

Hydro capers

Scribes scuttled by Queen's Park "Zoo"

By Hartley Coles
Two media representatives on the Queen's Park beat mull over the two announcements Energy Minister Dennis Timbrell was to make Wednesday afternoon.

One was a statement to the press on Ontario's proposal for an alternative method of pricing domestic crude oil. The other—a statement on the Bradley Junction to Georgetown 500 kv hydro transmission corridor.

Why did he set the two together? asked one. I dunno, replied the other. Who's interested in the Bradley to Georgetown hydro line outside of a few farmers up there?

And maybe they aren't either, said the other.

Maybe that's the reason the Minister of Energy and his staff invited two representatives of this newspaper to appear at the conference to hear the announcement the Government would go ahead with the controversial hydro corridor without benefit of an independent study such as was afforded the east-west Nanticoke to Pickering 500 kv swath which Bruce Howlett's firm studied and on which Dr. Solandt's one man commission ruled.

Special privileges were set up for the press from the boondocks. We were to have lunch with the Minister of Energy Timbrell, Andy Frame and his staff after the Minister answered questions on his two statements.

Dumping the two statements together was good strategy. The daily press and TV were primarily interested in oil. Hydro lines were almost the prerogative of the "outside" press from those points outside Toronto where the power which comes from Bruce is to go.

But ears pricked up when questions started coming about the lines and the decision that the Ombudsman could not pursue his investigation. It was common knowledge Mr. Maloney had withdrawn reluctantly. Earlier in the week Mr. Maloney had tried to mediate a marathon session between the Ministry and the Interested Citizens Group, the first time the contestants in the dispute had met face to face.

It was only then he learned a decision had been made by the Cabinet as early as

May 29, 1974, which precluded continuance of the investigation by his office. He had kind words for the Interested Citizens headed by Bill Mann, John Schneider, Gordon Kidd and Walter Scott calling them a very representative group of citizens and their sincerity, dedication and absence of self-interest is beyond question.

He astutely avoided any mention of the interval where his staff had started an investigation into affairs and the decision to power them out.

Back at the press conference, Energy Minister Timbrell gave the "outsiders" his ear. He told us politely there was no time for an independent study of the corridor and suggested he inherited problems as Minister of Energy which he could not resolve. He doubted a study could be done in less than 27 months and in his view this was going to cost hydro users of the province \$25 to \$40 million in alternative methods of burning fossil fuels because energy at Bruce would be bottled up.

He claimed the Interested Citizens suggestion of using corridors already owned by Hydro and go from Bruce to Essa to Kleinberg were impractical because they would take a long study. Reminded the Environmental Hearing board suggested such a route might be feasible, Timbrell still pleaded time.

He also said people in Collingwood and area would be dismayed by hydro lines going in their area. "Would you want hydro lines to run through the Beaver Valley?" he asked.

It was my recollection some hydro lines already existed there coming from the Eugenia Lake generating station but I certainly sympathized. I wondered aloud why the people of Collingwood and that beautiful scenic area took precedence over people in this area and its beautiful scenic areas.

But, said the Minister, existing lines in the north consist of only a line of wooden poles marching forlornly through a 100 foot wide corridor. Expanding that corridor would cause consternation.

Why was the Ombudsman allowed to continue his investigation then if the Cabinet had already decided to go ahead. He believed he had jurisdiction, said the Minister, but his investigation was cut off when it was discovered he had no juris-

diction in the case because of the 1974 cabinet decision to proceed with the Bradley to Georgetown line.

It was a good lunch in the Legislature dining room and in the course of discussion over Mr. Maloney's investigation, Andy Frame of the Ministry of Energy claimed the Ombudsman's decision to proceed was likely made at a junior level of which Mr. Maloney was not aware.

That meant a trip to see Mr. Maloney at the Thomson building at Queen and Bay by subway and shanks mare a "must".

Sure, Mr. Maloney would see us. Right now he was engaged with a client. Meanwhile we could talk with the director of communications Ken Cavanaugh and the investigating officer of the case, Gary Giuliani. They made no commitments, suggesting Ombudsman Maloney would have the answers.

And he did. Is it true, we asked Mr. Maloney that it was your staff at another level which made the decision to take the case for the Interested Citizens? It has been suggested you had nothing to do with the decision.

