



HARRISON PENZA

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April 30, 2012

VIA RESS FILING and COURIER

Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street, Suite 2700
Toronto, ON M4P 1E4

Dear Ms. Walli,

Re: **Board file number: EB-2011-0140**
Request for Confirmation in Relation to Consultation

We are counsel for Pic River First Nation ("PRFN") in the above noted proceeding.

The Ontario Power Authority ("OPA") has advised that they have completed their consultation activities with aboriginal communities in respect of the East-West Tie. On March 29, 2012, following the all parties meeting to discuss the draft issues list and upon hearing a presentation from OPA, we requested the OPA to provide the record of consultation on the East -West Tie and, in particular, requested the record of advice from the Crown noting that the consultation requirements were satisfied.

In its submissions dated April 24, 2012, Board Staff noted: "the OPA has completed its planned consultation activities for the East-West Tie line" (page 7).

As of this date, our client has not received any documentation from the OPA in relation to our requests and therefore cannot agree with Board Staff's assumption noted above.

Effective consultation is critical to the success of the development of the East -West Tie line. A review of the record of consultation that has occurred to date by the OPA is important to assess whether the Crown's duty was in fact, fulfilled in this instance. The record is also important to the Application process. PFRN expects that a plan for aboriginal consultation will need to form part of the filing requirements. The development of these consultation plans will be aided where parties are aware of and understand the record of engagement to date.

As such PRFN respectfully requests the Board direct OPA to provide the following:

1. Its record of consultation activities to date;
2. The advice of the Crown that the OPAs consultation activities were completed.

We thank you for your attention to the above.

All of which is respectfully submitted.

Yours very truly,

HARRISON PENSA^{LLP}

A handwritten signature in black ink, appearing to be "CLG", with a period at the end.

Carol L. Godby
CLG/clg