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June 17, 2009

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, ON M4P 1E4

Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

**Re: Request for Cost Eligibility  
EB-2009-0077  
Proposed Amendments to the Distribution System Code**

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We are counsel to the National Chief's Office on Behalf of the Assembly for First Nations ("NCO").

The NCO has actively participated as intervenor and has been found eligible for an award of costs in the following proceedings:

- the Integrated Power Supply Plan (IPSP) (EB-2007-0707)
- the Transmission Connection Cost Responsibility Review (EB-2008-0003).

We understand that, because of its involvement in the above proceedings, the NCO is automatically registered as intervenor in this proceeding.

The NCO hereby applies for eligibility for an award of cost in this proceeding in accordance with the Ontario Energy Board's *Practice Direction on Cost Awards*.

The NCO has made submissions in both of the above proceedings from the perspective of First Nations both as energy consumers and energy generators. Those perspectives are also relevant to the NCO's participation in this proceeding.

The NCO has retained Willms & Shier Environmental Lawyers LLP as counsel Bell & Bernard Limited as consultants in connection with this proceeding.



The Assembly of First Nations ("AFN") is the national representative organization for all the First Nations in Canada. The AFN represents the interests of 615 First Nations nationally, of which 134 are located in Ontario.

We respectfully submit that the NCO is eligible for costs under section 3.03(b) of the *Practice Direction on Cost Awards* as the NCO "primarily represents a public interest relevant to the Board's mandate". In addition, the 134 First Nations of Ontario represented by the AFN are a substantial body of consumers (ratepayers) in relation to regulated services, thus qualifying the NCO for costs under section 3.03(a).

The NCO intends to submit written comments on the Board's proposed amendments to the Distribution System Code and to participate actively and responsibly throughout this proceeding. The NCO will coordinate its efforts with other registered intervenors and applicants that represent the interests of First Nations in Ontario.

## CONTACT INFORMATION

Contacts for the distribution list are as follows:

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Attention: Mr. Louie Vargas, Law Clerk

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Yours truly,

A handwritten signature in blue ink, appearing to read 'Paul Manning', with a large, sweeping flourish at the end.

Paul Manning

cc: Mr. John Kim Bell, Bell & Bernard Limited

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