legal opinion, and I think I have that right to do so, Chair.

Mr. Peter Sibenik: It's more of a procedural one, sir.

Mr. John Yakabuski: Right.

Mr. Peter Sibenik: Go ahead, sir.

Mr. John Yakabuski: So you're saying that in the past, the other parties were aware of that line of questioning and didn't object to it. Absolutely correct, because we were taking the view that all parties were taking, that the Premier was taking and that the ministers were taking: that we were given as broad a mandate as possible to the questions that would be asked by this committee. However, last Tuesday, and again reiterated today, the Chair has ruled that we're narrowing the focus of questions in this committee by the very ruling that we've been given this morning with respect to asking questions pertaining to the motion that Mr. Bisson put forward to the committee.

If the Chair has now decided that we're narrowing the scope of the committee, far be it for the members of the

committee to overrule him on that. I'm asking for consistency on the part of the Chair that if we're going to have rulings that limit the scope of the committee from one point of view, then we must be consistent and limit the scope of the hearings from asking questions about what the opposition may or may not have done or what they would have said, because they actually have nothing to do with the decisions with regard to the tendering, planning, commissioning, cancellation and relocation of the Mississauga and Oakville gas plants.

Mr. Peter Sibenik: I think, in my view, the line of questioning there has to do with the decisions to cancel because decisions being made with respect to what the other political parties were promising during the campaign.

Mr. John Yakabuski: You're reading the minds of the Liberals at this point. That's not possible for you to do. You're here to give legal advice.

Mr. Peter Sibenik: I'm just saying—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Yakabuski. We'll close that down. Mr. Bisson: a point of order, I presume?

Mr. Gilles Bisson: Two very quick points: First of all, I do not protest if you want to ask those questions. I'm fine, as a New Democrat. We know what our position was.

Number two is, the position of the party and the position of Andrea Horwath is that we would not take a position publicly to cancel until we looked at the numbers.

The Chair (Mr. Shafiq Qaadri): Thank you, Monsieur Bisson. Though well received, this is not the time or forum to express that. Once you have the floor again, you're welcome to express those sentiments.

The time recommences. Mr. Del Duca.

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Mr. Steven Del Duca: Thank you very much, Mr. Chair. Going back to what I was talking about before the interruption, almost every witness before our committee has confirmed that there were clear commitments made by all three parties to cancel or relocate the Mississauga plant. In fact, Mississauga Mayor Hazel McCallion came to the committee and said, "The impression that was certainly given beyond a doubt ... I think all parties would have cancelled it."

We have election flyers; we have robocall transcripts that confirm these very clear commitments. Of course, there's the infamous YouTube video of Mr. Hudak announcing that the plant would be "Done, done, done" if he was elected. I'm sure that you're also aware of the commitments made by local NDP candidates that they opposed the plant.

Given all of that, what do you make of the opposition parties coming here today and over the last number of weeks and trying to rewrite history? They stand up every day; they point fingers at our government for following through on the very same commitments that they made and their leaders made and their party and candidates made to the people of Mississauga. What do you think of that?

Mr. Gilles Bisson: We never made that commitment, Steve. We never made that.

Interjection.

The Chair (Mr. Shafiq Qadri): Gentlemen. Mr. Guy, please. The floor is yours.

Mr. Don Guy: Thanks, Mr. Chair—

Mr. John Yakabuski: You're asking the opinions of the Liberal campaign chair. How partisan is that? Answer the questions in factual ways.

The Chair (Mr. Shafiq Qadri): Thank you for your contributions.

Please, Mr. Del Duca.

Mr. Don Guy: Thank you, Mr. Chair. We're certainly aware of what the positions were that the other parties had taken. As you'll recall, after our announcement was made on behalf of the Ontario Liberal Party to relocate the Mississauga plant, the PCs in particular spent much of the balance of the campaign visiting the site and saying that they were going to kill it faster or cancel it faster or something like that. They continued to do that after the election and after the government was formed. It was never my impression that they had a sense of what the costs would be or that they would be prepared to pay out the full value of the contract and get no electricity for it. But I guess that's the way they do things.

Mr. Steven Del Duca: Well, I think your comment about the PCs in particular not having any awareness around what the potential costs of Mr. Hudak's commitment would have been actually resonates fairly strongly.

Mr. Hudak, as you may know, was here before this committee a number of weeks ago. He was asked by me specifically 28 times while he was here before committee questions regarding any research that he or his team might have done with respect to costs, and 28 times before this committee Mr. Hudak refused to answer.

Given that he has refused to answer those questions, this committee has decided to invite local PC candidates who were particularly vocal in their opposition to the Mississauga power plant. I think we've now sent 10 invitations to three of their candidates representing ridings in the affected area. But despite these repeated invitations, those candidates continually refuse to appear before this committee. Why do you think that is?

Mr. Don Guy: Well, I wouldn't begin to speculate on the state of mind of the PC candidates or their leader. I wasn't aware that they had been invited so many times, so I couldn't begin to explain any of that kind of behaviour.

Mr. Steven Del Duca: Okay. With respect to the estimates motion that has come up a little bit so far here this morning, I'd like to ask you now about the motion from May 2012 from the estimates committee moved by Mr. Leone for correspondence from the energy ministry and the OPA relating to the Mississauga and Oakville gas plants. As you may know, at the time of that particular motion, complex and sensitive negotiations were ongoing with both of the companies. From your experience working in government and working on sensitive files, what do you think it would have meant if the OPA's and

the province's negotiating position was prejudiced because the company had access to confidential and privileged information?

Mr. Don Guy: I'm trying to think of an analogue from when I was chief of staff. Actually, "analogue"—I think, yes.

Mr. John Yakabuski: Let's get a grammar teacher—

Interjections.

The Chair (Mr. Shafiq Qadri): Gentlemen, the lesson will be after. Please, proceed.

Mr. Don Guy: I think to some extent, I'd be more informed by experience in the private sector and in commercial activity, which is where I've spent most of my career and most of my adult life. When you do a business deal, you typically do it in confidential circumstances so that you can get the best possible value for your shareholder vis-à-vis the marketplace at large.

I think that those values should inform the way governments pursue their negotiations of commercial arrangements. Those same values, which are that we should be getting the best possible value for the taxpayer or the ratepayer or whatever the case may be, should be at the root of how we're motivated and how we conduct ourselves. I think, again, that's consistent with the policy that the party took in the election campaign with the Premier's decision, which was to relocate and pay some sunk costs but ultimately get the value of the contract delivered in electricity versus outright cancellation and getting no electricity.

Mr. Steven Del Duca: Thanks for that answer. This committee has now heard from somewhere in the neighbourhood of 40 or 43 or 44 witnesses, and the overwhelming opinion that we've heard time and again from the witnesses is that if these documents had been made public, it would have been detrimental to the negotiations.

When he was here before the committee, Chris Bentley told us that "producing the documents and discussing our ongoing negotiations at that time would have significantly hurt our ability to limit the costs of the cancellations and negotiate a relocation and would have increased the cost to the people of Ontario."

Former secretary of cabinet Shelly Jamieson testified, "It would have harmed the negotiations for sure. Nobody likes to ... have all their paper about what they're talking about out before the conclusion of the deal. It's just not good practice in terms of negotiating a deal. Sometimes in our bid to publicly disclose things, we actually hurt ourselves."

The Auditor General stated: "It's like in poker. You don't show the people around the table your cards."

The PC caucus in particular likes to say that they stand up for taxpayers, and yet they wanted to make this information public. Then that would have hurt negotiations, thus hurting the taxpayers. So would you agree that, again, it seems like they're actually more interested in scoring cheap political points than actually working for the public good? Would you agree with that?

Mr. Don Guy: Well, what I would say—

Mr. John Yakabuski: Do you expect him to say no?

Interjections.

The Chair (Mr. Shafiq Qadri): Gentlemen—

Mr. Don Guy: What I would say in response to that is you see it, certainly—

Interjection.

Mr. Don Guy: —you certainly see it south of the border, where you see Republicans, who have pledged that the most important aim for their party is to make, say, the Obama presidency fail, as opposed to America succeed. Unfortunately, I think those sorts of behaviours, some of which I was not aware of, to be honest, are entirely consistent with that tradition, which is that the partisan aim of defeating the government is more important than getting the best value for the taxpayer or helping Ontario succeed. I guess we're seeing some of that here today as well, unfortunately.

Mr. Steven Del Duca: I think there's probably a couple of minutes left in my time for this particular round. I just want to talk a little bit about your experience with the Liberal government when we were first elected, in 2003.

As you all know, our government inherited an energy crisis from the PCs. In fact, this week marks the actual 10th anniversary of the blackout. Since that point in time, the Liberal government has built a clean, modern, reliable electricity system, and I think that's a part of the story that has been missing over these last number of weeks with respect to the context around our discussions.

From your experience, working for the government, starting back in 2003, what are the major differences in Ontario's energy system today?

Mr. John Yakabuski: Point of order, Mr. Chair.

The Chair (Mr. Shafiq Qadri): Mr. Yakabuski, point of order.

Mr. John Yakabuski: In Mr. Guy's last answer, and Hansard will reflect that, he questioned the motives of members of this committee with regard to what we're trying to accomplish here on behalf of the people of Ontario and the Legislative Assembly.

Now, if he wants to reiterate that answer, I welcome him to do it. But for a witness to come here and challenge and question—

Mr. Rob Leone: And impugn motives.

Mr. John Yakabuski: —and impugn the motives of the members of this committee, I think, is—

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Yakabuski—

Mr. Steven Del Duca: Mr. Yakabuski, in his opening comments today, called into question you, as the Chair, and the Clerks' office as well.

The Chair (Mr. Shafiq Qadri): I believe that the procedure that you have just cited actually applies to elected members of Parliament, so I thank you. I believe that members of the public are allowed to have whatever opinion they want.

Mr. Guy—

Mr. John Yakabuski: He's the Liberal campaign chair, an absolutely partisan—

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Yakabuski. The floor is yours, Mr. Del Duca.

Mr. Don Guy: No, I'm actually a private citizen.

Mr. John Yakabuski: You're here as the former Liberal campaign chair.

Interjection.

Mr. Steven Del Duca: There's a question on the—

Interjections.

The Chair (Mr. Shafiq Qadri): Thank you. Gentlemen, please.

Mr. Steven Del Duca: Chair?

Mr. Don Guy: So are you going to bully private citizens? They can't hold opinions any longer?

Mr. John Yakabuski: I resent anyone coming in—

The Chair (Mr. Shafiq Qadri): Gentlemen.

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Mr. John Yakabuski: —to question the motivation of members of this committee—

Mr. Rob Leone: We're trying to get the truth.

Mr. John Yakabuski: Our attempt to try and get the truth—

The Chair (Mr. Shafiq Qadri): Thank you. Mr. Del Duca?

Mr. Don Guy: You are trying to prevent the truth from getting out, which is why you're doing all the talking.

Mr. John Yakabuski: You're trying to ensure that you had electoral victory in the Mississauga and Oakville areas in 2011.

Mr. Steven Del Duca: I think there was a question, but I'm not sure how much time is now left, Mr. Chair.

The Chair (Mr. Shafiq Qadri): Ten seconds.

Mr. Steven Del Duca: Ten seconds. I think it's evident that there's a tonne of defensiveness coming from the members opposite, starting with their allegations against the independent Chair and the Clerks' office earlier this morning.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Del Duca.

I now offer the floor to the PC side. Just before I do so and begin your time, since there have been a number of discussions about rulings of the Chair, procedure questions that are allowed to be asked etc.—and I do appreciate that members want to pursue particular lines which have been contoured by the Chair—I would offer to all members at a point later today a procedural briefing to be conducted by members of staff on the parliamentary procedure, the foundation of the legal ruling, to once again assure the committee that any rulings that are emanating from this chair are from only procedural motivations and no other. So if members would like to avail themselves of that, that briefing is available to them.

Mr. Gilles Bisson: But it does serve a useful purpose, Chair.

The Chair (Mr. Shafiq Qadri): I'll ask that again later on when we reconvene, perhaps post-lunch, perhaps at the end of the day.

Mr. Fedeli, your full time begins now.

Mr. Victor Fedeli: Thank you, Chair.

When Brad Duguid, the energy minister, was here at the justice committee, he told us that he received a call that informed him the gas plant in Mississauga was going to be cancelled. He said, “They”—whoever “they” are—“advised that they were planning on making an announcement....” You had earlier said you were the announcement co-ordinator, so I presume “they” was going to be you, “making an announcement to cancel” ... “Mississauga.... I advised them, ‘You know that I’m not in favour of doing that.’”

So it’s obviously not a Ministry of Energy decision that was made here. I understand you said it was the Premier’s sole decision, but you also said, from time to time, you “float ideas.” Was one of the ideas that you floated cancelling the Mississauga gas plant? I know you said you did not make the decision, but were you involved in the idea, the discussions?

Mr. Don Guy: Sorry, where did I say, from time to time you float ideas?

Mr. Victor Fedeli: I wrote it down, “float an idea.” You were answering Mr. Del Duca’s question.

Mr. Don Guy: In a campaign context?

Mr. Victor Fedeli: Was it your idea?

Mr. Don Guy: Sorry, Mr. Fedeli, that’s not the way we do our campaigns.

Mr. Victor Fedeli: I’m asking you then, were you involved in the discussions? I know you’ve said you did not make the decision. Were you involved in the discussions, the idea, the debate about cancelling the gas plant in Mississauga?

Mr. Don Guy: Well, the decision was made by the Premier.

Mr. Victor Fedeli: I understand the decision was made by the Premier. I’m not asking you about that. I’m asking you about the idea and the discussion.

Mr. Don Guy: The idea and the discussion. The idea was in the Premier’s head before the campaign started, as I think he’s testified at this committee. He thought we had potentially got it wrong. He heard from candidates—

Mr. Victor Fedeli: Were you involved in the discussion about cancelling the gas plant in Mississauga?

Mr. Don Guy: Was I involved in the discussion? Well, the decision was made by the Premier.

Mr. Victor Fedeli: I understand the decision was made by the Premier. This is a reasonably simple question. Were you involved in the discussion to cancel the gas plant?

Mr. Don Guy: What I’m having a challenge with is, how are you framing “the discussion”? I don’t want to parse words, but what do you mean by “the discussion”?

Mr. Victor Fedeli: When people sat around on the bus and talked about cancelling the Mississauga gas plant, were you part of the discussion?

Mr. Don Guy: I wasn’t on the bus.

Mr. Victor Fedeli: Were you part of the discussion on the phone? Did you have discussions in advance of the cancellation of the Mississauga gas plant?

Mr. Don Guy: We had, I believe, one or two discussions on the phone with the Premier where he indicated

he was getting ready to make a decision, and was making a decision—

Mr. Victor Fedeli: I understand it was his decision. I’m talking about the original idea and the discussion.

Mr. Don Guy: —with respect to the Mississauga gas plant. I was part of the discussions where the Premier indicated he was getting ready to make a decision, and that he had made his decision and he asked me, as campaign director, to deploy the announcement at the earliest possibility.

Mr. Victor Fedeli: Was there a discussion about the amount, the costs that would be involved in cancelling Mississauga?

Mr. Don Guy: There was a sense that outright cancellation, which was your party’s policy, would be much more expensive and a worse value for the taxpayer than the relocation policy that he ultimately decided on and that we announced in the campaign.

Mr. Victor Fedeli: So did you know how much it was going to cost to cancel Mississauga?

Mr. Don Guy: No, because there had been no discussion with the proponents of that plant.

Mr. Victor Fedeli: So you cancelled it with absolutely no knowledge or concern of the cost.

I’m going to turn it over to Mr. Leone before I suggest that it’s absolutely no wonder now why Liberals continue to raise taxes when you do things like that.

Mr. Steven Del Duca: And win elections.

Mr. Victor Fedeli: “And win elections.” Thank you very much. I think Mr. Del Duca’s comment just answered it all—

The Chair (Mr. Shafiq Qaadri): Thank you—

Mr. Victor Fedeli: I’m not finished, Chair. That is exactly the nub of this. “We win elections by making expensive decisions when we don’t know the costs, and we need to raise taxes”—

Interjections.

Mr. Victor Fedeli: You’ve finished saying that. You’ve said it all. You’ve got to the nub of this whole committee today. “We win elections.” Thank you very much. I’ll turn it over now. Thank you.

The Chair (Mr. Shafiq Qaadri): Mr. Leone.

Mr. Rob Leone: I think my colleague Mr. Fedeli is entirely correct: We have heard it all today. This is about winning elections, hiding the truth from the people of Ontario at any cost. That’s what we’ve been doing for the last few months: exposing this kind of scandal to the people of Ontario.

You’ve just confirmed, Mr. Del Duca, what we have been saying for months, which is the fact that we’ve wasted hundreds of millions of dollars of taxpayer money, only to put the Liberal Party in power—completely unacceptable.

Mr. Don Guy: Was that a question, Mr. Leone?

Mr. Rob Leone: That wasn’t; I was directing it to Mr. Del Duca.

I have a question for you, though. Are you part of Premier Wynne’s campaign team?

Mr. Don Guy: No.

Mr. Rob Leone: We have a Globe and Mail report from April 26, 2013, that suggests, “An official for Ms. Wynne, meanwhile, played down any change in plans. ‘Tom Allison was and is the campaign manager and Don Guy was and is a part of the core campaign team,’ the official said.” So you’re saying that’s incorrect.

Mr. Don Guy: That is no longer correct.

Mr. Rob Leone: “No longer correct”? When did that change?

Mr. Don Guy: I think the circumstances were outlined in the article as well. There was a discussion about me returning as campaign director or in some leadership role. Because of my responsibilities in another jurisdiction—I was living there—because I think your folks were beating the drums for a campaign in the spring, my advice to the Premier and her campaign team was to move on, that I wouldn’t be able to be part of it. I believe she has a new team of very capable individuals in place, and they’ve done exactly that. They’ve moved on.

Mr. Rob Leone: My colleague Mr. Fedeli asked you a question about what the numbers were in terms of how much these cancellations were. In the lead-up to the last campaign, you’re categorically stating that you had no idea what those numbers would be. Is that true?

Mr. Don Guy: It wasn’t my job. My—

Mr. Rob Leone: It wasn’t your job to produce a fiscal projection that would show how your party would operate over the longer term? That wasn’t your job, to produce a fiscal plan that had a billion-dollar hole, with no numbers on these gas plant cancellations?

Mr. Don Guy: First of all, I would imagine the Premier had a sense of how he wanted to proceed with respect to the costs of the relocation when he made his decision.

The second point is, you guys said nothing about cost. You said nothing about cost—

Mr. Rob Leone: Mr. Guy, you’re the only party that would have known what this costs. You’ve never communicated any of that to anybody—

Mr. Don Guy: Mr. Leone, that makes no sense. Your party committed to the outright cancellation, and then after we made our announcement to do relocation, you took your leader three or four times to the site to say, “We are going to cancel this thing, kill it, kill it”—what was it?

Mr. Steven Del Duca: “Done, done, done.”

Mr. Don Guy: “Done, done, done.” Then after the election campaign was over, you continued to do that, and pounded away on the issues—

Mr. Rob Leone: I’m asking about your party, not about ours.

Dalton McGuinty and Kathleen Wynne, as the Liberal co-chair of that election campaign, had no idea what these costs were going to be. She made a commitment without knowing the cost. She had a hole in your fiscal plan. That’s what you’re saying to us today.

Mr. Don Guy: Sorry, what does this have to do with Kathleen Wynne?

Mr. Rob Leone: She was the co-chair of the campaign. It has everything to do with Kathleen Wynne. The reason why—

Mr. Don Guy: As I’ve already been asked and as I already indicated, she wasn’t aware of the announcement.

Mr. Rob Leone: The reason why it has everything to do with Kathleen Wynne is because if you look at this year’s budget, she hasn’t produced the numbers on the out-years. Her fiscal plan has no numbers. It has no end point. We have no idea how she’s going to balance the budget. It’s the same process that you had committed during that campaign. It’s the same thing that we’re seeing now from this government: no numbers, hiding the truth from the people of Ontario at a cost of hundreds of millions of dollars. That’s the modus operandi of your party.

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Mr. Don Guy: Let me just guess how your party would balance the budget: by cutting taxes. Is that right?

Mr. Rob Leone: No, it’s by cutting waste. It’s by saying—

Mr. Don Guy: By cutting taxes.

Mr. Rob Leone: —you wasted billions of dollars on this gas plant scandal—

Mr. Don Guy: Is that how you’re going to balance the budget?

Mr. Rob Leone: —you wasted billions of dollars on eHealth. You come here and say that this is what you were going to do. You don’t actually even know what your own party is going to do and you’re coming here to tell us what we are doing.

Mr. Don Guy: I don’t have that responsibility any longer, Mr. Leone. So if you want to talk to people about what’s in the current budget or if you want to talk to people about what the next campaign is going to be about—

Mr. Rob Leone: I want to talk about what’s not in it, actually.

Mr. Don Guy: —then you should call those people, because I don’t have that responsibility. I can’t speak knowledgeably to that.

Mr. Rob Leone: But the problem is, we don’t have any idea—

Mr. Don Guy: I’m sorry, why are you using your time when I’m here to talk about whatever I was doing with my time—

Mr. Rob Leone: You made a decision to cancel plants without knowing the cost. That’s what you say.

Mr. Don Guy: Pardon me?

Mr. Rob Leone: You made a decision, with the campaign team—

Mr. Don Guy: No, I didn’t make a decision. The Premier—

Mr. Rob Leone: —in concert with Dalton McGuinty about how much—

Mr. Don Guy: Mr. Leone, the Premier made the decision in his capacity as leader of the party based on what he was hearing from his local-area candidates and caucus reflecting the views of their constituents—the same

message that your leader heard and your candidates heard, and that was reflected in your policy to cancel.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Leone. The floor is now yours, Mr. Bisson.

Mr. Gilles Bisson: I've got a couple of questions, just quick ones. Were you in any way involved in the decisions around not releasing the documents to the estimates committee last summer?

Mr. Don Guy: Sorry?

Mr. Gilles Bisson: Were you in any way part of the decisions not to release the documents requested by the estimates committee back last May, last June?

Mr. Don Guy: No, no, no. No, absolutely not.

Mr. Gilles Bisson: Did you at any time have any conversations with anyone within the government, either the Premier's office or with the Minister of Energy or anybody else connected to the government about the non-release of documents?

Mr. Don Guy: I believe I heard about it from the media, actually.

Mr. Gilles Bisson: I ask you the question again: Were you involved in any conversations with anybody within the Ontario government about not releasing the documents requested by the estimates committee?

Mr. Don Guy: I heard about the decision from the media, the same as, I guess, a lot of other folks.

Mr. Gilles Bisson: Yes or no. Were you involved in any discussions in relation to the non-release of documents?

Mr. Don Guy: No.

Mr. Gilles Bisson: No. Thank you.

The second question: Were you at any time involved in any kind of discussion in order to try to influence the Speaker in his decision?

Mr. Don Guy: No.

Mr. Gilles Bisson: Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Bisson. Mr. Tabuns?

Mr. Gilles Bisson: I got it right in there.

The Chair (Mr. Shafiq Qaadri): The previous question was out of order but executed with such finesse that it slipped by. Mr. Tabuns?

Mr. Peter Tabuns: Mr. Guy, you've got a long history of running campaigns. You are seen as a very capable and skilled campaign manager. I say that, disagreeing with your politics but admiring technique.

You're not credible as an errand boy. "I just implemented the Premier's decisions." "Dalton McGuinty was the campaign manager in 2011." It doesn't make any sense to me at all. He was thinking about cancelling this plant. He didn't come to you and say, "What are the political ramifications?" You didn't say to him, when he started mentioning it, "This is going to have an impact, positive or negative"?

Mr. Don Guy: We didn't think it was going to have that much of an impact on the election. As it turned out, it didn't.

Mr. Peter Tabuns: Well, two weeks—

Mr. Don Guy: The outcome of the election—whether we would have won those seats, which we did, or whether we would have lost those seats, which we did, it had no impact on the outcome of the election. At the end of the day, there was a Liberal minority victory.

Mr. Peter Tabuns: Yes, but two weeks before this decision, you were all in a very tight race; there's no question. Going back to the polling from the fall of 2011, it was a tight race, and as campaign manager you didn't think through the political ramifications? That doesn't make any sense to me.

