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BY E-MAIL

December 11, 2012

To: Electricity Transmitters Registered in the East-West Tie Designation Proceeding EB-2011-0140

Re: Ministry of Energy's Letter to the Board Regarding the Duty to Consult with Aboriginal Communities

The Board wishes to advise applicants in the East-West Tie designation proceeding of a letter it received from Deputy Minister of Energy Serge Imbrogno on December 4, 2012, attached.

The letter confirms the Crown's intention to delegate the procedural aspects of the duty to consult with Aboriginal communities in the next phase of consultation, to the transmitter that is ultimately designated by the Board. Moreover, it is the Deputy Minister's expectation that the designated transmitter will enter into a memorandum of understanding (MOU) with the Ministry of Energy, on terms and conditions to be determined by the Ministry.

In its Phase 1 Decision, the Board established the specifics for the designation proceeding, including decision criteria and filing requirements. The decision created a new criterion entitled, "First Nation and Métis participation", and divided the original criterion, entitled "Landowner and other consultations" into two criteria: "landowner, municipal and community consultation" and "First Nation and Métis consultation". In recognizing that First Nation and Métis consultation is unique in being a constitutional obligation on the Crown (certain aspects of which may be delegated to the designated transmitter), the Board ruled that "applicants will be required to demonstrate their ability to conduct successful consultations with First Nation and Métis communities, as may be delegated by the Crown, by providing a plan for such consultations, and evidence of their experience in conducting such consultations." The Board's ruling in this regard was reflected in the approved filing requirements for the East-West Tie line designation process (attached as Appendix A to the Phase 1 Decision).

Applicants are hereby requested to comment on the proposed MOU requirement as a condition of designation. Comments are to be submitted as part of the designation applications, due January 4, 2013.

Yours truly,

Original signed by

Kirsten Walli
Board Secretary

c: All parties in EB-2011-0140
Deputy Minister Serge Imbrogno

Attachment: Ministry of Energy's Letter to the Board, dated November 26, 2012