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August 30, 2018

**BY EMAIL AND RESS**

Ontario Energy Board  
2300 Young Street  
27<sup>th</sup> Floor  
Toronto, Ontario M4P 1E4

Attn: Kirsten Walli, Board Secretary

Dear Ms. Walli:

**RE: EB-2017-0812/EB-2017-0194/EB-2017-0364**

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We are counsel to Biinjitiwaabik Zaaging Anishinaabek ("BZA"). Please find the enclosed interrogatories to Nextbridge Infrastructure on behalf of our client pursuant to **Procedural Order No. 1 on Combined Hearings**.

Please do not hesitate to contact me should there be any issues with the same.

Yours very truly,

**ESQUEGA LAW OFFICE**

**ETIENNE ESQUEGA**

cc. Hydro One Networks Inc.  
Nextbridge Infrastructure  
Intervenors  
Board Staff

Encl. BZA\_IR\_UTC\_20180830

**ONTARIO ENERGY BOARD**

**IN THE MATTER OF** the *Ontario Energy Board Act*, 1998, S.O. 1998, c.15 (Schedule B), as amended;

**AND IN THE MATTER OF** an application by Upper Canada Transmission Inc., under section 92 of the *Ontario Energy Board Act* for an Order or Orders granting leave to construct an electricity transmission line between Thunder Bay and Wawa

**AND IN THE MATTER OF** an Application by Hydro One Networks Inc. pursuant to section 92 of the *Ontario Energy Board Act* for an Order or Orders granting leave to upgrade existing transmission station facilities in the Districts of Thunder Bay and Algoma

**AND IN THE MATTER OF** an Application by Hydro One Networks Inc. pursuant to section 92 of the *Ontario Energy Board Act* for an Order or Orders granting leave to construct an electricity transmission line between Thunder Bay and Wawa.

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**INTERROGATORIES**

**From BIINJITWAABIK ZAAGING ANISHINAABEK (“BZA”)**

**To UPPER CANADA TRANSMISSION INC. (on behalf of Nextbridge Infrastructure) (“Nextbridge”)**

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August 30, 2018

## **BZA-1**

Reference: Nextbridge Application EB-2017-0182 Exhibit H Tab 1 Schedule 1; and Interrogatory Response to Staff Interrogatory 41, EB-2017-0182 Exhibit 1.H. Nextbridge Staff 41 (Filed January 25, 2018)

Please provide an updated record of First Nation and Metis consultation. Please include dates of any and all correspondence, records and notes from community meetings, records of attendance, feedback provided, internal memos or correspondence discussing the results or feedback of consultation, or any other document relevant to consultation.

## **BZA -2**

Reference: Interrogatory Response to Staff Interrogatory 41, EB-2017-0182 Exhibit 1.H. Nextbridge Staff 41 and Attachment (Filed January 25, 2018); and Transcript\_Oralhearing\_EWT\_20180705 EB-2017-0182/EB-2017-1094, page 128 & 135 (July 5, 2018).

In your response to staff interrogatory #41 Nextbridge attached a Memorandum. Page 3 of that Attachment includes a statement that BZA had at some point informed Nextbridge that it did not intend to submit TLU and TEK information for the Project. Nextbridge noted in the Development Costs hearing that BZA has had turnover of personnel and leadership during the project so far.

Was Nextbridge ever provided with written confirmation that BZA did not intend to submit TLU and TEK information? If so, please produce. Has Nextbridge ever followed up on this issue with BZA after the change in leadership of the community? If so, when and what was the response from BZA? Please provide a record of this discussion.

## **BZA-3**

Reference: Nextbridge Application EB-2017-0182 Exhibit H, Tab 1, Schedule 1, Pages 1-3 (Filed July 31, 2017)

Please include up-to-date detailed records of consultation spending for each First Nation and Metis community to date. Please provide an explanation for any differences in the amount of consultation spending between any First Nation and/or Metis community.

## **BZA-4**

Reference: Nextbridge Application EB-2017-0182 Exhibit H, Tab 1, Schedule 1 (Filed July 31, 2017)

Please provide a detailed plan and schedule of future consultations with the First Nation and Metis communities identified above, and in particular with respect to BZA. Identify any issues that have arisen in scheduling or continuing consultation and provide details of the same, including any relevant correspondence or decisions.

