

GARDEN RIVER



FIRST NATION

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GARDEN RIVER FIRST NATION
7 Shingwauk St., RR#4
Garden River, Ontario
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July 15, 2010

VIA MAIL and E-MAIL

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge St.
Toronto, ON
M4P 1E4

Dear Ms. Walli:

**Re: Garden River First Nation
Notice of Intervention: EB-2009-0278
Algoma Power Inc. – 2010 & 2011 Electricity Distribution Rate Application**

Please accept this letter as a Notice of Intervention, filed on behalf of the Garden River First Nation, requesting intervenor status for our organization in EB-2009-0278.

The Garden River First Nation is a sovereign nation and signatory of the 1850 Robinson Huron Treaty. Garden River's population is approximately 2000 members. Garden River First Nation houses Algoma Power's 230 kv and 33 kv lines, a substation and feeder poles, most of this equipment, since the early 1900's. The Haiti Supreme Court of Canada decision requires consultation and accommodation with First Nations by parties making decisions affecting First Nations. Algoma Power did not consult with the government of Garden River First Nation concerning their application to OEB for distribution rate increase .

The mandate of the Garden River First Nation includes the following:

- To provide the Garden River First Nation with a strategy to achieve economic growth and employment for its members.
- To provide recreation and leisure facilities and programs to Garden River First Nation members of all ages.
- To promote the community aspirations of furthering the achievement of higher education.
- To preserve and enhance the heritage of the Garden River First Nation.
- To provide a range of community and social services to all Garden River First Nation members.

As a component of the Council's mandate in assisting its members, the recent application by Algoma Power Inc. is of concern to us in terms of the impact it may have on our membership. The Garden River First Nation has a high unemployment rate, with many members either earning below the poverty line (one income earner families, social assistance users etc.) or surviving on fixed incomes (i.e. Ontario Disability Support Plan,

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Guaranteed Income Supplement, Canada Pension Plan, etc.), and as such we represent many of the ratepayers that will be impacted the most by large increases in distribution rates. An increase in the cost of electricity is detrimental to our members and could mean the difference between starving or freezing. Accordingly we are seeking intervenor status in order to fully participate in the above noted proceeding, including eligibility for costs, so that we may advance the interests of our members in the hearing.

Please note that having read the VECC intervention we contacted counsel for VECC who has indicated that to the extent that the interests of VECC overlap with the interests of the Garden River First Nation, VECC's counsel and consultant will assist our group in participating in the proceeding, including the development of interrogatories and argument. VECC's counsel and consultant have suggested that, with the Board's approval, they will track and submit their time for such assistance as part of their cost claim to the OEB on behalf of VECC.

In this way we hope to obviate the need to retain our own, separate counsel and consultant for this proceeding. In our preliminary discussion with counsel for VECC there does not appear to be any issues specific to the Garden River First Nation that may put our member's interests at odds with the interests of VECC's constituent members; should any such issue be identified we understand that VECC's counsel and consultant will not be able to assist our group on those issues and may make submissions on such issues purely on behalf of VECC, and that we may have to retain our own counsel and consultants with respect to any such issue.

We ask that any and all filings and correspondence related to the proceeding be provided to Janine Zack at the following address/email address:

Janine Zack, Executive Assistant to Chief & Council
7 Shingwauk Street
Garden River First Nation
Garden River, ON
P6A 6Z7

Tel: (705) 946-6300
Fax: (705)945-1415

jzack@gardenriver.org

Thank you for considering our request for intervenor status.

Yours very truly,



CHIEF LYLE SAYERS

JZ