Mr. Maloney looked over the city hall square, eyed the archer and replied, no decisions are made in the Ombudsman's office regarding cases he had not either approved or made himself.

He left no doubt in our minds that he made the decision to investigate the Bradley to Georgetown hydro debacle himself after consultation with Mr. Mann and the ICG.

We would have liked to have had Mr. Frame and his assistants of the Ministry of Energy there at this juncture to allay their suspicions.

Mr. Maloney recalled the events of Monday—a seven hour marathon session—where he tried to strike a compromise between senior officials of the Ministry of Energy and the ICG representatives—and failed. "I was happy to preside over the dialogue" he said, "and I was sorry there was no compromise from either side."

He had kind words for everyone involved but admitted his hands were now tied as a result of disclosure of the cabinet decision of 1974. He clearly indicated he was bothered by the decision but admitted elected representatives of the people took precedence over those of appointed officials. In no other country, Mr. Maloney

said, has the Ombudsman sweeping powers to defy the cabinet.

And that was that. But the next day this scribe got another hurried summons to Queen's Park. There was some evidence to indicate the decision of 1974 to proceed with the hydro corridor had only been a decision in principle and Steven Lewis, leader of the Official Opposition and Bob Nixon of the Liberals were going to grill Mr. Timbrell in the question period at 2 p.m.

A frenzied drive to the big smoke and zip up the subway to the Legislature found this scribe arriving just in time to catch former Minister of Energy and now Treasurer Darcy McKeough delivering a long speech on land use and disposition of people in a province which would soon have to think of another four million people.

While McKeough talked his colleagues on the Tory side sat amiably listening while the NDP and Liberal side of the Legislature resembled a seething mass of unhappy humanity. They cat-called, told Darcy to sit down, made rude remarks and generally tried to be obnoxious. But Darcy kept going and was followed by Sidney Handelman exposing Vic Tanny's advertising practices and Jim Snow with 1976 highway construction programs.

When they finally did get around to the question period and Lewis popped the question, Timbrell denied the Cabinet had no official reason to muzzle the Ombudsman. Everything was ok in the cabinet closet.

Bob Nixon demanded a chronology of events so they could decide for themselves and when MPP Julian Reed got up to speak on the same question the speaker decided he would have to wait. Later on he questioned Mr. Timbrell's accuracy with the same results—nothing.

Oh, almost forgot. Someone else (Lewis?) asked Mr. Timbrell how he would now patch up his quarrel with Mr. Maloney. Mr. Timbrell's answer was non-committal.

The flying trip was unnecessary but when Julian Reed asked how I liked the "zoo" at Queen's Park the word fit. It's hard to be serious in a gathering where everyone else is doing their best to get you to blow your cool.

That's how the cabinet decided a hydro corridor would soon cut a swath through Halton.

Interested Citizens will still fight line

The Ontario Government's green light for the Bradley to Georgetown 500 kv hydro corridor did not signal the beginning of the end for the Interested Citizens' Group (ICG), a group official says. (The ICG will be working both sides of the Legislature in attempts to get the government to change its mind, Bill Mann ICG chairman said. "We will be working with the Liberals and the NDP and encouraging them to take up the issue in the House," Mr. Mann said.

Misled For example, Mr. Mann said: "It's always our (ICG) contention that Timbrell's June 6 (1975) statement in the legislature, misled the ministers."

B) would carry out the review. The ICG has prior to, during and since the EHB hearings—repeatedly called for a non-hydro study of the entire line, not just a portion of it.

Independent studies have been carried out on other Ontario Hydro proposed corridors, such as Bruce Howlett's 1973 work on the Nanticoke to Pickering line.

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PURINA CHOWS LET YOUR RABBITS SHOW YOU HOW FAST THEY GROW ON PURINA RABBIT CHOW

A meeting with Halton-Burlington MPP Julian Reed was slated for Monday, and meetings with NDP leader Stephen Lewis are in the works, Mr. Mann said.

Group members will also be trying to meet senior cabinet ministers on a one-to-one basis to ensure they have the true facts, he said.

The ICG is taking its call for an independent study of the entire proposed corridor from the Bruce nuclear generating station to Georgetown into Queen's Park following withdrawal of the Ombudsman from the case and the Government's decision to go ahead with the line.

Jurisdiction Arthur Maloney, the province's first Ombudsman, was told last week that his jurisdiction did not include investigation of this hydro corridor.