## **BZA-5**

Reference: Nextbridge Application EB-2017-0182 Exhibit H, Tab 1, Schedule 1 (Filed July 31, 2017)

Please provide a detailed breakdown of the consultation budget on a go-forward basis for each First Nation and Metis community, and in particular with respect to BZA. Please provide a detailed

explanation for any differences in the amounts budgeted for different First Nations and/or Metis Communities.

### **BZA-6**

Reference: Nextbridge Response to Staff Interrogatory 41, EB-2017-0182 Exhibit I.H. Nextbridge STAFF 41 Page 1 (Filed January 25, 2018); and

Nextbridge Responses to Staff Interrogatory 3 EB 2018-0182/EB-2017-0194 Exhibit I.JD.1. Nextbridge.STAFF.3 (Development Costs) Page 3. (Filed August 24, 2018); and

Please provide copies of any reports or updates on First Nations or Metis consultation and engagement provided to the MOE or MOECC, or any other crown department or agency, and in particular with respect to BZA.

Please provide any assessments/feedback/responses from the MOE or MOECC, or any other crown department or agency, that consider/discuss/or assess Nextbridge's reports and updates on the First Nation and Metis consultation.

Please also provide any evaluations that have been provided by the MOE and MOECC, or any other crown department or agency, to Nextbridge in relation to Nextbridge's consultation efforts. In particular, have any evaluations been provided by MOE and MOECC, or any other crown department or agency to Nextbridge in relation to Nextbridge's consultation efforts in relation to BZA? If so, please provide a copy of those evaluations.

Has anyone from the MOE, MOECC, or any other crown department advised that the consultation effort with respect to the First Nations and/or Metis communities, and in particular with respect to BZA, been adequate for the purposes of the crown to fulfill its duty to consult? If so, please produce a copy of the record and correspondence concerning the same.

### **BZA-7**

Reference: Nextbrige Application EB-2017-0812 Exhibit H, Tab 1 Schedule 1 pages 4-6 (Filed July 31, 2017)

Has Nextbridge prepared a projected participation budget. Please provide a detailed breakdown of the projected participation budget for each First Nation and Metis community and specifically with respect to BZA. Please provide a detailed explanation for any differences in the amounts budgeted for each First Nation and/or Metis Communities.

### **BZA-8**

Reference: Nextbridge Undertaking JT1.21 EB-2017-0364 Exhibit JT1.21 (Filed May 25, 2018); and Nextbrige Application EB-2017-0812 Exhibit H, Tab 1 Schedule 1 pages 4-6 (Filed July 31, 2017)

In fulfilling Indigenous participation obligations, will BZA be offered any equity participation in the project or are the economic participation opportunities for Biinjitiwaabik Zaaging Anishinaabek limited to employment opportunities and contracts for services and/or procurement?

If so, to what degree, if any, will Nextbridge rely on the employment of BZA members through BLP/SuperCom to satisfy economic participation obligations? Will BZA be offered any economic opportunities directly with Nextbridge?

What other economic participation options will be offered to BZA and the other affected First Nation and Metis communities? Please provide a detailed explanation.

Will Nextbridge offer differing economic participation opportunities to different First Nations and Metis communities? If so, please provide a detailed explanation as to why.

### **BZA-9**

Reference: Nextbridge Application EB-2017-0182 Exhibit H, Tab 1, Schedule 1, page 9 (Filed July 31, 2017); and  
Transcript\_Oralhearing\_EWT\_20180705 EB-2017-0182/EB-2017-1094, page 131 (July 5, 2018).

Please provide an explanation of why economic partnership or equity agreements have not been negotiated with BZA but have been negotiated with the BLP First Nations and MNO.

Please provide a detailed explanation of why the Biinjitiwaabik Zaaging Anishinaabek has been treated differently from the BLP First Nations and MNO. Please provide all correspondence, notes, internal memo's, decisions or other documentation discussing the which Indigenous groups were to be consulted, to what degree and any justification. Please provide any evaluation criteria that Nextbridge uses internally for making determinations on the degree of consultation or accommodation owing to any affected Indigenous community.

### **BZA-10**

Reference: Nextbridge Undertaking JT1.21 EB-2017-0364 Exhibit JT1.21 (Filed May 25, 2018); and  
Transcript\_Oralhearing\_EWT\_20180705 EB-2017-0182/EB-2017-1094, pages 132-133 (July 5, 2018)

Nextbridge has stated that SuperCom has trained and is employing members from some/all of the affected First Nations.