Mr. Don Guy: Sorry, I don't understand what you mean by "didn't think through the political ramifications."

Mr. Peter Tabuns: You could be portrayed as potentially blowing large volumes of money. The Toronto Star at the time was saying it could be up to a billion dollars in cost. This was a very big cost. You had these candidates in southwest GTA who were pressing very hard for this to get killed off. You're saying that you had no political observation on this to Dalton McGuinty. It was entirely his decision.

Mr. Don Guy: This comes back, again, to how we do campaigns versus how others do campaigns, and I've been exposed to how others do them in a variety of forms. I understand that most political consultants will tell you that you should poll a target audience, determine the things they want to hear you say, and target your message accordingly, and that policy should be driven by those concerns. We learned a long time ago that Dalton McGuinty is at his best not when he's provided with that kind of advice but when he's guided by his inner star and what he thinks is the right thing to do.

Our campaigns and our platforms have been based around where the Premier wants to take the province and what he thinks is the right thing to do. Again, as I indicated in my opening statement, I think one of his strengths—and I realize it has been controversial with the opposition parties—is that upon reflection, if he thinks he needs to change course and do something different because it's the right thing to do, he listens and he acts. I think that's in the best spirit of democracy and it is a big part of what attracted me to his leadership and his agenda and what it has accomplished.

I'm not going to tell you something that—

Mr. Peter Tabuns: Mr. Guy, I think you've answered my question. Even though I don't accept that answer, I think you've given me the information you're going to give me.

There was all kinds of upset with the people of Mississauga prior to a building permit being issued, at a time when it would have been very inexpensive to cancel this plant. Mr. McGuinty certainly wasn't guided by his star until he was in the middle of an election, where he had candidates who were foaming at the mouth that this was a huge problem and action had to be taken pronto. It doesn't make any sense.

In fact, in some ways, if he had all this information from his candidates and from the communities prior to a

building permit being issued, he's on the hook personally for this huge miscalculation. He waited until the last moment—until, as you said earlier, the run-up to the all-candidates' debate, the leaders' debate on television—to make this decision. He wanted to have enough room to make sure of that. We got stuck with the bill. I can't accept—

Mr. Don Guy: I think, regardless of what the outcome of that election was, based on the positions of all three parties, there was going to be a bill. Premier McGuinty's decision led to a much smaller bill, with better value for the taxpayer, than the relative positions of your party, Mr. Tabuns, and of the PCs, and I think that's a positive outcome.

Mr. Peter Tabuns: Mr. Guy, I do have to note, too, that Andrea Horwath made it clear when she was asked about this matter by the media that she said she would not make a decision on cancellation without seeing the costs. And that, in fact—

Mr. Don Guy: So she wasn't in communication with her candidates who were at the doors, promising to cancel it, basically in the same words as Tim Hudak: "Done, done, done"? So they were just freelancing?

Mr. Peter Tabuns: I have to tell you, I've heard lots of interesting things from candidates from a variety of parties at doors—

Mr. Gilles Bisson: I heard Mitzie was the champion of subways.

Mr. Peter Tabuns: Yeah. I've been following Mitzie for years, and, to tell you the truth, she hadn't been a big person who was leading the subway charge.

The other question—

Mr. Don Guy: Sorry, I wasn't involved in that one, so—

Mr. Peter Tabuns: We believe you weren't involved.

The prorogation of the Legislature: When I asked you earlier about Dalton McGuinty's decision to leave, you told me about a longer history of discussion, but, in fact, that was his leaving. The prorogation is another matter. There's no question that there were emails circulating prior to the prorogation. The thought of your party going through this committee was something that people wanted to avoid—

Mr. Don Guy: No. Sorry, that's not true.

Mr. Peter Tabuns: —the documents were coming out. I think, frankly, that Laura Miller's testimony was very important in saying that prorogation ramped up dramatically once those documents were coming forward. You were called in for that?

Mr. Don Guy: Mr. Tabuns, I appreciate the question, but your contention is just not true. One of the questions that the Premier asked, in contemplation of his announcement that he was retiring and proroguing the Legislature, was: Will that motion survive? Will it come back when Parliament resumes? He wanted to make sure of that. As you know, it did. That's why we're here today. That was communicated widely at the time. So the notion that he prorogued to avoid something is just absolutely false.

1050

Mr. Peter Tabuns: I find that hard to believe. I find it hard to believe that, facing months of inquiry into this scandal, with the potential that there might have been an election with the budget that just came forward—that it made political logic from your end to try and shut things down so that the scale of the problem would not be fully apparent by the time the election came.

The Chair (Mr. Shafiq Qadri): One minute.

Mr. Don Guy: You know, Mr. Tabuns, the thing about Premier McGuinty, and it was part of the exhilarating part of working with him, is that he defies political logic and he makes decisions based on what he thinks is the right thing to do. The interesting thing in this context—and we are here today, which is a testament to exactly that—is that he wanted to make sure that, if he was going to prorogue, this activity would be able to continue. As you know, that was communicated at the time.

Mr. Peter Tabuns: Go ahead.

Mr. Gilles Bisson: Do you accept any responsibility in either the decision of the gas plant cancellation or the withholding of the information to the estimates committee that was requested? Do you accept any responsibility?

Mr. Don Guy: Do I personally accept responsibility—

Mr. Gilles Bisson: In your role as campaign chair and former chief of staff.

Mr. Don Guy: —for things that were beyond my scope and beyond my control? No.

Mr. Gilles Bisson: Do you have any regret?

Mr. Don Guy: Do I have regret?

Mr. Gilles Bisson: Do you have any regret about all of this? Do you think that maybe—

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Bisson. That question will have to remain rhetorical.

Mr. Del Duca, the floor is yours.

Mr. Steven Del Duca: Thanks very much, Mr.—

Mr. John Yakabuski: A point of order, Mr. Speaker, if I may.

The Chair (Mr. Shafiq Qadri): Mr. Yakabuski?

Mr. John Yakabuski: Thank you very much, Speaker, or Mr. Chair; I was promoting you inadvertently.

The Chair (Mr. Shafiq Qadri): We look forward to that, Mr. Yakabuski. Thank you.

Mr. John Yakabuski: In an earlier exchange, the honourable member Mr. Del Duca made an accusation against myself as another honourable member of this committee. When I was questioning the statements by Mr. Guy with regard to his impugning the motives of members of this committee, he made a statement that I impugned the motives of you as Chair in the discussion surrounding the ruling on Mr. Bisson's motion.

Mr. Chair, I put it to you and to this committee that at no time did I ever challenge the motivations or the impartiality of you as Chair. I questioned the accuracy and the correctness of your decision, which other members of this committee did as well, but for Mr. Del Duca to accuse another member of this committee of questioning and impugning your motives as Chair of this

committee, I say, is out of order and is worthy of a withdrawal on the part of Mr. Del Duca.

The Chair (Mr. Shafiq Qaadri): I thank you, Mr. Yakabuski. We certainly appreciate the flattery.

Mr. Del Duca, the floor is yours.

Mr. Steven Del Duca: Thank you very much, Mr. Chair. So, in my final couple of questions for our witness today, I want to talk a little bit about some of the context, what was taking place back in the fall of 2012, that hasn't come up an awful lot today. I remember that particular time very well. It was the first number of days after I was sworn in as a member of the Legislature. From my recollection as a brand new MPP, there was an awful lot of mudslinging. There were a lot of threats made by the opposition.

Many witnesses who have come before this committee have referred to this as a “witch hunt” with respect to the honourable member Chris Bentley, the former member Chris Bentley. In fact, there was no doubt in my mind: What the opposition was doing at that time was trying to destroy a man's integrity and destroy his career.

For example, in September, the PC member from Simcoe–Grey, Mr. Wilson, said of Mr. Bentley that he knows very well—and this is from Hansard—“that he could lose his licence to practise law. He knows that he could be expelled from the Law Society of Upper Canada. He knows that he may be called before this House to deliver a humiliating apology.” The member from Cambridge, Mr. Leone, said—joked, in fact—in the House, “The minister's entire professional career is on the line.... he's risking it all: his legal career, his leadership bid and his credibility.” That's a quote from Hansard as well.

Frankly, Hansard itself doesn't capture the jail threats, the heckles, the endless and mean-spirited attacks that were hurled at Chris Bentley by opposition members in the chamber—frankly, all with smiles on their faces.

Mr. Gilles Bisson: Point of order.

The Chair (Mr. Shafiq Qaadri): Mr. Bisson?

Mr. Gilles Bisson: I just want to make it clear that New Democrats never made any such assertion against Mr. Bentley, to be clear.

The Chair (Mr. Shafiq Qaadri): Thank you. While very noble, that's not a point of order.

Mr. Del Duca?

Mr. Steven Del Duca: So from what we all observed during that particular period of time, do you believe that the opposition was ever truly interested in access to records? Or were they out to score cheap political points?

Mr. Gilles Bisson: Can I answer that for you?

The Chair (Mr. Shafiq Qaadri): We appreciate your offer, but thank you.

Mr. Guy.

Interjection.

The Chair (Mr. Shafiq Qaadri): That's for you to determine, Mr. Yakabuski.

Mr. Guy, the floor is yours.

Mr. Don Guy: I think that the pattern of behaviour that you're describing is consistent with what we see

from Republicans in the States that I referenced earlier, which is “search and destroy”; you do whatever you need to do to drag the other team down. Unfortunately, the truth of the matter is something they choose to drive by, and I guess that's regrettable.

Mr. Gilles Bisson: Just on a point of order—

The Chair (Mr. Shafiq Qaadri): Mr. Bisson.

Mr. Gilles Bisson: With all due respect to the Chair, this member is impugning motive, which is against the rules of the committee and the rules of the assembly. How can you ask a question imputing motive and not be allowed by the opposition to ask questions about their role with the Speaker?

Mr. Steven Del Duca: It's not impugning motive to quote from Hansard. If you're embarrassed about what you said, that's not my fault.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Bisson. I will simply—

Mr. Gilles Bisson: Hey, I never said that.

The Chair (Mr. Shafiq Qaadri): Thank you, gentlemen.

Interjections.

The Chair (Mr. Shafiq Qaadri): Gentlemen, I would just offer a reset and I would invite all members to please observe parliamentary decorum. Please continue, Mr. Del Duca.

Mr. Steven Del Duca: How much time, Mr. Chair?

The Chair (Mr. Shafiq Qaadri): About six minutes.

Mr. Steven Del Duca: There has actually been a lot of discussion, as I'm sure you're aware, about requirements of members of government and their staff with respect to retaining and archiving records. We've heard from at least one witness, possibly more. I'm going to try to take you back a number of years to your experiences when we first won government back in 2003 and came back into power. There has been a lot of discussion, like I said, about how governments should be retaining records—an important discussion, no doubt—but other witnesses, at least one other in particular, have described witnessing first-hand back in 2003 as the Ontario Liberals were transitioning back into government that there was a long lineup of shredding trucks sitting outside as the outgoing PC government were vacating their offices. I'm just wondering if you had any experience from your time, coming in in 2003, of what kind of records were kept, the impression you had of the practices of the former PC government as they were leaving office.

Mr. Don Guy: Well, I can tell you, when we walked in, the place was barren, picked clean. The only thing left by the PCs was the dust bunnies that were rolling around in the offices. Again, it's “say one thing; do another,” I guess.

Mr. Steven Del Duca: I'm done with questions. I'm wondering, with the time that's left, if you had anything else that you'd like to add for the committee today.

Mr. Don Guy: I want to thank the committee for the invitation and, again, for the patience that you displayed while I was working out west. I appreciate the work that

you do. I'm also, after having spent some time with you here this morning, even more firmly convinced that the decision the Premier made with respect to the relocation of the Mississauga plant in the campaign, and the one that predated the campaign, which was the one taken in government with respect to Oakville, were the right decisions. I haven't heard anything here today that would dissuade me that the choice to relocate and get the value of the electricity delivered against those contracts was obviously superior to the alternatives offered by the other two parties, which were outright cancellation. I haven't heard anything in terms of fleshing out those alternatives or anything with respect to how it would have been done differently.

I guess I leave somewhat heartened that we made the right choice, that the Premier made the right choice, and it gives me some more hope for the future, so thank you for the opportunity.

Mr. Steven Del Duca: Thank you very much. Thanks, Mr. Chair.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Del Duca, and thank you, Mr. Guy, for your spirited presence today. I'd also like to thank all members of the committee for abiding by the parliamentary and procedure rules, such as they are, pending challenges that may come in the future.

We will now recess for 10 minutes.

The committee recessed from 1100 to 1120.

MR. JOHN BRODHEAD

The Chair (Mr. Shafiq Qadri): Colleagues, the meeting is now back in session. I invite our next presenter to please come forward: Mr. John Brodhead, who will be sworn in.

The Clerk of the Committee (Ms. Tamara Poman-ski): Do you solemnly swear that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. John Brodhead: I do.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Brodhead. Five-minute opening remarks begin now.

Mr. John Brodhead: Good morning, everyone. Thank you for inviting me to appear. Sorry if my voice is a little shaky—I'm a little bit nervous—so I apologize in advance. I really appreciate getting invited and trying to help the committee's work in any way I can with my knowledge, having participated in some of these discussions.

For the past seven years, I worked in the Ontario government, six of those in the office of former Premier Dalton McGuinty and one of those at Metrolinx, the regional transportation agency for the GTHA. In my time in the Premier's office, I served in a variety of roles, starting as a policy adviser and, most recently, acting as deputy chief of staff for policy and cabinet affairs. I left the provincial government in February.

As it relates to this committee's work, I have had the following interaction with the files being discussed: First of all, I had no significant involvement in the energy file prior to January 2012. When I returned to the Premier's office after a paternity leave in late 2011, I assumed the role of executive director, which I held until taking on the deputy chief of staff role in May 2012. In both roles, I had high-level involvement in the energy file, though also carriage of other policy areas as well.

During the year 2012, I kept in touch with how negotiations were proceeding on relocating the two plants, primarily through Minister Bentley's office. My role was to make sure things were moving forward, and that included, from time to time, updating the Premier on major developments.

The Premier's office plays a variety of roles when it comes to policy files. In some cases, we engage in details, working closely with civil servants and political staff. This usually occurs when we have a long history with a file and have had time to get to know its details. This would be the case for me in such areas as poverty reduction, early learning, and transportation and infrastructure.

At other times, we are more like air traffic controllers, making sure that things are moving and that all the pieces of the system are working together, but leaving the details to the minister and civil service. On the energy file, I acted more in that capacity, as an air traffic controller, as I was also dealing with a variety of other policy files.

During the year 2012, and in particular after I become deputy chief of staff, I had to oversee many of the government's policy files. At any one time, this could mean 10 to 20 ongoing policy issues, from health care reform to economic development to the issue of youth violence that reared its head in the summer of 2012. These meant busy days and reliance on experts outside the Premier's office to provide us with detailed advice and information.

On the issue of the cost of the two plants, the key point I would like to leave you with is that we got the numbers we provided publicly from the negotiators, the agency responsible and the Ministry of Energy. These were complicated, fast-moving negotiations, and we had to rely on those on the front line to provide us with those details. As you will see from some of the emails in the package I provide you, we received these numbers from the experts in the civil service and our external agencies.

On the issue of document retention, which has come up before this committee, and as the former Premier stated in his appearance, we were not properly trained in document retention. That said, I did keep those documents I felt were unique to me—my briefing notes to the Premier—and have provided those to the government for proper archiving.

As you can see from the 465 pages of emails on the gas plants that were provided to the committee, these notes are transitory and duplications, hence why I did not keep them.

I really look forward to your questions and thank you for allowing me to come and help you in whatever way I can.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Brodhead. The floor is to the NDP: Monsieur Tabuns.

Mr. Peter Tabuns: Thank you, Mr. Chair, and thank you, Mr. Brodhead, for being here today.

In your role as overseeing Vapour and Vapour-lock files, were you at any point drawn into document assembly or preparation?

Mr. John Brodhead: Are you referring to for the estimates committee?

Mr. Peter Tabuns: For the estimates committee and then for the justice committee.

Mr. John Brodhead: That was not my area of responsibility, so I was not drawn into it. There were obviously conversations happening in the Premier's office, but I was not involved in those in any detailed way.

Mr. Peter Tabuns: Were you part of those discussions in the Premier's office about these files?

Mr. John Brodhead: About the documents in the estimates committee? There were meetings that I was involved in. We were aware that the minister was dealing with a challenging set of circumstances: his obligation to get the committee what it needed and, at the same time, protecting the commercial interests of our negotiations at the time.

Mr. Peter Tabuns: Who was part of these ongoing discussions in the Premier's office—obviously yourself and obviously the minister. Who else?

Mr. John Brodhead: The minister wouldn't have been there, no. There were—

Mr. Peter Tabuns: No? Who was there?

Mr. John Brodhead: My guess would be, someone from the government House leader's office and other members of the senior staff. I don't recall specific meetings, but—

Mr. Peter Tabuns: Were minutes kept of these meetings?

Mr. John Brodhead: Not that I'm aware of.

Mr. Peter Tabuns: Was there anything in writing about these meetings?

Mr. John Brodhead: I don't recall. It's possible we got a briefing note from the government House leader's office on that in advance of the meeting to set out some of the issues the minister was going through, but I don't recall specifics.

Mr. Peter Tabuns: You were well aware of what we had asked for as a committee, I'm assuming.

Mr. John Brodhead: Yes.

Mr. Peter Tabuns: Why was it that, even though we had gone through the discussion in estimates, adoption of a resolution in the House, we were not given documents? What we were given was heavily redacted and heavily parsed.

Mr. John Brodhead: I think the issue that the minister was trying to deal with at the time was making sure that the committee got the documents it needed in the fastest amount of time, while balancing that with the

need to protect the sensitivity of some of the documents that might impact the commercial negotiations. As we've heard from other people testifying in front of this committee, there was concern that releasing those documents at that time would seriously impact our negotiations.

Once the negotiations finished on the Mississauga plant, my understanding is, those documents were released almost immediately. I think that was the challenge that the minister was struggling with at the time.

Mr. Peter Tabuns: Okay.

I'm not sure if this has been provided to the Clerk. There is an email from Dave Phillips in the House leader's office to Laura Miller, yourself, Neala Barton and others in the Office of the Premier: "Summary of Options, Standing Committee on Estimates—Gas Plants Motion, July 4, 2012." Do you have a copy of that?

Mr. John Brodhead: Yes.

Mr. Peter Tabuns: That's great. On page 2 of the memo, we have "Strategic Goals," and the middle bullet is, "Successfully manage the timing and manner of release of the documents so as to limit the negative communications/issues management impact on the government."

I would have thought your goal would have been to be transparent and thorough in provision of documents to the committee.

Mr. John Brodhead: As not the author of this document, I don't want to speak to the details. From my perspective, my role was to work with the minister and the minister's office to make sure that the negotiation was completed as best as possible. That was my goal in those discussions.

Mr. Peter Tabuns: You may be aware that this strategic goal of managing the timing to minimize the negative media for the Liberal government was seen by us—and it continues to be seen by us—as covering up what was really going on. We don't feel that we were given the information that we asked for when we asked for it.

Did anyone in this group who received this email at the time say, "Hey, we've got problems here. This shouldn't be our approach"?

Mr. John Brodhead: I don't recall the specific discussion. What I do know is, personally, on the advice of others, I was worried about documents going out that could compromise our position in negotiations.

1130

Mr. Peter Tabuns: Did you brief any cabinet ministers on the files for Vapour and Vapour-lock?

Mr. John Brodhead: Besides the Premier?

Mr. Peter Tabuns: Yes, besides the Premier.

Mr. John Brodhead: No, not to my recollection.

Mr. Peter Tabuns: Was Dalton McGuinty aware of your approach to releasing these files?

Mr. John Brodhead: That was not a conversation I had with him.

Mr. Peter Tabuns: So you personally didn't have that conversation. You can't speak to that.

Mr. John Brodhead: I can't speak to that.

Mr. Peter Tabuns: Did the Premier generally pay attention to what was going on in the Legislature? Mr. Morley has previously said that he kept himself well aware. Was that your experience as well?

Mr. John Brodhead: Yes, I would say that was my general experience, that he was fairly aware of what was going on.

Mr. Peter Tabuns: And, I'm sorry, were you involved in the Premier's office from the time that Kathleen Wynne came in?

Mr. John Brodhead: No. I left on the transition day—February 11, I believe it was.

Mr. Peter Tabuns: One of the documents we have, an email you sent to Laura Miller, said that you had updated “P” on FIT and Vapour-lock. I'm assuming “P” is the Premier.

Mr. John Brodhead: Yes.

Mr. Peter Tabuns: Okay. What did you tell him?

Mr. John Brodhead: At that time, as I recall, I had a phone conversation with him about—I believe that was at the conclusion of negotiations and the fact that here was the amount we were going to have agreed to, and then it was going to be public at some point in the near future.

Mr. Peter Tabuns: And what number did you give him?

Mr. John Brodhead: That was for Mississauga. I gave him \$180 million at the time.

Mr. Peter Tabuns: Okay. Where was that number from?

Mr. John Brodhead: I received that number from the Minister of Energy's office, who had received that from the OPA and the Ministry of Energy.

Mr. Peter Tabuns: Did you understand at the time that there was a lot more—

The Chair (Mr. Shafiq Qadri): Just before you continue, Mr. Tabuns, with respect to press openness, I'd welcome you to stop filming their desks, and particularly Mr. Bisson's device.

You have the full time again, Mr. Tabuns.

Mr. Gilles Bisson: Sorry. It's only a Liberal document; he can do it.

The Chair (Mr. Shafiq Qadri): It looks like Global News to me.

In any case, go ahead.

Mr. Peter Tabuns: I would just ask this question. I think Mr. Bisson has a question as well. Were you not aware that there would be a lot more costs than the \$180 million at the time?

Mr. John Brodhead: At the time, what I was aware of was the \$180 million. It's obvious that we quickly became aware of an additional \$10 million in the non-utility generation for Keele Valley, on which there was some confusion as to whether it linked.

Also, when we did the announcement, we included a page of other costs that were ones where the advice we'd been given was that they were repurposable costs, but subsequently the Auditor General determined that those should have been non-recoverable costs. At the time, those were the numbers that I had available to me.

Mr. Peter Tabuns: I'll pass to Mr. Bisson.

Mr. Gilles Bisson: I want to go back to this July 4, 2012, memo from Dave Phillips that's sent to Laura Miller, yourself, Neala Barton, Wendy McCann and Kevin Spafford. In this fairly lengthy document—do you remember receiving this particular document, first of all?

Mr. John Brodhead: I don't remember, but—

Mr. Gilles Bisson: But you were a part of it. You got it.

The point is, as we go through all of this, it's pretty clear that the entire tone of this particular memo is about how not to release the documents that were requested by the estimates committee. If we take a look at the first page, it talks about how the government House leader's office was involved in directing the government members to essentially filibuster the committee so that time would elapse before the House ended in the spring of that year. The Chair would possibly vote to defeat the motion, or at least vote to support the amendment that would hamstring the motion—essentially guiding principles: “We do have the ability to manage the manner of timing and release, and perhaps the final terms of the motion, as to achieve our strategic objectives.”

It's pretty clear that there was a discussion going on between the House leader's office and yours about how to manage to release those documents. Is that fair?

Mr. John Brodhead: There was a discussion. I wouldn't characterize it as—my recollection isn't that it was reflective of this document, especially the perspective that I brought to it.

Mr. Gilles Bisson: According to your testimony and according to the testimony of others who appeared before you, the Premier's office was aware of what was going on within the Legislature, and what we see is a document that is clearly working to try to manipulate the release of those documents.

Mr. John Brodhead: All I can speak to, not being the author of this document, was my concern and what I brought to that discussion.

Mr. Gilles Bisson: And what was your concern?

Mr. John Brodhead: My concern was releasing documents during negotiations and the impact that could have on our negotiating position. That was my particular concern. I can't speak to the author of the document and their perspective.

Mr. Gilles Bisson: You're aware that when a court subpoenas documents, a court gets documents. You're aware of that?

Mr. John Brodhead: Yes.

Mr. Gilles Bisson: And are you aware that a legislative committee has the same powers?

Mr. John Brodhead: I know the minister was grappling with these issues very seriously.