An order-in-council of May, 1974, announced the cabinet's choice of a route from the Bruce to a point near Limehouse.

The Ombudsman's Act prevents Mr. Maloney from investigating cabinet decisions. The Ombudsman notified the government he was undertaking the ICG's complaint last December. Three months after starting his investigation, the government informed Mr. Maloney that he was treading on a cabinet decision.

The ICG takes exception to the accuracy of several facts which Ontario Hydro and the energy minister use to blunt the group's attempt to have an independent non-hydro study carried out.

On Hydro line

Maloney speaks as zipper closes

In the following letter from Ontario Ombudsman Arthur Maloney to Dennis Timbrell, the minister of energy, the Ombudsman details the cabinet restrictions which prevented him from investigating the Interested Citizens' Group's call for an independent study of the Bradley to Georgetown hydro corridor. The letter is dated April 6, 1976.

Dear Mr. Timbrell:

Our investigation of the Interested Citizens Group complaint regarding the proposed Bradley-Georgetown Transmission Corridor has been completed.

The Interested Citizens Group (ICG) represents some 4,500 citizens between Bradley Junction on the north and Milton on the south. This area includes the townships of Halton Hills, Erin, East Garafraxa, East Luther, West Luther, Protton, Egremont, Normandy, Bentinck, and Brant and the four counties of Halton, Wellington, Dufferin and Grey.

On July 2, 1975, Mr. W. J. Mann, President of the ICG, wrote to the Office of the Ombudsman, requesting assistance with his problem. Mr. Mann, on behalf of the ICG, contends that the people of the above area are entitled to an independent study of the total corridor to determine the most efficient route for the transmission line having regard to a) cost, and b) the least impact on: i) people; ii) environment; iii) agricultural land.

During the summer of 1975 meetings were held by the Environmental Hearing Board regarding the Bradley-Georgetown Transmission Line. However, the Board's terms of reference were confined to the area between points 33 and agricultural land, eliminating the critical escarpment crossing at Limehouse, and at a much lower cost. This route would run from Bruce to Essa via Owen Sound and Collingwood.

During December, 1975, my office informed you by letter that Mr. Mann's complaint on behalf of the ICG had been assigned for investigation. We were subsequently advised by you that our jurisdiction to investigate was called into question, since the Bradley-Georgetown Transmission Line route was the subject of a Cabinet decision and an Order in Council dated December 23, 1975. Consequently Section 14 (b) of the Ombudsman Act, 1975, which provides "This Act does not apply, i.e. Colbeck on the north and Limehouse on the south. As a result, this Board could not consider the total corridor as requested by the ICG. It is the ICG's contention that a more efficient route than the one proposed by Ontario Hydro is available with less impact on people, less utilization of prime land to deliberations and proceedings of the Executive Council or any committee thereof." would preclude the exercise of the powers of investigation given to the Ombudsman by Section 15 of the Act.

Your Deputy Minister, Malcolm Rowan, also informed us that the matter was being referred to the Attorney General, to consider issuing a certificate pursuant to Section 21 (1) (b) of the Act, denying us power to consider the deliberations of Cabinet with reference to the subject matter of the complaint.

Subsequently, before receiving any certificate from the Attorney General, I, together with members of my staff, met with Mr. Rowan and Bruce MacOdrum, your Senior Advisor,

PC meeting told

Little concern over hydro line

There's not much argument against the hydro line in the Acton area, PC candidate George Gray was told at the annual meeting of the Acton Progressive-Conservative Association Wednesday.

Councillor G. W. McKenzie said some of the farmers who are affected thought council's making a contribution to the Concerned Citizens group was a mistake. He had heard from some who felt they were getting fair deals from hydro. Some people feel TV reception and police com-

munications could be affected, although this has never been proven. Some farmers were asking for an independent study, Mr. McKenzie added.

Mr. Gray reported of 420 questionnaires he received, three respondents said they were opposed to the hydro line. He pointed out 200 million dollars have been spent on the proposed line already.

H. H. Hinton said there has been plenty of public input. It is natural that there is not

Policy Development Group, at which time the facts, as well as the question of jurisdiction, were reviewed in detail. It was agreed that pursuant by my staff for further information would be considered as inquiries to ascertain if we had jurisdiction, rather than investigatory procedures.

