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VIA EMAIL, COURIER & RESS

May 9, 2012

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

Dear Ms. Walli:

Re: East-West Tie Designation Proceeding (EB-2011-0140)

I am writing in response to your letter of May 2, 2012 in which the Ontario Power Authority ("OPA") was directed to file:

- a record of its Aboriginal consultation activities to date, regarding the East-West Tie line project, with copies to all intervenors;
- an explanation of the nature of consultation activities carried out and the feedback from the communities consulted.

On May 4, 2012, the OPA requested that the submission date be extended to May 11, 2012.

On May 31, 2011, the Ministry of Energy delegated certain procedural aspects of any duty to consult on the East-West Tie line project to the OPA prior to any Board transmitter designation. The Ministry directed the OPA to consult with identified First Nation and Métis communities regarding its planning work in establishing the rationale, scope and timing of the East-West Tie line project. The Ministry also directed the OPA to include a record of its discussions with First Nations and Métis communities in its preliminary assessment report to the OEB by June 30, 2011. The OPA's consultation does not preclude project level consultation which may be delegated to the designated transmitter by the Crown.

The OPA worked closely with the Ministry in carrying out consultation activities. Representatives of the Ministry were directly involved in regional sessions and some community meetings and were provided frequent status updates on these activities. The OPA's preliminary assessment report was shared with the Ministry, and reflected a record of discussions with First Nations and Métis communities. The OEB asked in its

letter of May 2, 2012 for the OPA to confirm if "advice" from the Crown existed. There is no written record of such "advice", however, the Crown did not express any concerns with respect to the activities undertaken by the OPA on its behalf.

The activities undertaken by the OPA on behalf of the Crown with respect to the East-West Tie line project include the following:

- Information about the East-West Tie process was shared by the Ministry of Energy with each of the identified First Nation and Métis communities;
- Regional sessions in Toronto, Sudbury and Thunder Bay on the Integrated Power System Plan included a distinct agenda item to provide the identified First Nation communities an opportunity to receive information and provide feedback regarding the rationale, scope, and timing of the East-West Tie line project and the OEB's designation process;
- Community meetings were offered to First Nation and Métis communities that were identified by the Crown to discuss the East-West Tie line project, including the rationale, scope, and timing, as well as the OEB's designation process; and
- The draft report was shared with all identified First Nation and Métis communities with an additional opportunity to provide written submissions on the OPA's findings as they relate to the rationale, scope and timing of the East-West Tie line project, along with any Aboriginal interests as documented in the draft report.

The attached record of activities undertaken by the OPA demonstrates its efforts to ensure that each of the identified communities was provided with the information and the opportunity to raise interests or concerns in respect of the East-West Tie line project. While not all communities participated in regional sessions or community meetings, each community was provided several opportunities to receive information and provide feedback to the OPA.

The OPA's report on the project, entitled *The Long Term Electricity Outlook for the Northwest and Context for the East-West Tie Expansion*, noted that the interests or concerns raised by First Nation and Métis communities through the consultation sessions were linked to the cost of the project and the importance of beginning consultation early in the project development phase. The OPA heard that it is important to consider potential project costs that may relate to Aboriginal participation in the transmission project and any accommodation of Aboriginal or treaty rights. These points were reiterated directly to the Board during the session for intervenors and transmitters on March 23, 2012.

Thank you,



Nancy Marconi
Manager, Regulatory Proceedings