Mr. Gilles Bisson: Well, it's pretty clear, according to these documents, that there was an attempt in order to manipulate how these documents would be released. To what degree were you involved in those discussions?

Mr. John Brodhead: Peripherally, if I pronounced that right.

Mr. Gilles Bisson: You called yourself an air traffic controller earlier.

Mr. John Brodhead: Yes.

Mr. Gilles Bisson: I'm a pilot. Air traffic controllers tell airplanes where to go.

Mr. John Brodhead: That's very good; I hope so.

Mr. Gilles Bisson: So were you telling staff where to go?

Mr. John Brodhead: Let me clarify—that's a good point. On air traffic control, I was the air traffic controller in a certain segment of airspace.

Mr. Gilles Bisson: That's right.

Mr. John Brodhead: Just to push this metaphor all the way, I was responsible for keeping on the negotiation side. I was not responsible for House strategy, so I would have been peripherally involved in those conversations.

Mr. Gilles Bisson: But it's pretty clear that you played a pretty central role to the discussion around the release of documents. I ask you again, on the record: What role did you play in making decisions within the Premier's office about releasing those documents?

Mr. John Brodhead: I would say I was involved in those conversations, and my perspective and the position I brought to the table was that we needed to take into consideration the impact of releasing those documents on the commercial negotiations at the time.

Mr. Gilles Bisson: And you were not driven by political considerations such as trying to control the bad media that you were getting?

Mr. John Brodhead: That was not my position, no.

Mr. Gilles Bisson: The emails certainly point to the opposite. How do you explain that?

Mr. John Brodhead: Sorry, which emails are you referring to?

Mr. Gilles Bisson: Emails that were exchanged between Laura Miller, Mr. Don Guy and others within the Premier's office clearly indicate that you guys are trying to manage the message. Was that not the goal? Were you not trying to manage the media message that was coming out?

Mr. John Brodhead: You'll have to speak with people with more knowledge on the communications side of this.

Mr. Gilles Bisson: You were the air traffic controller, I remind you.

Mr. John Brodhead: In the other airspace.

Mr. Gilles Bisson: Were they flying blind over there?

Mr. John Brodhead: I would not say that, no, but I would point you to the people who had more knowledge of the communications, conversations, than I.

Mr. Gilles Bisson: To what degree did the Premier have a role to play in those discussions?

Mr. John Brodhead: I have no knowledge of him having—

Mr. Gilles Bisson: Did you ever discuss this with the Premier?

Mr. John Brodhead: Never.

Mr. Gilles Bisson: In regard to the release of the documents to the estimates committee?

Mr. John Brodhead: Never.

Mr. Gilles Bisson: Did you have any such conversations with Don Guy?

Mr. John Brodhead: Never.

Mr. Peter Tabuns: Just to go back: I had asked you about your briefing of ministers.

Mr. John Brodhead: Yes.

Mr. Peter Tabuns: Did you brief any ministers on this?

Mr. John Brodhead: Not that I recall.

Mr. Peter Tabuns: You were in the Premier's office running this file and you were never asked by any minister for a briefing?

Mr. John Brodhead: No; that would traditionally be the responsibility of the minister and the minister's office responsible. That's not any file—that's not normal. In my policy files, I don't have a lot of experience with going and briefing ministers on other ministers' files.

Mr. Peter Tabuns: Are you ever called in to brief a minister on a file that's going on a walk-around for cabinet, for instance?

Mr. John Brodhead: It has happened in the past, but not on this particular issue. I was not, no.

Mr. Peter Tabuns: Can you tell me why it is that a number of staff from the Premier's office that we've had before us have in fact told us they were familiar with the Archives and Recordkeeping Act and—

Mr. John Brodhead: Sorry, they were or were not?

Mr. Peter Tabuns: They were—and knew that there is a schedule of documents they could and couldn't delete. Did no one ever talk to you about this legal responsibility you had?

Mr. John Brodhead: I was not briefed or trained in proper document retention in my time there.

Mr. Peter Tabuns: Did you have an intuition about it?

Mr. John Brodhead: I did have an intuition, which is why I kept the briefing notes that I wrote to the Premier, because I felt that those were unique to me, and so I kept those and archived them. The government has them to archive.

Mr. Peter Tabuns: Did any of these briefing notes touch on Vapour and Vapour-lock, on the gas plants issue?

Mr. John Brodhead: Two of them peripherally, and the committee was provided those on June 27, I believe, as part of a request, but very peripherally.

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Mr. Peter Tabuns: If you had carriage of these two files, why is it that you were only peripherally involved in briefing?

Mr. Gilles Bisson: That's the question.

Mr. Peter Tabuns: It just strikes us as very strange, given that there's a division of labour. You're given these files—these are very hot files—and yet—

Mr. John Brodhead: Which particular briefings are you—

Mr. Peter Tabuns: Briefing the Premier on Vapour and Vapour-lock.

Mr. John Brodhead: And I did brief the Premier. As the July 9 email says, I did brief him on Vapour-lock—on the Mississauga plant.

Mr. Peter Tabuns: I saw that, but I don't understand why you would be peripheral on this.

Mr. John Brodhead: All I'm saying is, on the legislative strategy and communications, I was at conversations about that, but I am not the lead on that core piece. I was the lead on the policy piece of this file.

Mr. Peter Tabuns: So you dealt with numbers and energy policy rather than political strategy? Is that what you're saying to us?

Mr. John Brodhead: That was my focus, yes.

Mr. Peter Tabuns: You had briefing notes on Vapour and Vapour-lock in 2012, I'm assuming. We asked—we put in a freedom-of-information request—for all Vapour and Vapour-lock documents in the fall of 2012, and we were told that none existed in the Office of the Premier. Why?

Mr. John Brodhead: I don't recall ever writing a briefing note on paper on Vapour or Vapour-lock.

Mr. Peter Tabuns: Really?

Mr. John Brodhead: Let me expand a bit on that.

Mr. Peter Tabuns: Yes, please.

Mr. John Brodhead: Briefing notes, for me personally, were more traditionally used when I had a little more lead time and it was in preparation for a meeting. The fast-moving pace of this file led to more verbal and in-person briefings.

Mr. Peter Tabuns: But you've said to us that you had two briefing notes that peripherally touched on this that were turned over to this committee earlier in the summer—

Mr. John Brodhead: Right.

Mr. Peter Tabuns: —but they didn't show up when we put in a freedom-of-information request in 2012.

Mr. John Brodhead: I'm not sure why. I know one of them was from December. I'm not sure why they wouldn't have shown up.

Mr. Peter Tabuns: Hmm. Do you have a question?

Mr. Gilles Bisson: No, no. I was just saying, "Wow."

Mr. Peter Tabuns: Okay. Did Laura Miller have much interaction with you on this file?

Mr. John Brodhead: On Vapour and Vapour-lock, specifically?

Mr. Peter Tabuns: Yes.

Mr. John Brodhead: Yes. We had lots of conversations over the course of the year—was she there the whole year?

Mr. Peter Tabuns: Yes.

Mr. John Brodhead: When she assumed her position as deputy chief of staff—sorry, that would've been May.

Mr. Peter Tabuns: I'm not sure if this email is provided; in one of the emails we came across, she was directing people to focus on pushing the decision off of the party and on to government, saying the decision to cancel the plants was a government decision, not a political decision. Were you familiar with her carrying that line forward?

Mr. John Brodhead: I do remember that email, yes.

Mr. Peter Tabuns: Okay. So did you think that these cancellations were government or party decisions, political decisions?

Mr. John Brodhead: I think that in January 2012, when I came to the file, the decisions had been made, and it was my job to help implement those decisions.

Mr. Peter Tabuns: And were they seen as political party decisions?

Mr. John Brodhead: In my sense, they were seen as a traditional political commitment that the government then commits to keeping, and then it was part of my role to help execute on that commitment.

Mr. Peter Tabuns: Premier Kathleen Wynne has stated that these were political decisions. Do you agree with her?

Mr. John Brodhead: I think they were committed to in a political campaign, as many political platforms are. I think it's then the responsibility of the government to either decide to proceed or not with that commitment.

Mr. Peter Tabuns: I don't have a further question at this point, unless—Mr. Bisson?

Mr. Gilles Bisson: How much time do we have left?

The Chair (Mr. Shafiq Qaadri): Forty seconds.

Mr. Gilles Bisson: Forty seconds? We'll just let it go.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Bisson. To the government side: Mr. Delaney?

Mr. Bob Delaney: Thank you very much, Chair. Good morning, Mr. Brodhead. While I don't have too many questions to ask you, a lot of them are going to have a bit of a preamble, largely because one of the issues that we cope with here is a recollection of events that seem to come from an alternate universe. Hence, I'm just going to preface the question with—

Mr. John Yakabuski: We've heard a lot about alternate universes.

The Chair (Mr. Shafiq Qaadri): Mr. Delaney, I ask you to remain in this universe, please.

Mr. Bob Delaney: That, Chair, is exactly the reason that I made the remark: to make sure that we are indeed discussing the same version of events.

The first thing I'm going to talk to you about is some of the events in 2012. In terms of the Mississauga plant, our committee has heard that there was, of course, community opposition to the plant, beginning in the autumn and winter of 2010 and going through the spring and summer of 2011, during which time the proponent secured financing and began construction, over the objections of the community and of the city.

Mayor McCallion was here. She talked not merely about the health and environmental risks for Mississauga and Etobicoke, but she also noted that as the city had made a zoning decision several versions of the municipal plan ago, the OMB upheld the zoning of Mississauga as industrial/power plant.

As we moved into the 2011 election, I'm assuming you paid close attention to the policies and the commitments of all three parties, and you would know that there were secure commitments made by all three parties to

cancel the plant if they formed government in the fall of 2011.

Mr. John Brodhead: During the 2011 election, I had the great pleasure of being the wagon-master on the Liberal bus, which, if anyone has had that pleasure, is not particularly a policy role. It was very much focused on making sure the media had all the lattes and steak sandwiches they required, at any hour of the day. So I heard about it through being 24 hours a day with 12 of my closest friends at the time.

Mr. Bob Delaney: My colleague Mr. Bisson suggested, and I'll use his words, that you played a central role in the release of the documents on the cancellation of the gas plant. Did you play such a central role?

Mr. John Brodhead: No. When we think about the role of someone like myself in the Premier's office—we're on the receiving end. As you can see from many of my emails that the Ministry of Government Services handed to you, the minister's office, the ministry and the OPA were having a very intense and deep conversation. For us, it was receiving those numbers, asking questions where we could, but we did have to put our faith in the people who were on the front lines doing the negotiations and who had much more expertise in these areas than us, and me in particular.

Mr. Bob Delaney: To stay in the time that you served in government, in 2012, with the election then over and the government having been formed and, as all governments do, taking its platform and turning it into government policy—we know that all three parties had committed during the election to cancel the plant, but as the Liberals formed the government, it was our government's responsibility to implement our commitment to relocate both plants.

As construction had already started in Mississauga, it was, at the time, important to reach a deal to halt that construction as soon as possible. Were you concerned that the longer construction in Mississauga continued, the higher the sunk costs might rise?

Mr. John Brodhead: Yes, I think there was a lot of concern among all the people that I interacted with on this file that the longer the construction went on, the higher the sunk costs would be.

Mr. Bob Delaney: I'm going to ask your opinion on something. The Conservatives staged many news conferences and other events in front of the Mississauga site. There was, of course, no construction begun in Oakville, so there wasn't the same degree of photo op there. Even after the election, we saw the PC Party staging events at the Mississauga plant. From your perspective, did this political pressure from the opposition contribute to some of the difficulty of the negotiations that the government had with Eastern Power?

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Mr. John Brodhead: I don't think I was in the realm where that was impacting me on a day-to-day basis. I think the negotiations were very complex as it was. That didn't really come into the world of conversations I had at that time.

Mr. Bob Delaney: Many of the three and a half dozen witnesses to date have noted that what differentiated the government's commitment from that of the two opposition parties is that they said, "We're going to rip up the contract and cancel the whole thing," and we said, "Well, we're going to relocate it and see if we can get taxpayers some value and some electricity for having spent the money." What we do understand is that no matter who formed government, these two plants would cease.

Were you satisfied that the right approach was taken with respect to the negotiations with Eastern Power in Mississauga and with TransCanada Energy in Oakville?

Mr. John Brodhead: I think what I could say is, from the perspective of where I sat in terms of the negotiations, it was clear to me—and the advice we got—that it would have been more expensive to just cancel it, so we were very determined to get power from those negotiations. That was a core principle when I joined in January 2012: We needed to get power out of this to optimize these negotiations.

Mr. Bob Delaney: So the optimum cost would also come with relocation, which would actually get Ontarians some electricity from the plant instead of paying money for a cancelled contract.

To move to Oakville, and again just to avoid a little bit of revisionist history, the decision to relocate the Oakville plant was made well before the 2011 election. Is that correct?

Mr. John Brodhead: I believe it was made in 2010 when I was at Metrolinx.

Mr. Bob Delaney: Okay, then you might know some of this. In terms of the rationale for that decision, some of the testimony before the committee has said that there were serious issues with the siting of the plant, including, particularly in Oakville, the overtaxed airshed, the lack of a buffer zone to ensure the safety of residents, and close proximity to businesses, commercial establishments, homes and a school. As well, some of the testimony that we've heard said that when the long-term energy plan was updated in the summer and the early fall of 2010, it became clear that that plant was no longer required in the Oakville area because, very candidly, demand had changed. Also, at that time, a transmission solution from Bruce was also possible.

Just like Mississauga, we've heard from the Oakville community, including from Mayor Burton, that they had received commitments by both opposition parties to cancel the plants, and again the differentiation being that the government was saying, "We don't think cancellation is the appropriate way. We'd like to move them and actually get some power."

Does that encapsulate what you knew of the opposition's position on the Oakville plant?

Mr. John Brodhead: I think the kind of preface you used on the demand targets changing and all those pieces is consistent with what I heard when I came in in January 2012 and started to get up to speed on the file.

Mr. Bob Delaney: Former Deputy Minister of Energy David Lindsay, in that vein, testified about Oakville that,

to use his words, “Paying costs and getting no electricity would not be a very good business decision.” Do you agree with that?

Mr. John Brodhead: That was the premise under which I was operating coming in in January 2012. I think it’s safe to say that—and Deputy Lindsay was the deputy at the time when I came in, for a brief period, so I was taking my cue from those far more knowledgeable, such as Mr. Lindsay.

Mr. Bob Delaney: Well, on that subject, Mr. Lindsay, when he was here, also testified about the risks of ripping up the agreement, as opposed to trying to renegotiate it. He said that “if you have a contract and you don’t honour the contract, the party on the other side can sue you for breach of contract and the damages would be all the benefits they were hoping to procure”—his words.

John Kelly from the Attorney General’s office testified before us and said, “I’m fairly satisfied there would have been litigation” if the government and the OPA hadn’t negotiated with TCE on an alternative plant.

He also said, “In my experience, after 40 years of litigating, if you can avoid litigation, you should. It’s a process that’s fraught with risk.”

Under the circumstances, was the best way forward for the government to avoid litigation and try to reach a settlement on damages and to renegotiate for a new plant with TCE?

Mr. John Brodhead: That was the advice that we received at the time, that that was preferable. That was the principle under which we were operating: that that was preferable, based on the advice that we received.

Mr. Bob Delaney: Okay. Then just to encapsulate it: Given the choice of cancelling the contracts outright, walking away from them and paying costs, the government chose to renegotiate them. You asked for and received the best advice you could. The advice said to see if we could reach an agreement with the proponents without litigation, and that’s the advice that you took. Correct?

Mr. John Brodhead: Yes.

Mr. Bob Delaney: Okay. In terms of the costs associated with relocating the plants, who would have provided you and your office with that information after the two deals were finalized? Do you recall?

Mr. John Brodhead: So, on both—and I have documentation on Mississauga that helps explain this a little bit. I personally and our office would have received that information from the minister’s office, traditionally and primarily, and they would have received it from their ministry and the Ontario Power Authority.

There was an email sent to me from the chair of the OPA on July 17, saying, “\$180 million was the number we stood behind for Energy for Greenfield South; we are already on record ... as explaining that the \$10 million was a settlement of a NUG contract.... They total \$190 million, unless I’m missing something.” That’s from the chair of the OPA at the time.

While traditionally—and other emails that are in the package I circulated show the OPA sending the advice

through the minister’s office. In this case, I did get a note from the chair of the OPA himself, but for the most part it would be from the minister’s office, and they would receive it from their experts.

Mr. Bob Delaney: Okay. So then when the finalized deals were announced, the information that was costed by the OPA at the time was provided to the public.

Mr. John Brodhead: Yes.

Mr. Bob Delaney: Good. I’m sure you’ve heard some of the accounts of some of the other two parties about some of the costs associated with the relocations. Interestingly, they’ve never provided their numbers on what it would have cost to cancel the plants. Clearly, there would have been a cost associated with outright cancellation, which would have been different from cancellation and a different contract. We’ve heard expert testimony here that the commitments to outright cancel the plants and not relocate them would have been more costly. Could you speak to that?

Mr. John Brodhead: I think it’s tough to say. The advice we received is that that route would have ended in litigation, so it’s tough to say what the exact costs would be. I think our view at the time was that it was going to be a significant amount of money and no power on the end of it. That was why—

Mr. Bob Delaney: So in addition to no power, there would have been the sunk costs, the value of the contracts, legal costs, and possibly damages. Correct?

Mr. John Brodhead: It’s tough for me to speculate, not as a legal expert.

Mr. Bob Delaney: I understand.

Mr. John Brodhead: You’ve had people more expert than I.

Mr. Bob Delaney: I want to talk a little bit about the motion that was made in the estimates committee. To be clear, you were in the Premier’s office at that time, right?

Mr. John Brodhead: Yes.

Mr. Bob Delaney: May 2012.

Mr. John Brodhead: Of 2012, yes.

Mr. Bob Delaney: All right. And at that time, the motion from the estimates committee was not directed at anyone or any information in the Premier’s office, correct?

Mr. John Brodhead: Correct.

Mr. Bob Delaney: All right. And at that time, the estimates committee very specifically asked for documents from the Minister of Energy, the Ministry of Energy and the Ontario Power Authority, between a range of dates, pertaining to these two issues. Correct?

Mr. John Brodhead: That was my understanding, yes.

Mr. Bob Delaney: Okay. At the time of that motion, in May 2012, complex and sensitive negotiations were ongoing with both proponents. Right?

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Mr. John Brodhead: Yes.

Mr. Bob Delaney: So what would it have meant if the OPA and the province’s negotiating position was “dis-closed,” “prejudiced,” “compromised”—whatever word

you feel applies—if the companies negotiating with the OPA had had access to confidential and privileged information?

Mr. John Brodhead: I think the minister's concern, which I shared, and the advice we were getting from others, was that it would compromise our ability to get the best possible deal. We were worried and the minister was worried that this would have a direct influence on the price that we were able to get.

Mr. Bob Delaney: Minister Bentley, in fact, told us, "Producing the documents and discussing our ongoing negotiations at that time would have significantly hurt our ability to limit the costs of the cancellations and negotiate a relocation and would have increased the cost to the people of Ontario. Having said that, I always intended to produce the documents. It was a question of when, not if."

Does that—

Mr. John Brodhead: That's consistent with the discussions I had.

Mr. Bob Delaney: Okay. I've heard some of the proponents from the alternate universes say that they wanted to make public this information that might have hurt the negotiations and thus damage the taxpayers.

Mr. John Yakabuski: Chair?

The Chair (Mr. Shafiq Qadri): Mr. Yakabuski, on a point of order.

Mr. John Yakabuski: On a point of order: I don't think it's fair to refer to people from—

Mr. Gilles Bisson: No, he's talking about his friends.

Mr. John Yakabuski: Well, I don't know who he's referring to. But to refer to people being from an alternate universe is demeaning to this committee and the work that we're trying to accomplish, and I think he should withdraw that.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Yakabuski.

Mr. Delaney, please proceed.

Mr. Bob Delaney: Thank you, Chair. I might mention that no mention was made of any party in that.

In some of the work that you were doing, did it seem as if, as Don Guy said earlier, you were dealing with a mindset that was more interested in scoring political points than, in this case, saving the taxpayer some money and doing some public good?

Mr. John Brodhead: I'll leave the editorializing to you. I don't want to say we're in a bubble, but the policy, the wonks—it didn't have as much of an impact in my world. You know what's out there; you hear the conversations. But in my view, there was a complex negotiation ongoing with a commercial party, and making sure we got the best deal possible was the priority.

Mr. Bob Delaney: You talked earlier about record-keeping. Former Premier McGuinty was here to testify, and he spoke to there having been a lack of adequate training for staff in document retention.

I'm going to go back to where we started, which was, at the outset of this, in the estimates committee. Information wasn't expected of the Office of the Premier. In the

June 7 response to the Information and Privacy Commissioner's report, the former Premier stated, "I agree with the commissioner that despite some efforts, we did not devote adequate resources and attention to ensuring all government staff in all ministries and in the Premier's office were fully informed of their responsibilities. This inadequate training made it difficult for staff government-wide to both understand their responsibilities regarding the preservation of public records and to exercise sound judgment in determining which records must be kept as public records and which can be eliminated."

The Chair (Mr. Shafiq Qadri): One minute.

Mr. Bob Delaney: In the last minute, could you comment on whether there was a lack of formal training and what, in retrospect, might have been done to properly manage records?

Mr. John Brodhead: There was definitely an absence of training in what documents were supposed to be kept and how they were supposed to be archived. As this committee knows, I sent a note to the committee on June 27 laying out that, because of the committee's deliberations and the report of the Information and Privacy Commissioner, I realized that I had not properly archived briefing notes that I kept and that I had turned them back over to government for proper archiving. I sent that note to the committee. Two of those briefing notes mentioned this—

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Delaney.

The floor is to the PC side momentarily, post-hydration. Mr. Fedeli.

Mr. Victor Fedeli: Thank you, Chair. I have documents to be distributed.

The Chair (Mr. Shafiq Qadri): Yes, please have those distributed. The floor is yours.

Mr. Victor Fedeli: Thank you very much.

Welcome, Mr. Brodhead. I appreciate the time you're taking to be here today. You're going to get quite a large stack of documents from the Clerk. I'd like you to go, when you get them—about a dozen pages in, you'll see document 3. We'll get back to document 1 and document 2—there's about a dozen there—but we'll go right to doc 3, about a dozen pages in. I'll give you a moment. Doc 2 ends with page 3 of 3, I think.

Mr. John Brodhead: Is this the one that has page 2 on the bottom and starts with, "If they haven't got their letter"?

Mr. Victor Fedeli: Yes, you're on the right one. Thank you very much.

In these documents, we've got quite a handful of pages to go through; document 3 alone has 31 pages. Up at the top, just under the sentence that you spoke of, you'll note this is an email from you. It says, "Brodhead, John (OPO)."

Mr. John Brodhead: Yes.

Mr. Victor Fedeli: What is OPO?

Mr. John Brodhead: OPO is the Office of the Premier of Ontario.

Mr. Victor Fedeli: Okay, and this is to David Livingston at OPO.

Mr. John Brodhead: Yes.

Mr. Victor Fedeli: The date is Wednesday, July 11—although the year isn't there, it's 2012—and the subject: Vapour.

Mr. John Brodhead: Yes.

Mr. Victor Fedeli: About halfway down, or actually down at the bottom, you and David Livingston are having a discussion about Project Vapour. Actually, if you look at another page in, you're really getting into the fact that Vapour-lock is done now, and now you're getting on to talking about Project Vapour. You're asked by Livingston, "What do you think—is Jonathan up to it?" Who is Jonathan?

Mr. John Brodhead: I want to make sure—okay, on the next page, it refers to—I believe they're referring to Jonathan Weisstub, who is vice-president, Infrastructure Ontario, at the time.

Mr. Victor Fedeli: Okay, so he works for Infrastructure Ontario.

Mr. John Brodhead: Infrastructure Ontario, yes.

Mr. Victor Fedeli: Okay. So he's asking you if Jonathan is up to it. Up to what?

Mr. John Brodhead: I think at this point the negotiations were—I don't want to say they were stalled, but they were not moving as quickly. I think they were struggling to move forward on the negotiation.

Mr. Victor Fedeli: So you're involved in making the decision here. You're asked your opinion: Who should be negotiating for Project Vapour?

