

Richard B. Salter

April 26, 2013

Jean Teillet, IPC

**VIA EMAIL**

Colin Jesse Salter

Ontario Energy Board  
2300 Yonge Street  
27<sup>th</sup> Floor, Suite 2701  
Toronto, ON, M4P 1E4

Alex Monem

Jason T. Madden

**Attention:      Ms. Kirsten Walli, Board Secretary**

Nuri Frame

Dear Ms. Walli:

Paul Bachand

**Re:      EB-2011-0140: East-West Tie Line Designation Proceeding**

Honourary Counsel:

We are counsel for the Métis Nation of Ontario (MNO) in the abovementioned proceeding. We write to make two requests to the Board in relation to Procedural Order No. 6.

Arthur C. Pape  
(1942 – 2012)

**1. Extension of Non-Applicant Intervenor Filing Deadline to May 9<sup>th</sup>, 2013**

Jennie Jack  
(Non-Practicing)

We request an extension to the filing deadline for the written submissions of non-applicant intervenors because the oral sessions in Thunder Bay will not conclude until the afternoon of Friday, May 3<sup>rd</sup>, 2013. The MNO believes that the information that will be provided to the Board in Thunder Bay is important and that non-applicant intervenors should have a reasonable opportunity to review and incorporate relevant testimony and materials from these sessions into their written submissions.

The current filing deadline of Monday, May 6<sup>th</sup>, 2013 is challenging and will limit the ability of intervenors to meaningfully integrate this information into written submissions. The MNO also notes that based on the current schedule applicants will be provided a reasonable opportunity to review and respond to this information in their replies that are due May 30<sup>th</sup>, 2013; yet, non-applicant intervenors will not.

In the interest of fairness to all parties and respect for the information that will be provided to the Board in Thunder Bay, the MNO requests that the filing deadline for non-applicant intervenors be extended until May 9<sup>th</sup>, 2013. This extension will still provide all applicants sufficient opportunity to review the written submissions of non-applicant intervenors prior to filing replies on May 30<sup>th</sup>, 2013.

## 2. Opportunity for Legal Counsel for Non-Applicant Intervenors to Make Oral Submissions

The MNO is requesting the opportunity for its legal counsel to provide oral argument to the Board in relation to the MNO's written submissions. While the MNO appreciates the opportunity for the Métis community's leadership to make presentations in Thunder Bay, it also believes that given the fact that this is the first designation of its kind in Ontario and the significance of Aboriginal issues in these proceedings, oral submissions from legal counsel are necessary. In particular, the MNO believes oral submissions from legal counsel on the applicability of the Crown's duty to consult and accommodate in the context of this designation hearing and the application of Ontario Government policy in a non-discriminatory manner will be of assistance to the Board in its deliberations. As such, the MNO is requesting a one day hearing in early June in Toronto for its legal counsel to make oral submissions based on the MNO's written submissions.

Thank you for your consideration of these requests.

Yours very truly,

A handwritten signature in black ink that reads "JMadden". The signature is written in a cursive style with a large, stylized 'J' and 'M'.

Jason Madden

c.c. All Parties in EB-2011-0140