



**MANNING**  
ENVIRONMENTAL LAW

Sent by Mail and Electronic Mail

March 1, 2012

Ontario Energy Board  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, ON M4P 1E4

Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

**Re: Request for Intervention and Costs Eligibility - EB-2011-0140 Transmission Infrastructure: The East-West Tie Line**

We are counsel to the National Chief's Office on Behalf of the Assembly of First Nations ("NCO"). We refer to our previous correspondence to you in this matter.

The NCO has actively participated as intervenor and has been found eligible for an award of costs in the following proceedings:

- the Integrated Power Supply Plan (IPSP) (EB-2007-0707)
- the Transmission Connection Cost Responsibility Review (EB-2008-0003).
- the Distribution System Code Proposed Amendments regarding Connection Cost Responsibility for Renewable Distributed Generation (EB-2009-0077)
- the Retail Settlement Code and the Distribution System Code Proposed Amendments regarding the Settlement and Billing of Renewable Embedded Retail Generation Facilities (EB-2009-0303)
- the Regulatory Treatment Infrastructure Investment for Ontario's Electricity Transmitters and Distributors (EB-2009-0152)
- Transmission Project Development Planning (EB-2010-0059)
- Renewed Regulatory Framework For Electricity (EB-2010-0377, EB-2010-0378, EB-2010-0379 and EB-2011-0043)

The NCO applies to intervene in this proceeding and for eligibility for an award of cost in accordance with the Ontario Energy Board's *Practice Direction on Cost Awards*.

The NCO has made submissions in the above proceedings from the perspectives of First Nations as energy consumers and energy generators, transmitters and distributors. Those perspectives are relevant to the NCO's participation in this proceeding, not least because

of Minister Duguid's requirement that the Board take into account "the significance of Aboriginal participation to the transmission project".

The Assembly of First Nations ("AFN") is the national representative organization for all the First Nations in Canada. The AFN represents the interests of 615 First Nations nationally, of which 134 are located in Ontario.

We respectfully submit that the NCO is eligible for costs under section 3.03(b) of the *Practice Direction on Cost Awards* as the NCO "primarily represents a public interest relevant to the Board's mandate". In addition, the 134 First Nations of Ontario represented by the AFN are a substantial body of consumers (ratepayers) in relation to regulated services, thus qualifying the NCO for costs under section 3.03(a).

The NCO intends to participate actively and responsibly throughout this proceeding. The NCO will coordinate its efforts with other registered participants where appropriate.

#### CONTACT DETAILS

The NCO has retained Manning Environmental Law as counsel in connection with this proceeding.

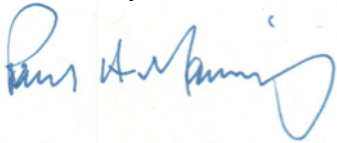
Contact details for the distribution list are as follows:

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We look forward to hearing from you.

Yours truly,



**Paul Manning**  
*Certified as a Specialist in Environmental Law  
by the Law Society of Upper Canada*