Mr. John Brodhead: I think I was being asked—on Vapour-lock, when a similar thing happened, we decided as a collective, including the minister's office, the ministry, that it would be helpful to bring in a new person, and that was Rob—

Mr. Victor Fedeli: So you're being consulted on this.

Mr. John Brodhead: Yes.

Mr. Victor Fedeli: And you answer, "I don't think he has the stature that you or Rob did..." Who's Rob?

Mr. John Brodhead: Sorry, stature?

Mr. Victor Fedeli: Yes.

Mr. John Brodhead: Okay. Rob Prichard, who did the Vapour.

Mr. Victor Fedeli: Oh, okay. Rob Prichard did the Vapour-lock.

Mr. John Brodhead: Yes.

Mr. Victor Fedeli: And you don't think Jonathan Weisstub has the stature to do Vapour.

Mr. John Brodhead: Just to be clear, because Jonathan is a very dedicated civil servant. He is a terrific guy.

Mr. Victor Fedeli: I was just reading your words.

Mr. John Brodhead: No, no, no. But I do like to say that, in this case, what I was referring to is because it was at such a senior level, we wanted someone of that—

Mr. Victor Fedeli: It's okay. I was just reading your words.

Mr. John Brodhead: Yes.

Mr. Victor Fedeli: So, they call it "V." When they refer to "V," is that also Project Vapour? Just here and there, throughout this document and others, you're going to see, "I'm not in a hurry on V"; "Nice work on VL." Does "VL" refer to Project Vapour-lock and "V" is Vapour?

Mr. John Brodhead: In the ones that I'm looking at here, yes.

Mr. Victor Fedeli: Okay. Go down, not page 3, but let's go to page 4. We're into Vapour again, and this one is another discussion that you're involved with. This is August of 2012, a chit-chat about Vapour. Would you agree?

Mr. John Brodhead: Sorry, is this document 4 or page 4 of document 3?

Mr. Victor Fedeli: Page 4 of 31. We're still on document 3; we're going to be on document 3 for quite a while. Just two pages after—

Mr. John Brodhead: So the one with Jim Hinds: "Okay, one down, one to go"?

Mr. Victor Fedeli: One past that; another page past that. In the middle, you'll see, "Urgent—Call re Vapour." So you're involved in a call from the energy department on Vapour.

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Mr. John Brodhead: Yes.

Mr. Victor Fedeli: Okay. You're in these discussions, or this urgent call. The next page is quite a lengthy series. It's "Energy minister isn't saying who made the decision to cancel gas plant." This is the one where everybody's trying to fix where Minister Bentley says—it says here where Minister Bentley says that the re-election campaign rather than government made the decision. You're asking, "Are we going to correct this?" Somebody says, I'm "on my way to see" the minister. His response is "duly noted."

You're involved in these discussions about the gas plant—

Mr. John Brodhead: Yes.

Mr. Victor Fedeli: —the spinning, the comms, if you will, the communications of the gas plant. You're involved.

This is a document from July 2012. The next page, page 9 of 31—it's to John Brodhead, to you. It's a backgrounder on gas plant relocation costs. This is a very detailed document. The second page: Can you tell us briefly about it, page 10 of 31? It's pretty detailed here. Give us the 30-second version of what this is all about. Again, this is a July 9, 2012, document on the gas plant.

Mr. John Brodhead: My understanding is, this is one of the OPA's earlier versions of the backgrounder that was going to be released, along with the news release.

Mr. Victor Fedeli: Do you understand all the numbers there, the \$75 million; the \$10 million; the total is \$170 million—those kinds of things? You were sort of spouting some of those numbers earlier in discussions. You understand these numbers.

Mr. John Brodhead: I would say I understand them at this level. If you ask me why certain things are in

certain buckets as opposed to others, and what is a steam condenser and the level down, I wouldn't have that level of detail.

Mr. Victor Fedeli: But you understand the buckets.

Mr. John Brodhead: I understand the \$170 million here and generally what went into it.

Mr. Victor Fedeli: This gas plant relocation file from July 2012. A couple more pages down, 12 of 31, Laura Miller on July 31, 2012: subject, Vapour. The file is called Vapour. She's asking, "Do you have a sense of damages? Looking for ballpark," and you're saying to her that you "have more info on this," and I "can fill you in..." What kind of damages was she talking about here, and what would you have known about damages?

Mr. John Brodhead: I think she was probably—and my recollection of my conversation was, this was basically a status on where the negotiations were, how they were going.

Mr. Victor Fedeli: And you would have had—you're answering her, "Have more info ... Can fill you in..." This is the August 7, 2012, file with the subject, Vapour.

Mr. John Brodhead: Sorry, the question is, did I—

Mr. Victor Fedeli: You would have known—when she asked you a question, "Do we have a sense of damages?" your answer was, "Have more info on this. Can fill you in..."

Mr. John Brodhead: I'm not sure if I had detailed information on damages at that time. What I was going to provide her with was an update kind of generally on where negotiations were going, what we thought our timeline would be.

Mr. Victor Fedeli: Okay. That's fair.

Flip over 13; there's nothing there. Page 14 of 31: "Oakville note for the P." I presume "P" is Premier?

Mr. John Brodhead: Yes.

Mr. Victor Fedeli: "I need some points"—this is from Emily Jephcott—"on the gas plant cancellation in Oakville." This is February 2012, so you were a go-to guy. They would be asking you, "Do you have anything? I need some notes."

Mr. John Brodhead: Right.

Mr. Victor Fedeli: That's what this would be about? You're the guy she would go to?

Mr. John Brodhead: This would have been, I assume—Emily would have been doing an event note for him, so he would have been going to Oakville and looking for—

Mr. Victor Fedeli: And they'd be coming to you for that.

Mr. John Brodhead: Yes.

Mr. Victor Fedeli: The next page, 15: This is to John Brodhead. Again, it's April 2012. "Premier" is the subject. "Wants to talk Mississauga gas plant with you.... Possible?" So you're going to talk to the Premier about the Mississauga gas plant.

Mr. John Brodhead: That would have been him going to an event and me saying—

Mr. Victor Fedeli: Yes. He's "off to Mississauga," it says.

Mr. John Brodhead: Yes.

Mr. Victor Fedeli: So you'd give him the briefing.

Mr. John Brodhead: Just from verbal.

Mr. Victor Fedeli: Your notes are from your head.

Mr. John Brodhead: Yes.

Mr. Victor Fedeli: Yes. But this was a Mississauga gas plant email here from 2012.

The next page, 16 of 31: "What did you and Jonathan decide about Vapour?" Again this is a file on Vapour, July 12. I don't know that we need to know what you decided; I'm just acknowledging that there's an email here about Vapour on the 12th of July. Is that correct?

Mr. John Brodhead: It appears to be, yes.

Mr. Victor Fedeli: Okay. Page 17: Now we're getting a little more detailed. You're being asked—somebody's pulling the Vapour-lock TB c-fund submission. What is that? What is a TB c-fund?

Mr. John Brodhead: A Treasury Board contingency fund submission.

Mr. Victor Fedeli: Contingency fund. Thank you. I had no idea what that one was. So they're pulling that. They're going to you on this. This is to you. They're into talking about the \$190 million from the tax base. You're the guy that they're going to on this. Up at the top, we're copying so-and-so and so-and-so, as "we may have an idea to justify \$190 million." This is the first time they talk about the \$190 million coming from the tax base. You understood that as well, I presume.

Mr. John Brodhead: Sorry. I understood the \$190 million—

Mr. Victor Fedeli: Comes from the tax base.

Mr. John Brodhead: I understand it. I'm not sure at this point whether I understood it, but I understand.

Mr. Victor Fedeli: Okay. Next page, 18 of 31, you're being asked a question by Serge Imbrogno: "How are you being looped in on Vapour?" So he's asking you about Vapour in September 2012, and you say it's "JDL via Bert." Who's JDL?

Mr. John Brodhead: That's David Livingston.

Mr. Victor Fedeli: Okay, thank you.

Another page, 19 of 31: Now we're getting a little deeper into the question I asked a couple of minutes ago, the understanding that energy was funded with money from the tax base. I guess it all started—this is a note from you. You're writing to Rob Dowler at cabinet.

Mr. John Brodhead: Cabinet Office, yes.

Mr. Victor Fedeli: "Rob—cabinet note from TB ... says Vapour-lock funded via OPA. It was tax base...." So you do know.

Mr. John Brodhead: Yes, so at this point I was saying, no, it's not from the right base. It's from the tax base.

Mr. Victor Fedeli: It's from the tax base. So you do know that the \$190 million, then, is from the taxpayer.

I can go on and on and on. I guess, instead of continuing through the rest of these 31 pages and/or document 4, which would be your Outlook calendar on Vapour, Vapour-lock, meetings, that type of thing, why don't we just jump right back to the beginning of this file on

document number 1? Do you have that one there? Right back at the beginning.

So you're asked by freedom of information to turn over emails, memoranda, Outlook calendar invitations making reference to Project Vapour—and it spells it a couple of different ways—in the years 2010, 2011 and 2012. Now, I've just turned over—there's 31 pages there. We've got so many documents, yet your response to freedom of information, when they ask you to turn over the Project Vapour: "I have no records." Can you tell me what you mean by you have no records when we are here with, to start, 31 records?

Mr. John Brodhead: When I say I have no records, it would have meant I had no records in my inbox. What I think you have here are the ones that MGS was able to get off the—I've heard you've had many discussions on what this thing is—backup file of some sort, which I deleted because of my view that they were transitory or duplicative in nature, and not having been trained otherwise.

Mr. Victor Fedeli: Do you believe, then, that the very detailed pages which get into the breakdown, like page 9 of 31, repurposed costs, \$75.5 million; engineering, \$10 million; \$170 million as the total net relocation cost; other provisions that are made; the plant description of 300 megawatts, that it's a gas combined-cycle facility with a net revenue requirement of \$12,400 a month—that's transitory? This is a transitory document that's, "Oh, hi, Sue. I'll meet you for coffee"?

Mr. John Brodhead: Not having been trained on the definition of "transitory" and what that actually means, my intuition—

Mr. Victor Fedeli: I'm not buying that. I'm sorry; I'm not going to buy that. Let's talk about this. You know the difference between right and wrong: a transitory email, by the very nature of it. You know, when you're into details here about a treasury fund submission, \$190 million coming from the tax base, not the rate base—

Mr. John Brodhead: These were all—

Mr. Victor Fedeli: Please, don't go down that path. Let's just talk man to man here for a second.

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Mr. John Brodhead: So these were—as you look at them, the good example is the background used. That was in the process of developing an actual background that would be released, so it was in the process of getting to a final public document. Not having been trained in the details, my intuition was, well, that's going to be a document that's going to be released to the public and this is where it is and there are duplicates and other people here—so, in my mind, at the time, not having been trained, that was my intuition.

Mr. Victor Fedeli: So it's all about the lack of training is why you said—even though your name appears 1,500 times through the emails that we just got from MGS, you claim you have no responsive records. Your words are, "I have no records"—nothing.

Mr. John Brodhead: Not at that time.

Mr. Victor Fedeli: Not one record.

Mr. John Brodhead: Not at that particular time.

Mr. Victor Fedeli: What does that mean, "not at that particular time"?

Mr. John Brodhead: When I was asked whether I had records, to respond to that, I had no records at the time. I deleted some—

Mr. Victor Fedeli: So doc 4, your Outlook—you cleaned out your Outlook schedule as well; you don't have any of these? Because this very specifically says Outlook calendar invitations; doc 4, page 2 of 9. These are invitations for you to talk about gas plants here. These are meetings with Russ Girling and Alex Pourbaix from TransCanada Pipelines. This is pretty serious stuff here, Mr. Brodhead. You're another one of these central figures. You can't tell us that you were just, to use your words, wagon master and things. The Premier goes to you for answers. You're the go-to guy in a lot of these emails, 1,500 times. Please try to square that circle for me. I don't get this. I don't get what's going on here today.

Mr. John Brodhead: As I said, not having been properly trained, I did know that there were certain documents intuitively that I needed to keep—the briefing notes to the Premier—and I returned those to be properly archived. I have lots of emails, I get a lot of emails; my name is in a lot of emails. But I do delete them at the time for what I thought was—

Mr. Victor Fedeli: When did you delete these 1,500 emails that have you and the gas plants inextricably linked?

Mr. John Brodhead: I have no idea when I would have deleted them.

Mr. Victor Fedeli: Do you delete them every day? Did you delete them when you got this request?

Mr. John Brodhead: Definitely not.

Mr. Victor Fedeli: When did you delete them?

Mr. John Brodhead: I usually delete it on an ongoing basis to keep my inbox manageable. To be honest, it—

Mr. Victor Fedeli: So your answer was, "I have no records." It wasn't, "Oops. Look, guys, let me fess up. I deleted all my emails." That wasn't that. It was, "I have no records." You're not involved in the gas plant scandal. "I have no records": That's what you answered.

Mr. John Brodhead: I said I had no records on me at the time.

Mr. Victor Fedeli: No, you said, "I have no records."

Mr. John Brodhead: Right, and they were asking about whether I had any from the time they were asking from, and I responded that I had no records at the time.

Mr. Victor Fedeli: Well, you didn't say, "I have no records at the time." You said, "I have no records." There are 1,500 mentions of you. You're 1,500 times here. That's a lot more than a lot of people. I took considerable time here to go through these emails. These aren't transitory. These are very detailed emails. You're involved in deciding who gets to do the consultation: Is it Jonathan or not? "Well, I don't think he's up—he hasn't got the stature," you said. Someone wants to know about the

\$190 million, and you're the guy they went to to ask. And you said, "Hang on a second. No, no, no"—you knew that the \$190 million was tax-based, not rate-based. That also implies you know there are two, and we're going to get to that in the next 10 minutes.

The Chair (Mr. Shafiq Qadri): One minute.

Mr. Victor Fedeli: Please, you've got a minute here. Come clean here to this committee. Come clean and tell us. Please come clean.

Mr. John Brodhead: I mean, the truth is that we were not properly trained, and I viewed these documents, and I went through the 465 pages just as thoroughly as you did and, in my understanding at the time, based on the knowledge I had of the definitions of "transitory" and "duplicative" and "in process"—

Mr. Victor Fedeli: So you had files, but you said you didn't because you think they're transitory?

Mr. John Brodhead: No, they were not in at the time, so I—

Mr. Victor Fedeli: And you cleaned out your Outlook as well. You went back and deleted your—now, that's not easy to do.

Mr. John Brodhead: I don't recall doing that, no.

Mr. Victor Fedeli: So if you didn't do that, why didn't you turn over the Outlook documents? It asked you very specifically: emails, memoranda, Outlook.

Mr. John Brodhead: I'm not sure.

Mr. Victor Fedeli: You're just not sure.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Fedeli. To the NDP side, Mr. Tabuns.

Mr. Victor Fedeli: I'm pretty sure.

Mr. Peter Tabuns: Mr. Brodhead, when you left the Premier's office, did you continue to have contact with senior Liberal staffers and members in regard to the cancelled gas plants?

Mr. John Brodhead: No.

Mr. Peter Tabuns: You went on to work at Metrolinx—

Mr. John Brodhead: Metrolinx was in 2010. I went to work there for a year, from January 1, 2010, to February 2011.

Mr. Peter Tabuns: Did you have any exchange of emails around gas plants in that period?

Mr. John Brodhead: No.

Mr. Peter Tabuns: In your time in the Office of the Premier, did you use PINs and BlackBerry messaging to communicate on anything to do with Vapour or Vapour-lock?

Mr. John Brodhead: Not that I recall.

Mr. Peter Tabuns: So no one ever communicated to you using those methods?

Mr. John Brodhead: Not that I'm aware of, no.

Mr. Peter Tabuns: On anything?

Mr. John Brodhead: On anything? There were conversations on that mode from time to time, but not that I recall on this issue.

Mr. Peter Tabuns: And not on Vapour or Vapour-lock.

There were quite a few emails through the summer of 2012. Your office was looking for clarity on the true costs of the gas plant cancellation. When did you realize the \$190-million figure wasn't accurate?

Mr. John Brodhead: I think the Auditor General's report—when he said that that was the items that in our backgrounder, and we had been advised were repurposeable, he included as non-repurposeable. That, for me, was the first time that number grew.

Mr. Peter Tabuns: It's interesting, because I know Mr. Bentley used that number about repurposeable—whether they were repurposeable or not. Your government paid the money and didn't get reimbursed. You were out of pocket. The people of Ontario were out of pocket. Did you not realize that you had paid and weren't getting reimbursed?

Mr. John Brodhead: Sorry. I'm not clear on the question. Are you asking whether I knew there were repurposeable costs, or non-repurposeable—

Mr. Peter Tabuns: That the money you paid for equipment that could be moved from one place to another was money that the people of Ontario spent and weren't going to get reimbursed for. It was an expense.

Mr. John Brodhead: What I knew was that the non-recoverable costs were \$190 million, and that there were others that we included in the backgrounder that we felt were repurposeable, that then the Auditor General opined and said they should have been in the non-recoverable bucket.

Mr. Peter Tabuns: So you didn't realize that the \$190 million was not complete until the Auditor General came forward with his numbers?

Mr. John Brodhead: I'm not sure what you mean by "complete."

Mr. Peter Tabuns: Well, there were costs beyond the \$190 million that the people of Ontario had to absorb because of this decision. There were the costs of extra electricity because of line losses. There was real estate that was involved. There were a variety of expenses that took us far beyond \$180 million. You didn't realize any of that until the Auditor General came forward?

Mr. John Brodhead: What I knew at the time was that the non-recoverable costs were \$190 million. When the Auditor General came forward and added the pieces we thought were reusable into the non-recoverable bucket, that was when I realized that the non-recoverable number was more than \$190 million.

Mr. Peter Tabuns: So you had no intuition about this, or no knowledge of this, until the Auditor General's report came down?

Mr. John Brodhead: The advice we were given was that the \$190 million was the non-recoverable cost.

Mr. Peter Tabuns: Did Premier McGuinty have any sense that there was a cost beyond the \$190 million?

Mr. John Brodhead: I never had that conversation with him. What we talked about was the non-recoverable \$190 million.

Mr. Peter Tabuns: I have to tell you, even just as someone reading the newspaper, I knew that figure was

not complete or accurate. Bruce Sharp, who testified early on here, noted a number of other costs that would be attached to it. I find it very difficult to believe—and I've had a chance to go through a fair number of emails now; you guys follow media awfully closely, and you critique it very closely—that you wouldn't notice that it was being pointed out that this figure was incomplete and inadequate.

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Mr. John Brodhead: I turn back to the email I got from the chair of the OPA, which says that \$180 million was the number we stood behind for energy and for Greenfield South—

Mr. Peter Tabuns: —what was paid out, but that wasn't the full cost of the decision.

Mr. John Brodhead: But the non-recoverable cost is what we were focused on, in terms of minimizing those.

Mr. Peter Tabuns: I'm going to turn it over to Mr. Bisson, but I'm still surprised by your answer.

Mr. Gilles Bisson: Well, I've just got to follow up on that before I go to the next one: You're the government. You had all of the apparatus to tell you what the numbers were. You had the OPA, the Ministry of Energy and everybody else that works for the government and broader public to tell you what the numbers were. Why did it take the auditor to clarify that it cost more than \$190 million when you had all the numbers?

Mr. John Brodhead: So the advice we were given from the OPA and from the Ministry of Energy was that it was \$190 million, and then the other costs were recoverable costs—

Mr. Gilles Bisson: Listen, the auditor had access to the same information you had, and he came up to a number greater than \$190 million, so was it a case that you were purposely trying to keep the numbers down for the public?

Mr. John Brodhead: Absolutely not. That was the number we received, and you'll have to discuss that with the—

Mr. Gilles Bisson: Would you say it's fair that the public might perceive it that way? The auditor has the same numbers as the government of Ontario. He comes out and says it's more than \$190 million. You guys, for the entire time before the auditor gave his report, said it was \$180 million, then it was \$190 million—you tried to lowball the numbers. So, isn't it the case that you were actually trying to lowball the numbers?

Mr. John Brodhead: I don't believe so. I believe that when the OPA and the Ministry of Energy gave us the \$190 million, they were, in good faith, giving us what they thought was the number.

Mr. Gilles Bisson: It sounds to me like you're lowballing.

Let me get to the next question. Did you keep a daybook through your time in the Premier's office—you know, notes of what happened every day and all that kind of stuff?

Mr. John Brodhead: I wouldn't say every day, but I had notebooks, yes.

Mr. Gilles Bisson: But you had a notebook. Is that notebook still around?

Mr. John Brodhead: Yes.

Mr. Gilles Bisson: And that is archived, so that's something that we're able to get?

Mr. John Brodhead: Yes.

Mr. Gilles Bisson: Okay. Do you know if other people in the Premier's office kept the same habit of keeping notebooks?

Mr. John Brodhead: It varied by personality.

Mr. Gilles Bisson: You worked with Chris Morley. Did he keep a notebook?

Mr. John Brodhead: I don't recall.

Mr. Gilles Bisson: Interesting.

There's an interesting email here that came out on September 5, 2012, from Tim Shortill to you, and it says, "Just remember, Brodhead and Shortill don't get fired." What is he referring to?

Mr. John Brodhead: Sorry, what document are you referring to?

Mr. Gilles Bisson: There's an email. I'll just give it to you. What is Mr. Shortill referring to when he talks about how you and he are not to be fired? Was there something going on here?

Mr. John Brodhead: No, I believe this was during the confusion around the \$10 million on NUG. I believe he was making a joke about him not getting fired as a result of us not getting the number right on the first try.

Mr. Gilles Bisson: Well, somebody should have been fired, because that cost people a whole bunch more money.

Peter, have you got something?

Mr. Peter Tabuns: No.

Mr. Gilles Bisson: How much time do we have left?

The Chair (Mr. Shafiq Qaadri): Two minutes.

Mr. Gilles Bisson: Well, I want to get back to the keeping of records, because it was my experience when I worked with Mr. Morley that Mr. Morley kept copious notes. At every meeting I ever attended with him, he had notes. I know he came before this committee, and he testified that, in fact, he kept notes on the teachers' bargaining and others. Clearly he, having that practice, must have kept that practice on when he was working in the Premier's office. Are you sure you never saw him take notes?

Mr. John Brodhead: I wouldn't say I never saw him take notes. I just don't recall if he had a notebook that he used often.

Mr. Gilles Bisson: But he was known to take notes in the due course of things during a day in the Premier's office.

Mr. John Brodhead: I can't speak to that.

Mr. Gilles Bisson: Well, did you ever see him with a notepad?

Mr. John Brodhead: I've seen him with a pen and taking notes, yes.

Mr. Gilles Bisson: Okay. That's what I was asking.

Just back to the numbers: It seems to me that you guys were fixated on the cost. There was a traffic of emails—

as you said, the air traffic controller that you were. There was all kinds of congestion in regard to the traffic of emails dealing with the question of cost. Is it fair to say that, in fact, you guys were so concerned with cost, your sole concern was trying to lowball the number, and not give the public or the Legislature the actual number?

Mr. John Brodhead: No, I don't believe that's the case at all. I do feel that the numbers we received from the OPA and the Ministry of Energy were good-faith attempts to get the costing—

Mr. Gilles Bisson: So why did the auditor get it right and you guys got it wrong when you both had the same information?

Mr. John Brodhead: You'll have to ask the people who gave us the numbers.

Mr. Gilles Bisson: Well, I'm asking you, because you had the same information as the auditor. I would argue that you probably had more information. Why is it that the auditor came up with one number and you guys were purporting a different number that was lowballed?

Le Président (M. Shafiq Qaadri): Merci, monsieur Bisson. Votre temps est expiré. Monsieur Delaney.

Interjection.

Mr. Gilles Bisson: You can do that on Mr. Delaney's time.

Mr. Bob Delaney: Okay, thank you very much, Chair. Chair, I've asked the Clerk to provide me the exact motion that requested some of the documents that Mr. Fedeli was quoting from when he was asking Mr. Brodhead to clarify his remark, "I have no records."

Now, in looking at the documents provided to the committee by Mr. Fedeli, there is a document to you on Wednesday, October 10, from John O'Leary, and it says, "I require your assistance to fulfill a freedom-of-information request.

"The request is..." and the search terms are "Project Vapour" and "Project Vapor."

