



**EB-2009-0395**

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

**AND IN THE MATTER OF** an application pursuant to  
section 74 of the *Ontario Energy Board Act*, 1998 by  
Five Nations Energy Inc. to amend Five Nations  
Energy Inc.'s Electricity Transmission Licence

By delegation, before: Jennifer Lea

### **INTERIM ORDER**

Five Nations Energy Inc. ("Five Nations") filed an application on November 3, 2009, with the Ontario Energy Board under section 74 of the *Ontario Energy Board Act*, 1998 for an order of the Board to amend the schedule of licensed facilities of Five Nations as set out in its electricity transmission licence. Additional information to complete the application was received on December 2, 2009.

The Board assigned the application file number EB-2009-0395.

On October 22, 2009, Five Nations commenced the commissioning of certain new transmission assets required to accommodate the mining operations of De Beers Canada Inc. ("De Beers"). The assets consist of:

1. A 138 kV three-phase line approximately 179 km in length beginning at Moosonee and running northwest along James Bay, parallel to the original 138 kV circuit terminating in Kashechewan; and

2. A 138 kV switching station in Kashechewan where both 138 kV circuits in parallel from Moosonee terminate.

The assets were originally constructed by De Beers following the Board's approval in its leave to construct Decision and Order of July 18, 2005 [EB-2004-0545]. The assets were required to enable De Beers to achieve full production at its Victor Mine.

However, the assets are now intended to be operated as part of the Five Nations transmission system and will be used to serve the four customers currently served by Five Nations, namely Fort Albany Power Corporation, Kaschewan Power Corporation, Attawapiskat Power Corporation and De Beers.

The proposed amendment will enable Five Nations to own and operate the assets. The applicant has provided written confirmation that De Beers consents to and supports the application.

The applicant has advised that as a portion of the new assets is situated on reserve lands, a permit under section 28(2) of the *Indian Act* (Canada) is required from the Department of Indian and Northern Affairs ("INAC") and this has been requested. The approval of this land use permit is pending.

## **FINDINGS**

In order to ensure continued supply to Five Nations' customers, I am prepared to grant an interim approval of the proposed licence amendment.

As indicated above, approval of a permit from INAC is pending, and the final disposition of this application may have to await the receipt by Five Nations of this permit.

Additional notice of the application is also required, and the issuance of an interim order will allow time for that process to be completed. The application indicates that the expanded capacity of Five Nations' transmission system will now serve three customers in addition to DeBeers. It is therefore necessary that the applicant serve notice of the application on all customers.

## **IT IS ORDERED THAT:**

Five Nations is granted, on an interim basis and effective November 3, 2009, approval to own and operate the assets described as:

1. A second 138 kV three-phase line approximately 179 km in length beginning at Moosonee and running northwest along James Bay, parallel to the original 138 kV circuit terminating in Kashechewan; and
2. A 138 kV switching station in Kashechewan where both 138 kV circuits in parallel from Moosonee terminate.

Schedule 1 of Five Nations Energy Inc.'s Electricity Transmission Licence (ET-2003-0074) is amended, on an interim basis, as requested by the Five Nations Energy Inc. The amended licence is attached to this decision and order.

Five Nations Energy Inc. is required to inform the Board in writing immediately upon receipt of the INAC permit. In addition, Five Nations Energy Inc. is required to provide a written update to the Board regarding the status of the INAC permit on the first day of each month, beginning on February 1, 2010.

**DATED** at Toronto, December 18, 2009

ONTARIO ENERGY BOARD

*Original signed by*

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Jennifer Lea  
Counsel, Special Projects