



By Electronic Mail

October 14, 2009

Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street,
Toronto, ON M4P 1E4

Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

**Re: Request for Eligibility for an Award of Costs
EB-2009-0120 – Application by Yellow Falls Power Limited Partnership for
and Order granting leave to construct a transmission line connecting a 16
mw waterpower project to transmission system of Hydro One Networks Inc.**

We hereby submit a request for cost eligibility on behalf of Taykwa Tagamou Nation (TTN) in accordance with the Ontario Energy Board's *Practice Direction on Cost Awards*. The TTN previously submitted an application to participate in the above noted Application by Yellow Falls Power Limited Partnership for leave to construct, and was accepted as an intervenor on September 29, 2009 in Procedural Order no. 2.

In my letter of September 21, I outlined the TTN's traditional territory. The proposed development is within this traditional territory. The TTN families have used and continue to use the land that will be affected by the proposal for traditional purposes including hunting, trapping, camping and ceremonial purposes. The TTN has signed an Agreement with Canadian Hydro Developments in relation to the proposed development at Yellow Falls.

In addition, the TTN has signed numerous agreements with developers in its traditional territory showing its sustained interest in the area.

The Ontario Energy Board's "*Practice Direction on Cost Awards*". Section 3 describes cost eligibility.

3.03 A party in a Board process is eligible to apply for a cost award where the party:

(a) primarily represents the direct interests of consumers (e.g. ratepayers) in relation regulated services; (b) primarily represents a public interest relevant to the Board's mandate; or (c) is a person with an interest in land that is affected by the process.

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It is submitted that TTN is eligible for costs under section 3.03(c) as the TTN has used and continues to use the land as its traditional territory. Such interest has been recognized by the numerous Proponents as evidenced by Agreements signed with TTN.

In addition, the TTN is eligible for costs under section 3.03(b) as the TTN represents a public interest relevant to the Board's mandate in as far as the Board has the jurisdiction to consider Aboriginal consultation. Even if the Board ultimately decides that its jurisdiction to consider Aboriginal consultation is limited, the Board has a public interest in deciding its mandate appropriately and with informed input from interested parties.

Finally, TTN members are consumers of electricity, making the TTN eligible for costs under section 3.03(a).

TTN requires capacity to meaningfully participate in this hearing as its existing sources of funding are limited.

TTN understands that a responsible intervention to this hearing will add value and is deserving of costs.

Thank you for your consideration. We look forward to a positive response to this request for costs eligibility.

Yours truly,



Merv McLeod
Advisor to Taykwa Tagamou Nation

cc. Chief Dwight Sutherland