I've been looking at some of the documents that Mr. Fedeli made mention to, and those search terms don't come up on it. When you did the search—

Mr. Victor Fedeli: Point of order, Chair.

The Chair (Mr. Shafiq Qaadri): Mr. Fedeli, point of order.

Mr. Victor Fedeli: Thank you, Chair. A point of order: There are actually two different freedom-of-information requests that Mr. Brodhead responded to.

The Chair (Mr. Shafiq Qaadri): Clarifications of issues are not points of order. You're welcome to bring that up—

Mr. Victor Fedeli: Completely, but, Chair, he's making a point that what we're looking for is Project Vapour. The second one says "Mississauga and Oakville gas plants." There are two—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Fedeli.

Interjection.

The Chair (Mr. Shafiq Qaadri): Thank you. Mr. Delaney, continue.

Mr. Bob Delaney: The point that I'm making and that I'd like to explore with Mr. Brodhead is that Mr. Fedeli was asking you about documents produced pursuant to a very comprehensive document request with many search terms, and asking why you didn't find all of those search terms, even though the search terms you were asked to find were "Project Vapour" or "Project Vapor," and both of them are in quotation marks. When you did your search, is it reasonable to assume that you would not find documents that didn't include those two search terms?

Mr. John Brodhead: I'm not sure why, but I'm guessing that's why. I don't know why they wouldn't have come up. Some of these items that you refer to actually don't have anything to do with Vapour or Vapour-lock. Some of these Outlook calendars—Russ Girling and Alex Pourbaix: That was a general meet-and-greet. We did not talk about—I don't recall talking about Vapour in that discussion. But I don't know why the other ones weren't caught in the search, the Outlook calendar ones.

Mr. Bob Delaney: Well, isn't it true, then, when you are asked to do work pursuant to search terms, that you must search on those search terms but only those search terms, and the documents that you have to provide must respond to the request made but only to the request made?

Is it not also true that at the time you did that document search, there was no way you could have anticipated the much more comprehensive motion asked for much later than when you did the original search?

Mr. John Brodhead: I would have searched the items that were sent to me by Mr. O'Leary, so I'm not sure why they didn't show up in my—

Mr. Bob Delaney: Okay, I think we've made the point. So it's apparent, then, that staff were not required to keep every single record. The Archives and Record-keeping Act explains that transitory records are not required to be kept. In looking at the material provided by Mr. Fedeli, I have to say that a lot of this stuff looks very transitory to me.

The Common Records Series, in fact, defines these records as "records of temporary usefulness in any format or medium, created or received by a public body in carrying out its activities, having no ongoing value beyond an immediate and minor transaction or the preparation of a subsequent record."

Would that description have covered many of the emails and calendar entries you just described, a few minutes ago, having deleted?

Mr. John Brodhead: Not being trained on the specifics, and knowing that it requires judgment, that judgment is a key portion, I do believe that the documents are transitory, duplicative or in the process of getting towards the final document.

Mr. Bob Delaney: Okay. We asked Secretary Wallace about his personal experience with transitory records. What he told us was, and again, I'll use his words, "from the perspective of my office and our daily email practice, a fair amount of what is provided to us, a fair amount of

my routine correspondence, is essentially trivial updates or momentary information exchanges that would not be of interest to anybody in the future trying to, for policy purposes, for historic research purposes, understand the basis of current decision-making—it would be irrelevant.”

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Do Secretary Wallace’s comments about transitory records make sense to you?

Mr. John Brodhead: It does make sense. We were working on intuition of what the specific obligations were at the time, not having been properly trained in that. I think what’s important is that I did decide to keep the documents that I felt were unique to me, that nobody else would have, and those were briefing notes that I wrote to the Premier. Even though not knowing the proper process for archiving those and finding out from this committee and the Information and Privacy Commissioner what the proper process was and returning the documents to the government, I did have intuition that those were documents that were unique to me, that no one else would have, and that would be important if the new government had a question on a certain issue or if I needed to refresh my memory on something. Now, knowing, I’m glad that I’ve been able to get them properly archived.

Mr. Bob Delaney: In other words, despite the allegations made against you, in good faith and with due diligence you actually did keep the truly relevant records pertaining to that file during the time that you were in the Premier’s office.

Mr. John Brodhead: What I believed to be the proper way of keeping—document retention at the time.

Mr. Bob Delaney: That’s fine. That’s all I wanted to know.

I just want to ask you—I want to wrap up with some of our experience dating back from when the government was first elected 10 years ago. As we all know, at that time Ontario inherited an energy crisis from the former government. In fact, this week marks the 10th anniversary of the blackout. But since then, we now have a clean, modern, reliable electricity generation and transmission system. That’s part of the story that seems to have been missing in this entire discussion. It is important, then, that we keep the committee’s work in context.

We should also mention that there are 17 gas plants built and in service in willing host communities and supplying power to families and businesses across Ontario.

From your experience, what are the major differences in Ontario’s energy system from 2003 to today?

Mr. John Brodhead: I think, of the 465 pages of emails that you received—and this is the work in me. I do think the most interesting one is the deck that was presented by the Ministry of Energy—I think it was towards the back of that package—about the priorities in the energy system that we were working on at the time. These included a clean energy economic development strategy, the next phase of the feed-in tariff program, smart grid work. There was a lot of interesting work going on to revitalize the energy system, and I only got into the fun world of energy policy in 2012, but I was

impressed by the amount of upgrades to the system that we’d made and some of the new avenues we had pursued in terms of green energy.

Mr. Bob Delaney: Okay, thank you. While you were answering the question, the Clerk very kindly brought in a motion to the standing committee dated June 25. You were asked, and you responded, “I have no records,” when the request was “Project Vapour” and “Project Vapor” from your emails, memoranda, Outlook calendar and whatnot during the calendar years 2010, 2011 and 2012. Now, the documents that Mr. Fedeli gave you were produced by a motion from him that read as follows: “I move that the Standing Committee on Justice Policy request from the Premier’s office all documents and electronic correspondence stored on the G drive related to the cancellation and relocation of the Oakville and Mississauga gas plants, sent or received by the following individuals”—Dalton McGuinty, Chris Bentley, Brad Duguid, Kathleen Wynne, Chris Morley, etc., etc.—and that “the search terms include any and all proxy names including but not limited to the following: Project Vapour, Project Vapor, Vapour, Vapor, Project Vapour-lock, Project Vapor-Lock, Vapour-lock, Vapor-lock”—spelled both ways—“TransCanada, TCE, Greenfield, Greenfield South, Project Fruit Salad, Project Banana, Project Apple, Oakville gas plant, Mississauga gas plant, EIG,” and that the documents and correspondence be provided by such and such a date in such and such a format.

The Chair (Mr. Shafiq Qaadri): One minute.

Mr. Bob Delaney: So in essence, you were being asked questions based on a motion to produce documents that was in fact far broader than the FOI request that you originally made. Isn’t that correct?

Mr. John Brodhead: That sounds right.

Mr. Bob Delaney: Thank you very much, Chair. I’m done.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Delaney.

To the PC side, Mr. Fedeli.

Mr. Victor Fedeli: Well, the one document I never bothered to spend my first 20 minutes but I will spend the next time on will actually resolve this issue that’s somehow spinning around in Mr. Delaney’s head. I’ll ask you to look at doc 2. This is the second freedom-of-information request, a little broader. I’m going to read it out loud:

“A new request has been received from an individual for access to all records sent or received in the period January 1, 2012, through October 2012,”—the 31 emails meet this criteria—“by the Premier, the Premier’s office, consultants to the Premier’s office, or advisers to the Premier’s office”—that’s you; I presume that’s you. It’s within those dates, and it’s got your name on it, so we’ve got two out of three so far—“relating to the construction, contracting, relocation, or any other arrangements associated with the gas-fired power plants once contracted for development in Oakville by the firm TransCanada Energy or related entities and also Mississauga by the firm Eastern Power or related entities.”

This is a request that you told freedom of information, “I have no records.”

Despite what Mr. Delaney tried to paint here, that we spelled “vapour” differently or whatever, that was only one. He’s correct; it was a very tightly worded one. But the second one, Mr. Brodhead, you would admit, is all-encompassing. This is all-encompassing, and that, as well as the email that I brought earlier, pertains to the 31.

Before you answer, what Mr. Delaney was talking about is the very activity the privacy commissioner said breached the privacy laws.

So why don’t we talk about this doc 2 where you told the freedom of information that you do not have any records? Now we’re getting into some serious discussion here, Mr. Brodhead.

Mr. John Brodhead: Sorry, I don’t see a doc 2 where there’s a response from me here.

Mr. Victor Fedeli: So did you respond that you have documents, Mr. Brodhead?

Mr. John Brodhead: I don’t know. Is the other one the same version? Is the other one where I said “no response” responding to this? I don’t—

Mr. Victor Fedeli: The letter that we have from the Cabinet Office says, “Five of those staff (including David Livingston) confirmed in writing that no records resulted from their search.” Are you one of those five?

Mr. John Brodhead: I don’t know. I’m sorry; I can’t answer. I can try and find out.

Mr. Victor Fedeli: That’s okay. We’ll find out.

Regardless, you have two requests now, one tight that we have many, many documents, “vapour” spelled V-A-P-O-U-R, within the time frame with your name. You don’t have anything? No apology, no nothing?

Mr. John Brodhead: No, I’m not sure why the Outlook ones weren’t there. I think the emails, in my opinion of what I knew to be my responsibilities and obligations at the time, were transitory, duplicative or—

Mr. Victor Fedeli: Did you make your best efforts?

Mr. John Brodhead: Yes, I believe I did.

Mr. Victor Fedeli: Did you look in your deleted file?

Mr. John Brodhead: I believe I did. I believe I followed the process that I always followed on this.

Mr. Victor Fedeli: You regularly deleted your email?

Mr. John Brodhead: It was kind of semi-regular. I don’t know what—

Mr. Victor Fedeli: Was that standard operating procedure in the Premier’s office, to delete email of an important ongoing issue?

Mr. John Brodhead: There was no training, no particular policy, so I’m not aware of what others did. I kept the documents that I knew were unique to me that would be valuable—

Mr. Victor Fedeli: So you don’t have any documents, but I have 1,500—

Mr. John Brodhead: I have 1,500 here, too.

Mr. Victor Fedeli: It’s very, very interesting how I ended up with 1,500, and you have zero documents.

Mr. John Brodhead: Those were from the backup files. If the search request had been the backup files—

Mr. Victor Fedeli: Let’s be careful now. Some of these are from the Ministry of Energy from some time ago, so let’s just be careful about that.

Mr. John Brodhead: Sorry; they’re from other sources; they weren’t in my inbox at the time.

Mr. Victor Fedeli: So let me ask you: You assumed Jamison Steeve’s responsibilities following his departure—is that correct?

Mr. John Brodhead: I wouldn’t say it was a clear handover in terms of division of responsibilities. I think the principal secretary and my role—there was a restructuring of the office, so it wasn’t apples to apples.

Mr. Victor Fedeli: When did you learn of the various costs associated with the cancellations, both cancellations?

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Mr. John Brodhead: Sorry, I wouldn’t have—I’m trying to understand the question. Are you saying—

Mr. Victor Fedeli: When did you find out what the costs were of the cancellation of both power plants?

Mr. John Brodhead: When the negotiations were completed on both of them.

Mr. Victor Fedeli: And when did you become aware that the cost of cancelling Oakville would be significantly more than \$40 million?

Mr. John Brodhead: I understand that the Auditor General is reviewing it now, so I’m sure he will have—

Mr. Victor Fedeli: No, no. I’m not asking about the auditor. I’m asking about you.

Mr. John Brodhead: No, no.

Mr. Victor Fedeli: When did you become aware that the cost to cancel Oakville was more than \$40 million?

Mr. John Brodhead: The first time I had a sense or a sinking feeling it would be more was during Ms. Butler’s testimony to this committee.

Mr. Victor Fedeli: Okay. Because she talked about “buckets.”

Mr. John Brodhead: She talked about things that I’d never heard of, and that made me worry that the costs could be higher.

Mr. Victor Fedeli: Okay. And when did you understand that the cost in Mississauga would be more than the \$190 million the government claimed it would be?

Mr. John Brodhead: When the Auditor General came out with his report.

Mr. Victor Fedeli: Okay. And when did the Premier become aware of these so-called “buckets” of costs?

Mr. John Brodhead: Sorry; I’m not sure what you mean by “buckets.”

Mr. Victor Fedeli: The word from the OPA when they described the fact that there were “buckets” of costs; “different buckets of costs” was their language.

Mr. John Brodhead: I’m actually to this day not clear on what they meant by that, so if—

Mr. Victor Fedeli: But you used “buckets” earlier today.

Mr. John Brodhead: Yes. I was referring to it in the Mississauga context of having a recoverable and non-recoverable on Mississauga.

Mr. Victor Fedeli: So you knew that there were taxpayer costs and you knew that there were ratepayer costs?

Mr. John Brodhead: No. In our mind, there was one cost. The way we decided to pay for that would have been either tax-based or rate-based, but it was one cost that we had to—

Mr. Victor Fedeli: And you do know now, of course, that that was false.

Mr. John Brodhead: Sorry?

Mr. Victor Fedeli: That that cost number that you provided was false.

Mr. John Brodhead: I do think the Auditor General is a good source on the costing on Mississauga, and I look forward to hearing what—

Mr. Victor Fedeli: So your number is wrong and his number is right.

Mr. John Brodhead: I think there was a difference of opinion between the Ministry of Energy, the OPA and the Auditor General.

Mr. Victor Fedeli: So you think that \$100 million was a difference of opinion?

Mr. John Brodhead: Sorry, the \$100 million? From \$190 million to—

Mr. Victor Fedeli: The difference between \$190 million to \$275 million is a difference of opinion?

Mr. John Brodhead: No. I think we got advice from the Ministry of Energy and the OPA that certain costs were recoverable. The Auditor General decided otherwise, and we take his—

Mr. Victor Fedeli: He didn't decide otherwise; his facts proved otherwise—the facts that you held back from us through all of these emails that have been deleted and destroyed.

Mr. John Brodhead: If it was that clear, I'm assuming the ministry would have given them to us that way.

Mr. Victor Fedeli: Your title was deputy chief of staff for policy and cabinet affairs.

Mr. John Brodhead: Yes.

Mr. Victor Fedeli: When did cabinet learn of the costs?

Mr. John Brodhead: My recollection is, the costs would have gone to treasury board and then been approved by cabinet following that.

Mr. Victor Fedeli: So we have that treasury board document that says this thing, both cancellations, could cost \$900 million. Would that be when cabinet first learned that this was almost a billion, or was it before that?

Mr. John Brodhead: The document you're referring to was a February 2012 document which was a worst-case-scenario position the treasury board put together, not actually as a result of the negotiations; treasury board would have then looked at the negotiations and the costs within that.

Mr. Victor Fedeli: Oh, I think it is a worst case for Ontario. I'm not saying that that will be the worst case for Ontario, the \$900 million. Did cabinet know before that that there were two sets of costs, or that this was

more than the \$40 million that the government was sticking with?

Mr. John Brodhead: I don't know what you're referring to, the two sets of costs, but cabinet would have been aware of the \$40-million number through treasury board approval and then cabinet ratification, is my understanding.

Mr. Victor Fedeli: So the \$900 million—is that the first time that cabinet would have become aware that this was more than the \$40 million that was being claimed?

Mr. John Brodhead: I think it's a bit of apples and oranges here. The \$900 million was February 2012, worst-case scenario. I understand that was made public in May of this year—

The Chair (Mr. Shafiq Qadri): One minute.

Mr. John Brodhead: —and that Minister Sousa and Mr. Milloy have spoken to that being a—

Mr. Victor Fedeli: Yes, but I'm not asking about them; I'm asking you. This \$900 million wasn't a number that came out of thin air. This is after consultation with energy people, OPA: \$900 million.

Mr. John Brodhead: But it was prior to the negotiations, so it really was an absolute worst-case scenario that the Ministry of Finance does on a number of files throughout the year.

Mr. Victor Fedeli: So when did cabinet know that the cost of cancelling Mississauga and the cost of cancelling Oakville were higher than the \$190 million and the \$40 million?

Mr. John Brodhead: I assume that cabinet would have learned about Mississauga when the Auditor General's report came out. They would have seen that new costing. I think, on Oakville, we're still waiting to hear the Auditor General's number. The number we still have is \$40 million.

Mr. Victor Fedeli: No, no, I'm not asking about what the number really is going to be; I'm asking, when did they know the number was more than \$40 million?

The Chair (Mr. Shafiq Qadri): Thank you, colleagues. Thank you, Mr. Brodhead, for your presence.

That concludes the morning session. Committee is in recess until 1:45 p.m. sharp.

The committee recessed from 1255 to 1349.

The Chair (Mr. Shafiq Qadri): Thank you, colleagues. I call the meeting into session once again.

Before offering the floor to two of our table officers, I would, with your permission, like to welcome the honourable Paul Rosenthal, who is visiting us from the Colorado State House, representing House district 9—from the Democratic Party, which we understand and approve, of course. With that, welcome. Mr. Rosenthal, on behalf of the committee, I would just extend to you not only, once again, welcome, but invite a reciprocal invitation for all members of the committee to Denver.

Mr. Jeff Parker would just like to update the committee on some research issue.

Mr. Jeff Parker: Thank you, Mr. Chair. Mr. Bisson at the last meeting asked for clarification regarding what was backed up on the backup tapes held by the Ministry

of Government Services, whether it was just the exchange server or the Enterprise Vault. I contacted the Ministry of Government Services, and they have told me that they will deliver their answer the next time they deliver information to the Clerk on the various undertakings they're on. So that's the update on where we are with that.

The Chair (Mr. Shafiq Qaadri): Mr. Tabuns, questions?

Mr. Peter Tabuns: Did they give a timeline on that?

Mr. Jeff Parker: They said that they would give this information on the timeline that they had established with the other documents. That, I believe, was two weeks, based on what the committee's request was.

Mr. Peter Tabuns: And that will be next—

Mr. Jeff Parker: In theory, it should be by the next meeting or around about there.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Parker. Thanks, Mr. Tabuns.

Mr. Fedeli?

Mr. Victor Fedeli: Before we begin, I just have a question. Do we know anything about the email dump that was promised by the deputy minister last week? Mr. Constante was here and said that you will have email by the end of the week or early next.

The Clerk of the Committee (Ms. Tamara Poman-ski): I haven't received anything.

The Chair (Mr. Shafiq Qaadri): So we'll have that pursued if you'll just clarify what we're referring to directly afterward.

Mr. Victor Fedeli: He's the one who brought it up; I don't know what we're referring to.

The Clerk of the Committee (Ms. Tamara Poman-ski): I haven't received anything yet. As soon as I receive it, I'll get it to you.

The Chair (Mr. Shafiq Qaadri): Thank you.

Just before we invite our final witness of the day to present, I'm going to offer the floor to our legal counsel, once again, to make clear to all members and beyond, that rulings emanating from this Chair are based on procedure and parliamentary doctrine and legal foundations.

Mr. Sibenik.

Mr. Peter Sibenik: Thank you, Chair. The issue that was raised in this morning's meeting was the political-context type of question versus the question dealing with the Speaker's email—the discrepancy, perhaps, or the—

Mr. Gilles Bisson: Point of order.

The Chair (Mr. Shafiq Qaadri): Yes, Mr. Bisson?

Mr. Gilles Bisson: Could we deal with this after we've done the testimony? We can do that in camera after.

The Chair (Mr. Shafiq Qaadri): Yes, Mr. Bisson, if we—

Mr. Gilles Bisson: Yes, because I'd like to get the staff people—

The Chair (Mr. Shafiq Qaadri): I have no problems with that, if that's agreeable to all members of the committee. But then it—

Interjection.

The Chair (Mr. Shafiq Qaadri): Did you say “in camera”?

Mr. Gilles Bisson: Yes. We're just going to have a discussion in regard to the whole process. That's fine.

Interjection.

Mr. Gilles Bisson: Yes, we'll do it in camera after, because all our staff here and stuff—

The Chair (Mr. Shafiq Qaadri): Fair enough.

MR. BRUCE CAMPBELL

The Chair (Mr. Shafiq Qaadri): Mr. Campbell, I invite you to please come forward. He's coming to us in his capacity as president and CEO of the Independent Electricity System Operator. You'll be sworn in. Please have a seat.

The Clerk of the Committee (Ms. Tamara Poman-ski): Do you solemnly swear that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. Bruce Campbell: I do.

The Clerk of the Committee (Ms. Tamara Poman-ski): Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Campbell. You have five minutes for your opening address, beginning now.

Mr. Bruce Campbell: Good afternoon. My name is Bruce Campbell. I'm the president and chief executive officer of the Independent Electricity System Operator, or IESO.

The IESO oversees the reliable and efficient operation of Ontario's bulk electricity system. Drawing on resources available for operation each day, we forecast provincial electricity demand for every five minutes, and through the wholesale electricity market that we administer, we ensure that those demands for electricity are met reliably across the provincial bulk power network. We also coordinate operations with our neighbours both in Canada and the United States.

Interconnected operation provides real benefits, but tomorrow's 10th anniversary of the 2003 blackout is a good reminder of interconnected obligations. As you may recall, in 2003 the blackout originated in Ohio but quickly spread to neighbouring states and provinces, resulting in an extended power interruption to more than 50 million people. The industry responded quickly to that event, has strengthened North America-wide reliability standards designed to prevent a similar occurrence and has made them mandatory and legally enforceable.

It's worth noting that at the time of the blackout, Ontario was the only North American jurisdiction where those standards were legally enforceable, and we remain actively involved in standards development and enforcement.

I've been with the IESO since 2000 and became president and CEO on May 1 of this year. I'm a member of the Law Society of Upper Canada, and, prior to

joining the IESO, a large portion of my practice related to a range of electricity system matters.

In my brief opening remarks today, I want to focus on the report that the IESO and Ontario Power Authority submitted to the Minister of Energy on August 1, and which Mr. Andersen and I forwarded to the committee last week. In response to a May 6 request from the minister, the two organizations developed 18 recommendations for an enhanced, integrated regional energy planning process and to improve how large electricity infrastructure projects are sited in Ontario.

The recommendations are focused on strengthening our processes in three core areas: first, strengthen processes for early and sustained engagement with local government to the public; second, provide local governments and communities with greater voice and responsibility in planning and siting; and, third, support inter-ministerial coordination.

These core recommendations reflect what we heard during our extensive consultation process, a process that included 18 municipal and community meetings in nine regions across Ontario, and during which we heard directly from more than 1,200 people and received more than 60 submissions. In addition to individual views, many of the people we heard from represented broad interests.

Our feedback and research reinforced a fundamental observation: For siting to be successful, it must be accompanied by robust planning. In fact, they are a continuum that should be seen as integral parts of the same process.

The 18 recommendations in this report are designed to achieve the following objectives:

- bring communities to the table;
- link local and provincial planning;
- reinforce the planning/siting continuum; and
- enhance electricity awareness and improve access to information.

Before I conclude, there's one area of particular interest I'd like to highlight, given our responsibilities at the IESO, and that's the importance of balancing the provincial electricity system needs for reliability with the needs and preferences of the individual communities. Robust electricity planning and siting has an important role to play in identifying cost-effective and locally appropriate solutions to maintaining reliability and contributing to sustainability.

In closing, I want to recognize the effort of the OPA and IESO staff who made this report happen, and to thank both them and the many Ontarians who participated in this process, giving up their own time to provide us with valuable input that I hope they will see reflected in our report. And, as you're aware, we were also asked to consider any recommendations made by this committee. We hope our report assists with your deliberations, and we welcome your review and comment on our recommendations as we address implementation proposals.

Thank you, Mr. Chair. That's my statement.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Campbell.

To the government side, Ms. Albanese.

Mrs. Laura Albanese: Well, thank you, Mr. Chair, and thank you, Mr. Campbell, for being with us this afternoon.

As you know, Mr. Campbell, part of the mandate of our committee is to provide recommendations on how we can improve the siting process for large-scale energy projects. We've asked you to be here today because as president and CEO of the IESO, you have a long career working in the energy sector, and your organization, as you mentioned, has recently completed a set of joint recommendations with the OPA—which we have right here—on how to improve the siting process in the province.

So I guess I would ask you to kindly start by talking a little bit about your career in the energy sector, first and foremost.

