



CANADIAN ENVIRONMENTAL LAW ASSOCIATION
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

June 15, 2006

BY FAX

Gord Miller
Environmental Commissioner of Ontario
1075 Bay Street, Suite 605
Toronto, Ontario
M5S 2B1

Dear Mr. Miller:

**RE: O.REG. 276/06: E.A. EXEMPTION FOR ONTARIO'S INTEGRATED POWER
SYSTEM PLAN**

I am writing to follow up on today's letter that CELA sent to you in relation to the above-noted matter.

We have retrieved and reviewed the Ministry of the Environment's *ex post facto* "information notice" that was apparently placed on the EBR Registry earlier today (EBR Registry No. XA06E006). This notice has been posted three days after the regulation was passed.

Please be advised that for the reasons outlined in our previous letter, CELA strongly disagrees with the Ministry's self-serving and erroneous claims that the regulation is merely "administrative" in nature, and that the Ministry was not required to post prior notice of this proposal on the EBR Registry for public review/comment purposes.

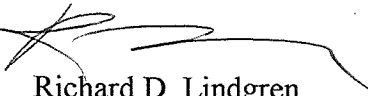
We also remain puzzled by the Ministry's circular argument in the Registry notice that the exempting regulation was not even necessary, according to the Ministry's questionable interpretation of the *Environmental Assessment Act*. If the EA Act was inapplicable as claimed, then why was the regulation even passed?

In our view, it is disturbing to see the Ministry misconstrue both the EA Act and the EBR on the basis of highly dubious propositions. In any event, we therefore again invite your intervention in this matter in relation to the Ministry's non-compliance with its EBR obligations.

Please contact me if you have further questions or comments, and we look forward to your reply to this request.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION


Richard D. Lindgren
Counsel

cc. Mark Winfield, Pembina
Jose Etcheverry, David Suzuki Foundation
Shawn-Patrick Stensil, Greenpeace Canada