Additional lengthy meetings and conversations were held by us with delegations from the ICG. They demonstrated their willingness to co-operate by modifying their original complaint and refining their request to an independent study of the northern corridor, and specifically the area between Owen Sound and Collingwood. It is the contention of the ICG that a 500 Kv hydro line from Bruce to Owen Sound to Collingwood to Essa could provide a more secure system than the Bradley-Georgetown transmission line.

It also appeared, according to the ICG, that Ontario Hydro has already held Hearings of Necessity in the Bruce to Owen Sound region and will be expropriating land for a 230 Kv line through this territory. In addition, it appears that Ontario Hydro has intentions of constructing a line from Collingwood to Essa. In light of the above it seemed reasonable to ICG to suggest that, at some future date, Ontario Hydro would consider the erection of a transmission line from Owen Sound to Collingwood in order to "complete the system". Perhaps at this stage of the development of the northern line, consideration could be given to a 500 Kv corridor in lieu of a 230 Kv corridor.

At our suggestion, a meeting with representatives of your Ministry and the ICG, and members of my staff and myself, was held in my office yesterday, which lasted for some seven hours. This was the first time that the opposing factions met across the table. It was acknowledged by all parties to be a useful meeting. My purpose in recommending it was my hope it would result in a compromise that would help solve the problem. However, this did not occur.

One could not help but be impressed by the weight of the argument presented by the ICG in support of an independent survey of at least the limited portion of the proposed northern route between Owen Sound and Collingwood. The ICG are a very representative group of citizens and their sincerity, dedication and absence of self-interest are beyond question.

The representatives of the Ministry, Mr. Rowan and Mr. MacOdrum, although strongly maintaining their position that the Ombudsman had no jurisdiction due to Section 14 (b) of the Act, unhesitatingly supplied all relevant material requested by us and showed us the utmost co-operation.

It appears from what was disclosed at yesterday's meet-

AMO support

Halton Hills Council's finance and personnel committee has recommended financial support in the amount of \$433 to the Association of Municipalities of Ontario for participation in hearings before the Ontario Energy Board about requested rate increase by Ontario Hydro.

complete agreement. He said it is felt the press gives one side of the issue (that of the objectors) and not the same sympathy is shown to analysing the government side.

Fred Dawkins observed it's a matter of trading off individuals' rights and the government's right to rule. He felt sufficient study has been done. "You can delay it forever."

He thinks a plebiscite would show the bulk of the people are not worried about the hydro line.

ing that as early as May 29, 1974, from the minutes of a Cabinet meeting held at that time, a decision was made accepting the recommendation of the Solandt Commission regarding the Limehouse Crossing. I am informed in a letter sent to me by the Deputy Minister in the Office of the Premier that in addition "Cabinet agreed that Ontario Hydro be given approval in principle to proceed with the development of one 500 Kv line from Bradley Junction to Limehouse, utilizing the route of an existing Hydro right-of-way which already has general acceptance by most citizen groups."

In view of this decision of the Executive Council, I must find that the Ombudsman is precluded by Section 14 (b) of the Act from investigating the complaint of the ICG.

I am asked to make a recommendation with respect to the request for an independent study by representatives of the ICG, Mr. Rowan and Mr. MacOdrum voiced strong opposition to this request. I have reluctantly come to the conclusion that since the matter is totally outside my jurisdiction, it would be inappropriate for me to accede to this request.

Yours faithfully, Arthur Maloney, O.C.

Squeeze on Maloney irks Julian Reed

Julian Reed, MPP Halton-Burlington, says he fears for the office of the Ombudsman following the recent decision by the Ontario Cabinet that Arthur Maloney and his office would not be able to proceed further with their investigation of alleged irregularities on the Bradley to Georgetown hydro corridor.

Why did the cabinet not exercise its option to go ahead with the corridor in 1974 if they had already made up their mind? Reed asks.

If they get away with muzzling Mr. Maloney and his office I see a problem in making public participation meaningful, the Halton-Burlington MPP says.

If the decision to go ahead with Bruce in 1969 was made, the government is virtually admitting public participation doesn't count, Reed said, despite assurances from Mr. Timbrell they will try to do better in future.

All the cabinet will have to do is go back to some obscure decision in any case they find unpalatable and the Ombudsman can be legislated out of action, Reed says.

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