Mr. Bruce Campbell: My career in the energy sector goes back into the very beginnings of my private practice as a lawyer in the province. I've been involved in a number of planning and siting projects, primarily with the previous Ontario Hydro. That extended back to the Royal Commission on Electric Power Planning, and some specific projects that flowed out from that effort, in particular, some of the major 500 kV lines around the province. I acted for Ontario Hydro, again, on the demand-supply plan exercise, again, looking at broad provincial planning, and I've also been involved in, as I say, a number of transmission line approvals as well.

Mrs. Laura Albanese: That's impressive. You obviously have considerable experience and, I'm sure, have witnessed a great deal of change through the years. Could you please talk about the reliability of the energy system as it stands today?

Mr. Bruce Campbell: I think the reliability of the power system today is certainly in much better shape than it was at the time of the blackout. I say that not so much because of the facilities but because of the effort that is going into the reliability standards across North America. Following the blackout—as I indicated, Ontario had enforceable reliability standards at that time; we were the only jurisdiction that did, but following the blackout, there was a considerable effort in the States to ensure that those reliability standards were enforceable across all of North America, and certainly across all of the States.

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I think it was, though, two years—Congress passed a bill that extended reliability standards, the umbrella of being mandatory and legally enforceable.

Really, the work that has gone on since then has been to tighten up those standards, make sure they're being consistently applied, make sure that there's good compliance and enforcement with those standards.

I've had the pleasure of also serving on the board of the Northeast Power Coordinating Council, which looks after all of that work for the northeast area—northeast

section, if you will—of North America: Ontario, Quebec, Manitoba and Nova Scotia. So I've had the pleasure of participating actively in that throughout that process.

Mrs. Laura Albanese: Coal-fired generation used to be a major part of Ontario's energy system. How reliant on coal was Ontario, previous to the effort to shut down these plants?

Mr. Bruce Campbell: It was a considerable part of the generation investment that was here in Ontario, and it played a very important role at that time.

Mrs. Laura Albanese: I wonder if you can tell us a little bit about how the energy sources have changed and how the system has adapted to new sources, such as renewables.

Mr. Bruce Campbell: Of course, picking up on your question about coal, coal is essentially very close to gone in the province now. I think it was something like 2.8% of the energy that was produced in 2012 came from coal. Most of it will be shut down by the end of this year. That has been replaced by, of course, an investment in gas plants, investment in wind, and investment in solar. From the operator's point of view, what we've been doing is putting in place the tools and learning how to operate a very differently configured system, one that we can operate just as reliably but one that is very differently configured from what had been the practice for many years—and very low-carbon.

Mrs. Laura Albanese: Thank you for those answers. I would like to ask you now some specific questions about the IESO and OPA's consultation process during the preparation of your report. How many consultations were held?

Mr. Bruce Campbell: There were 18 meetings held in nine regions across the province. There were a large number of then individual meetings or submissions from associations and groups that wanted to speak with us. There were a couple of other efforts made. There was the opportunity to submit comments on the website, and there was on the website a survey that we conducted as well.

So there was a wide range of opportunities for people to talk to us in the course of considering the mandate that we've been given.

Mrs. Laura Albanese: As you went throughout the province, which communities did you visit?

Mr. Bruce Campbell: I can give you the list. It's in our report at—let me just find it.

Mrs. Laura Albanese: Just a ballpark figure would be fine.

Mr. Bruce Campbell: It's at page 29 of our report. We went to Sudbury, Niagara, Ottawa, GTA north and west, Guelph, Windsor, Oakville, GTA east, and Thunder Bay.

Mrs. Laura Albanese: Who came out to the sessions? Was it stakeholder groups or members of the public or both?

Mr. Bruce Campbell: It's stakeholder groups—there were usually two sessions, one to which there had been an invitation list to the local MPPs, to associations and

groups, to municipal representatives, planners. Of course, the local electric distribution companies were represented there as well.

Then there was an open session, always a second session—

The Chair (Mr. Shafiq Qadri): Mr. Campbell, just before you begin, I would once again invite all members to focus on the mandate and the scope of this committee. We seem to be drifting a bit, Ms. Albanese.

Mrs. Laura Albanese: Well, I think that giving recommendations on improving the siting process in the province would be part of it. That's why I'm so interested in the report.

Actually, I was about to ask, what were the major themes—

Mr. John Yakabuski: The IESO has nothing to do with siting—

Mrs. Laura Albanese: —that you heard from people during the consultations?

Mr. John Yakabuski: Ms. Albanese?

Mrs. Laura Albanese: Yes?

Mr. John Yakabuski: The IESO does not deal with siting.

The Chair (Mr. Shafiq Qadri): Thank you. This is not a time for cross-debate here.

Mr. Campbell.

Mrs. Laura Albanese: That's what we are dealing with.

Mr. Bruce Campbell: I'm sorry; what was the question?

Mrs. Laura Albanese: What were the major themes that you heard during the consultation?

Mr. Bruce Campbell: The major themes during the consultation were that people wanted to be involved early in the planning for these facilities, that they saw the planning and moving into the siting of facilities as things that should not be separate but, in fact, ought to be quite integrated. There was a real feeling that the concerns of the local community ought to be fully taken into account in making recommendations as to what kinds of facilities should be invested in and as to where they were located.

The other thing I'd add to that is, there was a real interest in, "What are the options? Don't just come to us with a solution already made. What are the options that are available—everything from conservation, demand response etc. Let's talk about all of the options before we settle on one, and then let's try to settle on one that the community feels works best for its own local supply."

Mrs. Laura Albanese: One of the focuses that this committee has been hearing from the local communities, from Oakville and Mississauga—to get a better appreciation about what they went through before the two gas plants were relocated. Did you also hear from members of those affected communities during your consultations?

Mr. Bruce Campbell: Yes, absolutely. That was one area where I went out personally with Colin and met with those groups: C4CA, CHIP. We met with those groups and really had the opportunity for quite an in-depth discussion about what they felt would have worked. It

was quite interesting. They really did contribute to the view that we arrived at: that there needed to be much better integration with municipal planning; that it didn't make sense for infrastructure for municipalities to be done independent of electricity planning—they seemed to be on two separate paths, and they thought they should be integrated—and that the kind of concerns that should drive siting decisions ought to be much more than simply what is the lowest cost for a particular application, but what would provide the best overall solution for the community.

Mrs. Laura Albanese: Would you have any suggestions on how we could strengthen our engagement with local governments and communities? What steps need to be taken to ensure that the local voices are being heard?

Mr. Bruce Campbell: Yes. There have been some steps already taken to improve the process. The OPA has a regional planning process, where you're looking at options, that it engages in. What we heard from many of the communities, including some of the folks at Oakville, was that that process provided a pretty good foundation for moving forward. But what they wanted was to be sure that they had better municipal coordination, a continuum of planning so that, as I said earlier, the planning decisions flowed naturally into the choice of solution and then into the procurement side; you didn't just start with the procurement.

They were very keen, as well, to have good coordinated participation from the relevant ministries. That was something that they felt would enhance the process quite a bit: better coordination with planning, certainly in the provincial planning statements—and we've made some recommendations around that—but also just generally when you look at transportation and health. All of the different ministries that are touched on during the course of that siting debate should all be participating and making sure that the knowledge and views from those quarters are at the table and able to be discussed with the community as well.

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Mrs. Laura Albanese: One issue that we've heard a lot about from local advocates at this committee is buffer zones. For example, in the case of the Mississauga and the Oakville site—I think it was for the Oakville site that we had Frank Clegg from Citizens for Clean Air, who was very adamant about buffer zones and testified that the proposed site had no buffer zones to ensure the safety of the residents. Is that something that you also heard about? Does your report touch upon buffer zones?

Mr. Bruce Campbell: Yes, we did hear about that, and I think if you looked at our recommendation—I think it's number 8—we talk about the guidelines that are currently available from the Ministry of the Environment. It was felt that they provided quite a useful model, that they could in fact be expanded to cover appropriate buffer zones, minimum distance of separation from sensitive areas and so on. So that mechanism was recommended to us, and it has been incorporated into the recommendations that we've made to the minister.

Mrs. Laura Albanese: In other recommendations which you mentioned earlier, you suggest the creation of these regional electricity planning advisory committees. Could you explain a little more in detail your vision for these committees and the role that they can play in the planning and siting process?

Mr. Bruce Campbell: Yes. It's very similar to something that we at the IESO do. We have a stakeholder advisory committee where there are representatives from our stakeholders. For any significant issues that we're facing at the company, we have a discussion with that stakeholder advisory committee. Our board attends those discussions, so it's quite a rich opportunity to talk about opportune issues that may be arising.

We are recommending that an advisory committee be set up for these regional consultations, and it should start with having a conversation with community representatives about: "Here's the way we see the issue. Do we have the right people at the table? Do we have the right list of issues that we think need to be addressed?" and working with that committee and accepting the guidance of that committee through the process.

What we're trying for here is some continuity and some ongoing conversation. The way I put it is, what we want to do is we want to build some trust that this is a real two-way conversation. That's what the advisory committee is intended to do.

Mrs. Laura Albanese: The report also recommends that the Ministry of Energy and the OPA should enhance supports for community energy planning, as you said, but that comprehensive energy planning should include consideration of electricity as well as other needs such as natural gas, district energy and transportation.

Mr. Bruce Campbell: Yes, and again, that's looking at it in the municipal context. Take a look at that energy infrastructure and consider how you want to develop it in the same way you consider the balance of the infrastructures that you have to deal with: what is your growth going to be; does it give you opportunities to take advantage of a particular form of technology—district heating or combined heat and power; does the community think there should be more conservation etc.

So building up a community energy plan—I think there's a very good example in the province around that happening in Guelph, where Guelph has really worked hard to build up that kind of community energy plan. One of the organizations involved in the consultation, QUEST—Quality Urban Energy Systems of Tomorrow—has adopted as a mission to have energy plans developed for every municipality in Canada by 2050. That's their kind of long-term vision. But they are big believers and proponents and were quite persuasive about the benefits of those plans, and there are some steps that are being taken in Ontario now to assist in developing those plans.

Mrs. Laura Albanese: It's a comprehensive approach, it seems to me.

Mr. Bruce Campbell: It's a comprehensive approach, and it's one that doesn't just start and stop. That's the other lesson we learned: Don't just start and stop these

things. There should be some sort of continuing discussion. The municipal planners really pointed us to that process, because the cities, municipalities, are quite used to engaging in ongoing discussion with their communities about planning matters. We think it was a good model for electricity as well.

Mrs. Laura Albanese: Any specific recommendations on enhancing the links between the municipalities and the province, let's say?

Mr. Bruce Campbell: Certainly in that area, what we pointed to was making sure that the provincial policy statements and things like Places to Grow—all of that should better reflect the fact that electricity is essential for all of those goals to be met. We think that should be strengthened, and therefore paid more attention in municipal planning.

Mrs. Laura Albanese: Thank you.

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Albanese. To the PC side: Mr. Fedeli.

Mr. Victor Fedeli: Thank you very much. Mr. Campbell, I'm going to ask you the same two questions I ask most witnesses who come here.

Do you know how much it cost to cancel the Oakville power plant?

Mr. Bruce Campbell: No. I'm aware of the figures that are in the press, but not beyond that.

Mr. Victor Fedeli: Do you know who was involved in the cover-up of the documents for the Oakville power plant and the Mississauga power plant?

Mr. Bruce Campbell: We have no knowledge of the documents or—any direct knowledge of that. Again—

Mr. Victor Fedeli: Again, those are the same two questions I ask most people: Do you know how much it cost, and who ordered the—

Interjection.

Mr. Victor Fedeli: Thank you very much. I ask the same two questions: How much did it cost to cancel the gas plant, and who ordered the cover-up? You say you have no answer for either of those.

Mr. Bruce Campbell: I do not.

Mr. Victor Fedeli: That's fair.

You have documents, Clerk, to hand out for us.

I want to read into the record—it's not a very nice letter, but it's a letter that we received and have forwarded to the Ontario Provincial Police. It's addressed to me.

“Oakville Gas Plant and Emails Delete of Independent Electricity System Operator.” This was stamped in my office June 17, 2013, so it's just less than a couple of months ago that we received this and forwarded it to the OPP.

“The current executive management at government electricity agency Independent Electricity System Operator (IESO) who runs the provincial electricity system is in a major panic of destroying public documents now. All of a sudden, last week (first week of June 2013), all the staff was ordered to delete all the emails permanently which are 38 months or more old. Not allowed to back up

those emails or forward to anybody, copy to CD, USB or any other server.

“Why this now and why this date? This is a major cover-up of the public documents, destroy any evidence of wrongful communications, concealing the absolutely fake analysis they did in 2010/2011 and blunders of the IESO on the Oakville gas plant fiasco. The IESO is scared all hidden dirt will emerge. This 38 month coincides with IESO's performance of the technical analysis of the Oakville gas plant. The staff was strictly asked to fudge numbers so the gas plant proposal looked technically viable. The IESO is scared emails will expose their false conclusions. Knowing gas plants were politically hot potatoes, 2010/2011 period director”—and the name was actually physically cut out in the paper—“supervisor of system analysis”—and the rest of that letter was cut out—“ordered staff to make up numbers and enforced Oakville gas plant look much better than it is to pacify public protest and collectively kept wrong assumptions under the rugs. This was fundamentally criminal. Both of them never understood the consequence. They were highly ambitious and ready to do anything unethical to politically perform.” It goes on to say, “Today they are chief operating officer and a manager, respectively. These email wipeout is highly criminal, a gross violation of integrity and an attempt to hide the truth.

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“Another reason for email delete is it showed true costs of analysis. The staff was asked [to] make bogus conclusions against engineering principles and unethical assumptions. Today same management is trying hard to delete all those correspondence and also force engineers to obtain PEO status ASAP so management can justify wrongful analysis at the expense of engineer.

“This is all criminal and should be investigated. Public trust must be gained and duplication of functions of OPA and IESO, almost 50”—I think it's per cent—“of the work must be eliminated.”

I would ask you to comment on this letter that we received. What—

Mr. Bob Delaney: Chair?

The Chair (Mr. Shafiq Qadri): Mr. Delaney, I presume it's a point of order?

Mr. Bob Delaney: It is a point of order. What is the source of this document, and—

Mr. Victor Fedeli: It came in a brown envelope and was turned over to the OPP.

Mr. Bob Delaney: Well, it's actually, it says, yours. Did you write it?

Mr. Victor Fedeli: I'm sorry?

Mr. Bob Delaney: Did you write it? Because it has got your address on it.

The Chair (Mr. Shafiq Qadri): Thank you, gentlemen.

Mr. Victor Fedeli: It's written to me.

The Chair (Mr. Shafiq Qadri): Mr. Campbell, you have the floor.

Mr. Victor Fedeli: It's written to me, not from me.

They're making a lot of accusations in here, and I would ask you to comment, especially about the emails being deleted and the 38 months, if you could, Mr. Campbell. You can take all the time you need.

Mr. Bruce Campbell: I can tell you unequivocally that the allegations made in this letter are false.

Mr. Victor Fedeli: Thank you.

Mr. Bruce Campbell: And I can tell you that not one email has been deleted.

Mr. Victor Fedeli: Okay. Perhaps, then—we have no email from you or from the IESO, to the best of my recollection—and I stand corrected, whether we have any information from the IESO with respect to the Oakville gas plant, or the Mississauga gas plant, for that matter. Would you have been asked in the past to turn over any email?

Mr. Bruce Campbell: No, we've never had such a request. And when I say that no email has been deleted, I mean that.

Mr. Victor Fedeli: Yes, I appreciate that. I respect that.

Mr. Bruce Campbell: You know, people may have deleted personal emails at some point in time. But I can assure you—I can guarantee you—that every email that has come into or out of the IESO since October 2010 exists today, and that every email prior to that date exists, unless, up to that point of time, somebody had taken an email, deleted it and—I think the phrase that has been used here is “double delete”: Delete once and delete again.

Mr. Victor Fedeli: Yes.

Mr. Bruce Campbell: If somebody had done that prior to 2010 with an email, I don't think I can guarantee you that we have that email.

Mr. Victor Fedeli: So you have backups?

Mr. Bruce Campbell: But apart from that, I think we have every other email.

Mr. Victor Fedeli: Would you have a backup system? Is that part of what you have?

Mr. Bruce Campbell: Yes, absolutely. The way our backup system works now is that emails are captured on their way in. We capture them and save them before they even get to the recipient.

Mr. Victor Fedeli: Okay. At the end, then, Chair, we will have a motion coming forward for the IESO, and it will be more broad. It won't have all of the code words. It will just be basically everything and anything to do with the Oakville gas plant and the Mississauga gas plant for the years October 2010, 2011, 2012 and 2013.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Fedeli.

Mr. Victor Fedeli: Thank you.

The Chair (Mr. Shafiq Qadri): Now the floor goes to the NDP, to Mr. Tabuns.

Mr. Peter Tabuns: Thank you very much, Chair. Thank you for being here, Mr. Campbell. How long have you been CEO? Unfortunately, the notes here weren't clear as to when you took up—

Mr. Bruce Campbell: May 1.

Mr. Peter Tabuns: May 1 of—

Mr. Bruce Campbell: This year.

Mr. Peter Tabuns: This year? And prior to May 1, what was your role?

Mr. Bruce Campbell: My position was vice-president, resource integration. I held that position since 2009.

Mr. Peter Tabuns: Can you describe what “resource integration” means?

Mr. Bruce Campbell: Sure, I'll give you an example. For instance, as new resources are added to the system, we have to do system-impact assessments, change our models of the system, and make sure that those facilities can be incorporated reliably into the power system. We do all of that work. We do calculations as to how much power, for instance, can be put through any particular location in the system—what the system limits are on every particular configuration that we see for the system. We do all the preparatory work to operations. We do all of the analysis around adding new systems. We identify what needs to be done to operate those facilities.

My responsibilities also extended to the administration—that is, the management—of the evolution of the IESO-administered markets, the electricity market in Ontario.

Mr. Peter Tabuns: Okay. Thank you. That's a useful background. Now I have a better understanding of where the pieces come together.

When the Greenfield South plant was contracted—I think 2004 was the RFP and the contract—what were the peak and the base load numbers for the southwest GTA? I appreciate you may not have studied that before you came here, and you may not be able to answer me on the spot, but just in case.

Mr. Bruce Campbell: You are correct. I don't carry those numbers on my fingertips. But I can tell you that if you want a complete history of the IESO's view of the load requirements in that area, you will find on our website our 18-month outlooks—

Mr. Peter Tabuns: I did look at those—

Mr. Bruce Campbell: They're published every four months. Through the whole list of those and some documents that we used to do before long-term planning went to the OPA—that is, the Ontario reliability outlook and the 10-year outlooks, again, all on our website—the conclusions as to what issues there might be in serving load in the southwest GTA are captured. We make all of that information public as a matter of course.

Mr. Peter Tabuns: What I've asked, because I went through, and my research skills are not as good as I would like to them to be, and my technical skills are more limited than I would like—if you would give us an undertaking to report back to this committee the load, both peak and base, in the southwest GTA. I think it would be 2004, when Greenfield was committed. Then I'd like to see what the peak and base load were in 2009, and the projected peak and base load for 2012.

Mr. Bruce Campbell: So it's the peak load and then—

Mr. Peter Tabuns: The base.

Mr. Bruce Campbell: By “the base,” you mean the amount of energy that would be consumed in the area?

Mr. Peter Tabuns: Ah, good question. Minimum demand, usually in the middle of the night.

Mr. Bruce Campbell: Oh, minimum.

Mr. Peter Tabuns: Yes, the total annual demand. When I was going through a few reports the other day, Oakville saw its demand for power drop over the last decade. I saw that Mississauga had a drop in power purchase by about 20% from 2008 to 2009.

For a period that was of great interest to us—and I’m looking forward to seeing your figures—it looks like there was an ongoing drop in demand in the southwest GTA, even though all of the discussions we’ve had about these power plants has been predicated on an increased demand.

If you could provide us with those figures from the time that the Greenfield South plant started until 2012, that would be extremely useful for us.

Mr. Bruce Campbell: We can do that. I don’t think your recollection and mine of the pattern are quite the same. But I don’t have the numbers with me, so we’ll get you the numbers.

Mr. Peter Tabuns: Well, I did a partial search, just looking in annual reports from public utilities. I gather that the southwest GTA is the southern part of Oakville, the southern part of Mississauga, part of Brampton and part of the west end of Toronto. Is that correct?

Mr. Bruce Campbell: We look at this in terms of what is served by the 230 kV lines coming west from the Manby station.

Mr. Peter Tabuns: Right.

Mr. Bruce Campbell: So what we’ll do is, we will carefully define the electrical portion of the system that we’re talking about, and we’ll make it clear exactly what area we’re talking about, and we’ll provide those numbers.

Mr. Peter Tabuns: Okay, that would be great. I would appreciate that.

Was the IESO contacted about the need for the Oakville generating station?

Mr. Bruce Campbell: I think certainly we had published information about the requirements for additional load-meeting capability in that area.

I think for the Oakville plant, it really had those sort of two purposes. It had a purpose that was more aimed provincially, at meeting provincial load, plus it would meet local requirements and allow some transmission that otherwise was being considered to be deferred. That was the context for that plant.

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Mr. Peter Tabuns: Were you in fact directly consulted by the Minister of Energy or his staff prior to an RFP going out for a plant in Oakville?

Mr. Bruce Campbell: We would have, again, identified the need for facilities in that area, and our conclusions are documented in that material that I referred you to on the website. As I say, when we do those analyses,

when we reach a conclusion on something like that, we publish that and put it in the public domain.

Mr. Peter Tabuns: So other than publishing a document, the Ministry of Energy and the Minister of Energy did not come to you and say, “What’s your analysis?”

Mr. Bruce Campbell: Well, we would have told them because we briefed them. As we’re putting these out, we brief them on what they contain. The whole point is to say, “Okay, in this particular area, some thinking needs to be done about addressing a problem.” Then in this case, of course, that longer-term planning is done by the OPA, once it was formed. Some of the earlier decisions were made by the ministry.

Mr. Peter Tabuns: Can you tell us what the total capacity of new gas-fired generating stations built in the southwest GTA is? Since 2004, I think a number of plants have gone in.

Mr. Bruce Campbell: New gas plants?

Mr. Peter Tabuns: Yes.

Mr. Bruce Campbell: Apart from the two that are cancelled, I’m not aware of any having gone in there.

Mr. Peter Tabuns: So Sithe and Halton Hills—none of those would be counted into this?

Mr. Bruce Campbell: Not in the southwest GTA. When I’m using that phrase, I’m using the load that’s basically served by that 230 kV facility that runs west from Manby.

Mr. Peter Tabuns: So any plants that have been built in Mississauga or Oakville or region weren’t actually built to serve the load that we’re discussing when we talk about the Mississauga and Oakville plants. Is that correct?

Mr. Bruce Campbell: Not that particular load; no, that’s right.

Mr. Peter Tabuns: Okay. Were you contacted by the Minister of Energy or his staff when they were deciding to cancel the Mississauga plant?

Mr. Bruce Campbell: No, we were not.

Mr. Peter Tabuns: The Premier’s office?

Mr. Bruce Campbell: No.

Mr. Peter Tabuns: The Premier’s campaign staff during the 2011 election: Did they call you and say, “We’re looking at cancelling this Mississauga plant. How is that going to play out in terms of load?”

Mr. Bruce Campbell: No. I think the first we were advised—Terry Young, our vice-president of communications at that time, received a call virtually as the announcement was being made.

Mr. Peter Tabuns: Just to tell him it was being made?

Mr. Bruce Campbell: Yes.

Mr. Peter Tabuns: They didn’t check with him as to whether or not there would be load implications from this?

Mr. Bruce Campbell: No, but again, because we publish this material, and it was quite clear that one of the effects of the plant would have been to defer transmission that would otherwise be required, certainly the

ministry would have been quite aware that if the plant went away, that need would come forward again.

Mr. Peter Tabuns: The plant for Oakville: The RFP went out and the contract was signed in September 2009. A year later, September 2010, the plant was cancelled. So did load projections radically change in those 12 months?

Mr. Bruce Campbell: I don't think load projections for the particular area that we're talking about changed dramatically. The numbers that we're pulling up for you will reveal how good my memory is on that. I think over that period, though, we saw a decline in Ontario-wide load. Certainly, if I have my economic recession dates correct, that would have been apparent at that time.

