

**IN THE MATTER OF** sections 70 and 78 of the *Ontario Energy Board Act 1998*,  
S.O.1998, c.15, (Schedule B);

**AND IN THE MATTER OF** a Board-initiated proceeding to designate an electricity transmitter to undertake development work for a new electricity transmission line between Northeast and Northwest Ontario: the East-West Tie Line.

WRITTEN SUBMISSION PERTAINING TO THE ISSUES IN PHASE 1 OF  
NOACC – NOMA Intervenor: (The Northwestern Ontario Associated Chamber of  
Commerce and the Northwestern Ontario Municipal Association, combined with City of  
Thunder Bay)

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1   **1     INTRODUCTION**

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3   The Intervenors NOACC, NOMA and the City of Thunder Bay (the NOACC – NOMA  
4   Intervenors) wish to make Submissions following on points raised in the Board Staff  
5   Submissions.  
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7   **2     DECISION CRITERIA**

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9   2.1   Issues 1- 4:

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11   The NOACC – NOMA Intervenors are pleased to see that the Board has removed the  
12   section of the filing requirements that implied that transmitters must undertake consultation  
13   as part of plan preparation.  
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15   Care must be taken not to let the designation proceeding become an occasion for  
16   confusion as to the role and expectations of the affected First Nations. Applicant  
17   transmitters must be able to demonstrate the capacity they have for conducting meaningful  
18   consultation with affected First Nations. That capacity might include, for example the  
19   demonstration of:

- 20       • Past experience
- 21       • Expertise available
- 22       • Financial resources to be allocated to the consultation process itself.

23  
24   Correspondingly, applicant transmitters should be required to provide assurances within  
25   their applications that:

- 26       • they have done nothing that would serve to have implied to the affected First  
27        Nations that at this stage the transmitter has had any authority or intention to  
28        suggest any settled incidents of participation or benefit will be forthcoming; and

- 1       • they have no property in resources or information (save and except proprietary  
2       information).

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4       The point, obviously, is to avoid the situation where the transmitter ultimately achieving  
5       designation is confronted by implied commitments to First Nations made by the other six  
6       competitors or excluded from access to resources and non-proprietary information useful  
7       to development of the designated transmitter's ongoing planning. The Board could direct  
8       some process of arbitration as to cost and reimbursement where appropriate.

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10      2.2     Issue 7

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12      The NOACC – NOMA Intervenors ask whether there should be stated criteria at this stage  
13      for accommodations in plan and implementation that facilitate future add-ons to the East  
14      West Tie, including but not limited to one or more under-builds on the same structures and  
15      step-down transformers.

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17      2.3     Issue 8

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19      The NOACC – NOMA Intervenors would support all requirements for planning and  
20      scheduling of construction that address the complete project (Wawa to the City of Thunder  
21      Bay) notwithstanding the fact that the East West Tie has for purposes of security been  
22      separated into two discrete segments (Wawa to Marathon and Marathon to Thunder Bay).

23  
24      Plans that address a collateral build for each of the two segments would seem ideal.