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File No. 01014527-9999

Toronto, December 10, 2009

**Via Facsimile**

Lenzner Slaght Royce Smith Griffin LLP Barristers  
130 Adelaide Street West  
Suite 2600  
Toronto, Ontario M5H 3P5

Attention: William McDowell

Dear Sir:

**RE: City of Mississauga – Judicial Inquiry**

We are counsel to Enersource Corporation (“Enersource”).

We have reviewed the Terms of Reference and the Call for Applications for Standing with respect to the Inquiry being undertaken by Justice Cunningham. The Call indicates that, *inter alia*, there is to be an inquiry into issues in connection with the December, 2000 Shareholders’ Agreement regarding Enersource.

While at this stage of the proceedings it is not possible to identify with certainty the precise issues which will be the subject of the Inquiry, there may be matters raised which affect Enersource.

Also, it could be expected that Enersource might be in the possession of information, or might have submissions, which would be of assistance to the Commissioner in fulfilling his mandate.

Accordingly, it is submitted that Enersource ought to have the right to take part in the proceedings and to make submissions to the Commissioner on those matters which affect its interests or in respect of which it can be of assistance to the Commissioner, and standing before the Commission is accordingly hereby requested. We wish to make it clear that Enersource will restrict its participation to those matters which directly concern it and does not presently intend to be an active participant in the entire proceeding.

OGILVY RENAULT LLP / S.E.N.C.R.L., s.r.l.

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If there is any further information which you or the Commissioner require in advance of or at the hearing of this application to be held on Monday next, please advise.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Alan H. Mark", written in dark ink.

Alan H. Mark

AHM/il