Mr. Peter Tabuns: So when they made the decision—

Mr. Bruce Campbell: Or load gross decline, let me put it that way. Again, there are some absolute values in all of this. Again, all of those numbers are public.

Mr. Peter Tabuns: So when the decision was made in August/September 2010 to cancel the Oakville plant a year after a contract had been signed, did the Minister of Energy or his staff or the Office of the Premier contact your office and say, "What's the story here?"

Mr. Bruce Campbell: No.

Mr. Peter Tabuns: Okay. The plants were cancelled and they're being built elsewhere. I understand that there have been ongoing issues that you've had to manage around surplus power in Ontario.

Mr. Bruce Campbell: Yes.

Mr. Peter Tabuns: Did you think that building these plants elsewhere was necessary for Ontario's demand?

Mr. Bruce Campbell: I don't think it's going to be possible to answer that question for some time. Electricity planning is the long-term planning of facilities. It has to deal with things like forecast error, so there are always going to be times when you haven't called it perfectly.

Mr. Peter Tabuns: I understand that.

Mr. Bruce Campbell: When the planning—you end up in a bit of surplus or some surplus; you end up, as we did in 2003, where we were importing heavily. That's always subject to those vagaries.

I think in this particular case, in the nearer term, that question will be answered, depending on the scenario that's chosen for a nuclear refurbishment. Depending on how much nuclear is out of service at any particular point in time in that nuclear refurbishment program, then the need for this and the balance of the gas fleet will be greater or lesser.

Mr. Peter Tabuns: So as of the time the decision was made, it wasn't clear whether this would add to surplus or be necessary; is that correct?

Mr. Bruce Campbell: I think in the short term, we're in a position where there is considerable generation on the system.

Mr. Peter Tabuns: Yes.

Mr. Bruce Campbell: We're not short of generation.

Mr. Peter Tabuns: No.

Mr. Bruce Campbell: And it's clear that just looking at it from that perspective, there's a question as to how

much generation is the right number. There's always that question.

Mr. Peter Tabuns: What's the North American standard for generation reserve?

Mr. Bruce Campbell: Long-term planning: around 20%.

Mr. Peter Tabuns: And I gather the old—

Mr. Bruce Campbell: A little more than that, actually.

Mr. Peter Tabuns: —Ontario Hydro had about 30% reserve, was my recollection.

Mr. Bruce Campbell: I'd be surprised if it was that high for planning purposes. Certainly, it's higher than for operating purposes. Excuse me; my familiarity is primarily around the operation of the power system as opposed to the longer-term planning, but I think those are the numbers in the—

Mr. Peter Tabuns: And so how much do we have now in reserve?

Mr. Bruce Campbell: I haven't actually done the calculation.

Mr. Gilles Bisson: So in megawatts?

Mr. Bruce Campbell: We have an installed capacity of around 35,000 megawatts, but that is a bit of a misleading number because what it doesn't do is account for the capacity factor, for instance, of wind facilities, where on average they're producing about 30% of their installed capacity number each year.

Mr. Gilles Bisson: Can I just clarify? It does not include the wind capacity? So if you add up—

Mr. Bruce Campbell: No, the 35,000—if I haven't been clear, I'll try and make myself clear. It does include the wind capacity.

Mr. Gilles Bisson: If everything was generating at peak, it would be 35,000.

Mr. Bruce Campbell: If everything was generating at its full nameplate capacity, without any outages, we could be producing 35,000 megawatts of electricity—not going to happen.

Mr. Gilles Bisson: And what's the average demand? It's a heck of a lot less than that: about 17,000, 18,000—

Mr. Bruce Campbell: The peak demand this summer has been about 25,000 megawatts, and the peak demand ever on the system was a hair over 27,000 megawatts.

Mr. Gilles Bisson: And the average? A lot less than that.

Mr. Bruce Campbell: I don't have the—

Mr. Gilles Bisson: It's about 17,000, 18,000; right?

Mr. Bruce Campbell: We don't operate the power system in the averages, so I'm sorry; I don't have averages. But I think the point I was trying to make, if I could, was simply that all types of generation are discounted to a certain degree and they're discounted at different amounts at different years. We have a reliable capacity that we can plan on for wind in the summer; we have a number in the winter. For hydraulic, we have a number in the summer that is lower than the rest of the year. From an operator's perspective, what we're always looking at is what's available, what's likely to be available given the actual capacity that you expect out of

those things. So that 35,000 number is not one that you can readily translate into “that means we’ve got X amount more.”

Mr. Peter Tabuns: That’s why you have the reserve.

Mr. Bruce Campbell: We always want to have and we are required for operational purposes to have significant reserve on the system because if you get a contingency, you want to be able to keep power flowing while absorbing the effect of that contingency.

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Mr. Peter Tabuns: So compared to the 27,000 peak—and demand in the province overall has been dropping since 2006—we’ve got—what?—somewhere in the range of 35%, 40%, maybe 45% surplus capacity? Is that correct?

Mr. Bruce Campbell: I think I cannot agree with that as being surplus capacity, because I look at—

Mr. Peter Tabuns: Sorry; reserve capacity.

Mr. Bruce Campbell: It’s not really reserve capacity, because, for instance, in the case of hydraulic conditions in the summertime, I expect that of the nameplate rating—the potential theoretical maximum outfit of hydraulic positions for operational purposes—we discount that by up to 40%, depending on exactly which part of the summer we’re in. So in terms of real-life operation of the power system, you have to look at what you can expect by way of capacity at any particular point in time.

Mr. Gilles Bisson: But it would be safe to say that we have much more capacity now—surplus capacity—than we had in the past.

Mr. Bruce Campbell: I don’t know that I can confirm that. I mean, the surplus baseload generation is not a new phenomenon. I think back in the Ontario Hydro days—

Mr. Gilles Bisson: The good old days.

Mr. Bruce Campbell: —there was a time it was called UBG, “unutilized baseload generation.”

Mr. Gilles Bisson: But the point is that we’ve built far more capacity than we actually have demand for. As we look at the demand of hydro consumption in the province of Ontario, we’re generating far more in percentage than what we used to when it comes to surplus. In other words, we built a bunch of plants and do not necessarily have all the need for them.

Mr. Bruce Campbell: I think we have a healthy margin over the load. We’re operators—

Mr. Gilles Bisson: Thank you, Humphrey.

Laughter.

Mr. Gilles Bisson: That was a reference to Yes Minister.

Mr. Bruce Campbell: Yes, I—

Mr. Peter Tabuns: He got it.

Mr. Gilles Bisson: Some people may not have caught it.

Mr. Bruce Campbell: My spouse will be horrified to learn that I was referred to as Humphrey.

Mr. Gilles Bisson: He was the best character on that show.

Mr. Bruce Campbell: I agree.

Mr. Peter Tabuns: Better than the minister; we’ll say that.

How important is TransCanada Energy to the Ontario power system?

Mr. Bruce Campbell: TransCanada has facilities, and they’re exactly as important as every other market participant for us.

Mr. Peter Tabuns: It’s interesting, because as we went through all of these emails, it was pretty clear that being buddies with TransCanada was a pretty critical consideration for this government. So they’re no more important than any other producer?

Mr. Bruce Campbell: We operate the power system with TransCanada’s assets the same as we operate with other people’s assets.

Mr. Peter Tabuns: No, I understand that part. I don’t think you give the electrons any preference. How key a player are they in the private market?

Mr. Bruce Campbell: They have some big investment in the province, but as I say, we treat them exactly as we would any other market participants. There’s no preferential—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Tabuns.

Mr. Peter Tabuns: Thank you.

The Chair (Mr. Shafiq Qaadri): Government side. Mr. Delaney? Ten minutes.

Mr. Bob Delaney: Thank you very much, Chair. Mr. Campbell, I just want to very quickly go over that anonymous document that Mr. Fedeli read from and just make sure that we understand that. Would you describe quickly the information management policy that you’ve been developing at IESO?

Mr. Bruce Campbell: The information management policy that we’re developing at the IESO is aimed at really trying to manage the expense and processes associated with document retention. Our costs for information storage right now are growing at 30% a year. I mean, just think of the data that we have operating the power system: every five minutes, all across the province, all the bids and offers, all of the production information and all of the settlement information, in addition to all of our normal business records.

Yes, we have been considering what is an appropriate policy for document retention, and we are in the process of trying to ensure that we are going to put in place an appropriate policy for handling all of our information.

Mr. Bob Delaney: Was it as far back as the fall of 2010 that you instituted the policy of automatically archiving emails?

Mr. Bruce Campbell: I think there was—I don’t pretend to be an IT person—a change there that meant that everything was captured as it went in and out, as opposed to the way it had been captured before, and that really makes the difference. That means I can’t guarantee that there aren’t any what has been termed here as “double-deleted” emails. I can’t guarantee that. I would be astounded if there was anything significant around that, but that’s just my best judgement.

Mr. Bob Delaney: So the anonymous allegations read into the record by Mr. Fedeli are false.

Mr. Bruce Campbell: Yes. It's quite correct that we are taking a look at, and have done work on, a policy to deal with the rising costs of our document management, but that process has been put on hold. That was a decision that I took in part because we realized, when you folks heard from the privacy commissioner, that before proceeding to finalize and implement a policy, it would be a very good idea to have a conversation with the privacy commissioner, and that's what we plan to institute over the fall. Meanwhile, our information is just continuing to be collected and to grow.

Mr. Bob Delaney: Earlier in your testimony, you mentioned that you had done work on the Royal Commission on Electric Power Planning, which was established, I think, in 1977. Some years ago, I dug out the report of the Porter commission and I reviewed it. It painted an interesting estimated energy scenario for Ontario in the 1990s. Could you tell us whether that came to pass as written?

Mr. Bruce Campbell: No, it did not. Similarly, with the demand-supply plan later on, with the ongoing investment in nuclear that it contemplated, it didn't come to pass either.

Mr. Bob Delaney: In essence, looking at our energy future—that's something of an art as well as a science, isn't it?

Mr. Bruce Campbell: I would agree with the fact that it takes a lot of judgement, and in doing it, you want to look at options, you want to look at different scenarios so that your planning is resilient and can be regularly adjusted to reality as it unfolds.

Mr. Bob Delaney: In terms of the resilience of that plan and using what you called a "healthy margin over the load," which is in fact a very accurate term, would you say that that healthy margin over the load is going to be something we're going to need in years to come to finish our phase-out of coal and to ensure that we have sufficient and diverse capacity, such that we can provide for a power outage contingency such as what happened 10 years ago, or even last month?

Mr. Bruce Campbell: I think the margin that we have provides a reasonable level of insurance against the uncertainties associated with the nuclear refurbishment program. I think from our perspective, that uncertainty is one that needs resolution and is one that is being addressed in the LTEP review.

Mr. Bob Delaney: So the reserve generating capacity should really be called the prudent reserve generating capacity.

Mr. Bruce Campbell: As power system operators, we always consider ourselves to try to be prudent, yes.

Mr. Bob Delaney: Okay. Thank you.

I believe Ms. Albanese has a few questions to finish this off.

Mrs. Laura Albanese: I only have a couple of questions.

I wanted to go back to your report and the consultation sessions. A common theme during your consultation sessions was the need for better education amongst Ontarians about the province's electricity needs and a better understanding of the planning and siting process. What steps can we take in order to better educate the public and to get them involved and to participate more effectively in the process, in your opinion?

1450

Mr. Bruce Campbell: Well, what we've recommended here, just as part of addressing that, is not only to get information out there—and you don't just throw out information; you've got to give it to people in ways that they can understand. I often say, when I get a little bit lost in the technicalities, that I don't need the 17-decimal-place answer; the two-decimal-place answer ought to be just fine, thank you very much. It's not just a matter of taking data and throwing it out the door; it's a matter of understandable information that people can take and engage in discussions around these very issues.

There are choices to be made, and I think it's important that the information that bears on those choices be widely available. We try to do our bit on our website. We put a lot of information on there, most of it understandable—some of it would require some specialist knowledge and so on, but we really try to kind of communicate out. That's the kind of thing that we're talking about.

The other thing we're talking about is don't just do it once. This is why the advisory committee recommendation has attached to it, to keep that going, that it should kind of check in with the municipal council at regular periods so that you don't have these situations where things are just ticking along, and all of a sudden you're presented with a need for a facility that you had no idea was coming. So it's regular information; it's understandable information to the right people at the right time and on an ongoing basis—just the way my residents' association on my street, people who are interested in the municipal planning, regularly keep the rest of us up to date. It should be just part of that kind of process, where, okay, here's what's happening with the electricity supply for the municipality. That's why it's good to have that connection, because the municipal planning world does that very well, is what we were told.

Mrs. Laura Albanese: And the report—

The Chair (Mr. Shafiq Qadri): One minute.

Mrs. Laura Albanese: Okay. I guess at this point, I will just ask you if there's anything that you would like to add that we haven't asked.

Mr. Bruce Campbell: No. That's fine.

Mrs. Laura Albanese: Okay. Thank you very much.

The Chair (Mr. Shafiq Qadri): That's likely the broadest question of the day, but thank you, Ms. Albanese.

Mr. Fedeli.

Mr. Victor Fedeli: Thank you very much. I probably won't ask you any questions until we get the email. I think it's probably more important. We haven't really seen a lot from you guys, the IESO, on this file, and I

doubt we're going to, to be perfectly frank. I see you more as the electricity operator as opposed to somebody who would have been involved in the gas plant scandal, whether it was in the cancellation—the decision to cancel—or in the cover-up. I don't see you as part of that; I just want you to know that. I see you more as an operator.

You talked about your website. I go on your website first thing every morning and several times throughout the day. I'm always curious to see—I find it very valuable information. I like knowing what's producing what. I always get intrigued when I look at wind, like it was a couple of weeks ago, at 10 in the morning, producing two megawatts out of the 1,864 that we pay for. An hour later, it increased by 50%; it was at three megawatts. So I do have some interest in watching that, but I do appreciate the work that you put on your website every day, because it's our go-to source.

My motion that I'll read now will come up later formally, but I want you to hear it in case you're not here when we get around to motions. It says, "I move that the Standing Committee on Justice Policy request from the Independent Electricity System Operator (IESO) all electronic correspondence related to the cancellation and relocation of the Oakville and Mississauga gas plants sent or received by employees of the IESO between January 1, 2010, and August 13, 2013; that the documents be provided to the committee within three calendar weeks; and that the documents be provided in an electronic, searchable PDF."

Do you understand what I'm asking for here?

Mr. Bruce Campbell: I understand what you're asking for.

Mr. Victor Fedeli: Is three weeks tight?

Mr. Bruce Campbell: Could I say that if we're finding it tight, we'll let you know?

Mr. Victor Fedeli: I think that's going to be fair. We'll discuss that.

Mr. Bruce Campbell: I think we'll do our best, but retrieving these records—yes, they're available, but getting to them sometimes is not as simple as you might think.

Mr. Victor Fedeli: Okay.

Mr. Bruce Campbell: So if I could simply ask that if we're having trouble meeting that deadline, what we'll do is let the committee know and give you some sense of when we think we'll be able to do it.

Mr. Victor Fedeli: Yes, generally we ask for two weeks. In your case, because this is rather extensive, and the first request you've had, we put it at three weeks. But I don't see any difficulty in recommending to the committee that we be flexible with it.

To be quite frank, again, I don't really expect there's going to be a lot there from you. I don't know that we're going to learn how the gas plant got cancelled because of the IESO, or who ordered the cover-up because of the IESO. I don't think we're going to find even one email, to be perfectly frank, but the fact that this did come to us—it's prudent that we follow up. We probably wouldn't

be doing this had the Liberals not called you here today; it would have been something that we would have—I just don't see that you're going to be a part of it, but now that you're here, we'd better be thorough as a committee as we're supposed to be and find whether there's anything that we need to be concerned with.

So I appreciate your time here today.

Thank you, Chair.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Fedeli.

To the NDP, Mr. Tabuns.

Mr. Peter Tabuns: Thank you very much, Chair.

Mr. Campbell, you talked about the Oakville generating station providing local support for local demand and capacity for the province as a whole.

Mr. Bruce Campbell: That's correct.

Mr. Peter Tabuns: Do you know how that's split out?

Mr. Bruce Campbell: I think the simple answer is, no, I can't give you a number at this time.

Mr. Peter Tabuns: Could I ask you to provide us with an undertaking that you would let us know within the next three weeks what the split was in the allocation of power?

Mr. Bruce Campbell: Yes, we'll address that question. I'm not sure it's going to be quite that simple, but whatever answer we give you, we'll explain it.

Mr. Peter Tabuns: Okay, and if you could do the same for the Mississauga plant as well, I would appreciate it.

Mr. Bruce Campbell: Sure.

Mr. Peter Tabuns: Unless my colleague has further questions—

Mr. Gilles Bisson: Yes.

Mr. Peter Tabuns: Apparently, he does.

Mr. Gilles Bisson: Well, just because I went to your website to take a look at what actually your output is today, and it's actually, just for the record, 17.8 kW.

Mr. Bruce Campbell: Yes.

Mr. Gilles Bisson: It's not 25, so we have—

Mr. John Yakabuski: No, the peak for the summer was 25 kW.

Mr. Gilles Bisson: No, but I'm just saying, if you take a look at the averages over the month, about 17 kW to 18 kW is what we've been running—not the way I would build an electrical system.

I would just end it there to say that it seems to me that this whole approach that the government has taken in dealing with the electricity needs of Ontario has probably been one of the more expensive ones. I think we agree that we have to do everything we can to make a much greener system, and I think that is a laudable goal and that's something that we support as New Democrats and always have in will, but this entire approach, it seems to me, has added to this whole debacle; we're into this mess because of it—this is just a statement; you can respond if you want—and, in the end, it's costing the ratepayers and, in the case of the gas plants, the taxpayers, a heck of a lot more money than we should be paying.

The Chair (Mr. Shafiq Qaadri): Thank you. Any further questions from the NDP?

Mr. Peter Tabuns: No.

The Chair (Mr. Shafiq Qaadri): Thank you.

Mr. Campbell, I thank you for your presence.

We have several issues before the committee. I think the floor is with Mr. Fedeli or Mr. Bisson, as you like.

Interjection.

The Chair (Mr. Shafiq Qaadri): Mr. Fedeli, your motion?

Mr. Victor Fedeli: They're being handed out now, Chair.

This is the one that I just previously read; I'll read it into the record. This is a motion for the Standing Committee on Justice Policy.

I move that the Standing Committee on Justice Policy request from the Independent Electricity System Operator (IESO) all electronic correspondence related to the cancellation and relocation of the Oakville and Mississauga gas plants sent or received by employees of the IESO between January 1, 2010, and August 13, 2013; that the documents be provided to the committee within three calendar weeks; and that the documents be provided in an electronic, searchable PDF.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Fedeli. The motion is in order as received. Other comments before we vote on it?

Mr. Victor Fedeli: I don't have any difficulty if—we have extended the same courtesy to virtually everybody who we've requested documents from, Chair.

The Chair (Mr. Shafiq Qaadri): Understood.

Mr. Victor Fedeli: If they write back and say, "We're not ready yet," we can understand that.

The Chair (Mr. Shafiq Qaadri): All those in favour of the motion? Those opposed? The motion carries.

All right. We're going to, Mr. Fedeli, before entertaining your second motion, take a short recess of five minutes.

The committee recessed from 1500 to 1507.

The Chair (Mr. Shafiq Qaadri): Colleagues, the committee is back in session. Mr. Fedeli, just to remind you, this has not officially been moved yet, so you have the option of either not moving it now or—

Mr. Victor Fedeli: I am not moving a motion.

The Chair (Mr. Shafiq Qaadri): Fine. Mr. Bisson?

Mr. Gilles Bisson: I have a motion, if the Clerk wants to get a copy. Do you want me to read it into the record as she—

Interjection.

Mr. Gilles Bisson: Sorry about that. Do you want me to put it on the record before? It's pretty straightforward.

The Chair (Mr. Shafiq Qaadri): No, I think that it should be distributed.

Mr. Gilles Bisson: Okay. Tell me when you're ready.

The Chair (Mr. Shafiq Qaadri): So that all members can verify your reading.

Mr. Gilles Bisson: That could be a problem. I can do it in français.

Le Président (M. Shafiq Qaadri): Votre choix, mon ami.

M. Gilles Bisson: Non, en français. You know what français is?

The Chair (Mr. Shafiq Qaadri): Oh, I see. Français, oui.

Mr. Gilles Bisson: It's a mixture of both.

Le Président (M. Shafiq Qaadri): Oui, je sais. Malheureusement, français—ce n'est pas une de nos langues officielles.

M. Gilles Bisson: Je le sais, monsieur le « président ».

The Chair (Mr. Shafiq Qaadri): Mr. Bisson, the floor is yours.

Mr. Gilles Bisson: Thank you very much, Chair. I move that the Standing Committee on Justice Policy direct the Office of the Premier and the Office of the Government House Leader to produce any and all identifiable papers and electronic files and records related to the Oakville and Mississauga gas plants addressed to and received from Don Guy, including but not limited to correspondence, briefing notes, emails, PIN messages, BBM messages, SMS messages, memoranda, issue or House book notes, opinions and submissions, and including any drafts or attachments to those records.

And I'd ask just as an addition that it be done in a searchable PDF. I should have put that at the end.

The Chair (Mr. Shafiq Qaadri): Just for the record, I note that it was written "all identified paper." You said "identifiable," and I'd just like you to clarify which one you want.

Mr. Gilles Bisson: Which line was that?

Mr. John Yakabuski: Second line.

Mr. Peter Tabuns: Second line.

Mr. Gilles Bisson: "Government will produce any identified." That was my français sticking out again.

Le Président (M. Shafiq Qaadri): Oui.

M. Gilles Bisson: Mais oui, monsieur le Président. Vous savez.

Le Président (M. Shafiq Qaadri): Je vous excuse. All right. It's in order. Comments—

Mr. Gilles Bisson: And the addition is that it be in a searchable PDF.

The Chair (Mr. Shafiq Qaadri): In a searchable PDF. Thank you.

Mr. Delaney.

Mr. Bob Delaney: I would ask, Chair: How is this different from previous requests of the Office of the Premier and the office of the government House leader? It would appear that this is a duplicate of a request already made.

Mr. Gilles Bisson: My understanding—I checked with the Clerk earlier—is, the request was not made on Don Guy. The only stuff we have on Don Guy is what was already gotten from Laura Miller and other people who were in the Premier's office.

Mr. Bob Delaney: I understand that, but having made the request to the Office of the Premier and the office of the government House leader, the previous request cap-

tures all of the things that have been described in your motion. Why would you want to have it done again?

Mr. Gilles Bisson: My understanding is, we don't have all of the information that was requested. That's why we're making the request.

I'd be interested to hear from the Clerk.

The Chair (Mr. Shafiq Qaadri): Procedurally, if there is duplication, we would receive notification of that.

Mr. Gilles Bisson: Yes. That's right.

Interjection.

The Chair (Mr. Shafiq Qaadri): Mr. Yakabuski.

Mr. John Yakabuski: I don't believe any previous motion, unless I'm incorrect, included PINs and BBMs, did it?

Mr. Bob Delaney: I'm sorry; one more time?

Mr. John Yakabuski: I don't think the previous requests extended to PINs and BBMs.

Mr. Bob Delaney: I believe your language did encompass that, not that you could—I don't know enough about whether or not those things exist anyway, but I believe your previous motion, and I can't recall who made the motion, to the Office of the Premier and the office of the government House leader encompassed all of these search terms and would have captured all of the information that's been requested here again.

Mr. John Yakabuski: It won't take long to get an answer, then, will it?

Mr. Gilles Bisson: Just to be clear, as the author of the motion, it's because there are a number of email accounts that Mr. Guy was using. What I asked the Clerk earlier was, had we requested that information from the Premier's office or others? My understanding was, the only ones that we got were the ones that were covered by previous searches, not Mr. Guy in regard to his live account and the other account that I had raised with the Clerk this morning. I'm asking for anything that's associated with any emails ever sent to Mr. Milloy's office and his staff and the Premier's office and his staff, and that was not requested before.

I'm sure if there's any duplication, they will figure out how to work it out.

The Chair (Mr. Shafiq Qaadri): Thank you. The motion is in order. Those in favour of this motion? Those opposed? The motion carries.