In response to BZA's request for undertaking J.1.21 in the motion to dismiss HONI's Application for Leave to Construct, Nextbridge advised that only four (4) members of BZA were being trained/employed through Supercom? Is that number still the same?

### **BZA-11**

Reference: Nextbrige Application EB-2017-0812 Exhibit H, Tab 1 Schedule 1 pages 4-6 (Filed July 31, 2017);  
Nextbridge Undertaking JT1.21 EB-2017-0364 Exhibit JT1.21 (Filed May 25, 2018); and  
Transcript\_Oralhearing\_EWT\_20180705 EB-2017-0182/EB-2017-1094, pages 132-133 (July 5, 2018); and

What employment opportunities has Nextbridge offered, or does Nextbridge expect to offer to members of Biinjitiwaabik Zaaging Anishinaabek? Please provide details of each employment opportunity, including the expected term of any position, job description and salary.

Similarly, what contracts for services or procurements has Nextbridge offered, or expect to offer to Biinjitiwaabik Zaaging Anishinaabek or member operated businesses? Please provide details of every anticipated service or procurement contract including the estimated value of the contract and the term.

Please distinguish between opportunities that will be offered through SuperCom and which opportunities will be offered directly to Biinjitiwaabik Zaaging Anishinaabek from Nextbridge

### **BZA-12**

Reference: Nextbrige Application EB-2017-0812 Exhibit H, Tab 1 Schedule 1 pages 4-6 (Filed July 31, 2017); and  
Transcript\_Oralhearing\_EWT\_20180705 EB-2017-0182/EB-2017-1094, page 132  
(July 5, 2018).

What employment opportunities has Nextbridge offered, or does Nextbridge expect to offer to members each First Nation and Metis Community? Please provide details of each employment opportunity, including the expected term of any position, job description and salary. Provide details of which First Nation and Metis communities these employment opportunities will be offered?

Similarly, what contracts for services or procurements has Nextbridge offered, or does Nextbridge expect to offer to each First Nation and Metis community or member operated business. Please provide details of each potential service and procurement contract, including the expected term and value of the contract. Provide details of which First Nation and Metis community these service and procurement contracts will be offered?

Please provide a detailed explanation for any differences in what employment, service, or procurement opportunities are available to each First Nation/Metis community or their members.

Please distinguish between opportunities offered through SuperCom and which opportunities are to be offered directly to respective First Nations or Metis communities.

### **BZA-13**

Reference: Nextbridge Application EB-2017-0182 Exhibit H, Tab 1, Schedule 1 (Filed July 31, 2017);

If granted leave to construct, will Nextbridge refrain from construction until obtaining the consent of Biinjitiwaabik Zaaging Anishinaabek and the other First Nation or Metis communities to construct the Lake Superior Link transmission line?

### **BZA-14**

Reference: Transcript\_Oralhearing\_EWT\_20180705 EB-2017-0182/EB-2017-1094, page 135  
(July 5, 2018).

Did Nextbridge's Capacity Funding Agreement with Biinjitiwaabik Zaaging Anishinaabek expire March 31, 2015? Was the agreement renewed or renegotiated? Please provide any effective Capacity Funding Agreement or any other executed agreements with Biinjitiwaabik Zaaging Anishinaabek in relation to this project.

### **BZA-15**

Reference: FinalTranscripts\_HONI\_MOTION\_Technical Conference\_20180517 EB-2017-0364  
page 247 (Filed May 17, 2018); and

At the technical conference on May 17, 2018, Mr. Goulais stated that in the 2013 designation proceedings, the Bamkushwada communities were identified as being the most-impacted and the most proximate to the project.

Please provide any/all memos, documents, correspondence either internal to Nextbridge or with the MOE where there is discussion, determination or consideration of:

- a) the level of consultation that may be afforded to the differing affected First Nations and Metis groups;
- b) which First Nations and Metis groups are the most directly affected.

Please also identify who, in particular, advised or determined that BZA was not to be included in the group that was deemed to be most-impacted and most-proximate. Did anyone provide notice or consult with BZA concerning this determination. If so, please provide a record of this.