

ONTARIO ENERGY BOARD

**NOTICE OF PROCEEDING TO DESIGNATE
A TRANSMITTER TO CARRY OUT DEVELOPMENT WORK
FOR THE EAST-WEST TIE LINE**

**NOTICE OF INTERVENTION
OF THE
OJIBWAYS OF PIC RIVER FIRST NATION**

TO: Ms. Kirsten Walli
Board Secretary

1. Ojibways of Pic River First Nation ("PRFN") hereby expresses its intention to intervene and participate in the above-noted proceeding.
2. The PRFN is located on the north shore of Lake Superior at the mouth of the Pic River. The PRFN has approximately 1000 members, half of whom reside on the reserve.
3. The Board has undertaken a designation process to select the most qualified and cost-effective transmission company to develop the East West Tie line ("E-W Tie"). Licensed transmitters and those who have applied for a transmission license have been invited by the Board to indicate their interest in filing a plan for the development of the E-W Tie.
4. The decision criteria and filing requirements set out under the designation process will be critical to the successful construction of the E-W Tie. Depending on the size, complexity and location of the particular line, some criteria will be relatively more important than the others. The Board has determined that the criteria will be weighted by the Board, based on evidence in the designation process and taking into account the individual circumstances of the project.
5. The successful Applicant who is designated will undertake development work on enabler facilities and network expansions.
6. The development of the E-W Tie will take place within the traditional territory of the PRFN.

7. The PRFN exercise aboriginal rights over their traditional territory and have asserted a title claim over same therefore their members will be directly affected by the development work undertaken by the transmitter designated.
8. As a result, the input of the PRFN is critical to the Board's assessment of issues relevant to the designation process.
9. The PRFN expects to participate in the hearing by adducing evidence, conducting cross-examinations and/or submitting interrogatories and presenting arguments as they deem appropriate with respect all issues arising in the designation process.
10. Where possible, and where the PRFN's positions align with other First Nation and/or Aboriginal intervenors, the PRFN will endeavor to coordinate their efforts so as to promote efficiency before the Board in the designation process.
11. At this time, the PRFN does not object to a written hearing however, would reserve its right to request an oral hearing on any discrete matter that may arise in the context of this proceeding.
12. The PRFN will be requesting an award of costs for its participation in this proceeding and believes that, as it has an interest in the land that is directly affected by the designation process and any development work that will be completed, it meets the eligibility criteria set out in the Ontario Energy Board's Rules of Practice and Procedure (Section 41) and its' Practice Direction on Cost Awards (Section 3.03).
13. The PRFN has retained Harrison Pensa LLP as its legal counsel in this matter and may retain qualified consultants to ensure that its interests are protected and will proceed on the basis that the PRFN can recover the related fees and disbursements incurred based on the Board's Practice Direction on Cost Awards at the prevailing Cost Award Tariff.
14. The PRFN requests that copies of any and all supporting materials in relation to this matter be served on its legal counsel at the address noted below:

Harrison Pensa LLP
Barristers & Solicitors
450 Talbot Street
London, ON N6A 5J6
Tel: 519-679-9660
Fax: 519-667-3362
Email: cgodby@harrisonpensa.com

Attention: Carol L. Godby

March 2, 2012

HARRISON PENZA ^{LLP}

A handwritten signature in black ink, appearing to be 'C. Godby', with a period at the end.

Carol L. Godby