

Court File No.: 02-CV-

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

**BRIAN PAYNE on his own behalf and on behalf of all members of
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA
and JUDY DARCY on her own behalf and on behalf of all members of
CANADIAN UNION OF PUBLIC EMPLOYEES**

Applicants

- and -

**JAMES WILSON and
HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO**

Respondents

APPLICATION UNDER Rule 14.05(3)(d) of the *Rules of Civil Procedure*

A F F I D A V I T

I, **MORNA BALLANTYNE**, of the City of Ottawa in the Province of Ontario, **MAKE
OATH AND SAY** as follows:

1. I am the Managing Director - National Services for the Canadian Union of Public Employees ("CUPE") and as such have knowledge of the matters deposed to in this affidavit.
2. CUPE has more than 500,000 members across Canada, including workers in health

care, education, municipalities, libraries, universities, social services, public utilities, transportation, emergency services and airlines. We represent 188,693 workers in Ontario.

3. Over 30,000 of our members are employed by electrical utilities including 31,156 workers employed by provincial hydro corporations in Ontario, Quebec and Manitoba and 2,176 employees of local utility companies, primarily in Ontario. In Ontario, we represent over 13,000 employees at the provincial hydro corporations, and more than 2,004 who work for local municipal utility companies, including several that have been acquired by Hydro One Inc.

4. Therefore the livelihoods of a large number of our members are tied to the electricity sector. As residents of Ontario, CUPE members and their families are also dependent upon a stable, reliable and affordable supply of electricity for their economic, and physical well being, for the reasons set out in the affidavit of Cecil Makowski sworn April 7, 2002.

5. In addition to collective bargaining and servicing its membership, the protection of public services is also at the core of CUPE's mandate. For this reason we have established an ongoing campaign to defend jobs and public services against privatization and contracting-out. Under the banner "Public Works!" CUPE is working to foster informed public discussion and debate about public sector services in such diverse spheres as water treatment, health care and energy.

6. In support of these efforts, CUPE has commissioned public opinion polls, sponsored public forums, and published numerous research studies in order to increase public awareness about the environmental, public health, policy and fiscal implications of the choices confronting governments at all levels concerning the delivery of services and the establishment of often costly service infrastructure.

7. Each year we publish an annual report on privatization documenting the public policy, fiscal and social implications of privatization initiatives concerning the delivery of services in the areas of health care, education, child care, municipal services, transportation, and energy. Our most recent annual report for 2001, includes a particular focus on the de-regulation and privatization of electricity services in Ontario. The relevant excerpts from this report are shown to me and marked as exhibit "A" to this affidavit.

8. CUPE is a founding member and supporter of the Ontario Energy Coalition. The Coalition is comprised of social justice, labour, environmental and other groups which have joined together to raise public awareness about the potential consequences of de-regulation and privatization of Ontario's electricity sector. The Coalition has sponsored dozens of public forums in communities across Ontario for this purpose. The Coalition's website includes several reports addressing the environmental, economic and social consequences of the government present plans for this sector.

9. In addition to the work of the CUPE National office, and our support for the Ontario

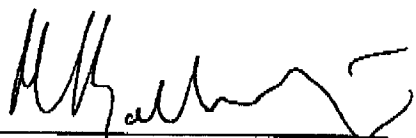
Electricity Coalition, CUPE Ontario has also been actively involved in convening public forums, publishing studies and reports on its web site, and otherwise raising awareness about the nature, and implications of the government's agenda for Ontario's electricity sector.

10. One of our locals, CUPE Local One, which represents the workers of Toronto Hydro has been particularly active in opposing further privatization and deregulation of the electricity in general, and in the sale of Toronto Hydro, in particular. As part of its efforts to expose the true costs associated with abandoning public control of Toronto Hydro, it commissioned a report which was prepared by Myron Gordon, professor emeritus of finance at the University of Toronto. A copy of Professor Gordon's report is marked as Exhibit "B" to this affidavit.

11. CUPE is steadfast in its opposition to privatization, and at the same time embraces the open, transparent and full public discussion and debate about the critical public policy issues at stake that one would expect to see in a democracy. For this reason, through our national and regional offices, as well as through our participation in the Ontario Electricity Coalition, we have invested significant resources in convening public forums so that the people of Ontario have some opportunity to express their views on question that will effect every resident and worker in this province.

12. I have read the affidavit of Cecil Makowski referred to above and agree with its contents.

SWORN BEFORE ME at the City)
of Ottawa in the Province)
of Ontario, this ¹⁴7th day)
of April, 2002)



Morna Ballantyne



A Commissioner for Taking Affidavits