We have a couple of other issues. One is, we are in receipt of a number of confidential documents. They currently reside on a CD-ROM. They are from the Ministry of Government Services. It was deferred to today. My suggestion and advice to the committee is that we defer this to a subcommittee meeting after next week's meeting to deal with it formally. Suitable? Gentlemen? Ladies? Fine.

The final issue of the day is the technical briefing with reference to the rulings earlier, for which Mr. Sibenik has the floor.

Mr. Bob Delaney: Chair?

The Chair (Mr. Shafiq Qaadri): Yes?

Mr. Gilles Bisson: Could I—oh, sorry. Go ahead, Mr. Delaney. I didn't see you.

The Chair (Mr. Shafiq Qaadri): Mr. Delaney.

Mr. Bob Delaney: Just before we do this, my understanding of this briefing, considering that its implications extend to many people, is that this briefing is open to everybody. Is that correct?

The Chair (Mr. Shafiq Qaadri): It's the will of the committee, yes.

Mr. Bob Delaney: That's fine. I just wanted to check.

The Chair (Mr. Shafiq Qaadri): Thank you. Mr. Bisson.

Mr. Gilles Bisson: Yes, we'll just go in camera, and anybody who wants to stay can stay.

Mr. Bob Delaney: Wait a minute. That's not what I said.

Mr. Gilles Bisson: Well, that's what I'm asking for.

The Chair (Mr. Shafiq Qaadri): Fair enough. Mr. Sibenik, you have the floor.

Mr. Peter Sibenik: Yes. Earlier this morning, there were some concerns about the issue of the Speaker's emails, the emails—

Mr. Gilles Bisson: Excuse me. I'm asking that we go in camera.

The Chair (Mr. Shafiq Qaadri): Sorry, I need the will of the committee for that.

Mr. Gilles Bisson: I move that we go in camera.

The Chair (Mr. Shafiq Qaadri): If we're going in camera, then I need the will of the committee. Is it the will of the committee that we go into camera?

Interjection.

Mr. Gilles Bisson: Because this is internal stuff. If people want to stay, they're more than welcome, but at this point—

Interjections.

The Chair (Mr. Shafiq Qaadri): Just to inform members, in camera means we are sans table officers, translation and Hansard, and usually, there has to be something fairly controversial or confidential to go into camera.

Mr. Bob Delaney: Chair, we're not discussing state secrets here; we're discussing the interpretation of the committee's mandate—

The Chair (Mr. Shafiq Qaadri): Understood.

Mr. Bob Delaney: —and I think it's important that this be on Hansard so that anyone who's affected by a request from the committee can look up Hansard and find out just what that request means.

I'm a little mystified. Why would we want this to be done in secret, when a lot of people are going to be saying, "Well, what did you decide when you were in camera? Because I've got to respond to a request from this committee." This doesn't make any sense.

The Chair (Mr. Shafiq Qaadri): I would just once again advise committee members that going into in camera is used, usually, for somewhat extraordinary circumstances, one. Two, as Mr. Delaney has mentioned, the point of the technical briefing is to highlight that the decisions emanating from the Chair are based on parliamentary procedure, legal rulings, and the founda-

tion thereof. But it is entirely the will of the committee whether we go into camera or not.

Mr. Gilles Bisson: The reason for the request, first of all, is—let’s clarify: There are no decisions being made. This is a technical briefing, (a), and (b) what I wanted is because I need some of my staff here if we’re going to have this discussion, and I wanted to do it in camera, in fairness to the Chair. So I would ask that we go into camera.

Mr. Bob Delaney: Well, I still don’t get it. If what we’re going to be doing is discussing something that has a material bearing on how people respond to a request from this committee, why are we trying to cover up the record of that decision?

The Chair (Mr. Shafiq Qaadri): I would just—be advised, Mr. Bisson, that staff are not allowed in the in camera session, for which reason it’s in camera.

Interjections.

Mr. Peter Tabuns: Give him a second, Mr. Chair.

The Chair (Mr. Shafiq Qaadri): Fair enough.

Mr. Gilles Bisson: I move a motion that we go in camera and that we allow our staff to be here for that discussion.

Interjections.

Mrs. Laura Albanese: “In camera” usually means that staff is not present.

Mr. Gilles Bisson: We’ve had staff for the briefings before. This is a technical briefing.

Mrs. Laura Albanese: In the six years I’ve been here, when we’re in camera, staff have never been in camera.

The Chair (Mr. Shafiq Qaadri): Mr. Bisson, you’re putting the Chair at somewhat of a disadvantage. I mean, do we want one staff per party? “In camera” means MPPs only, even to the point where the table officers remove themselves.

Mr. Gilles Bisson: We’ve had in camera meetings before—

Interjections.

The Chair (Mr. Shafiq Qaadri): Fine, the Clerk, yes, but I mean Hansard and, as I understand it, our translators, broadcast, TV. Are you here, Jeff? Jeff is here.

Mr. Gilles Bisson: This is really boring stuff. It’s a technical briefing—

The Chair (Mr. Shafiq Qaadri): I appreciate your desire to save us from the boredom—

Mr. Gilles Bisson: Let me finish. We’ve had technical briefings before with staff in the room.

The Chair (Mr. Shafiq Qaadri): Fair enough.

Mr. Gilles Bisson: It’s not the first time we’ve done that.

Mr. Bob Delaney: Well, if it’s really boring stuff, then there’s nothing to hide.

The Chair (Mr. Shafiq Qaadri): All right. I think I would require the will of the committee at this moment. Those members of the committee who would like to have it in open session as we’re proceeding—

Mr. Bob Delaney: Chair, a five-minute recess?

The Chair (Mr. Shafiq Qaadri): Fine. A five-minute recess. Keep it to five minutes, please.

The committee recessed from 1518 to 1523.

The Chair (Mr. Shafiq Qaadri): Colleagues, the meeting is back into session. Mr. Bisson?

Mr. Gilles Bisson: Chair, just for the record, I’ll withdraw it.

The Chair (Mr. Shafiq Qaadri): Sorry, what are you withdrawing?

Mr. Gilles Bisson: The request to go in camera. I just wanted to, by way of explanation, say why. I wanted to have a frank conversation with the Clerk and yourself in regard to some of the reasons that we feel we’re not being enabled to ask these questions. I’d rather we had not done that in open session; that’s why I was asking. But if the government wants it in open session, fine, let’s do it.

The Chair (Mr. Shafiq Qaadri): Thank you. So we’ll now proceed with the technical briefing from Mr. Sibenik. Mr. Delaney?

Mr. Bob Delaney: Appreciating the request made by Mr. Bisson, the forum for doing the thing that he has asked might be a meeting of the subcommittee, for which we would be pleased to accommodate him. But for this particular technical briefing, for the benefit of witnesses who may have yet to appear and individuals who, as we’ve heard numerous times, are wondering how to interpret document or information requests, I think it’s important that they hear what’s going on here, and, not only that, but that it be recorded on Hansard.

Mr. Gilles Bisson: When can you take yes for an answer?

Mr. Bob Delaney: Okay. I’m taking yes for an answer.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Delaney. Mr. Sibenik, please, the floor is yours.

Mr. Peter Sibenik: Yes, thank you very much, Chair. This is going to be very brief because—

Mr. Gilles Bisson: I want it to be long.

Mr. Peter Sibenik: Oh, well, there can be a Q&A that can be very long, Mr. Bisson, at the end of the brief statement, but the Chair has already made a ruling on that and I think that the committee should be cognizant of that. I think that the line of questions that is referencing the emails dealing with the Speaker doesn’t really address any of the two orders of the House that have been made.

The first order dealt with non-production before the estimates committee, and that happened before the occurrence of the emails in question. So how these emails could bear on the non-production before the estimates committee is questionable.

With respect to the second order dealing with the cancellation and relocation of the plants, again, I can’t see the relevance to the issue. The decisions to cancel and relocate were made beforehand. So, again, the emails occurred afterward, so I’m not sure where the bearing is there.

As I indicated this morning, there are other mechanisms by which members wishing to pursue that line of—

Mr. Gilles Bisson: I didn’t hear you. Sorry.

Mr. Peter Sibenik: There are other mechanisms by which the House, or members of the House, can pursue a particular line of inquiry. I indicated two or three of them. One of them—

Mr. John Yakabuski: Could you indicate those?

Mr. Peter Sibenik: I'm sorry?

Mr. John Yakabuski: Could you indicate those?

Mr. Peter Sibenik: Standing order 21, dealing with notice of a point of privilege that's filed with the Speaker: That is one of them. An oral question, for example; a member's motion. There could be meetings of the House leaders, for all I know, that eventually result in a motion that is moved, resulting in an order of the House.

It's not as if that has not happened already. There's already been an enlargement of the original order of the House. There was Mr. Leone's original motion that resulted in an order of the House. The House apparently was not satisfied with the ambit of that and so, on a UC motion, that got enlarged about a week or so later into a second order of the House, probably with the intercession of the House leaders. So if the House leaders want to get together again and enlarge it again, so be it. They can do that, and this committee can, in effect, have it enlarged that way. So there are a number of opportunities there for that particular line of inquiry to be gotten into, to be addressed further.

I will say that over the course of the better part of the past 25 years, I've been the research officer for various committees, including the Standing Committee on the Legislative Assembly. Whenever there's been a prima facie matter of privilege that has been referred to that committee or any other committee, the issue of the communications that have been made to and from the Speaker have not really been the subject of the inquiry into the matter of privilege. That would be a separate matter, and, in my view, it would be a separate matter in this particular occasion as well.

I think the reason why the committee has been struggling over the issue over the course of the past little while is that there have been documents that have been produced in respect to committee motions—a committee request for documents. But just because the documents are being presented to the committee, are being tabled largely by the civil service, does not mean that everything and anything that is in those documents can be the subject of a line of questioning. It would be tantamount to the procedural tail wagging the dog.

Decisions as to the orderliness of a line of questioning dealing with a particular document that is before the committee are for the Chair of the committee to decide, and that decision has already been made.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Sibenik. Before I offer the floor to a number of speakers who have indicated their willingness to speak, I would just simply once again emphasize that as Chair, I see it as my mandate of course not only to enforce parliamentary procedure, but to also have the informed advice of the entire table officers and parliamentary procedure. So any decisions that are emanating from this Chair with refer-

ence to questions—what is in order, out of order—are emanating from that focus and no other.

Mr. Leone, then Mr. Yakabuski, and the floor is open after that—and Mr. Fedeli.

Mr. Rob Leone: I'll defer to Mr. Yakabuski

The Chair (Mr. Shafiq Qadri): Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much, Chair—

The Chair (Mr. Shafiq Qadri): Sorry—Mr. Bisson. Let's alternate, but, in any case, Mr. Yakabuski, go ahead.

Mr. John Yakabuski: So I'm still up?

The Chair (Mr. Shafiq Qadri): You're still up.

Mr. John Yakabuski: Thank you very much. You indicated that we had three other options, and you listed them. I just want to reiterate this: standing order 21, the Speaker's ruling; oral questions; or an order of the House. Were those the three?

Mr. Peter Sibenik: There's also a motion that could be done. There might be written questions. I've yet to canvass all of the various procedural opportunities. They would have to be in order, but they're out there.

Mr. John Yakabuski: Okay. So if I look at standing order 21, the Speaker's ruling, I find some real problems with that, where we'd be looking for a Speaker's ruling where the Speaker himself is a subject of the question, because it is about the influence that may or may not have been exerted. We're not suggesting the Speaker changed his view as a result of that influence, but the Speaker is an integral part of what went on, which admittedly went on in the email chain, but we're not allowed to ask questions. So I have a problem with 21.

1530

Mr. Peter Sibenik: Yes.

Mr. John Yakabuski: In the case of oral questions, we can only ask questions of a minister of the crown. We cannot ask questions of Don Guy or David Gene or Laura Miller or anybody else; we can only ask questions of the Premier or a minister of the crown. That completely limits us with respect to getting to the bottom of this issue through that avenue.

My question is, an order of the House to expand the terms of the committee: Does that require only a majority of the House to make a decision on that, or does it require unanimous consent of House leaders?

Mr. Peter Sibenik: Well, the last order that augmented the mandate of the committee was a UC motion that passed the House. So a majority would—

Mr. John Yakabuski: So if there was an order of the House brought forward to expand the scope and the terms of the committee to be allowed to ask questions relating to the emails and the implication that there was an attempt to influence the Speaker—if that was a decision of the majority of the Legislature, then we could change the terms of this committee?

Mr. Peter Sibenik: It could be augmented in one way, as long as the motion was in order.

Mr. John Yakabuski: Pardon me?

Mr. Peter Sibenik: As long the motion is in order, then there's no difficulty. That's a wording issue.

Mr. John Yakabuski: I'm sure we can find a way to make it in order. There has to be—when you say “in order,” you mean that it could never be allowed to be in order, something that involves the Speaker, or—

Mr. Peter Sibenik: It would depend on the motion. What I would suggest is, speak to one of the table officers on that when it comes time to do that.

Mr. John Yakabuski: Well, we may be breaking new ground here; I don't know. To me, it looks like the only opportunity for us to actually expand the terms of this committee is an order of the House, because I don't see the other two as being viable options.

It looks like our first opportunity, then, would be when the Legislature returns, after September 9.

Mr. Peter Sibenik: All I can say is that the current mandate of the committee does not permit the committee to look into the matter of the reference to the Speaker in the emails.

Mr. John Yakabuski: Okay. Thank you very much, and I will pass to Mr. Bisson.

The Chair (Mr. Shafiq Qaadri): We'll move to Monsieur Bisson and then back.

Mr. Gilles Bisson: Well, I'm not going to be long, but I just want to say a couple of things.

First of all, thanks to our Clerk and our—

The Chair (Mr. Shafiq Qaadri): Table officers.

Mr. Gilles Bisson: —table officers—table research, sorry. I well understand what my rights are as a member when it comes to appealing a decision of a Chair or raising a point of privilege or dealing with putting a question in the House. I get it, and I'm not going to argue that for a second. In fact, I gave the Chair notice this morning, when we started out, that New Democrats will be following up on that particular point in due time.

The point that I wanted to make, however—and I'm not going to say this any more than we did this morning—is, the Speaker made a decision that there was a prima facie case of contempt. Once that decision was made, a series of emails then were exchanged between the Premier's office and Don Guy.

In my mind, it wasn't a question that they were trying to change a decision on the prima facie case of contempt. That decision was made. So I'm not arguing for one second that the whole exchange had to do with, “Let's undo the decision.” The question was, “What the heck are we going to do with the documents?” This entire committee is about who said no to the release of the documents. That's what this committee is all about.

It seems to me that the thread is drawn between that and the possibility—the possibility, I am saying—that the conversation that ensued between the Premier's office and the Speaker's office had to do with the release of those documents, because the Speaker had said to us, when he ruled, I believe, on September 13, that in fact he had found a prima facie case of contempt and, number two, he was urging the House leaders to come to some sort of agreement about how these documents would be released.

As I read through the emails and as I ponder what it is that they may have wanted to talk to him about, there's a distinct possibility it was about how not to release the documents, which is a continuation of what this prima facie case of contempt is all about.

So I hear you. It's a bit of a grey line, you're saying, and you're saying that treads outside the mandate of the committee—I would argue not.

I will utilize what avenues we have at this point, because the Chair has ruled. I understand well, if I was to challenge you, Chair, this committee probably wouldn't meet until some time in September. So I will leave it be for now, and I will deal with this in due time, and we will follow up the ways that we have to appropriately get to the bottom.

What's paramount to this committee—why was the estimates committee refused the release of those documents, and who the heck did that? It seems to me, after the government got caught and the Speaker had ruled there was a prima facie case of contempt for not releasing the documents, the Premier's office, I allege, was still trying to find a way not to release the documents. Those were the questions I wanted to ask Mr. Guy this morning—not on the actual decision of the prima facie case of contempt.

Anyway, at a future date, as they say, stay tuned; same channel, different time.

The Chair (Mr. Shafiq Qaadri): Merci. Yes, Mr. Delaney?

Mr. Bob Delaney: Thank you, Chair. The question that I have to Mr. Sibenik and to the Clerk has to do with direction to those who have to respond to motions that, to be very frank, would help us avoid these exact issues. In other words, how can we assist people who have to respond to those motions in providing all of the things that are within scope, but only the things that are within scope?

In looking at some of the things that have been released to the committee, it seems to me that over in the different ministries, they're thinking, “If in doubt, get it out.” What we're trying to do here is to say that we don't really want to be buried under an avalanche of trivia that may be marginal, but what can we do to assist some of the people who have to make those operational decisions, in providing this committee those things that it needs, but only those things that it needs?

The Chair (Mr. Shafiq Qaadri): Mr. Fedeli.

Mr. Victor Fedeli: Thank you very much, Chair. What you had said was that the prime reason was because the Levac emails in question occurred afterwards. Is that correct? Do I understand that—

Mr. Peter Sibenik: They're not relevant to the mandate of the committee. The mandate of the committee is to deal with why there was non-production before the estimates committee, which happened well before.

Mr. Victor Fedeli: And you said they don't deal with it because they occurred—“emails occurred afterwards.”

Mr. Peter Sibenik: They occurred afterwards; that's correct. My essential point here is that the emails do not

deal with the mandate of the committee; same thing with the second order.

Mr. Victor Fedeli: Again, as I've said to every witness, we go after two things. How much did the cancellation of the plants cost? The fact that we still don't know how much one of them cost pretty much tells us where we are. The other side of it was, we've detected, sensed and, I believe, proven that there has been a cover-up of that information exchange. We've gone to great lengths to do that. That's part of where we are today. There's a massive cover-up here, and a lot of that Liberal cover-up did indeed occur afterwards.

Number one, when we got the first batch of documents, there were documents that were redacted. There were documents that were missing. We know that for a fact. That's part of the cover-up. They didn't give us—and that occurred afterwards—the cover-up also included deleted emails. We came to learn that over the last year. That's all part of it.

Another example is, as was learned from a brown paper envelope in the beginning and then under sworn testimony by members of the Ontario Power Authority, including their vice-president, the Ministry of Energy told the Ontario Power Authority not to turn over all the documents. That's a big part of the cover-up. That occurred after the ruling. Only then did we see a parade of Liberal caucus members, including several cabinet ministers, come out and point their fingers at us and say, "You have all the documents." That's part of the cover-up as well. We didn't have all the documents, and the government knew that. They had instructed the OPA not to give us all the documents. That occurred after.

Eventually, we finally got the Auditor General's report for Mississauga, and now we have the truth for half of that portion of the story. Again, we still don't know how much the cancellation of Oakville cost. That would have been in documents somewhere; we still don't have the documents. We do not have all the documents, or we'd know how much it cost to cancel Oakville. We're trying desperately to get to the truth.

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We do know there's a cover-up here, and we do know that part of the cover-up included those operatives trying to get to the Speaker and change his opinion. Now, maybe the Speaker put up his hand in one half a nano-second and said, "Hang on. We're not talking about that," and off they went. That's not the point. The Speaker is not the issue here. He's their target. He's the victim in this, in my opinion. It's the operatives who felt the entitlement that they can go and broach the Speaker. It's that sense of entitlement that they had. They are part of a cover-up. They are an integral part of the cover-up. When that failed, they went to plan B. When that failed, they've gone to plans C, D, E, F and G. They're all over the place.

We're trying to peel this onion back, and I think you're stopping us from peeling that one layer. Maybe there's something there; maybe there's nothing there. That's not the point. We have the opportunity and the

right to follow every email we got and every lead we got as part of the cover-up.

I believe it's systemic within the Liberal Party. That's their first default: "How can we stop them from getting the documents? We're going to have to give them; let's only give them the ones that don't say anything." When we caught them at that, "Well, let's give them more, but not these ones. Let's start redacting and whitening out and removing pages." When that failed, "Get our cabinet up there pointing accusatory fingers at them." It's just systemic. It's bred into them to do that. That was their initial reaction, not just to come out and say, "Here they are. Here's how much it cost," and I believe that what you're doing today is stopping that one piece from happening. I genuinely believe that.

The Chair (Mr. Shafiq Qaadri): So it's Mr. Delaney, then Mr. Leone.

Mr. Bob Delaney: I'm not sure whether Fedeli has impugned the integrity of the Chair, the Clerk, or both, not to mention the members who sit on this side, but that's not my question.

Earlier, I asked the research clerk a question. I appreciate that the question that I asked you will take a little bit of preparation. Am I to expect a response, and roughly when and in what form?

Mr. Peter Sibenik: I can look into the question, Mr. Delaney, and respond further at the next committee meeting.

Mr. Bob Delaney: That's fine. That's the answer that I wanted.

I would like on the record some guidelines for some of the men and women who, in good faith, are doing their utmost to comply with the requests for information stemming from this committee to do what the committee's mandate does require us to do, which is to assess whether or not there is a case for contempt against the former Minister of Energy, to find out what the costs were of the two cancelled power plants, and to come up with recommendations for future siting and other such parameters as are described in the committee's real mandate.

Mr. Peter Sibenik: Any information that I would be providing, Mr. Delaney, would be procedural in nature.

Mr. Bob Delaney: That is fine. That's exactly what I'm asking for.

Mr. Peter Sibenik: It's really for the committee to make the decision, when these motions are being moved and when they are being debated and decided, how they can better frame the motions so that the committee gets the information that it would like.

Mr. Bob Delaney: Whether in writing or orally to be captured by Hansard, I just wanted to make sure that you will indeed respond to the question I raised.

Mr. Peter Sibenik: Right.

Mr. Bob Delaney: Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Delaney. Mr. Leone?

Mr. Rob Leone: Mr. Chair, I appreciate the line of argument that's being presented as to why we can't talk

about what we want to talk about. As has been stated, one of the purposes of why we're here is about the release of the documents, and I agree. I think that is obviously what we're trying to talk about: why it didn't happen when it did and, further to that, why it didn't happen subsequent to that in any given period of time.

We know the extraordinary lengths this government actually went through and was prepared to go through in order to prevent the release of documents from going forward. They wanted to, obviously, restrict the search terms that were applied so that we wouldn't be able to receive all the documentation that we were asking for. They didn't release some documents on time. They obviously prorogued the Legislature. They attempted to change the ruling of the Speaker. Obviously, as we've learned as well, they were prepared to go to an election over this; they wanted a confidence motion to move forward.

I'm not concerned at this point in time with what has transpired in a meeting with certain individuals. I'm more concerned about the state of mind of the individuals; i.e., before they knocked on the door of the Speaker. What was going through their mind? What were they trying to do? We're being prevented from actually asking questions on that.

Certainly, I do agree that there is an issue about what transpired in the meeting, and that can be brought up at a different point in time, as has been stated. But at this point in time, at this juncture, we should be able and permitted to ask the questions of the people's state of mind who wanted to prevent or delay the release of documents through extraordinary measures, as we've seen. That is what's at stake here.

Again, for the purpose of this committee, what transpired in the meetings with the Speaker certainly has an element that is perhaps outside the scope of this committee, but the fact that they were willing to go that route to suppress the release of information is within the realm and within the scope of what we're doing in this committee. This is about the release of documents and the timely release of documents, which has subsequently been delayed. That, I think, is perfectly in line.

Secondly, I think it has to be mentioned that through prorogation, the whole process had stopped. We had to come back in February with another point of privilege and another motion to get this kick-started again. In my view, everything that transpired before the second point of privilege should be privy to what we discuss in this committee, because in essence, we're here today because of the second point of privilege and the second motion, when we came back in the second session of this 40th Parliament.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Leone. I'm going to bring closure now to this particular session. As I have been very ably reminded by the table officers, there is no actual debate on the ruling of the Chair. But I did want to present this technical briefing once again to essentially inform my colleagues that decisions from the Chair, as I mentioned earlier, are emanating from parliamentary procedural legal foundation and no other motivation. Of course, questions thereof are to be addressed elsewhere.

With that, committee is now officially adjourned until next week.

The committee adjourned at 1547.

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Mr. John Yakabuski (Renfrew–Nipissing–Pembroke PC)

Also taking part / Autres participants et participantes

Mr. Ted Arnott (Wellington–Halton Hills PC)

Clerk / Greffière

Ms. Tamara Pomanski

Staff / Personnel

Mr. Jeff Parker, research officer,
Research Services

Mr. Peter Sibenik, Table Research Clerk,
Table Research